

Staff Correspondence Vol. I: Cole

2002

S1832-152-1

Cole, Wanda

From: Cole, Wanda
Sent: Wednesday, September 11, 2002 4:09 PM
To: 'Potomacviewdc@aol.com'
Subject: RE: Construction Site

Dear Mr. or Mrs. " Potomacviewdc ",

For most cases, you are correct. Most environmental laws establish a protocol for exceptions, and those exceptions are based upon the circumstances at the site.

In some areas, and I believe Swan Point is one, the shoreline may be designated as a Buffer Exemption Area, which allows a reduced width to the Buffer for areas where the function of the Buffer had already been compromised prior to the enactment of the Critical Area law. In addition, a grandfathered lot is entitled to one development right. Failure to meet local codes for a septic disposal system is one factor that often diminishes this right.

If the shape or circumstances of a grandfathered lot severely constrains the site so that the only suitable location for a house would be in the Buffer, the owner may apply for a variance to allow encroachment into the Buffer. IF the variance is granted, the owner must mitigate the development impacts 3:1, whereas impacts outside the Buffer are generally 1:1. Buffer mitigation is to be accomplished first on-site in the Buffer to the greatest extent possible.

Is it possible that the site you describe fits one or both of these situations? If you would like me to research this particular site, I will need a specific location and/or property owner's name, please. I would appreciate knowing to whom I am replying so that I may address you more appropriately the next time. Thank you.

I hope this information has been helpful to you.

Wanda Cole
Natural Resources Planner
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
1804 West Street, # 100
Annapolis, MD 21401
Office: 410-260-3481
FAX: 410-974-5338

-----Original Message-----

From: Potomacviewdc@aol.com [mailto:Potomacviewdc@aol.com]
Sent: Wednesday, September 11, 2002 2:02 PM
To: wcole@dnr.state.md.us
Subject: Construction Site

Hello Ms Cole,

There is a lot located on Bachelors Hope Court at Swan Point in Issue, Maryland that is about to have a house constructed on it. The house will sit approximately 25 feet from the Potomac River.

I was under the impression this was not permitted in the Chesapeake Bay critical area. Am I correct?

Thank you for your attention.

9/11/2002

Cole, Wanda

From: Cole, Wanda
Sent: Wednesday, September 11, 2002 11:34 AM
To: 'kmaynard@rkkengineers.com'
Subject: RE: Critical Area info.

Hello, Kelly.

Yes, any disturbances in the Buffer are mitigated at 3:1. That includes forest clearing as well as creation of new impervious surfaces that might be located in existing, cleared areas of the Buffer.

To elaborate about the Buffer further, for proposed subdivisions of agricultural land, where the agricultural uses are being converted to residential, the entire 100' Buffer must be fully established in forest vegetation at the time of subdivision.

Would you like me to send you guidance papers on forest mitigation and impervious surfaces?

Wanda Diane Cole
Natural Resources Planner
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
1804 West Street, # 100
Annapolis, MD 21401
Office: 410-260-3481
FAX: 410-974-5338

-----Original Message-----

From: Kelly Maynard [mailto:kmaynard@rkkengineers.com]
Sent: Tuesday, September 10, 2002 8:56 AM
To: wcole@dnr.state.md.us
Subject: Critical Area info.

Wanda,
I have a question about the critical area buffer. For one of our current projects, we are impacting forest within the Critical Area buffer. We are searching for reforestation sites within the Back River watershed. Is it correct that you have to mitigate at a 3:1 ratio for forest impacts within the 100 foot buffer?

Kelly Maynard
Environmental Scientist

Rummel, Klepper & Kahl, LLP
Consulting Engineers
81 Mosher St.
Baltimore MD. 21217
410-728-2900
Fax: 410-728-2834

Critical Area Commission

STAFF REPORT September 4, 2002

APPLICANT: St. Mary's College

PROPOSAL: St. John's Archaeological Exhibit – New Entrance Road

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

This project involves the relocation and reconfiguration of an existing entrance road at St. Mary's College. Currently, Fisher Road connects Point Lookout Road to Mattapany Road and provides access to the Admissions Building, North Campus academic buildings, and several student housing complexes. The entrance of the road is being relocated to the location of the existing driveway to the Admissions Building located approximately 360 feet north of the current entrance.

The existing access road needs to be relocated because the heavy traffic on the road compromises an important archaeological site that is located very close to the edge of the road. The foundation of an historic structure is beginning to experience significant deterioration because of the proximity to the road. The current road location also impedes the development of a proposed Visitor's Center and parking lot associated with the site. The new location of the road will provide better access to the Admissions Building and to existing student housing and will facilitate the development of a much-needed parking lot near the St. John's Archaeological Site.

St. Mary's College is recognized as an area of intense development; therefore new development and redevelopment must comply with the 10% pollutant reduction requirements. For purposes of developing the design for the stormwater management system, the project site has been divided into four drainage areas totaling 27.72 acres. The removal requirement is 12 pounds of phosphorus which shall be removed by a dry swale and a multiple pond system. An underground collection system will be used to direct stormwater to the multiple pond. The Maryland Department of the Environment is reviewing the stormwater management design, and it is anticipated that it will be approved by the date of the Commission meeting.

A portion of Fishers Road and the existing driveway that will be converted to the new entrance road are located within the 100-foot Buffer of the St. Mary's River and an existing tidal pond, identified as Wherrits Pond. The total proposed impervious area in the Buffer includes a turning lane on Point Lookout Road, modifications to the existing driveway to meet State Highway Administration entrance standards, and the construction of a sidewalk to the Admissions Building and other North Campus buildings. The total proposed impervious area in the 100-foot Buffer is 11,717 square feet. Existing impervious area in the Buffer is 6,863 square feet. The total new impervious area in the Buffer is 4,854 square feet, which will be mitigated at three-to-one. A landscaping plan has been developed which provides 14,562 square feet of plantings within the 100-foot Buffer on the project site.

The project will be constructed in an existing developed area outside of the 100-foot Buffer, and there are no known threatened or endangered plant or animal species that will be affected by the project. The tidal and nontidal wetland impacts associated with the project are being reviewed by the Maryland Department of the Environment and the Army Corps of Engineers, and it is anticipated that a letter of authorization will be issued by the date of the Commission meeting.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 27, 2002

Ms. Meaghan Longcor
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, MD 20686

Re: Planting Agreement for New Student Housing Project

Dear Meaghan,

I am enclosing a hard copy of the Planting Agreement for your signature. This will provide a clean copy for our files, as the fax copy was blurred during transmission. Please sign this copy and return to me to: 1804 West St, # 100, Annapolis, MD 21401.

I would enjoy being able to join you for the final inspection when the plantings have been accomplished. Please contact me at 410-260-3481 when you are ready to schedule a date. I may be meeting with Chip Jackson in about three weeks and tour the proposed facilities. I am not familiar with the campus and it is helpful to know how everything will fit when presenting a new project. Perhaps I will be able to meet you at the same time.

I look forward to meeting you soon. Thank you for your assistance.

Sincerely,

Wanda Cole
Natural Resources Planner

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

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

Planting Agreement for State Projects

Agency

St. Mary's College

Project Number

30-02

Agency Contact

Meaghan Longcor

Phone Number

(240) 895-3077

Commission Approval Date

August 7, 2002

CAC Planner

Wanda Cole

Project Name

St. Mary's College - North Campus

Project Location**Square Feet Cleared Outside 100ft Buffer****Mitigation Ratio for Clearing Outside Buffer*****Mitigation Calculation Outside Buffer****Square Feet Disturbed/Cleared Within 100ft Buffer****Mitigation Ratio for Disturbance/Clearing Within Buffer*****Mitigation Calculation Within Buffer****15% Afforestation Requirement Met?**

Yes

Total Mitigation Required

1.09 acres

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

The 15% afforestation requirement is being provided to satisfy the requirements of the Critical Area Act and the Forest Conservation Act on this site. The Planting Plan will be submitted by November 1, 2002 and will be reviewed by Commission and Forest Service staff.

Planting Date

Fall

Year

2003

First Site Visit Date**First Site Visit By****Second Site Visit Date****Second Site Visit By****Mitigation Completed?**

* see back for explanations

Revised 4/28/99

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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August 21, 2002

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

RE: XRS 02-0036 Land of Roy Robertson

Dear Elsa,

I am in receipt of a copy of your August 13, 2002 letter to DH Steffens Company regarding the comments I sent you on July 19, 2002. I wanted to follow up on comment # 1. It appears that both Lot 1 and Lot 2 include areas of State tidal wetlands. State tidal wetlands cannot be located within lot boundaries. Please revise the lot boundaries and the Critical Area notes accordingly.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 391-02
DH Steffens Company

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

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

RE: # 02-1905 Granados Pier

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan. The applicant has requested a variance for encroachment into the 25' lateral line setback.

Our office has no objection to the granting of this variance.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 498-02

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 21, 2002

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

Re: 02-1990 Dicey Langston Park Site Plan

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced site plan. The applicant proposes to provide improvements for a small, privately-owned, beachfront park. Two picnic tables will be located within the 100' Critical Area Buffer, all other amenities will be located outside the Buffer. This property is located in the RCA of St. George Creek.

We have no objection to this plan. We recommend that the future vault toilet be installed in a manner that is vandal-resistant. We also recommend that the applicant be required to move all unanchored items to a protected area when storm events creating high tides or storm surges could be expected.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 497-02

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August 21, 2002

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

RE: XRS 02-0088 Serenity Farms (Franklin A. Robinson)

Dear Mr. Faasen,

Thank you for the opportunity to review the information regarding the above referenced subdivision request. The applicant proposes a one-lot subdivision in the RCA of Patuxent River. It appears that this is a request for an intra-family transfer.

The following comments are provided for your use:

1. This property is not eligible to utilize the Critical Areas intra-family transfer provision. The parent tract appears to exceed the required maximum of 60 acres; in addition, corporations are not eligible for intra-family transfers.
2. The available RCA density must be determined and stated on the plat.
3. Information regarding topography, soils types, and the presence of nontidal wetlands must be provided in order to determine whether this is a buildable parcel.
4. We concur with your comment regarding the need for a determination by the Wildlife and Heritage Division (WHD) for rare, threatened or endangered species, or their habitats. Any concerns raised by WHD must be addressed. No approvals may be granted until a copy of the determination letter has been provided to this office for review.
5. We concur with your comment regarding the need for 15% afforestation.

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We request the opportunity to review and comment on the revised plat once this information has been provided. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 480-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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August 20, 2002

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

Re: 1010: Richard G. & Teresa D. Wheatley Subdivision

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced subdivision plat. The applicant is requesting formal subdivision approval of a lot that was subdivided by deed in 1992 into an agricultural parcel. This parcel is located in the LDA of Brooks Creek.

This office has no objection to this subdivision. We concur with your comment to Tim Marshall regarding the need to include forest cover data, to determine if 15% afforestation is necessary.

The applicant will need to obtain a determination from the Wildlife and Heritage Division regarding the need to protect any rare, threatened or endangered species, or their habitats, that might occur at this site. No approvals may be granted until this information has been submitted to our office for review and additional comment, if necessary.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DC 481-02

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Chairman



Ren Serey
Executive Director

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August 13, 2002

Mrs. Katherine S. Clark
PO Box 999
St. Mary's City, MD 20686

Re: Case #00-140-039 Bohanan Growth Allocation Request

Dear Mrs. Clark,

Thank you for your letter in which you expressed concern regarding the granting of growth allocation for the John L. Bohanan property. You expressed concerns regarding the use of the property being inconsistent with a condition placed in the deed at the time of transfer from you and your husband to Mr. Bohanan, and for the environmental degradation that the proposed uses might cause.

The growth allocation process requires a request to go before the County's Planning Commission and Board of County Commissioners before being submitted to the Critical Area Commission for approval. Both of those steps require public hearings, at which you may officially enter testimony that expresses your concerns. We encourage you to enter your testimony so that the County may become aware of and weigh your concerns against the merit of the case. If the growth allocation is approved by the County Commissioners, the County then forwards the application to the Critical Area Commission for review and approval. Our Commission meetings are open and you are welcome to attend. To date, we have not received this growth allocation application from the County.

I appreciate your bringing this information to my attention. I will place your letter in the file so that we can reference it if we receive the growth allocation. Please feel free to contact me at 410-260-3481 if you would like to discuss this further.

Sincerely,

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

Wanda Diane Cole
Natural Resources Planner

cc: SM 274-00

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CLEARINGHOUSE REVIEW

August 13, 2002

RECEIVED

AUG 20 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: *Price* James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 4185-8-49
Bryantown Sports Complex, Charles County

This project proposes the expanded development of sports fields in the Bryantown/Waldorf community. The community is the most populated area of the county and the sports fields are inadequate to meet the needs of the community. There are six sports fields on the property, that was previously leased, and the plan is to develop an additional six sports fields. An interpretive nature trail will be constructed along the Zekiah Swamp.

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. *wdc 08-22-02*
Project is not located in the Critical Area.
- 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 or Judy Jones, 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
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August 13, 2002

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

RE: SFD #20504, Valerie Nyce Tenant House

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a tenant house with driveway, well and septic in the designated Resource Conservation Area of Wicomico River. The project lies within the 1000-foot Critical Area boundary; however, no development is proposed in the 100-foot Critical Area Buffer.

At this time, the question regarding the available RCA density for the original parcel has not been resolved by the subdivision review of the Peter Nyce lot line adjustment plat. Tenant houses are considered to be separate dwelling units and count towards the available RCA density. Therefore, this office cannot support this proposal until all outstanding issues with the lot line adjustment plat have been addressed.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 451-02
Reed Faasen

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



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 13, 2002

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

Re: 02-100-028 STV Subdivision, Lot 1

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced subdivision. The applicant proposes to subdivide one lot from a 398,68 acre parcel located in the IDA of Piney Point Creek.

We have no objection to this subdivision. Following are comments for your use:

1. It appears the entire 20 acres is located in the Critical Area. Critical Area note /#1 must be revised to show the correct acreage in the Critical Area. If the acreage is correct, the location of the 1000' Critical Area boundary must be shown.
2. The parcel number reference does not match that shown in the Maryland Department of Assessments and Taxation database, which shows the parcel number as 212. This information needs to be verified and corrected, if necessary.
3. A determination on the presence of rare, threatened, and endangered species and their habitats must be obtained from the Maryland Department of Natural Resources Wildlife and Heritage Division. The applicant must contact Ms. Lori Byrne at 580 Taylor Avenue, E-1, Annapolis, MD 21401 to make this request. No approvals may be granted until a copy of this determination has been provided to this office for review. Additional comments from this office may be necessary based upon information provided in the determination.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM444-02

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 13, 2002

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

RE: CA Permit # 02-1725 Eugene Haines

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of an L-shaped addition onto an existing house located in the Critical Area Buffer. This is a grandfathered property located in the LDA of St. Jerome Creek.

We do not object to the granting of this variance. We recommend that the variance include a condition that the required 3:1 mitigation plantings be first directed to the on-site Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 474-02

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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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August 13, 2002

Mr. Glenn Shaffer
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: 02-09 Cynthia Raudabaugh Variance Request

Dear Glenn,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing the construction of an addition and deck within the 100' Critical Area Buffer. This is a grandfathered lot located in the LDA of Bird River.

This office does not oppose the granting of this variance request. The proposed total impervious surface areas are within the maximum allowable limits.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC 447-02

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 12, 2002

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

Re: 02-131-006 Chaney Physical Therapy Site Plan

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced site plan. The applicant proposes an addition onto an existing pool house, walkways, parking lot and associated stormwater management in the LDA of St. Thomas Creek. The proposed total impervious surface areas at the site and the clearing of existing forest cover are within allowable limits. None of these impacts occur within the expanded Critical Area Buffer. Forest mitigation will be provided at the required 1:1.

The following comments are provided for your use:

1. I have no objections to this site plan provided that the proposed stormwater management features are approved by the appropriate reviewing agency.
2. For the record, I would like to reiterate our phone conversation from today in which you stated that the boundary line adjustment plat, which we reviewed in June 2002, erroneously stated that the site lies within the RCA. This is an approved use in the LDA.
3. I emailed a copy of the Wildlife and Heritage Division determination letter to you today. It states that the forested area is potential FIDS habitat and lists guidelines that should be followed. As this development occurs adjacent to a public roadway, it meets the "within 300' of existing forest edge" guideline. I recommend that the mitigation planting plan first target open areas adjacent to the existing forest edge in order to increase the forest width. Additional plantings might be done along the edge of the parking lot to create as much canopy closure as possible.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 446-02

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Chairman



Ren Serey
Executive Director

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

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

August 12, 2002

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

RE: XRS 02-0032 Peter Q. Nyce

Dear Reed,

I have reviewed the revised lot line adjustment plat and follow-up letter submitted by the applicant's consultant, Mr. Tim Lessner of Lorenzi, Dodds & Gunnill. It appears most of the items in my April 22, 2002 letter have been addressed, however, the RCA density remains unclear and must be addressed.

The following comments are provided for your use:

1. The acreage located in the Critical Area differs greatly on the July 2002 plat than that shown on the March 2002 plat. The former states 107.926 acres, the latter 71.19 acres. This difference must be clarified as two RCA density rights are gained by this change.

For the purpose of this lot line adjustment, there is sufficient density, however, the recorded plat must state the correct acreage.

2. From our review of the State tidal wetland maps, it appears there are State tidal wetlands on this parcel. The applicant must work with Maryland Department of the Environment to locate the position of the State tidal wetlands. This acreage must be noted on the plat. State tidal wetlands acreage must be deducted from the Critical Area acreage before calculating RCA density.
3. A copy of the Wildlife and Heritage Division (WHD) determination letter has not yet been provided. A request was sent to the WHD on July 16, 2002. No approvals can be granted until this information has been provided to our office for review. For future WHD requests, please note that Mr. Slattery is no longer employed at the Department of Natural Resources. All WHD review requests should be directed to the attention of Ms. Lori Byrne, 580 Taylor Ave, E-1, Annapolis, MD 21401.

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

If you have any questions regarding these comments, please contact me at 410-260-3481. Please forward a copy of the revised plat to this office for follow-up review.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: CS 199-02
Tim Lessner

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 12, 2002

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

Re: 02-110-021 Thomas Reeves Subdivision- Farmstead 2

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced subdivision plat. The applicant recently subdivided a 71.99 acre parcel into a 17.09 acre Farmstead 1 and a 54.90 acre Agricultural Parcel 2. Farmstead 1 was created around existing development. Agricultural Parcel 2, which included farm buildings but no dwellings, is now being recorded as Farmstead 2. Both of these farmsteads, together with Lot 500-1 of the White Plains subdivision, were created from a 77 acre parent parcel.

The following comments are provided for your use:

1. Assuming that the Farmstead 1 subdivision has now been approved and recorded, the Critical Area notes on this plat must contain a statement that Farmstead 2 can have one dwelling unit in the RCA. Additional dwelling units are not permitted in the RCA.
2. This farmstead will not require afforestation as the original 77 acre parcel contained 22% forest cover. The 100' Buffer is already fully established in forest vegetation.
3. The contours shown in the vicinity between the perc tests and the Buffer are at two-foot intervals. The proposed development must not be located on slopes 15% or greater.
4. A copy of the determination letter from the Wildlife and Heritage Division for Farmstead 2 must be provided to this office for review prior to final approval of this plat. We may have additional comments on this proposal based upon the information provided by WHD.

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

Sincerely,

Handwritten signature of Wanda Cole in cursive script.

Wanda Cole
Natural Resources Planner

cc: SM 445-02
SM 339-02
Jerry Soderberg

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 9, 2002

Mr. Reed Faasen
Environmental Planner
Charles County Government
Planning and Growth Management
PO Box 2150
La Plata, Maryland 20646-2150

Re: Critical Area Commission Approval of Charles County Public Schools
Lackey High School Sewer Line Extension to Mattawoman WWTP

Dear Reed,

I am pleased to inform you that on August 7, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above referenced project in accordance with COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area. Please forward this information to the appropriate contact at Charles County Public Schools.

The required forest mitigation plantings must be provided at a 3:1 replacement ratio for trees removed from the 100' Critical Area Buffer. Those plantings must be native species and we recommend that species suited to floodplain environments be selected.

Thank you for your participation and assistance in this process. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 417-02
Richard Parks

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 9, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
P O Box 107
Cambridge, Maryland 21613

Re: Eddie Kaye Property- unauthorized clearing in the Buffer

Dear Mr. Dodd:

Thank you for the opportunity to review the details regarding the above referenced violation, which involved unauthorized clearing of natural vegetation in the Buffer on a non-grandfathered parcel located in the RCA. I reviewed the circumstances of this case in accordance with the requirements found in the updated Dorchester County Critical Area Program and Zoning documents, which were approved by the Commission in 2001, and the Code of Maryland Critical Area Criteria. These requirements, listed below, would apply to requests for proposed work. Any penalties required by the County's ordinances would be applied in addition to or concurrent with these requirements.

1. Page VII-33, Section 155-38.J.2 states, "Proposed clearing of trees and other vegetation in the tidewater buffer will be allowed only upon approval of a buffer management plan."

The applicant has not submitted, nor obtained approval of, a Buffer management plan. COMAR 27.01.09.01.C establishes a minimum 100' Buffer and prohibits development activities there. This is not a grandfathered parcel. Therefore, the disturbances to the Buffer constitute a violation and should be addressed as such. If the property owner applies for a variance, we cannot support a variance for a condition created by the actions of the property owner.

2. Page VII-35, Section 155-38.J.5.C.iv states, "No natural vegetation may be removed in the Buffer except that required by the proposed construction and any other natural vegetation in the Buffer shall be maintained."

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

Mr. Dodd
August 9, 2002
Page Two

These kinds of activities within the Buffer would require a variance. As this is not a grandfathered parcel, this office would not support a variance to allow clearing in the Buffer. The development envelope is located outside the Buffer. Clearing of the Buffer is not associated with any of the features constructed in the development envelope and does not appear to be needed to support them. The clearing exceeds that which is necessary to establish a point of access to the water.

3. Page VII-38, Section 155-38.J.5.c.16 states, "Development in the Buffer which is not located in a Buffer Exemption Area shall be required to mitigate at a 2:1 ratio for development impacts." The zoning definition of "development" includes filling and grading.

COMAR 27.01.02.05.C (7) states, "Development activity within the resource conservation area shall be consistent with the criteria for limited development areas in Regulation .04. Criteria for limited development areas, COMAR 27.01.02.04 C (5) (c), states, "Forests which have been cleared before obtaining a grading permit, or that exceed the maximum area allowed in §C(4) shall be replanted at three times the areal extent of the cleared forest." The mitigation for forest clearing at this site must be provided at 3:1.

4. Page VII-38, Section 155-38.J.5.c.18 states, "Where agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in the policies of this chapter."

COMAR 27.01.09.01.C (6) uses the same language as the County regulations. The development of this parcel for residential use constitutes a change in use. Establishment of the entire 100' Buffer in forest vegetation is required.

I hope this letter is helpful. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

WC/jjd

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 8, 2002

Mr. Bill Mytsak
A. Morton Thomas and Associates, Inc.
Consulting Engineers
12750 Twinbrook Parkway
Rockville, MD 20852-1700

Re: Critical Area Commission Approval of St. Mary's College New Student Residence

Dear Mr. Mystak,

I am pleased to inform you that on August 7, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above referenced project in accordance with COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands. This approval is subject to the following condition:

- That a planting plan and agreement be executed with the Commission prior to initiating construction on this project.

Please provide this office with a preliminary planting plan for review and comment at its earliest availability. Please contact me at 410-260-3481 if you would like to discuss the progress on the planting plan.

Thank you for your participation in this process. Please do not hesitate to contact me if you need further assistance.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: 30-02
Mary Owens

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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August 8, 2002

Mr. William M. Bumpers, Counsel
NRG Energy, Inc.
c/o Baker Botts, LLP
1299 Pennsylvania Ave, NW
Washington, DC 20004-2400

Re: Application of NRG Energy, Inc. for a Certificate of Public Convenience and Necessity

Dear Mr. Bumpers,

Thank you for the opportunity to review the environmental documents for the above referenced application. These documents have identified that the project is subject to the Chesapeake Bay Critical Area requirements for projects located in the Intensely Developed Area (IDA).

I would like to provide the following comments for your use:

1. This project would need local approval through the Dorchester County Department of Planning and Zoning. Please contact Mr. Steve Dodd at 410-2280-3234 for guidance on the local zoning approvals that would be needed, including Critical Area approval.
2. Projects located in the IDA must comply with the 10% Rule for pollutant reduction, even if stormwater management requirements for quantity are waived by Maryland Department of the Environment (MDE). The 10% calculations must be provided when you apply to the County for approvals, and the best management practices that would meet the required removal rate must be shown on the site plan.

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

Sincerely,

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

Wanda Diane Cole
Natural Resources Planner

cc: DC 433-02
Steve Dodd

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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August 8, 2002

Mr. Steve T. Magoon
Planning Director
Charles County Government
Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

Re: CSA 5: Approval of Charles County Map Amendments

Dear Mr. Magoon,

I am pleased to inform you that at its regularly scheduled meeting on August 7, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with Chairman North's determination that the map changes represented refinements to the County's Program, and they were approved. These map amendments were provided subsequent to the four-year comprehensive review process of the County's Critical Area Program, and are now officially part of the official Charles County Critical Area Program approved by the Commission in July 2001.

Please provide full-size copies of the revised maps when they are printed.

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

Sincerely,

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

Wanda Diane Cole
Natural Resources Planner

cc: CSA 5

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Critical Area Commission

STAFF REPORT

August 7, 2002

APPLICANT: Charles County Public Schools

PROPOSAL: Lackey High School Sewer Line Extension

JURISDICTION: Charles County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

Pursuant to a Consent Decree with Maryland Department of the Environment (MDE), Charles County Public Schools is abandoning the Lackey High School wastewater treatment plant facility, and providing an 8" sewer line extension to a 54" interceptor line that ties into the Mattawoman Treatment Plant. The Mattawoman Treatment Plant is scheduled to be upgraded with improved nutrient removal capabilities. In providing this extension, the line will be located in the 100' Critical Area Buffer of Mattawoman Creek. A Conditional Approval is required for this proposal.

This project will impact 56,250 square feet of the Buffer. Most impacts will be temporary-excavation of the trench and burial of the pipeline, and two temporary stream crossings. Permanent impacts include the placement of five, 24" diameter manholes, creating impervious surface areas totaling less than 20 square feet. These manholes will be installed flush with the ground elevation.

Approximately 4,200 square feet of forested, nontidal wetlands will be temporarily impacted, as well as 75 linear feet of stream channel. MDE has issued a Letter of Authorization and mitigation is not being required provided original elevations are restored and the area is stabilized with a special mixture of annual grasses that will not out-compete regenerating, native wetland species. Actual forest cover loss will be the removal of 20 trees from the right of way. Mitigation will be provided at a 3:1 ratio, using 1.5" caliber, B&B plantings (6-8' balled and

burlapped) of native species. These plantings will be placed in the project area but outside the permanent right of way. A planting agreement with Charles County public schools will be required.

Studies of the tributary to Mattawoman Creek, which receives the effluent from Lackey High School's wastewater treatment plant, have determined that this tributary is the most biologically diverse and nearly pristine of aquatic ecosystems on the western coastal plain. If not for the effluent from the school's existing wastewater treatment plant and runoff from MD 224, this tributary would be rated as pristine. Abandoning the existing wastewater treatment plant in favor of the sewer line extension would vastly improve this stream's ecosystem, elevating it to a nearly pristine condition.

Conditional Approval Process:

In order to qualify for consideration by the Commission for conditional approval, the sponsoring agency must show that the project or program has the following characteristics:

(1) That there exist special features of the 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 special feature of this site is the floodplain that is located in the Critical Area Buffer. The interceptor and extension sewer lines must utilize the floodplain to establish a gradient on the line to obtain positive drainage of effluent to the wastewater treatment plant. Following the gradient of floodplains minimizes the number of pumping stations that would be needed. The existing interceptor line is located in the floodplain of Mattawoman Creek. In order to reach the interceptor, the school's sewer line extension follows the rights-of-way along MD 224 and MD 225 until it reaches the closest point at which it can take off to make the connection to the interceptor. The take off point and connecting right-of-way are located in the floodplain, and thus, the Critical Area Buffer. If use of the Buffer was restricted, there would be no other alternative to reaching the interceptor.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

There is substantial public benefit in that the abandonment of the existing wastewater treatment facility at the high school would restore much of the water quality and improve the aquatic habitat conditions of the receiving waterway- an area determined to be the most pristine and biodiverse of western coastal plain aquatic habitats. Abandonment of that facility also eliminates the need to maintain one less discharge point. Another benefit is improved treatment of the effluent once the Mattawoman plant is upgraded.

(3) That the project or program is otherwise in conformance with this subtitle;

The project has minimized Buffer impacts to the extent practical by utilizing existing road rights-of-way and making the final connection at the closest point to the interceptor.

The Commission must find that the conditional approval request contains the following items:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

To deny use of the Buffer would exclude the County Public Schools from the only reasonable alternative for connecting to the interceptor. It would also prevent the County Department of Public Works from being able to process regional wastewater more efficiently from one plant.

(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 proposal has minimized the permanent impacts, such as forest clearing and creation of impervious surface areas. Mitigation is being provided at the required 3:1 ratio within the project area, so no net loss to habitat will occur.

(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.

Most impacts are temporary and affected vegetation will be able to regenerate. New impervious surface areas are less than 20 square feet. The loss of forest cover amounts to 20 trees, which will be mitigated using native species at a 3:1 ratio in the project vicinity.

RECOMMENDATION:

Based on the review of the information submitted, it appears this conditional approval is consistent with COMAR 27.02.06.

Judge John 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 6, 2002

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

RE: 02-1371 Raymond Gagnon Variance Request

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is scheduled for a variance hearing with the St. Mary's County Board of Appeals for August 22, 2002. The applicant proposes the construction of two additions and the rebuilding of a deck and porch in the Critical Area Buffer on this site. A net increase of 1,069 square feet of impervious surface is proposed on the site, with 253 square feet of that amount proposed within the Buffer. The total site impervious surface area will remain within allowable limits. This is a grandfathered parcel located in the RCA of the Potomac River.

Our office does not oppose the granting of this variance. We recommend that the variance include a condition that the required 3:1 mitigation to offset new disturbances in the Buffer be first directed to the on-site Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 450-02

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 5, 2002

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

Re: 02-110-014 Kwan Ham, Farmstead 3

Dear Theresa,

Thank you for the opportunity to review the above referenced subdivision. The following comments are provided for your use:

1. On August 11, 1995, our office provided comments on a subdivision plat for this same parcel. A copy of those comments is enclosed for your use. It appears those comments were not addressed in the June 2002 plat. Those comments, in addition to the following, must be addressed prior to issuing any subdivision approvals for this property.
2. There is confusion as to the size of the parent parcel and the number of density rights that have been used to date. The size of the parent parcel as of June 1, 1984 must be determined in order to establish the number of RCA density rights for this parcel. In addition, please verify the number of density rights that have been used to date.
 - According to the 1988 tax maps, this parcel contained 95.9 acres. It appears most of that acreage lies within the Critical Area boundary.
 - The 1995 plat showed 69.28 acres remaining in the Critical Area for this parcel, yet comments from the 1995 review stated the parent parcel measured 72 acres.
 - In 1995, the question was raised as to whether two lots, located along the shoreline to the north boundary of Farmstead 3, were legally recorded prior to June 1, 1984. These two lots are believed to have been subdivided from the parent parcel. There are five parcels in this area that appear on the 1988 tax map. It is not clear from the information in our file where the two subject lots are located and how much acreage is associated with each.
3. At this time, it appears 4 RCA densities have been used, based upon 95.9 acres.

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4. In addition to delineating and identifying the wetland types on this parcel, the state tidal wetland acreage must be quantified and subtracted from the parent parcel total.
5. The Buffer may not be properly delineated in the areas along the tidal marshes. The Buffer line must start at the field-located mean high water line or most landward extent of tidal wetlands, using the State's tidal wetland maps for reference. If this is the case, the sewage reserve area may lie within the Buffer and would need to be moved.
6. Information must be provided regarding the 5.89 acres of afforestation that was required at the time of the 1995 subdivision. The 2002 plat does not indicate whether those afforestation plantings were done and shows only 2.24 acres of afforestation to be provided, based upon the 27.6 acres of Farmstead 3. The balance of the required afforestation must be resolved, based upon the parent parcel's acreage, before this project can be approved.
7. If this subdivision represents a change in use, the 100' Critical Area Buffer must be fully established in forest vegetation. If agricultural use is to continue, the applicant must fully establish the 25' Buffer.

We request the opportunity to provide follow-up comments once the revised plat is available.

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

Sincerely,



Wanda Diane Cole
Natural Resources Planner

Encl. (1)

cc: SM 392-02
Nokelby Surveying

JUDGE JOHN C. NORTH, II
CLERK
410-822-8047 OR 410-974-2418
410-820-5083 FAX

SARAH J. TAYLOR, Ph.D.
EXECUTIVE DIRECTOR
410-974-2418/28
410-974-5328 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2nd FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

August 11, 1995

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

RE: ISUB #95-19-48, Kwan Ham and Chun-Ja Ham
(CBCAC #SM 442-95)

Dear Ms. Veith:

Thank you for providing information on the referenced project. I have reviewed the preliminary subdivision plan, and I have the following comments:

1. This 69.62 acre property includes 69.28 acres within the Critical Area with an RCA overlay designation. It is my understanding that two lots have been created from the original 72 acre parcel; however, these lots were never legally recorded. Section 27.01.02.07 of the Critical Area Criteria states that "Land that was subdivided into recorded, legally buildable lots, where the subdivision received the local jurisdictions' final approval prior to June 1, 1984 ..." is eligible for grandfathering. This issue must be resolved by the County before this project can be approved.
2. The applicant has not provided topography on the site plan. This information is necessary in order to identify areas with slopes greater than 15%.
3. There are several areas of hydric soils shown on the site plan. Section 38.02.13.e(2)(a) of the County's Zoning Ordinance requires expansion of the Buffer beyond 100 feet to include contiguous sensitive areas, such as hydric soils.
4. Existing forest resources on the site are less than 15% of the site area; therefore, afforestation will be required.

Ms. Veith
August 11, 1995
Page Two

5. There are several areas of tidal wetlands that are not delineated on the plat. The applicant is required to determine the location and type of wetlands on the site. If the wetlands are State tidal wetlands, they can not be included in the boundary survey of the property and can not be used for density calculations. The applicant should work with the Tidal Wetlands Division of the Maryland Department of the Environment regarding this determination.

Additional information is needed in order to complete the review of this project. No approvals or permits should be issued until the requested information has been submitted and reviewed. Revised plans should be submitted to this office for further review. Please feel free to contact me at (410) 974-2426 if you have any questions or require additional information.

Sincerely,

Mary R. Owens

Mary R. Owens
Natural Resources Planner

MRO/jjd

cc: File # SM 442-95



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

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

Re: Pauline Meushaw Subdivision

Dear Mr. Dodd,

Thank you for the opportunity to review and comment on the above referenced subdivision. The applicant proposes subdivision around existing conditions created when foundation pilings were placed prior to the adoption of the County's Critical Area program. This subdivision will be non-conforming in that it creates two density units on 8 acres in the designated RCA.

The following comments are provided for your use:

1. The 100' Critical Area Buffer must be shown and expanded where it is contiguous to nontidal wetlands.
2. The wetlands must be labeled as tidal or nontidal as the type affects the location of the Buffer or expanded Buffer.
3. I concur with you that site plans should utilize the existing grass drive as a shared driveway. This will eliminate the need to disturb the existing forest, which is most likely an important riparian corridor that would be used by birds during the spring and fall migrations. Access from the shared driveway to the foundation on Lot 2 must be established in a manner that will not impact the existing wetland or its buffer. It appears this can be accomplished on the west side of the wetland if it doesn't disturb the Buffer, however, some loss of forest cover will result. Mitigation of forest cover should first be directed to the on-site 100' Critical Area Buffer.

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

Thank you again for the opportunity to comment. If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: DC 434-02



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 2, 2002

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

RE: SFD 020613 Teagues Point Lot 6

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Swanson Creek. The entire project lies within the 1000-foot Critical Area boundary; however, the 100-foot Critical Area Buffer does not occur on this lot.

The following comments are provided for your use:

1. This proposal complies with the limits on forest clearing and impervious surface areas. Mitigation is being provided for loss of forest cover. No steep slopes or nontidal wetlands are affected.
2. A large tract of forest occurs on this lot. Aerial information on the MERLIN database (copy enclosed) shows this lot is part of a much larger, contiguous, forest which most likely qualifies as FIDS habitat. The tax maps provided by Charles County at the time of adoption of the County's Critical Area Program do not show the Teagues Point subdivision. Our office has no record of having reviewed this subdivision under this name or any other name for tax map 37, therefore we cannot determine whether FIDS issues were addressed at time of subdivision. Please provide information as to how the County evaluated the subdivision for FIDS and what mitigation is proposed.
3. What comments, if any, did the Wildlife and Heritage Division (WHD) have on the subdivision and does the development of this lot comply with their comments?

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

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

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 424-02
Lori Byrne
Kathy McCarthy

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 1, 2002

Mr. Roy List
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: Referral of Complaint: 62 Helmsman Court, Essex

Dear Roy,

Enclosed for your use are photographs and a letter sent to our office by a Baltimore County citizen regarding a possible Critical Area violation in the vicinity of the above referenced address. As you advised in our phone conversations, County staff will make a site visit to determine the extent and nature of this potential violation and will follow up with the homeowner(s) accordingly.

The citizen has not requested to remain anonymous and has provided contact information within the letter, should you need to contact him. In the event he would call our office to inquire on the progress of the investigation, please keep me informed of the status of your investigation. Feel free to update me via email at wcole@dnr.state.md.us or call me at 410-260-3481.

Thank you in advance for addressing this concern.

Sincerely,

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

Wanda Cole
Natural Resources Planner

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July 1, 2002

Chesapeake Bay
Critical Area Commission
1804 West Street
Annapolis, Maryland 21401

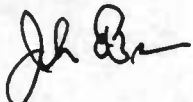
Re: Suspected Violation of Critical Area

Dear Sir/Madam:

In the past 6 to 8 months, I have observed the removal of trees in the area of 62 Helmsman Court, Essex, Baltimore County, Maryland, 21221. Behind this address is Hopkins Creek. You will find attached pictures that were taken of the cut trees. It is my understanding that such cutting is not permitted. It would be appreciated if you would look into this matter.

Your co-operation is appreciated.

Very truly yours,



John F. Brown
808 Ramshead Circle
Cockeysville, Maryland 21030
410-667-9206

RECORDED

JUL 2 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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July 29, 2002

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

Re: 02-1137 Maria and Michael Steppe Revetment and Pier Site Plan

Dear Theresa,

Thank you for the opportunity to review the above referenced site plan. The applicant proposes the construction of 216 linear feet of revetment at the toe of a 20' high bank located in the RCA along the Patuxent River. The applicant also proposes grading the bank above the revetment, creating 8,640 square feet of permanent disturbance in the 100' Critical Area Buffer.

Our office cannot support this site plan as it would require a variance for grading in the Buffer. The following comments are provided for your use:

1. The typical detail shown for the revetment section on both the state tidal wetland permit application and this site plan do not show the need for earth fill for the purpose of constructing the revetment. In fact, the bench at the top of the revetment is only two feet wide, suggesting a wider bench is not needed from which equipment would work. The proposed 50% slope starts immediately behind the revetment, leaving little or no bench from which to work. It appears the only purpose of the grading is to accommodate equipment access from the stockpile area to the shoreline. Access could be established, instead, by creating a ramp in the area where the steps are proposed to the pier.
2. It appears this site is in need of 15% afforestation. Unless 15% afforestation was provided at the time of subdivision, this lot should have been required to provide 15% afforestation at the time of the building permit site plan approval.
3. The primary structure was constructed in 2001. Our office has no record of a site plan having been submitted for review for either Maria and Michael Steppe, the previous owner, John Hanson Briscoe, or for tax map 21 parcel 157. Information on this site plan indicates that the development of this homesite involved greater than 5,000 square feet of disturbance in the RCA. In accordance with COMAR 27.03.01.03 A (2)(c), Development, subdivisions, or site plans occurring wholly or partially within RCAs for which the land disturbance exceeds 5,000 square feet shall be sent to the Commission for

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review and comment. Please ensure that all St. Mary's County Planning and Zoning permitting staff are aware of the requirements regarding submittal of projects to the Commission for review and comment.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 436-02
Jon Grimm
Phil Shire
Ruth Glover

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 29, 2002

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

Re: 02-0460 Pegg's Subdivision Lot 2

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced subdivision, which is being created around existing conditions on a parcel located in the RCA. I have the following comments:

1. From the vicinity map there appears to be prior subdivision. Our office has no records of a prior project review for a subdivision on parcel 66 or in the name of Pegg's subdivision. I am unable to determine how much RCA density was used for Lot 1 and Parcel F. Please provide this information.
2. State tidal wetlands cannot be included in the acreage of either Lot 2 or Parcel F.
3. If this subdivision represents a change in use from agricultural to residential, the 100' Buffer must be fully established in forest vegetation.

We will provide additional comments when we receive the requested information. Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 425-02
Nokleby Surveying

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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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July 29, 2002

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

RE: SFD # 020609 Charleston Estates Lot 3

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling, driveway, well and septic in the designated Resource Conservation Area of Charleston Creek. All of this development will occur outside the 100' Critical Area Buffer.

The following comments are provided for your use:

1. The Critical Area note regarding required forest coverage on the lot is misleading in that it implies the site need only retain 15% forest cover. For this site, the owner cannot clear more than 30% of the existing forest without a variance. This note must be deleted from the plan or revised to be consistent with the forest retention requirements.
2. We recommend that the forest mitigation be planted in a single planting area, and located adjacent to existing forested areas that currently measure more than 300 feet in width. Suggested areas would be west of the driveway or in the open area east of the SRA.
3. This lot includes a largely intact, forested area that represents a high-quality riparian forest habitat. The configuration of this peninsula suggests that it may serve as an important migratory resting and foraging area before and after migratory birds cross the large open water areas of the Potomac River. Conserving the integrity of this riparian forest as an intact unit is strongly encouraged. This goal could be achieved if the development were relocated to the existing, open areas of the property.

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

Sincerely,

A handwritten signature in black ink that reads "Wanda Cole". The signature is written in a cursive, flowing style.

Wanda Cole
Natural Resources Planner

cc: CS 421-02

Ben Dyer Associates, Inc.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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July 29, 2002

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

RE: SFD # 020642 Otho and Phyllis Wise, Southview Lot 7

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling, driveway, and septic in the designated Resource Conservation Area of Potomac River. The entire project lies within the 1000-foot Critical Area boundary; however, the 100-foot Critical Area Buffer does not occur on this lot.

The only comment I have is that I concur with your July 9, 2002 letter to Wes Tomlinson regarding the need to provide impervious surface calculations. It appears this plan will meet the requirements regarding impervious surface areas as the total amount of site disturbance does not exceed 15%.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 427-02
Wes Tomlinson, Ben Dyer Associates

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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 25, 2002

Mr. Steve T. Magoon
Planning Director
Charles County Government
Planning and Growth Management
PO Box 2150
La Plata, Maryland 20646-2150

Re: Amendments to Charles County's Critical Area Maps

Dear Mr. Magoon,

Thank you for providing the map amendments and their supporting information. These amendments were received by the Commission on July 18, 2002 and have been reviewed. Chairman North will make a determination as to whether these amendments may be processed as refinements to the County's Critical Area program and ordinance and placed on the agenda for the Commission's August 7, 2002 meeting.

You are welcomed to attend the meeting. If you would like to attend this meeting, please let me know and I will provide you with a copy of the agenda and directions to the meeting. Please call me at 410-260-3481 if you have any questions.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CSA 5

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 23, 2002

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

Re: 01-110-012 Evergreen Park on the Bay Farmsteads 1 thru 6

Dear Theresa,

Thank you for providing the revised site plan to the above referenced subdivision. The applicant proposes the subdivision of a parcel located in the RCA of Chesapeake Bay. While the site plan shows three waterfront farmsteads, the parcel has only two RCA density rights. A statement on the plan restricts the third from development in the Critical Area portion of the property.

The following comments are provided for your use and are based upon the information we had available at the time of our review:

1. The configuration of Farmstead 5 creates a landlocked parcel which does not yet have legal access. Is this a situation the County zoning ordinances permit?
2. The 100' Critical Area Buffer needs to be expanded for contiguous hydric soils in those areas where development or disturbance may impact streams, wetlands, or other aquatic environments. The following hydric soils appear on this plan: Elkton on Farmsteads 4 and 5, Othello on Farmsteads 5 and 6, Tidal Marsh on Farmstead 6, and possibly Keyport on Farmsteads 5 and 6. If expanded, Farmsteads 4, 5 & 6 will be severely constrained by the Buffer and would most likely require variances in order to be developed. We cannot support a subdivision that would require variances in order to be developed.
3. The property line extends past the mean high water line. In addition, areas of tidal marsh are shown on the plan. The parcel acreage must not include any state tidal wetlands when computing density. A statement regarding tidal marsh acreage and the resulting parcel size for computing density must be provided on the plan.
4. No approvals are to be granted until the applicant provides a copy of the determination letter from Maryland Department of Natural Resources Wildlife and Heritage Division regarding the presence of any rare, threatened or endangered species that might occur on this site.

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5. Notes should be provided that no further disturbances to forested areas except as provided by the appropriate County ordinance, and no further disturbance to the Critical Area Buffer is to occur.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 337-01
Jerry Nokelby

Judge John C. North, II
Chairman



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

Re: Variance Case Number 2109 William Fletcher

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the demolition of an existing, 3,870 square foot, multi-family structure, and replacing it with a single-family dwelling that will not encroach any closer to the canal than the existing structure. The footprint of the dwelling has not yet been determined, however, we understand that the County will require the owner to not exceed the existing amount of impervious surface areas on this property. All of this activity will occur within the 100' Critical Area Buffer, which encumbers nearly the entire lot. This property is a grandfathered lot located in the LDA of Church Creek.

This office does not oppose this request provided that the existing impervious surface limits are not exceeded. In order to avoid the need for further channelward encroachment, we encourage the property owner to carefully consider the desired placement of potential future needs- such as decks, patios, pools, and sheds- when designing the footprint of the new house.

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

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DC 270-02

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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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July 22, 2002

Mr. Jon Grimm, Director
St. Mary's County
Department of Planning and Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

**Re: SMA 25
Approval of St. Mary's County Comprehensive Review:
Critical Area Zoning Ordinance Amendments, Map Changes, and Buffer
Management Overlay**

I am pleased to inform you that, at its regularly scheduled meeting on July 10, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved, as an amendment, the St. Mary's County Critical Area Ordinance update with conditions. The update appears in the St. Mary's County Comprehensive Zoning Ordinance, adopted by the County on May 13, 2002. This amendment includes changes to the Critical Area ordinances and the official Critical Area Overlay maps, and the establishment of Buffer Management Overlay zones with maps.

This approval includes the following conditions. These conditions have been previously discussed with County Planning staff during the comprehensive review process. Pursuant to Natural Resources Article 8-1809 (o)(2), Annotated Code of Maryland, as amended, the County shall, within 120 days of receipt of this letter, incorporate the approved ordinance amendments and map changes into its adopted Critical Area Program.

CONDITIONS OF APPROVAL:

1. Section 26.2.2.d - Add the following language after the last sentence. **"Property within the Resource Conservation Area of the Critical Area may not transfer development rights from a lot of record that does not meet the density provisions of one unit per 20 acres."**

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2. Section 40.1.1 - In the last sentence, strike out all wording starting with "yet regulate activities..." and add **"and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."**
3. Section 41.1.1 - Delete and replace with, **"This chapter applies to the St. Mary's County Chesapeake Bay Critical Area, the same being all water of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tide designated under Title 9 of the Environment Article."**
4. Section 41.2.3.a - Revise the last sentence to read, **"Consolidation of lots in common ownership shall not be required when impacts to steep slopes or Habitat Protection Areas would result or would increase as a result of the consolidation proposal."**
5. Section 41.3.d (4) - Delete "as program refinements."
6. Section 41.4.3 - Add the language in Section 41.5.3.i (3) (as amended below) in order to allow the replacement of impervious surfaces within the Buffer without a variance in Intensely Developed Areas.
7. Section 41.5.3.i (3) - Add to paragraph (a) and (b) in the first line **"grandfathered"** before "parcel" and add, **"The applicant shall provide evidence in the form of a sealed survey or photograph that the impervious surfaces to be replaced existed as of March 27, 1990."**
8. Section 41.6.4 - Revise the third sentence to read, **"Private tidal wetlands and nontidal wetlands may be used for density calculations to the extent that the density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8 acres, and the area of private tidal wetlands shall be estimated on the basis of vegetative information as designated on the official State tidal wetland maps."**
9. Section 41.6.4.a (2)(c) - In the first sentence, insert **"intra-family transfer"** after "lot is created subject to the" and before "provisions of the Critical Area program."
10. Section 41.7.2.b - Add after "... in depth that are" **"within subdivisions of at least nine lots, at least half of which are developed, and contain Buffer intrusion caused by the existing principal structure; or"**. Delete paragraph (1). Re-codify paragraph (2) as (c), and change "at least" to **"less than."**

11. Section 41.7.5.b (1) - Add the statement, **“A Planting Plan must be submitted to the Critical Area Commission for review with the site plan in accordance with the provisions of COMAR 27.03.01.03.”**
12. Section 41.8.3 – Add the following language to this section, **“A five to ten year site plan indicates a five to ten year future for a given site. The plan is submitted for review by the Department of Planning and Zoning as a Concept Plan in accordance with Article 6 of this ordinance.”**
13. Section 41.8.4.c (1) – Change **“Critical Area”** to **“Resource Conservation Area.”**
14. Section 41.9.6.b (3) – Insert after **“... an RCA designation”**, **“and the land is permanently protected (i.e. by easement).”**
15. Section 51.3.2 – Under general standards, delete reserved and add, **“In the RCA, the uses must be associated with an agricultural use on the same property.”**
16. Section 51.3.19.a – Add, **“(4) In the RCA, existing uses are limited to 15% of the site, and new uses shall be limited to 20,000 square feet of impervious surface area, or 15% of the site, whichever is less.”**
17. Schedule 50.4 (#97) – Change **“18 customers”** to **“12 customers.”** Delete **“RCA”** from Schedule 50.4.
18. Schedule 50.4 (#98) – Delete **“except on-site restaurants”** from the **“Description.”**
19. Sections 51.3.100 and 51.3.109 – Add the following provisions:
 - “d. New or expanded community marinas and other noncommercial boat-docking and storage may be permitted in the Buffer provided that:**
 - (1) These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;**
 - (2) The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;**
 - (3) The facilities are associated with a residential development approved by the County for the Critical Area and consistent with all the Critical Area provisions of this ordinance; and**
 - (4) Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities.**

20. Section 51.3.103.a - Add the following to "General standards", **"The industrial activities shall be incidental to a primary water-dependent fishery activity."**
21. Section 51.3.113 - Add the following "General standard", **"In the RCA, this use must be associated with a use permitted in the RCA and shall not be occupied on a permanent, year-round basis."**
22. Section 52.2.1 – Insert after "... or of amendments thereto", **"or in the Critical Area as of December 1, 1985,"**.
23. Section 71.2.3.b – Add the following new paragraph, **"The County shall send copies of applications for all developments, subdivisions, and site plans wholly or partially within the Critical Area to the Critical Area Commission in accordance with the provisions of COMAR 27.01.01.03."**
24. Section 71.2.4.a (2) - Delete "if present, from adjacent slopes greater than 15 percent or from wetlands or hydric soils." Add in its place **"expanded, if necessary, in accordance with the Buffer expansion provisions of 71.8.2(a)(1)."**
25. Section 71.2.4.f (1) - Restate as, **"The 100-foot Critical Area Buffer expanded, if necessary, for contiguous steep slopes, hydric and highly erodible soils, and nontidal wetlands in accordance with the provisions of 71.8.2 (a)(1)."**
26. Section 71.4.2.a (2) - Delete all wording after "from each bank, and" and insert, **"expanded, if necessary, in accordance with the provisions of 71.8.2(a)(1)."**
27. Section 71.4.2.c – Insert after, "All development activities in the LDA", **"and RCA"**.
28. Section 71.5.2.a - Restate as, **"A 100-foot buffer shall be preserved from the landward edge of tidal wetlands and shall be expanded, if necessary, in accordance with the provisions of 71.8.2(a)(1)."**
29. Section 71.5.2.d - **"For projects in the Critical Area, new development activities may not be permitted in the 100-Buffer and expanded Buffer unless the project is a water-dependent facility or a variance is granted in accordance with the provisions of Chapter 24 and the mitigation requirements below."**
30. Section 71.7.3.b - Delete "or to prevent erosion of highly erodible soils" and delete "in addition to meeting the following standards." Re-codify paragraphs "(1)" and "(2)" as "c" and "d"

31. Section 71.8.2 - Change "is hereby established" to "**shall be established.**" Add, "**The Buffer shall be established or managed to perform the functions set forth in COMAR 27.01.09.01.B.**"
32. Section 71.8.2.a (1) - The expansion criteria given for steep slopes is incorrect. Delete "above 15 percent" from the second sentence.
33. Section 71.8.2.c (2)- Change statement to read, "**An existing grandfathered lot without natural vegetation in the Buffer may be retained in its current state.**" Change items (a) and (b) to (3) and (4) and renumber this section.
34. Section 71.8.2.b - After "Where agricultural use of land within the Critical Area Buffer ceases ...", replace "and the" with "**or**" so the provision reads, "Where agricultural use of land within the Critical Area Buffer ceases or when lands are proposed to be converted to other uses, the Buffer shall be established."
35. Section 71.8.2.c (5) – Add after "... or other buffer functions", "**as set forth in COMAR 27.01.09.01.B ...**"
36. Section 71.8 – Insert the following provisions as Section 2 and renumber Sections 2 through 7.

"2. Forest Interior Dwelling Species (FIDS) habitat, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, important habitats designated by State or federal agencies, and plant and wildlife habitats of local significance shall be conserved and protected in accordance with the provisions of COMAR 27.01.09.04.

37. Section 71.8.2.c – Insert the following language after paragraph (5), and renumber paragraphs (5) through (8) as (1) through (4):

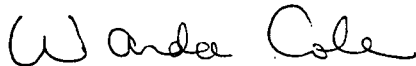
"d. Buffer Management Plans. A Buffer Management Plan shall be required to establish the procedures and proposed planting for all alterations and cutting in the Buffer, development activities in the Buffer, and establishment of a vegetated Buffer in areas of new development that are presently without a Buffer. A Buffer Management Plan shall be approved by the Department of Planning and Zoning and may include, but is not limited to, Planting Agreements, landscape plans, bonding instruments, and or fees-in-lieu agreements.

38. Section 71.8.3.a (1) - Delete and restate as, **“Forests at least 50 acres in size with 10 or more acres of forest interior habitat (i.e., forest width greater than 300 feet from the nearest forest edge), where the majority of the forest tract should be dominated by pole-sized or larger trees (5 inches or more in diameter at breast height), or have a closed canopy; and ...”**
39. Section 71.8.3.a (2) - Delete the last sentence (“The stream within...”)
40. Section 71.8.3.d (2) - Change “May” to **“April”**. Add **“This time restriction may be expanded from February to August if certain early-nesting FIDS are present.”**
41. Section 71.8.7.a – Insert the following language after, “...shall be protected ...” and before, ... as follows:” **“in accordance with COMAR 27.01.09.05.B”**.
42. Section 72.3.1.a (3) – Delete (a).
43. Section 72.3.3 (a)(2)(b) lines 17 and 19 - Delete the words “basis per square foot”.
44. Section 72.3.4 (b) - Delete the first sentence and replace with, **“Removal of invasive and noxious species by hand may be permitted without mitigation if the understory is allowed to naturally regenerate. Within the Buffer, the removal of invasive and noxious species requires approval of a Buffer Management Plan in accordance with the provisions of Section 71.8.2.c.9”**
45. Section 72.3.5.c, line 19 - Change “Schedule 72.3.4” to **“Schedule 72.3.5.”**
46. Section 72.3.5, Schedule 72.3.5 - Delete **“seedlings or”**.
47. Section 73.2.2 - Add item (d): **“Clearing of existing natural vegetation in the Buffer.”**
48. Section 73.2.4 - In the first sentence, delete “allowed to naturally regenerate... landowner.” Replace with, **“established. In establishing the Buffer, management measures, including but not limited to, natural regeneration, shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in COMAR 27.01.09.”**
49. Section 74.1.1 - The correct COMAR citation needs to be provided: **COMAR 27.01.07.**
50. Chapter 90 - Add the following language to the definitions for perennial and intermittent streams, after “... quadrangle map published by the United States Geologic Survey”, **“or more detailed maps or studies at the discretion of the local jurisdiction.”**

51. Chapter 90 – Add the following definition, **“Sensitive Areas. Tributary streams and their buffers, nontidal wetlands, Wetlands of Special State Concern and their buffers, floodplains, floodways, coastal high hazard areas, hydric soils, soils with hydric inclusions, highly erodible soils, the Chesapeake Bay Critical Area, Habitat Protection Areas, Natural Heritage Areas, and forest and woodland cover.”**

Your participation and cooperation during the comprehensive review process was appreciated. Please don't hesitate to contact me at 410-260-3481 or Mary Owens at 410-260-3480 if you have any questions about these conditions.

Sincerely,



Wanda Cole
Natural Resources Planner

Cc: SMA 25
Marianne Mason
Sue Veith
Theresa Dent

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 19, 2002

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

RE: XRS 02-0036 Lots 1&2 and Parcel A, Roy E. & Sharon A. Robertson, Jr.

Dear Elsa,

Thank you for the opportunity to review the most recent information regarding the above referenced subdivision request. The applicant proposes a two-lot subdivision in the RCA of Cuckold Creek. The following comments are provided for your use:

1. The acreage for state tidal wetlands must be deducted when computing density. Although it appears density has been correctly calculated, the amount of state tidal wetlands must be stated in order to confirm the RCA density.
2. Topographic information must be provided in order to determine if the Critical Area Buffer has been properly delineated.
3. The plan must show the limits of existing forest cover, state the amount of existing forest cover, and provide a statement as to whether afforestation is needed.
4. Since this subdivision represents a change in use from agriculture to residential, the 100' Critical Area Buffer must be fully established in forest vegetation.
5. Information regarding existing structures must be shown and the amount of impervious surface area stated.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 391-02

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 19, 2002

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

RE: XRS 02-0038 John L. Sprague Intra-family Transfer

Dear Mr. Faasen,

Thank you for the revised plan for the above referenced intra-family subdivision request. This information is being provided to address comments from our previous review:

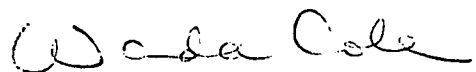
1. A determination has not yet been obtained from the Maryland Department of Natural Resources Wildlife and Heritage Division regarding the presence of rare, threatened or endangered species and their habitats. A copy of the determination letter must be provided to this office prior to issuing any approvals for this subdivision.
2. Bibb and Tidal Marsh soils are listed in the National Wetland Inventory (NWI) document as hydric. If these soils can be shown to have benefit to aquatic habitat- their location adjacent to tidal marsh and stream channel areas suggest this would be the case- then the 100' Buffer must be expanded to include all of the contiguous hydric soils. It appears most of the Bibb soils have been included in the Buffer. The extent of the Tidal Marsh soils should correspond to the boundaries on the State tidal wetland maps (map 29 or 30). If not, the tidal wetlands need to be field located in order to delineate the Buffer 100' landward of the tidal wetland/upland boundary.
3. This subdivision appears to result in a change in use from agriculture to residential, therefore, a planting plan will be needed to fully established the Buffer in forest vegetation. While it appears that afforestation may not be necessary, the amount of forest cover must be stated in order to confirm this aspect of the project.
4. We recommend for tracking purposes that a statement be included on the plan that only one intra-family density right remains.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 240-02
Richard Steffens

Judge John 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

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

Re: 01-100-063 Edwards/Harris Simplified Subdivision Plat
01-0583 & 01-1289 Larry Harris As-Built Critical Area Plans

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced subdivision plat and as-built plans. In addition, a hand-drawn sketch of existing conditions was provided. The plat is being created to address an oversight in the recording of two nonconforming lots that have been in existence for a number of years. These lots are located in the RCA of Town Creek and the subdivision is being created around existing conditions. The as-built plan is intended to identify and quantify existing conditions on the Larry Harris/Mark Mumpower property.

Please note that the information shown on these drawings is conflicting. It is unclear what is existing, what will remain, and what is proposed. A plan is needed that accurately depicts this information. The following comments are provided for your use in that regard:

1. The 1988 tax map shows the Edwards property, Parcel 60, as existing. The Harris property is shown as P/O Parcel 40, 3 of 4. Please clarify whether either of these lots was previously recorded.
2. It appears there may be as many as four dwellings on the parent parcel. Please specify which structures qualify as dwellings and show their correct configuration.
3. It is unclear how many boat ramps and piers exist on the Harris parcel. Please clarify this information and specify which will remain. Parcel 178 is entitled to one access to the shoreline. If only one access is existing, the second cannot be proposed.
4. The parent parcel is 14.2% forested. Additional plantings are needed to bring the site up to the required 15% afforestation. The Harris/Mumpower plan must quantify the amount of forest cover located on this parcel and provide a Planting Plan for any afforestation and/or mitigation that is required.

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5. The Harris/Mumpower plan must provide a statement that the entire lot is located in the Critical Area.
6. The impervious surface area information needs to be corrected. According to the Critical Area Environmental Worksheets, the total impervious surface area for parcels 60 and 178 is 35, 153 square feet, or 0.81 acres, representing 16.7% of the parent parcel.

Both Mr. Edwards and Mr. Harris propose reconfiguration of the impervious surface areas on their respective lots. The redevelopment of these parcels may not exceed the existing impervious surface limits of the parent parcel without a variance. We cannot support a subdivision that would create the need for variances. There appears to be opportunity to reduce impervious surfaces on both properties, with the Harris lot having the greatest opportunity to do so.

7. Activities in the Buffer require a Critical Area variance. Information on the Harris plan indicates 3,174 square feet of disturbance proposed in the Buffer. New topographic contours are shown on this plan in the area of the Buffer. We have no record of an application of a variance for this property. Please clarify whether a variance was required at the time the grading permit was issued for this property.
8. The Harris plan includes two proposed houses. We are aware that one house and a large garage have been built. The second house is proposed in the Buffer. There appears to be sufficient room on site to build the second house outside of the Buffer. We recommend that the second house be located outside the Buffer.

We will provide additional comments when the plans have been revised. Please forward a copy to this office when they are available.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 341-02
SM 418-02
Jerry Nokleby, Nokleby Surveying
William P. Higgs, Little Silences Rest

Judge John C. North, II
Chairman



Ren Serey
Executive 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

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

Re: Variance 2002-0197, Lionel Millard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities within the Critical Area with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and the property is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose construction of a dwelling. However, several issues should be addressed with respect to specific features on the property.

- 1) The area of Lot B is stated as 22,500 square feet on the Anne Arundel County variance form and as 7,500 square feet on the materials provided by the applicant. The County should clarify the actual area of Lot B.
- 2) Lot B is occupied, almost entirely, by a forested nontidal wetland (palustrine). We recommend that the property owner consider developing a landscape management plan, which incorporates protective measures for the existing wetlands. Landscape features on the lot may include raised wooden walkways, and a small pond, rain garden, or supplemental plantings (appropriate for wet areas) to manage storm water runoff on the site.
- 3) As required by the Criteria and the local Critical Area regulations, disturbance to plant and wildlife habitat (riparian forests and wetlands) should be minimized, insofar as possible.

We recommend the following be made conditions of this variance, if granted.

- 1) In order to minimize disturbance within the Critical Area, we recommend the following changes to the proposed site plan:
 - a) reduce the size of the driveway;
 - b) align the driveway parallel to the road (Newport Avenue) and move the house closer to the road to reduce impacts to the nontidal wetland.

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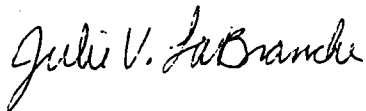
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Ramona Plociennik
Variance 2002-0197, Lionel Millard
July 12, 2002
Page 2

- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native species (appropriate for wet areas) and can be used to vegetate disturbed areas following construction.
- 3) Storm water runoff from the new structures should be managed on site to provide water quality benefits, prevent degradation of the nontidal wetland, and prevent flooding of the adjacent properties and roads.
- 4) The limits of disturbance, as shown on the final approved site plan, should be marked clearly prior to any clearing, grading or other development activities on the site. This will ensure that only authorized impacts to the nontidal wetland and nontidal wetland buffer result from development of the property.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Judy Cole, Maryland Department of the Environment

AA 348-02

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 12, 2002

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

Re: 02-140-040 Thomas Reeves Agricultural Subdivision- Farmstead 1

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced subdivision plat. The applicant is dividing a 71.99 acre parcel into a 17.09 acre Farmstead 1 and a 54.90 acre Agricultural Parcel 2. Farmstead 1 is being created around existing development. Agricultural Parcel 2 includes farm buildings but no dwellings.

State tidal wetland acreage was not included in the acreage calculations provided by a recent boundary survey. Based upon this survey, and together with a 7.0 acre Lot 500-1 that was created in 1995, the parent parcel measured 78.99 acres. There are 63.48 acres located in the RCA of Chaptico Bay. The parent parcel is entitled to three density rights. Farmstead 1 and Lot 500-1 have used two of these rights.

The following comments are provided for your use. We request the opportunity to review any revised plat that results from these comments.

1. Mr. Jerry Soderberg, of D.H. Steffens Co., faxed the attached copy of the Critical Area Density Calculation table that appears on a revised plat. The revised plat was not available during our review. This table (or a separate note on the plat) should include a statement verifying that no state tidal wetland acreage is included in the calculations, particularly since the tidal wetlands on the property have not been shown. This table must appear on the plat that is recorded. Please forward a copy of the final plat to our office once it is available.
2. A statement should be included on the plat that no new development is being proposed on Farmstead 1, and, therefore, the wetland information and delineation of the 100' Critical Area Buffer alongside the tributary streams is not necessary at this time. Applications for future development on Agricultural Parcel 2 and/or Farmstead 1 will need to include complete environmental information regarding topography, forest cover, wetlands, soils,

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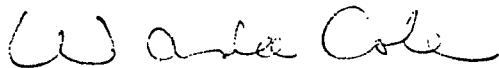
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and the presence of rare, threatened and endangered species and their habitats. For the latter, a copy of the Wildlife and Heritage determination letter must be provided to this office with the application.

3. Forest cover is reported and comprises 22% of the parent parcel. The 100' Buffer is currently established in forest vegetation. No afforestation is necessary.
4. The plat shows a "Critical Area Density Reservation" of 13.99 acres which straddles parcel lines. Mr. Soderberg has advised that he will remove this feature from this plat.

We request a copy of the revised plat when it is available. Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 339-01
Jerry Soderberg

WANDA COLE

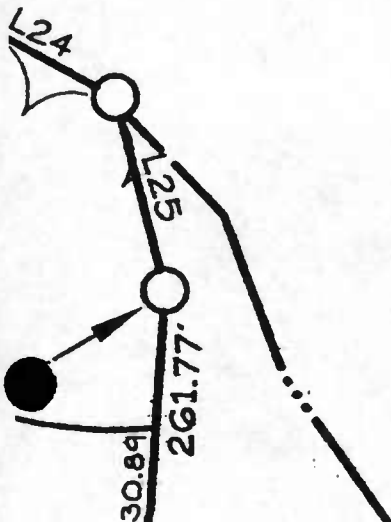
RE: THOMAS REEVES

CRITICAL AREA DENSITY CALCULATIONS		
LOT	ACREAGE	CRITICAL AREA ACREAGE
LOT 500-1, WHITE PLAINS	7.00	5.03
FARMSTEAD 1	17.09	17.09
AG. PARCEL 2	54.90	41.36
TOTALS	78.99	63.48

22% Forest Cover —

CRITICAL AREA DENSITY ALLOWED: 1 D.U. PER 20 AC.
 $63.48 \text{ AC.} / 20 = 3 \text{ D.U.}$
 CRITICAL AREA DENSITY USED: 2 D.U.
 THEREFORE, 1 D. U. ALLOWED ON AG. PARCEL 2

NOTE:
 THERE ARE NO SLOPES 15% OR GREATER ON THIS PORTION OF THE FARM.



N/F
 LOTTIE LOUISE HASEL
 MRB 448-238
 USE: AGRICULTURAL/RESIDENTIAL
 ZONING: RPD (RCA OVERLAY)

LINE TABLE		
LINE	BEARING	LENGTH
11	S52°23'18"E	3716

Judge John C. North, II
Chairman



Ren Serey
Executive 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 8, 2002

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

RE: XRS 01-0177: Wicomico View Farm Sudivision

Dear Mr. Faasen,

Thank you for faxing me the revised plat for the above referenced project and the determination letter from Wildlife and Heritage Division. I received the hard copies from Bolton Latham today. Together with the additional information previously provided by Jason Roth, all the questions raised in my letter, dated January 31, 2002, have been addressed. Our office has no further comments on this project.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 28-02
Jason Roth/Robert Brough

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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June 27, 2002

Ms. Patricia M. Farr
Program Supervisor
Environmental Impact Review
Baltimore County Department of
Environmental Protection and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Southwest Area Park, K-9 Facility Consistency Report

Dear Ms. Farr,

Thank you for the Consistency Report for the above referenced project, which was provided in accordance with COMAR 27.02.02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The Baltimore County Department of Public Works, in cooperation with the Baltimore County Police, had developed a site plan for a K-9 training and kennel facility, located in the Southwest Area Park.

We have reviewed your report and concur with your findings. We appreciate your efforts in coordinating and participating in this process, and look forward to working with you again on similar projects.

Sincerely,

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

Wanda Diane Cole
Natural Resources Planner

cc: BC 79-02

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

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CLEARINGHOUSE REVIEW

June 19, 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)

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

SUBJ: DNR Clearinghouse Review of Local POS Project #4195-9-91
Cambridge Busick Tennis Courts, Dorchester County

This project proposes to resurface 10 tennis courts that serve all of Dorchester County. The courts are utilized by the local high school, numerous leagues, instructional classes and public play.

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.

wdc

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

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

Project is not located in the Critical Area

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

June 27, 2002

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

RE: 02-07 Harold and Ellen Browning Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant has constructed a timber bulkhead above mean high water to halt erosion of upland that could eventually compromise the integrity of a swimming pool. This bulkhead is located in the 100' Critical Area Buffer on a grandfathered lot in the LDA of Tobasco Creek.

This office does not oppose the granting of this variance request as it appears the structure is necessary to stabilize the bank. Because this bulkhead is being permitted after-the-fact, we recommend that 3:1 mitigation using native plantings be required on-site in the Buffer. These plantings will also facilitate the stabilization of the bank.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC 334-02

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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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June 26, 2002

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

RE: 02-0512 Steve and Michelle Pierrie Variance

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicants propose the construction of a garage in the location of an existing carport and shed, and an addition onto the waterfront side of an existing dwelling. This is a grandfathered lot in the LDA of Red Hill Creek. The proposed development creates a small encroachment into the 100' Critical Area Buffer, and will cause the site to exceed its impervious surface limit by 926 square feet.

This office opposes this variance request. While we do not object to the applicants providing these types of amenities to their property, we believe ample opportunity exists to provide these amenities without creating the need for a variance. Therefore, we recommend that the variance be denied.

The applicants should consider reconfiguring and repositioning the amenities in a manner that avoids encroachment into the Buffer and which maintains the 5,445 square feet impervious surface limitation on this lot.

Please be advised that in the last legislative session, the Maryland General Assembly enacted Senate Bill 326 which requires an applicant to meet all five variance standards in order for the Board of Appeals to approve a variance. 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 in the Critical Area program. This law became effective June 1, 2002.

Accordingly, the Code of Maryland Regulations provide the standards by which a local government evaluates a case in granting a variance. These standards follow:

1. That there exist special features of a site, or special conditions or circumstances that are peculiar to the applicant's land or structure, so that a literal enforcement of the jurisdiction's Critical Area program would result in an unwarranted hardship to the

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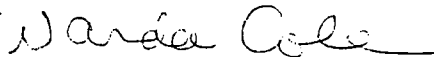
applicant. There are no unusual circumstances on this lot that create a hardship for the applicant. The applicant already enjoys reasonable use of the property. Sufficient room exists between the dwelling and the 100-foot Critical Area Buffer to construct an addition without encroaching into the Buffer. Furthermore, alternatives such as attaching the proposed garage directly onto the end of the house will re-utilize existing impervious area of the driveway and carport, rather than creating an additional 800 square feet of impervious surface area.

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 create new development in the 100-foot Critical Area Buffer, nor are they permitted to exceed their impervious surface limit.
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 in that the development on this lot would exceed the maximum limits for impervious surfaces.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property. This request is not generated as the result of any actions by the applicant, nor any condition conforming on any neighboring property.
5. The granting of a variance will not adversely affect water quality or fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations. It has long been known that impervious surface areas contribute widely to degraded water quality, and thus, aquatic habitats, hence the limitations placed on the development of impervious surfaces. This proposal exceeds the maximum limit by 926 square feet and represents nearly half of the proposed work.

In summary, this request meets only one of the standards required for a variance, therefore, the request must be denied.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 333-02

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

Re: 02-140-029 Chaney Subdivision Boundary Line Adjustment Plat

Dear Theresa,

Thank you for the opportunity to review the above referenced plat. There are two existing dwellings in the RCA of St. Thomas Creek for which the boundary line is being adjusted.

Our office has no comments on this boundary line adjustment as there will be no increase in density as a result. In addition, the reconfiguration of the lots maintains the percentage of forest cover and impervious surface area within allowable limits.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 342-02

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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June 20, 2002

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

Re: 02-2259 Jeff Guarnero and Diane Sovine Variance

Dear Theresa,

Thank you for the opportunity to review and comment on this variance request. The applicant proposes the construction of an addition onto an existing dwelling located on a grandfathered parcel in the LDA of Cuckold Creek. A portion of this addition lies within the expanded Critical Area Buffer, thereby requiring a variance.

This office does not oppose the granting of a variance for this project. We recommend that the variance include a condition that the required 3:1 forest mitigation for new impacts in the Buffer and the 1:1 forest mitigation for new impacts outside the Buffer be provided in the Buffer at this site. In addition, this property is in need of 15% afforestation.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 340-02

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

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June 20, 2002

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

Re: 02-110-009 Greens Rest Farm Lot 8 Simplified Subdivision Plat

Dear Theresa,

Thank you for the opportunity to review and comment on this proposed subdivision. The following comments area being provided for your use at the TEC review meeting:

1. A dwelling is shown on Outparcel A. Is it remain? If so, Outparcel A cannot have any other dwelling units in the Critical Area.
2. The Resource Protection Table incorrectly shows the level of forest resource ("C") protection at 50%. No more than 30% of the existing forest cover within the Critical Area may be removed, therefore, the table should be revised to show 70% protection of forest resources.
3. Previous letters from this office (copy attached) indicated the presence of FIDS habitat at this site, and comments were provided that every effort should be made to minimize impacts to this habitat. Were these efforts made? What is the current status of the forest acreage at this subdivision? New lots need to meet the FIDS provisions as found in the most current document, *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000.*

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 319-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410- 820-5093 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

January 15, 1997

Mr. Keith Lackie
Department of Planning and Zoning
P O Box 3000
Leonardtown, Maryland 20650

RE: Greens Rest Farm, ISUB #95-2999
(CBCAC File #SM 533-96)

Dear Mr. Lackie:

This letter is sent in response to your letter to Kathy McCarthy regarding correspondence from Donald Ocker regarding the referenced project. Specifically, the proposed project is an application for resubdivision, and the relocation of the lots will impact Forest Interior Dwelling Birds' (FID) habitat. I have discussed the project with Kathy McCarthy, and it is our understanding that the lots are being relocated in order to accommodate passing perc locations. Because, this subdivision is considered "grandfathered", the lots can be relocated; however, every effort must be made to minimize impacts to FID habitat. In order to accomplish this objective, clearing on each lot should be limited to 10,000 square feet. Notes or a building restriction line should be placed on the plat to ensure that this restriction is understood by potential lot purchasers. In addition, a closed canopy should be maintained over all access paths and driveways.

With regard to the method of reforestation, natural succession or planting may be used. The primary consideration is to maintain a mix of species similar to that of the existing forest. This can be successfully accomplished by both methods. It may be desirable to plant trees near the homesites where some lawn area is likely to be established and to use natural regeneration in the field area of Lot 500-1.

If you have any questions about these comments of other FID related issues, please feel free to call me at (410) 974-2426.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens
Natural Resources Planner

MRO/jjd

cc: Mr. Donald Ocker
Ms. Kathy McCarthy
P:\CAC\PLANR\MARY\GREENS.SM



Judge John C. North, II
Chairman

Ren Serey
Executive 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

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

Re: Variance Case Number 2104 Norman and Helen D'Amour

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a sunroom, deck, porch and detached garage onto an existing house located on a grandfathered lot in the RCA of Church Creek. This project will create 1,720 square feet of new impervious surface area in the 100-foot Critical Area Buffer.

The following comments are provided for your use:

1. The site plan does not provide information on the amount of forest cover that will need to be cleared to accommodate this new development.
2. This project will create 1, 720 square feet of new impervious surfaces in the Buffer, in addition to disturbances created by the new driveway. We request that the variance approval include a condition that the required 3:1 mitigation forest vegetation plantings for these disturbances be provided on site in the Buffer.
3. The MERLIN database indicates that this property lies within a Sensitive Species Project Review Area (SSPRA). This SSPRA covers all the wooded tracts in the vicinity, therefore, it is possible that this SSPRA indicates the presence of FIDS, riparian, or Delmarva Fox Squirrel habitats. Prior to hearing this variance, the Department of Natural Resources Wildlife and Heritage Division (WHD) must be consulted for a determination on whether this project would have any negative effects on rare, threatened, or endangered species or their habitats, and a copy of those determinations must be forwarded to this office for review.

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4. It may be necessary to attach the proposed garage to the existing dwelling in order to reduce impacts to these habitats. While we recognize that the SRA may prevent placement of the garage on the south side of the house (closest to the SRA), adjustments to the footprint of the proposed porch might allow the garage to be attached to the east side of the house.

We may need to provide additional comments on this request based upon the findings of the WHD determination letter. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 327-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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June 14, 2002

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

RE: ISUB # 01-100-075 River View Farms, Lot 5000-8A and 5000-8B

Dear Theresa,

The Wildlife and Heritage Division has provided the attached determination letter regarding the presence of rare, threatened, and endangered species on the above referenced site. A survey will need to be conducted for the state threatened Crested Yellow Orchid. In addition, subsequent site development plans will need to incorporate the most current FIDS habitat protection measures as found in *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Katherine McCarthy
SM 6-02

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

June 7, 2002

Mr. William P. Higgs
Little Silences Rest, Inc.
21797 Indian Bridge Road
California, MD 20619

RE: Environmental Review for River View Farms Lot 5000 8A & 8B, Three Notch Road, St. Jerome's Creek St. Mary's County, Maryland.

Dear Mr. Higgs:

The Wildlife and Heritage Service has no records for Federal or State rare, threatened or endangered plants or animals within this project site. This statement should not be interpreted as meaning that no rare, threatened or endangered species are present. Such species could be present but have not been documented because an adequate survey has not been conducted or because survey results have not been reported to us.

However, the Wildlife and Heritage Service's Natural Heritage database indicates that there is a record for state threatened Crested Yellow Orchid (*Plantanthera cristata*) known to occur within the vicinity of the project site. This species could potentially occur on the project site itself, especially in areas of appropriate habitat. It is recommended that a survey for this species be conducted, as a survey may be a condition required of any state permits, such as wetland permits, that are needed for development of the site. Please refer to the Wildlife and Heritage Service's rare plant survey protocol, enclosed.

Also, the forested area on the project site contains potential Forest Interior Dwelling Bird Habitat. The conservation of this habitat is mandated within the Critical Area (COMAR 27.01.09.04) and must be addressed by the project plan. The following guidelines should be incorporated into the project plan:

1. Restrict development to nonforested areas.
2. If forest loss or disturbance is absolutely unavoidable, concentrate or restrict development to the perimeter of the forest (i.e., within 300 feet of the existing forest edge), particularly in thin peninsulas of upland forest less than 300 feet wide.
3. Limit forest removal to the "footprint" of houses and to that which is absolutely necessary for the placement of roads and driveways.
4. Wherever possible, minimize the number and length of driveways and roads.
5. Roads and driveways should be as narrow and short as possible; preferably less than 25 feet long and 15 feet wide.
6. Maintain forest canopy closure over roads and driveways.
7. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
8. Maintain or create wildlife corridors.
9. Do not remove or disturb forest habitat during April-July, the breeding season for most FIDS. This seasonal restriction may be expanded to February-July if certain early nesting FIDS (e.g., Barred

Owl) are present.

10. Afforestation efforts should target (1) riparian or streamside areas that lack woody vegetation, (2) forested riparian areas less than 300 feet, and (3) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

The presence of FIDS habitat can be confirmed by a qualified observer using standardized procedures outlined in Guidance Paper No. 1 of the Critical Area Commission. For further technical assistance regarding conservation of rare species or FIDS, please contact Katharine McCarthy, Southern Regional Ecologist for the Wildlife and Heritage Service, at (410) 260-8569 or at the above address.

Sincerely,

Lori A. Byrne,
Environmental Review Specialist,
Wildlife & Heritage Service

ER# 2002.0915.sm
Cc: K. McCarthy
R. Esslinger, CAC
Enclosure



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 12, 2002

Mr. Michael Kulis
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Md 21204

Re: Baltimore Yacht Club Pier D Expansion

Dear Mike,

Thank you for the opportunity to review and comment on the above referenced site plan. The applicant is adding four slips to existing Pier 'D'. We have no objection to this pier expansion provided the applicant obtains all other required permits and approvals for this work. If the addition of these slips generates the need for additional parking, we recommend that the applicant look at ways to consolidate the uses on the property so that additional impervious surface areas will not be needed.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: BC 316-02

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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June 12, 2002

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

Re: 02-132-001 Wicomico Shores Clubhouse Replacement

Dear Theresa,

Thank you for the opportunity to review this project. As it is located outside the Critical Area, our office has no comments.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 323-02

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 11, 2002

Mr. Laurence Whitbeck
40502 Port Place
Leonardtown, MD 20650

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Mr. Whitbeck,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

Directions to the Critical Area Commission offices:

- From Saint Mary's County, follow MD 4 and MD 2/4 into Annapolis.
- After crossing the South River bridge, you will enter the Parole shopping district. When you see the Val-U-City on your right, **stay in the right lane. Turn right at the next traffic light at MD 450 West Street. IF YOU MISS THIS LIGHT, YOU WILL END UP ON THE RAMP TO US 50.**
- Stay in the left lane on West Street. Turn left at the second traffic light onto Admiral Drive. Turn left into the parking lot in front of the brick office building. The Roof Center, Department of Natural Resources, and Commercial Bank have entrances that front West Street. The Critical Area Commission entrance is to the far right and front Admiral Drive. Please call 410-260-3460 if you get lost.

If you miss the turn onto West Street and find yourself on US 50 eastbound, stay in the right lane, get off at the next exit (MD 70 Rowe Blvd), and turn left at the bottom of the ramp onto Bestgate Road. At the second light on Bestgate, make a left onto Admiral Drive. Follow Admiral Drive and turn right into the parking lot before you reach the traffic light at West Street.

Thank you for your continued interest in this process.

Sincerely,

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

Wanda Cole

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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 11, 2002

Mr. Joseph Rodgers
17194 Piney Point Road
PO Box 239
Piney Point, MD 20674-0239

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Mr. Rodgers,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

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Thank you for your continued interest in this process.

Sincerely,

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

Wanda Cole

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Chairman



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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

June 11, 2002

Mr. Bob Lewis
Potomac River Association
PO Box 76
Valley Lee, MD 20692-0076

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Mr. Lewis,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

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Thank you for your continued interest in this process.

Sincerely,

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

Wanda Cole

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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

June 11, 2002

Mr. Walter Burch
23065 Shady Mile Drive
California, MD 20619

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Mr. Burch,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

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Thank you for your continued interest in this process.

Sincerely,

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

Wanda Cole

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June 11, 2002

Ms. Sandra L. Mriscin, Esq.
24095 Ann Lane
California, MD 20619

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Ms. Mriscin,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

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Sincerely,

Wanda Cole

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Ren Serey
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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 11, 2002

Mr. John D. Ludwig
24095 Ann Lane
California, MD 20619

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Mr. Ludwig,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

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Thank you for your continued interest in this process.

Sincerely,

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

Wanda Cole

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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 11, 2002

Mr. Dennis Roth
44760 Joy Chapel Road
Hollywood, MD 20636

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Mr. Roth,

A panel meeting will be held regarding the Comprehensive Review of the Saint Mary's County Critical Area Zoning Ordinance on Friday, June 21, 2002 at 9:30 a.m. in the Critical Area Commission (CAC) conference room. The CAC offices are located at 1804 West Street, Suite 100, Annapolis, Maryland. If you would like to attend this meeting, please call me at 410-260-3481.

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Thank you for your continued interest in this process.

Sincerely,

Wanda Cole

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

TTY For The Deaf:

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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Mr. Norris Jay Hanks
PO Box 190
Hollywood, MD 20636-0190

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June 11, 2002

Mr. John B. and Mrs. Georgia N. Wheeler
18231 River Road
Tall Timbers, MD 20690

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

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June 11, 2002

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

Re: 02-132-002 Potomac Land Condominiums Concept Plan

Dear Theresa,

Thank you for the opportunity to review and comment on this proposed concept plan. The applicant proposes a redevelopment of site in the IDA of St. George Creek into duplex condominiums. The site's net impervious surface areas will decrease by 4, 416 square feet. The following comments are provided for your use at the TEC meeting:

1. This project would require a variance for new impacts to the Buffer. We cannot support a variance for the extensive amount of new impacts being proposed in the Buffer.
2. The amount of impervious surface proposed in the Buffer appears to be much greater than what exists. While the County allows reconfiguration of existing impervious surface in the Buffer, this proposal does not meet the County's policy.
3. There appears to be sufficient area at this site to reconfigure the layout and/or redesign the condominiums in order to avoid additional impacts to the Buffer.
4. For projects in the IDA, the 10% Rule is applied. The applicant must provide the appropriate worksheets and best management practice design specs.
5. A Planting Plan should be provided for review.

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

Sincerely,

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Wanda Cole
Natural Resources Planner

cc: SM 321-02

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June 11, 2002

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

Re: 02-131-001 Pleasant Plains Bed & Breakfast

Dear Theresa,

Thank you for the opportunity to review the above site plan. Our office has no comment on the use of this property as a bed & breakfast provided it is consistent with the County's zoning.

It should be noted that the amount of existing forest cover is less than 15%. Although no new development is being proposed to require mitigation plantings, the applicant should be encouraged to provide additional forest plantings.

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

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Natural Resources Planner

cc: SM 322-02

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June 11, 2002

Mr. John D. Ludwig
24095 Ann Lane
California, MD 20619

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

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June 11, 2002

Ms. Sandra L. Mriscin, Esq.
24095 Ann Lane
California, MD 20619

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

Dear Ms. Mriscin,

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June 11, 2002

Mr. Walter Burch
23065 Shady Mile Drive
California, MD 20619

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

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June 11, 2002

Mr. Bob Lewis
Potomac River Association
PO Box 76
Valley Lee, MD 20692-0076

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

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June 11, 2002

Mr. Joseph Rodgers
17194 Piney Point Road
PO Box 239
Piney Point, MD 20674-0239

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

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Mr. Laurence Whitbeck
40502 Port Place
Leonardtown, MD 20650

Re: Panel Meeting for Comprehensive Review of Saint Mary's County Critical Area Ordinance

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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 10, 2002

To: Neal Welch, Resource Planning
From: ^{WC} Wanda Cole, Chesapeake Bay Critical Area Commission
Subject: 2001-DNR-12, RTO139: Chapel Point State Park
National Recreational Trails Grant to Perform Access Maintenance

Thank you for the opportunity to review this proposal and provide comments. As access to the shoreline is an existing use, and the purpose of the project is to perform maintenance that will stabilize this access, formal approval by the Critical Area Commission will not be necessary.

I would like to offer my personal advice regarding the stabilization method being proposed. The Charles County Soil Conservation District should be consulted to determine if CR-6 is an adequate approach to controlling erosion at this site. Given the degree and length of this slope, the curvature of the road, the steep pitch, and the erodibility of this type of soil, it appears to me that the erosion problems would be better addressed if the pitch of the road was modified, runoff directed into riprapped side ditches, and an appropriate number of water bars installed.

From an aesthetics standpoint, blue stone would detract from the beauty of this otherwise serene and natural-looking beach.

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REVIEW AND EVALUATION
OF ACTIVITIES AFFECTING DNR LANDS

May 13, 2002

MEMORANDUM

TO: Environmental Review: Greg Golden
USF&WS: Charisa Morris
Maryland Historical Trust: Beth Cole
~~Critical Area Commission: Wanda Cole~~
DNR Natural Heritage: Lori Byrne

FROM: Neal Welch, Resource Planning

SUBJECT: 2001-DNR-12, RT0139, Chapel Point State Park, Nat. Rec Trails Grant

RECEIVED

MAY 17 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

This project is a National Recreational Trail Grant involving the upgrading of an existing access road and canoe launch area at Chapel Point State Park. The project also includes purchasing equipment. Please review the attached information (Quad: Mathais Point) and provide any comments you may have to me by Friday, June 14, 2002. Please complete and return the following form and an attached response if necessary.

Check one:

Comments are attached.

No comments.

W D Cole

Signature

CBCAC

Agency

06/10/02

If you need additional time beyond June 14, 2002 or if you have questions, please call me at (410) 260-8409.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 10, 2002

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

Re: 02-110-010 Farmer Subdivision, Lot 1 and Farmstead A

Dear Theresa,

Thank you for the opportunity to review and comment on this subdivision proposal. As Lot 1 is located outside the Critical Area, and no further activity is proposed for Farmstead A, our office has no comment on this proposal.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 320-02

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

June 6, 2002

Ms. Barbara Grey, Chief
Southern Region Planning
Resource Planning
580 Taylor Avenue, E-4
Annapolis, MD 21401

Re: Critical Area Commission Approval of SHA Nontidal Mitigation Site
Located at Indian Creek NRMA in Benedict (Charles County)

Dear Barbara,

I am pleased to inform you that on June 5, 2002, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project in accordance with COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands. This approval is being issued to the Maryland Department of Natural Resources, Landowner, for the use of Maryland State Highway, Agent.

Attached for your files is a copy of the staff report used in presenting the project to the Commission.

Thank you for your participation and assistance in this process. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Barbara Allera-Bohlen

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

May 23, 2002

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

RE: CA Permit # 02-0112 Ronald Eastburn Variance

Dear Theresa:

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of a family room and garage in the 100' Critical Area Buffer of Patuxent River. This development will add 1,104 square feet of new impervious surface areas within the Buffer and is located in the LDA of a grandfathered parcel.

We do not oppose the granting of the variance provided that a condition be made part of the variance that the required 3:1 mitigation plantings for disturbances to the Buffer be accomplished on-site.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

WC/jjd

cc: SM 311-02

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

May 23, 2002

Ms. Theresa Dent
Department of Planning & Zoning
22740 Washington Street
P O Box 653
Leonardtown, Maryland 20650-0653

RE: CA Permit # 02-0797
Reg and Jetty Townsend Variance

Dear Theresa:

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicants are proposing the construction of a carport over existing slab and a deck in the 100' Critical Area Buffer of Carthagen Creek. This development will create 645 square feet of new impervious surface areas in the Buffer on a grandfathered lot located in the RCA.

This office does not oppose this variance request provided the variance include a condition that the required 3:1 mitigation plantings for disturbances in the Buffer are accomplished on-site.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

WC/jjd

cc: SM 312-02

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



Judge John C. North, II
Chairman

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Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 22, 2002

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

Re: 02-100-026 Dubac's Subdivision of Vowles Purchase, Lots 2 & 3

Dear Theresa,

Thank you for the opportunity to review the above referenced application. The applicant proposes to subdivide a 17.5 acre grandfathered parcel to create Lot 2 and Outparcel 500-A. This parcel is located in the RCA of St. Clements Bay and there is no existing development on the Critical Area portion of this parcel. Lot 3, which is being created around existing conditions, occurs almost entirely outside the Critical Area. The site plan also indicates that a Boundary Line Adjustment is proposed. The following comments are provided for your use:

1. The parent parcel is entitled to only one density right in the Critical Area. If Lot 2 on the March 2000 plat was recorded, **no further development of this parcel may occur without growth allocation**. Please see the attached letter, dated March 31, 2000.
2. This site plan is confusing for the following reasons:
 - The location of the BLAP is not clear. No boundary line changes appear on this plat, i.e., the configuration appears to be the same as what was shown on the March 2000 plat.
 - This plat and the March 2000 plat each show a Lot 2, but not in the same location. Was Lot 2 on the March 2000 plat recorded? Does Lot 2 on the April 2002 plat replace Lot 2 on the March 2000 plat? Or, are two Lot 2s being proposed? If the latter, the second Lot 2 and Outparcel 500-A can not be developed without growth allocation.
3. Although Lot 3 is located outside the Critical Area and not subject to our review, I'd like to point out that the existing structures and driveways shown on this plat differ from that shown on the March 2000 plat.
4. This plat does not provide any information on the presence or absence of wetlands, nor does it specify the location of any rare, threatened or endangered species as indicated in

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Critical Area note # 9 on the plat. The applicant must obtain a determination from the Maryland Department of Natural Resources Wildlife and Heritage Division regarding these species and/or their habitats. A copy of that letter must be provided to this office prior to issuing any approvals for this application.

5. The topographic information appears scant. Is the entire site level at elevation +18?
6. The Resource Protection Table column for forest protection must be amended to be consistent with Critical Area forest conservation requirements, i.e., no more than 30% of the existing forest resources may be removed. Therefore, the table must show forest retention at 70%.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 241-02
Donald J. Ocker, NG&O



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 31, 2000

Ms. Sue Veith
Department of Planning and Zoning
22740 Washington Street, P O Box 653
Leonardtwn, Maryland 20650

RE: Dubac's Family Subdivision
ISUB #00-100-019

Dear Ms. ^{Sue} Veith:

I have reviewed the site plan for the proposal to adjust the lot line around Lot 1 and to create Lot 2 and Outparcels A and B. I have the following comments:

1. The Critical Area designation is RCA; therefore, no additional dwellings beyond the proposed house on Lot 2 can be put in the Critical Area portion of the site without growth allocation. Note 13 should be amended to state that no development can occur within the Critical Area portions of the outparcels.
2. Whenever a new subdivision occurs the 100-foot Buffer should be established. The Buffer on Outparcel A should be established in native Buffer plantings.
3. The Resource Protection Lands Table "1" incorrectly states that 50% of the forest on Lots 1 and 2 is protected. The table should accurately reflect the correct information for reforestation requirements within the Critical Area.

Please call me at (410) 260-7076 if you have any questions. Thank you for the opportunity to review this project.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Donald Ocker, NG&O

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 22, 2002

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

Re: 02-140-020 Boundary Line Adjustment Plat for Dillow Estates: Lots 1 and 2

Dear Theresa,

Thank you for the opportunity to review the above referenced project. The applicant proposes to combine three lots of record into two lots located within the LDA of Nats Creek. This boundary line adjustment will not increase density. One dwelling already exists on one of the lots.

Our office has no comment on this application provided the soils, wetland, and topographic information confirm that Lot 1 is buildable. We concur with the County's findings in their April 30, 2002 staff review memo.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 264-02

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

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

May 22, 2002

Mr. James W. Price, Director
Program Open Space
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Local POS/CCP Project # 4011-3-360 Multi-use Path System at Southwest Park
Baltimore County Department of Parks and Recreation

Dear Chip,

The above referenced project lies within the Critical Area of Patapsco River. Development within the Critical Area on properties owned by a local agency are reviewed by both the Baltimore County Department of Environmental Protection and Resource Management and our office. The Department of Parks and Recreation should contact Ms. Pat Farr at 410-887-3980 early in the design phase for guidance on Critical Area development criteria. Depending on the scope of this project, it is possible that the project may require formal approval by the Critical Area Commission. This determination can be made once a footprint for the pathway is proposed.

I may be reached at 410-260-3481 if you have questions about these comments.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Pat Farr

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

TTY For The Deaf:
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Judge John C. North, II
Chairman



Ren Serey
Executive 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 20, 2002

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

RE: SFD # 02-0225 Friendship Acres Lot 8

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Limited Development Area of Nanjemoy Creek. None of this development will occur within the 100-foot Critical Area Buffer.

This office does not oppose this site plan. However, we would like to point out that building a house up against the Buffer line when there is ample opportunity to site the house farther away from the Buffer line will cause problems for future property owners who might want to expand upon the design of this dwelling. This office cannot support a variance for any development in the 100-foot Critical Area Buffer at this site. Therefore, we recommend that a statement be placed on the site plan, or a condition required by the grading and building permits, that encroachment into the Buffer by construction equipment or staging of materials during construction is prohibited.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 266-02

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

May 20, 2002

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

Re: Variance Case Number 2098 Stephanie Cooney

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a porch and shed onto a grandfathered lot located in the LDA of Covey Creek. Both of these structures are proposed in the 100-foot Critical Area Buffer and will create 528 square feet of new impervious surface areas in the Buffer.

This office does not oppose this request. We recommend that the variance include a condition that the applicant provide the required 3:1 mitigation plantings on-site in the Buffer, and if the property is not 15% afforested, that the applicant also provide forest plantings to meet the 15% afforestation requirement.

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

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DC 269-02

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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

May 20, 2002

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

Re: Variance Case Number 2099 Michael Brown

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a deck onto an existing house located in the LDA of Hudson Creek. This project will create 200 square feet of new disturbance in the 100-foot Critical Area Buffer.

This office does not oppose this request provided the construction of this deck does not cause the site to exceed its limit on impervious surface areas. We recommend that the variance approval include a condition that the applicant provide the required 3:1 mitigation plantings on-site in the Buffer, and that if the site does not meet the 15% afforestation requirement, that additional plantings be provided until the site meets the 15% afforestation requirement.

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

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: DC 270-02

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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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May 16, 2002

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

RE: SFD # 02-0228 Woodberry Farms Lot 3

Dear Elsa,

Thank you for the opportunity to comment on the above referenced site plan. This site plan is for the development of a single family home with driveway and sand mound system on a lot located in the RCA of Hatton Creek and Wicomico River. All of the proposed development is located outside the 100' Critical Area Buffer and no forest clearing will be required.

This office does not oppose this site plan provided that the calculation of existing forest cover does not include state tidal wetlands acreage. Afforestation may need to be provided if it becomes necessary to subtract state tidal wetlands acreage from the existing forest cover acreage.

Otherwise, the applicant is encouraged to provide native woody vegetation plantings in the Buffer when undertaking landscaping improvements to the property.

As requested in my February 2, 2001 letter regarding the subdivision application, the following note needs to be provided on this site plan:

- There shall be no construction or disturbance of natural vegetation within the 100-foot Critical Area Buffer.

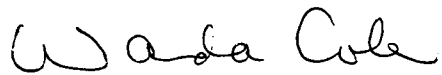
The property owner should be advised that construction of the house so close to the Critical Area Buffer line constrains the future placement of a pool, deck, patio, and similar amenities that might be desired on the waterfront side of the house. Our office cannot support variances for development on non-grandfathered lots.

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

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 244-02

MEMORANDUM

RECEIVED

MAY 20 2002

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

TO: Ray Dintaman (ER and FS)
✓ Regina Esslinger (CBCAC)
Tim Larney (WHS)
Marian Honecny (FORS)
Arnold Norden (LWCS)

FROM: Diane R. Evans *DR E*
EBPGM

DATE: May 16, 2002

RE: Amendments to 1996 Dorchester County Comprehensive Plan

Dorchester County has submitted a draft of their amendments to the 1996 Dorchester County Comprehensive Plan for our review and comment. It would be appreciated if you would review their amendments for a determination of consistency within your Department's plans and programs. They are attached for ease of reference. If you have technical questions, please call me at 410-260-8722.

In order to facilitate DNR's response to this request, please submit your comments to me no later than Wednesday, May 29, 2002. Thank you!

<u>CHECK ONE, INITIAL AND DATE</u>	<u>CHECK</u>	<u>INITIAL</u>	<u>DATE</u>
The plan does not conflict with the plans, programs or objectives of this agency.	<input checked="" type="checkbox"/>	<i>wdc</i>	<i>5/22/02</i>
The plan does not conflict with this agency's plans, programs or objectives, but the attached comments are submitted for consideration.	<input type="checkbox"/>	_____	_____
The plan conflicts with this agency's plans, programs or objectives for the reasons indicated on the attachment.	<input type="checkbox"/>	_____	_____



05/27/02

Parris N. Glendening
Governor

Maryland Department of Natural Resources
ENVIRONMENTAL REVIEW

J. Charles Fox
Secretary

Kathleen Kennedy-Townsend
Lt. Governor

Tawes State Office Building
Annapolis, Maryland 21401

Karen M. White
Deputy Secretary

May 13, 2002

Memorandum

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MAY 15 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

To: Tammy Broll, NRP
Regina Esslinger, CAC
Diane Evans, CCWS & EBPGM
Bill Hodges, RAS
Tim Larney, WHS
Arnold Norden, LWCS
Howard King, Fisheries Service

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

Subject: ERU File No. 02-MIS-140; Proposed Testing of the Advanced Amphibious Assault Vehicle (AAAV); St. Mary's, Calvert, Dorchester, Wicomico, and Somerset Counties

Enclosed please find a request for comments regarding potential environmental concerns with the proposed testing of the AAAV in the already designated Chesapeake Testing Range by the U.S. Marine Corps. Please review the submitted materials and provide any comments you may have by **June 3, 2002**. If no comments are received by that date we will assume that you have none. If you have any questions, please contact Roland Limpert of my staff at X-8333.

Check one:

Comments are attached.

No Comments.

W. Cole Cole
Signature

CAC
Agency

05/23/02
Date

RCD:RJL

Enclosures

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 7, 2002

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

Re: CA Permit #01-1902 George Diaz

Dear Theresa:

This letter is in response to the St. Mary's County Board of Appeals' request for an explanation on how our office determined that the expanded Critical Area Buffer for contiguous steep slopes on this site should include the entire lot.

- COMAR 27.01.09.01(C)(7) states, "In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded four feet for every one percent of slope, or to the top of the slope, whichever is greater in extent." The St. Mary's County's Critical Area Ordinance, in Section 38.2.13(e)(2)(a), states the same criteria. In this case, we determined that the percentage of slope ranged between 42-50%, depending on which point along the Buffer line that the slope was being assessed, with the most common measurement being 45-46%. We used the average of 45.8%.
- After multiplying by four, we found the Buffer line needed to be expanded at least another 183 feet, for a total Buffer width of 283 feet. When this distance was measured from the mean high water line, the expanded Buffer line falls in the middle of the area labeled a "R-2" in the SRA, thereby encumbering almost the entire development envelope within the expanded Buffer.
- The expanded Buffer line delineated by D. H. Steffens Co. falls on an area where the slope exceeds 15%; therefore, the Buffer has not been expanded for "whichever is greater". In this case, based on the criteria above, the Buffer must be expanded until it reaches Whiskey Creek Road.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 88-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 7, 2002

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

RE: XRS 02-0038 John L. Sprague Intra-family Transfer

Dear Mr. Faasen,

Thank you for the opportunity to review the most recent information regarding the above referenced intra-family subdivision request. The following additional information is requested in order to complete our review:

1. Topographic, wetland, forest cover, and soils information is needed in order to determine whether the 100' Critical Area Buffer has been properly delineated along the tributary stream, and how these features might affect the development envelope.
2. The limits of the sewage reserve area should be shown.
3. Will afforestation be necessary on this parcel?
4. Has the Maryland Department of Natural Resources Wildlife and Heritage Division been contacted regarding a determination on rare, threatened or endangered species and their habitats? A copy of the determination letter must be provided to this office prior to issuing any approvals for this subdivision.
5. If this subdivision results in a change in use from agriculture to residential, the 100' Critical Area Buffer must be fully established in forest vegetation.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 240-02

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

CLEARINGHOUSE REVIEW

May 22, 2002

RECEIVED

MAY 28 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} Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 4157-8-47
Bensville Park Development
Charles County County

This project proposes the design and development of a 94 acre regional sports fields complex.

Bensville Park is located between the Waldorf and Pomfret communities. It will serve the demand for additional active recreation for both the areas.

The development will include four Little League baseball fields, one regulation baseball field, one football field, four various sized soccer fields, and a community multi-purpose playing field. In addition to the sports fields, playground facilities, a concession building and a perimeter trail are planned.

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.

wdc

Project is not located in the Critical Area

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.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 3, 2002

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

RE: SFD # 02-0241 Charleston Estates Lot 8

Dear Elsa,

Thank you for providing me with the tax map information and aerial images for this site. I have compared the aerial image you sent me with the ones I used from the Charles County soil survey, MERLIN database, and the state tidal wetlands map. Using the intersection with Hatton Creek Road and Hatton Landing Drive as a reference point, the curve in Hatton Creek Road, and the location of hedgerows and woods lines, I have confirmed that the ravine with the tidal wetlands is located in the wooded area on the west side of Lot 8.

I have enclosed for your use printed aerials taken from MERLIN, state tidal wetland maps 56 and 59, and Charles County soil survey map 42. While the tax map parcel lines do not appear to line up with the shoreline, the wetlands information does coincide with the feature it represents. I have drawn blue arrows pointing to the subject ravine.

The site plan shows the property lines but not the location of the mean high water line. The mean high water line needs to be field-located and shown on the plan. At the same time, the extent of any tidal or nontidal wetlands must be shown. Then it can be determined if the 100' Critical Area Buffer has been delineated correctly.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 203-02

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

MERLIN Online Map - Charleston Estates Lot 8

Real Property

CH Property Map 89



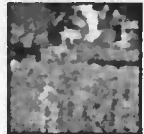
CH Property Map 87

Base Maps

3.75' Quarter Quad Grid



Rock Point SW 3.75' CIR 04/08/1993



Rock Point Quad 7.5' Topo



N 69504.90m E 411783.73m

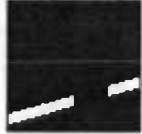


Coordinates at center of image in Maryland State Plane, NAD 1983 meters
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Created with TNTserver™ from Microimages, Inc

MERLIN Online Map - Lot 8 Charleston Estates NWI Wetlands. Orange = Tidal wetlands

Real Property









CH Property Map 89



CH Property Map 87

Sensitive Areas

CH Wetlands - NWI

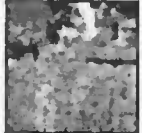
-  E1OWL, E1OWL6...
-  PEM/OWZH, PEM1/SS1Eb...
-  R1UBV, R2OWHX...
-  E1OWL6, E1UB4L6...
-  L1OWHH, L1OWKZH...
-  PAB/OWFX, PAB/OWZH...
-  R1EM2N, R1UBV...
-  U

Base Maps

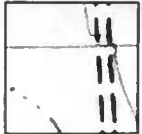
3.75' Quarter Quad Grid



Rock Point SW 3.75' CIR 04/08/1993



Rock Point Quad 7.5' Topo

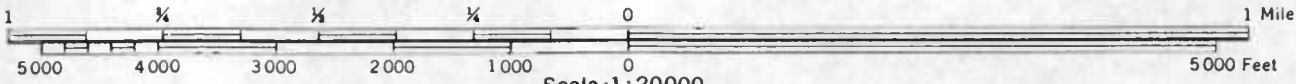


N 69461.87m E 411588.04m



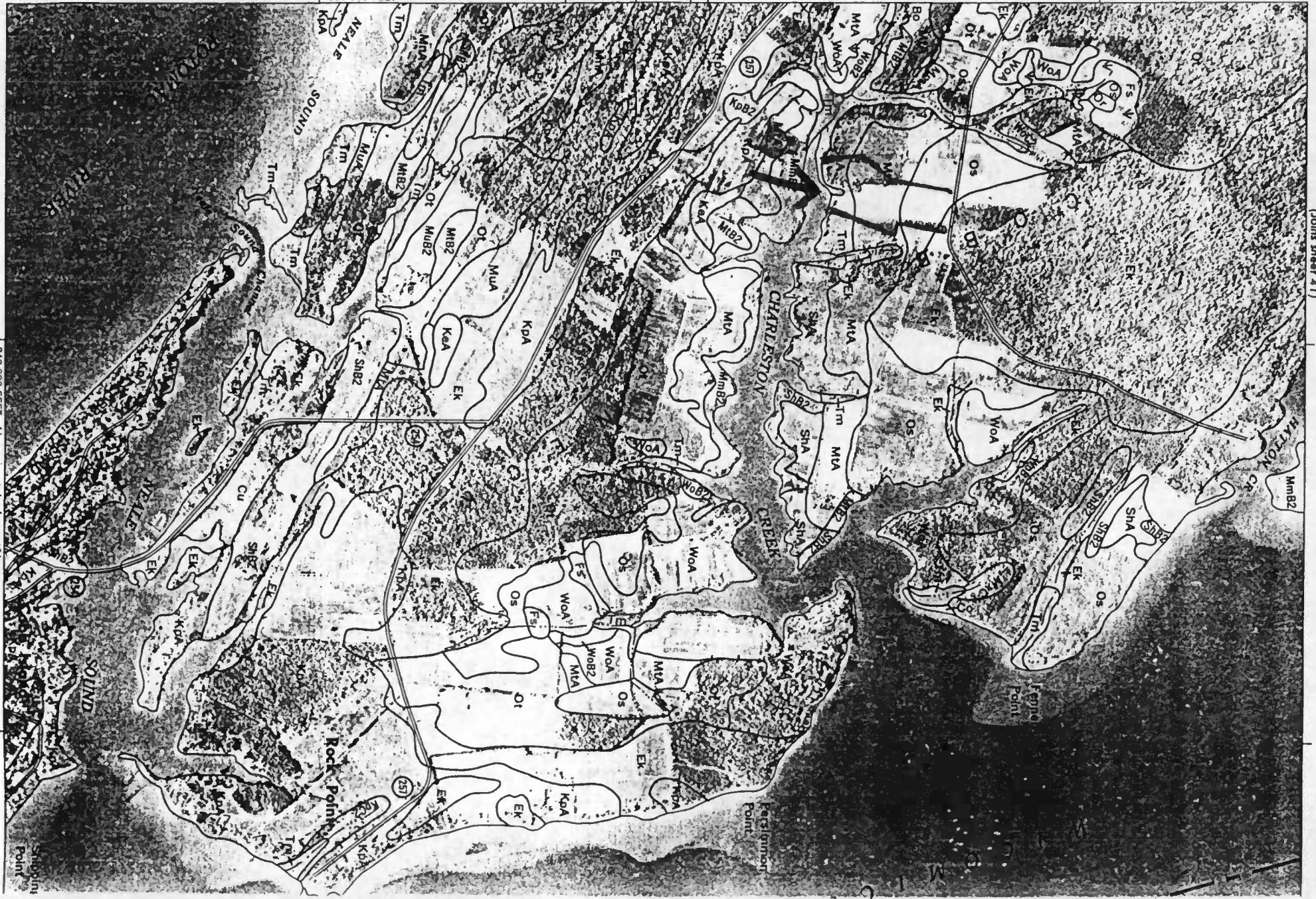
Coordinates at center of image in Maryland State Plane, NAD 1983 meters

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Created with TNTserver™ from Microlimages, Inc



(Joins inset B, sheet 41)

160 000 FEET



840 000 FEET (Joins inset A, sheet 41)

(Joins sheet 41)

CHARLES COUNTY



U

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41/42



Parris N. Glendening
Governor

J. Charles Fox
Secretary

Maryland Department of Natural Resources

Kathleen Kennedy Townsend
Lt. Governor

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Karen M. White
Deputy Secretary

REVIEW AND EVALUATION
OF ACTIVITIES AFFECTING DNR LAND

Date: May 3, 2002

To: John Moulis
Greg Schenck
Lori Byrne
Regina Eßlinger
Raj Williams

FROM: Amber Widmayer

SUBJECT: Fishing Bay WMA Research Request (2002-DNR-128)

Please review the attached information regarding this project and provide any comments you may have. Return this completed memo and any comments directly to me by May 17, 2002. If I do not receive comments by that date, I will assume that you do not have any. Thank you.

Check one:

Comments are attached

No comment

Wanda Cole

Signature

CBCAC

Agency

Judge John C. North, II
Chairman



Ren Serey
Executive 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 3, 2002

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

RE: 02-06 Marshall H. Keeney Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to attend a site visit with you for the above referenced variance request. The applicant is proposing the construction of a garage within a Habitat Protection Area- a nontidal wetland buffer- in the Critical Area of Browns Creek. This is a grandfathered lot located in the LDA.

This office does not oppose the granting of this variance request. We recommend that the applicant provide native plantings that will both offset the additional stormwater quality impacts created by the new impervious surface area, as well as provide on-site afforestation up to 15%.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC 204-02

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 2, 2002

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

Re: Comprehensive Review of St. Mary's County Critical Area Program

Dear Mr. Grimm,

It is my understanding that the County has completed the comprehensive review of its local Critical Area Program. The updated St. Mary's County Critical Area Ordinance was received in our office on April 18, 2002 and we have accepted the amendments for processing. The Buffer Exemption Area maps and findings have not been provided at this time. If the County wishes to include the designation of these areas in the comprehensive review, the maps and findings must be submitted to the Commission no later than May 15, 2002.

Commission Chairman John C. North, II will appoint a panel to conduct a public hearing on the proposed amendments and make recommendations to the full Commission. The hearing will be held in St. Mary's County on Thursday, May 23, 2002 at 7:00 pm in the Jury Assembly Room of the St. Mary's Courthouse located at 41605 Courthouse Drive in Leonardtown. I will be in contact with your office to make all necessary arrangements.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Sue Veith
Theresa Dent

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 29, 2002

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

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

Dear Sue,

Thank you for the opportunity to review the revised growth allocation request, which will be submitted to the Planning Commission on May 13, 2002. The revised site plan now shows a 28-lot, clustered development. The remaining RCA is shown as proposed community recreation/open space with trail development and a community pier.

The following comments are provided for your use:

1. The development envelope shown is not consistent with the Commission's policy. It needs to be contiguous and must include all of the development present on the parcel, including all individual lots, required buffers, impervious surfaces, roads, and active recreation areas.
2. The acreage for existing lots 2-5 must be deducted as growth allocation. These lots were created in 1995 as a subdivision around existing conditions. The use of growth allocation and the additional subdivision of the parent tract creates a nonconforming situation with the existing lots, therefore they must be included in the growth allocation "development envelope."
3. The areas designated as Community Open Space, located to the northeast of Lots 16-28, and between Lots 1-4 and 8-10, must be included in the development envelope and deducted as growth allocation. The community recreation area adjacent to existing Lots 3 and 4 must also be included in the development envelope. Once these areas are deducted, what will be the size of the remaining RCA area? The remaining RCA area must appear as a contiguous 20-acre area, otherwise the acreage must also be deducted.

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

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

4. The State tidal wetlands acreage must be deducted from the total Critical Area acreage of the parcel. This will include all of the acreage associated with the tidal pond and its adjacent type 47/51 vegetated tidal wetlands. In addition, the state tidal wetlands map shows a type 44/51 vegetated tidal wetland within the drainage way between the dam for the nontidal pond and Little Kingston Creek. State tidal wetland acreage cannot be used in determining density, forest cover or impervious area calculations.
5. The site data shown on the revised site plan dated February 20, 2002 references Parcels A-C under "Location", yet these parcels are not delineated on the site plan. Where do these parcels come from? They must be delineated on the site plan.
6. The Maryland Department of Assessments and Taxation real property database shows individual records for Parcels A, B, C, Outparcel A, Clearbrook Lane, and existing Lots 2-5 all as parts of Tax Map 34 Parcel 126. According to the tax assessment database, the Critical Area acreage for Parcels A-C, Clearbrook Lane and existing Lots 2-5 totals 48.28 acres before deducting the state tidal wetlands. The Critical Area acreage shown in the site data states 52.0 acres. Please verify the acreages associated with Parcels A-C, Clearbrook Lane and existing Lots 2-5.
7. The acreage for Lots 25-28 and the east and west entrance roads needs to be shown on the plan.
8. Existing Lot 1, owned by Susan Frosch and located east of the project site, is labeled as part of Clearbrook Farms. How does Lot 1 fit into this proposal and the parent tract? Was it subdivided from the parent tract? If so, please provide a subdivision history. What is the size of existing Lot 1?
9. Existing Lots 2-5 are also labeled as Lots 16-19 on the revised site plan (see the note located on Lot 4). They will need to be included in the growth allocation application and, therefore, should be numbered to coordinate with the rest of the project.
10. The 0.65 acres of existing impervious surface area seems low, given the size of Clearbrook Lane, the four houses, two barns, and any other accessory structures that might occur on the existing lots. Please verify that these numbers are correct.
11. There is an existing structure located in the proposed Community Open Space area to the southeast of Lot 15. Is this one of the barns to be removed? If not, what will become of this structure and is it included in the existing impervious surface calculations?
12. The 2.8 acres of proposed impervious surfaces also seems low, given the addition of two entrance roads and the future development that will occur. What does the 2.8 acres include? No more than 15% of this parcel, excluding state tidal wetlands, may be used for impervious surface areas. We recommend that the plat include a table that specifies the distribution of impervious surface area allocations for the project and for each lot.

13. The 2000 MDE stormwater management design manual requires stormwater management for 1" of rainfall, not ½ inch as stated in the applicant's transmittal letter. Stormwater management facilities may not be located in the Buffer or expanded Buffer.
14. The Wildlife and Heritage determination needs updating. The applicant must provide this office with an updated determination letter from the Wildlife and Heritage Division of the Maryland Department of Natural Resources.
15. It appears the Buffer has not been properly delineated for tributary streams. Both the Spring 2001 aerial photo and the St. Mary's Soil Survey suggest the presence of streams in the upper and lower drainage reaches of the nontidal pond, as well as within the drainage swale leading to the head of the tidal pond. We would like to look at these areas more closely with you and the applicant in the field to determine if these areas are streams. If they are streams, they must be considered tributary streams and the 100' Buffer will need to be delineated along each side.
16. How many boat slips can be accommodated at the community pier? Will the developer be providing a community pier as part of this subdivision? If a community pier is provided, individual private piers are not permitted.
17. Will the access trail to the lake (between Lots 10 and 11) be paved? What surface treatment is intended for all of the trails?
18. The applicant must address the adjacency guidelines contained in COMAR 27.01.02.06.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 533-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 22, 2002

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

RE: CA Permit # 02-0465 Patrick Murphy Variance

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of a deck within the 100' Critical Area Buffer, located on a grandfathered lot within the LDA of Wicomico River.

This office does not oppose this variance provided that the required 3:1 mitigation for new disturbances is provided on-site within the Buffer. We recommend that this requirement be reflected as a condition of the variance.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 22, 2002

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

RE: XRS 02-0032 Peter Q. Nyce

Dear Reed,

Thank you for the opportunity to review the above referenced one-lot subdivision proposal. The applicant proposes to subdivide a 229.88 acre property containing 71.19 acres in the Resource Conservation Area of Wicomico River. The following comments are provided for your use:

1. Although this plat is labeled as a lot line adjustment, it is, in fact, a one-lot subdivision. Trading the acreage from outside the Critical Area to an area within the Critical Area changes the land development requirements applicable to it. The title of the plat should be changed accordingly, and the new lot should be clearly labeled as "Lot 1" or similar designation.
2. We concur with all your Critical Area-related comments in your April 5, 2002 memo to Sheila Geisert.
3. In addition to your comment # 5 regarding the soils information, topo information must be provided to assist in determining whether the 100' Critical Area Buffer needs to be expanded to include steep slopes.
4. The location of the forest cover must be shown. If afforestation is needed, a statement to this effect must appear on the plat.
5. It appears that only one density right will remain with the residue, provided the state tidal wetland acreage does not reduce the total Critical Area acreage to less than 60 acres.

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

6. Information on the MERLIN database, as well as the Charles County Soil Survey, indicates that NWI nontidal wetlands are associated with the floodplains and upper reaches of the two tributary streams. Enclosed for your use are two copies of the MERLIN image. A field delineation must be conducted to determine their presence and, if found, delineated on the plat. The 100' Critical Area Buffer might need to be expanded for contiguous nontidal wetlands.
7. The applicant will need to contact the Wildlife and Heritage Division of the Maryland Department of Natural Resources for a determination on the presence of rare, threatened and endangered species, as well as Habitat Protection Areas. A copy of the determination letter must be forwarded to this office for review prior to issuing any approvals for this subdivision. Please note that the MERLIN image shows a sensitive species polygon in the offshore area, most likely waterfowl concentration and staging areas.
8. A note on the plat should be provided that requires all Critical Area restrictive statements to be incorporated into all subsequent site plans and survey plats as a means to alert subsequent property owners of these restrictions.

If you have any questions regarding these comments, please contact me at 410-260-3481. Please forward a copy of the revised plat to this office for follow-up review.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 199-02
Kathy McCarthy

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 19, 2002

Mr. Bill Higgs
Little Silences Rest, Inc.
543 Indian Bridge Road
California, MD 20619

Re: ISUB # 01-100-075 River View Farms Resubdivision: Lots 5000-8A and 5000-8B

Dear Mr. Higgs,

Thank you for providing the subdivision history and revised plat for the above referenced project. Enclosed for your file is a copy of my February 7, 2002 letter to Ms. Theresa Dent with our most recent comments on the submittal.

It appears the only remaining item to be addressed is to contact the Wildlife and Heritage Division at the Maryland Dept of Natural Resources to obtain a determination letter on the presence of any rare, threatened or endangered species or habitat protection areas. If you have not already done so, please send a copy of your plat to Ms. Lori Byrne, Environmental Review Specialist, 580 Taylor Avenue E-1, Annapolis, Maryland 21401. Ms. Byrne may also be reached at 410-260-8573.

Please provide this office with a copy of the determination letter once it becomes available.

Please contact me at 410-260-3481 if you need further assistance.

Sincerely,

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

Wanda Cole
Natural Resources Planner

Encl.

cc: SM 6-02
Theresa Dent (w/o encl.)
Lori Byrne (w/o encl.)

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

February 7, 2002

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

Re: River View Farms Resubdivision: Lots 5000-8A and 5000-8B

Dear Ms. Dent,

Thank you for providing the subdivision history we requested for the above referenced project. The applicant proposes to create Lots 5000-8A and 8-B from parcel 500-8, which was created by subdivision in February 8, 1988. This 34.16 acre parcel contains 17.93 acres located within the Critical Area. Lot 5000-8B will contain all of this Critical Area acreage and has one RCA density right. The applicant might consider drawing the boundary line tangent to or along the Critical Area boundary to avoid having two levels of zoning on the property.

We do not oppose this subdivision proposal provided the Wildlife and Heritage determination is obtained prior to development on the property.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 6-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 19, 2002

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

Re: Variance # 1063 Eric Johnson

Dear Elsa,

Thank you for the opportunity to review and comment on the above referenced variance request. The applicant is requesting a variance to construct a single-family dwelling, garage and driveway within the 50' Critical Area Buffer of Potomac River. This is a grandfathered property that lies within an approved Buffer Exemption Area. The applicant is also proposing a variance to exceed the impervious surface limits set forth by the Charles County Critical Area Ordinance. The applicant is proposing to implement 2:1 Critical Area mitigation plantings on-site within the Buffer to offset the proposed Buffer disturbances.

This office does not oppose either of these variance requests. The state law provides for a maximum impervious surface limit of 31.25% on parcels of this size.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 198-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 19, 2002

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

RE: CA Permit # 02-0380 Debra Yost

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of an 18' x 44' addition, a portion of which will be located within the 100' Critical Area Buffer. This is a grandfathered lot located in the LDA of Trent Hall Creek.

This office does not oppose this variance provided the required 3:1 mitigation plantings are implemented on-site within the Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 201-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 19, 2002

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

Re: CA Permit # 02-0104 Richard Darnall & Kathleen Matlock

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of a 208 square foot deck onto an existing house located in the 100' Critical Area Buffer of Patuxent River. This is a grandfathered lot located in the LDA.

This office does not oppose this variance request provided the required 3:1 mitigation plantings are implemented on-site within the Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 200-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 19, 2002

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

Re: Variance Case Number 2093 Timothy Pickens (After-the-Fact)

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request, which is being submitted after-the-fact for the construction of a 512 square foot addition in the expanded Critical Area Buffer. This property is a grandfathered lot located in the Resource Conservation Area of Blackwater River.

This office does not oppose the granting of this variance provided the required 3:1 forest mitigation is provided on-site to offset the Critical Area Buffer impacts, and that the applicant apply for and comply with any MDE nontidal wetlands permits that pertain to this action.

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

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DC 202-02

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

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CLEARINGHOUSE REVIEW

April 19, 2002

RECEIVED

APR 25 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: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 4116-8-46
Charles County Skatepark, Charles County

This project proposes the construction of a concrete-based skatepark at the White Plains Regional Park. The facility will accommodate skateboards, in-line skates and BMX bicycles. In addition to the skatepark a small control building and restroom facility will be constructed. The skatepark will be a complement to the existing athletic fields, golf course and picnic areas.

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.

wdc Project not located in the Critical Area.

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.

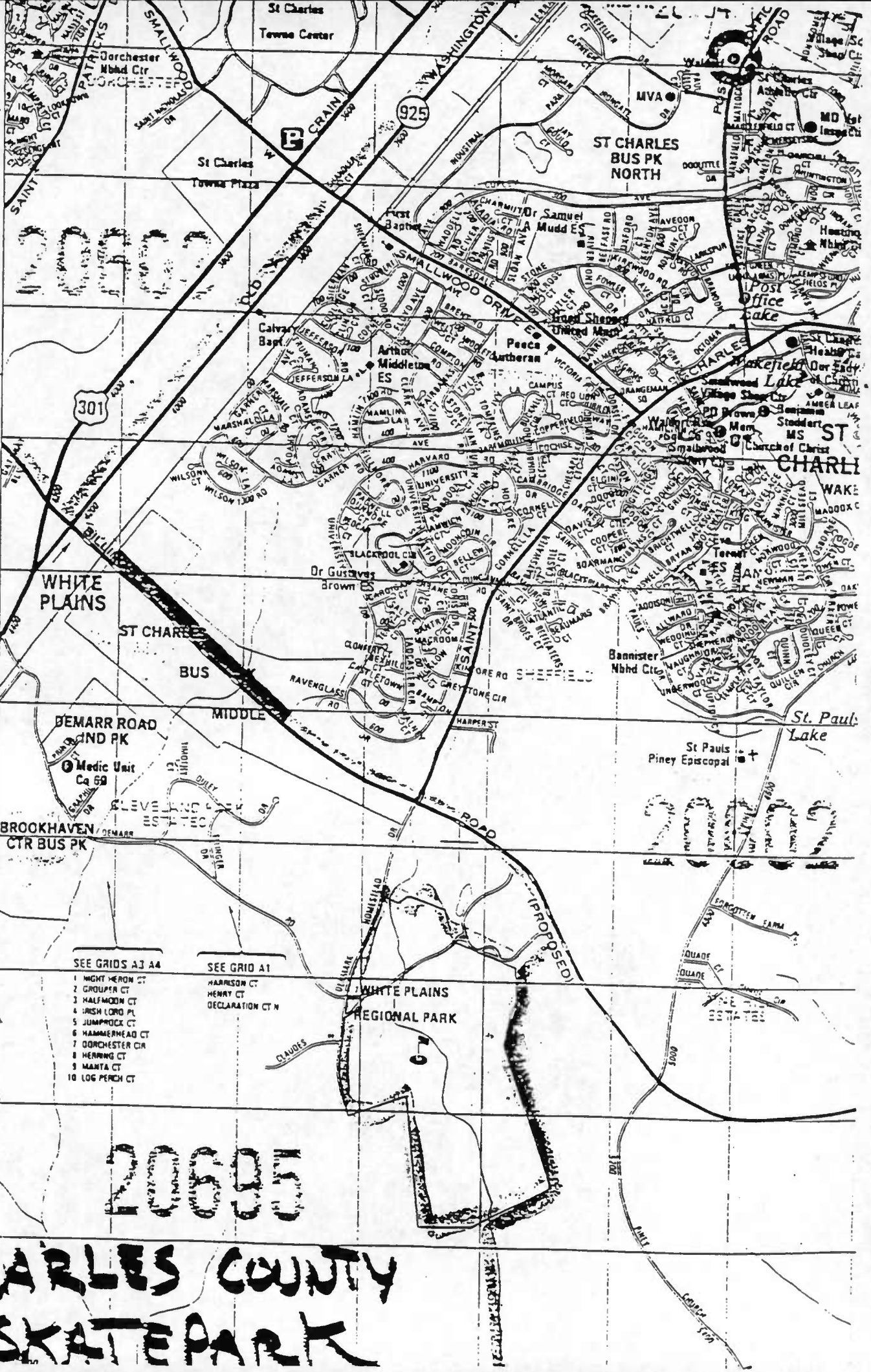
Joins Map 9

38°35'00"

MD GRID 270,000 FT

12

13



- SEE GRIDS A3 A4
- 1 NIGHT HEARON CT
 - 2 GROUPER CT
 - 3 HALF MOON CT
 - 4 IRISH LORD PL
 - 5 JUMPROCK CT
 - 6 HAMMERHEAD CT
 - 7 DORCHESTER CIR
 - 8 HERRING CT
 - 9 MANTA CT
 - 10 LOG PERCH CT

- SEE GRID A1
- HARRISON CT
 - HENRY CT
 - DECLARATION CT N

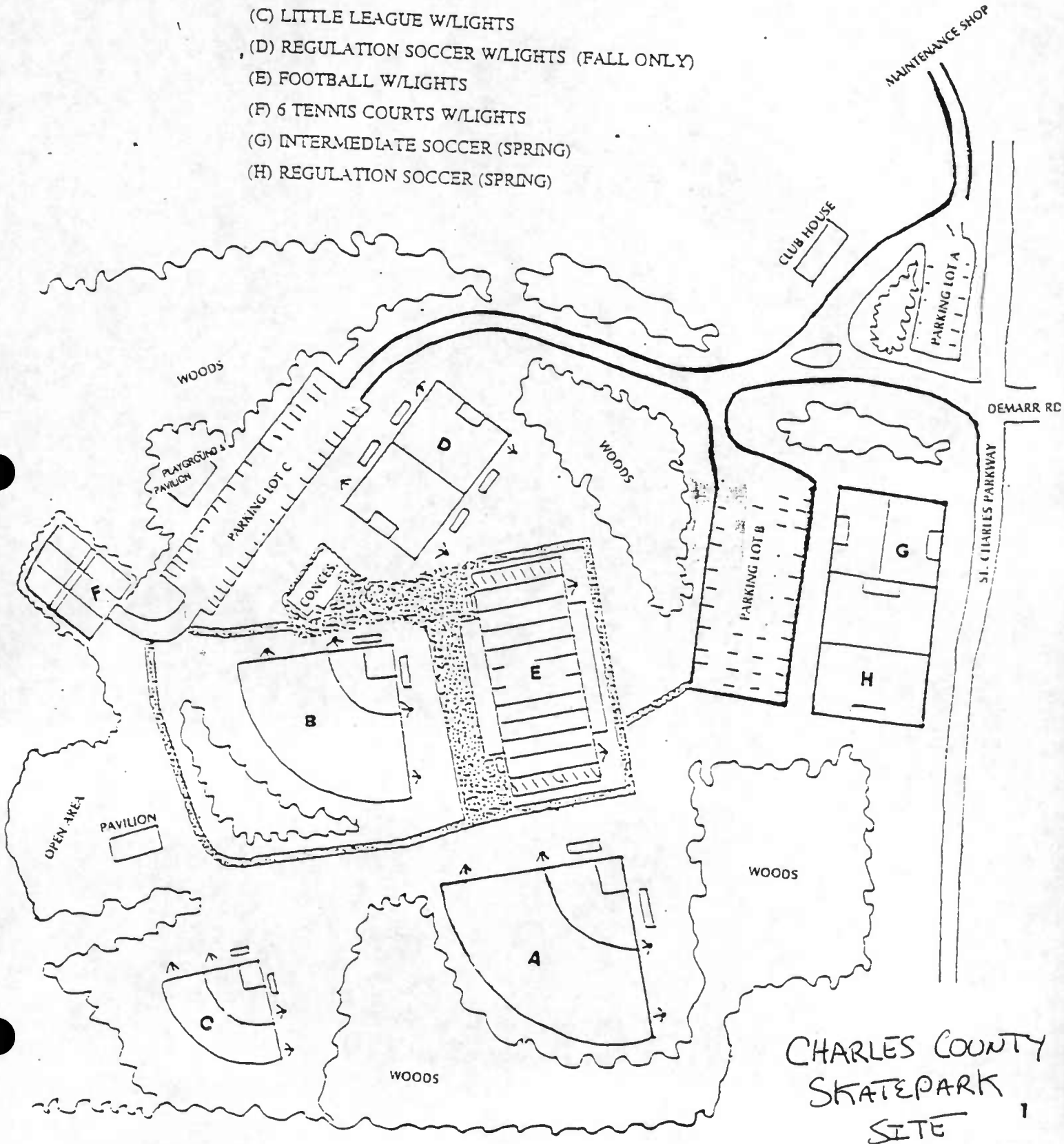
CHARLES COUNTY SKATEPARK

CHARLES COUNTY DEPARTMENT OF PUBLIC FACILITIES
COUNTYWIDE ATHLETIC FIELDS

FACILITY: WHITE PLAINS PARK

LOCATION: INTERSECTION OF DEMARR ROAD AND ST. CHARLES PARKWAY, WHITE PLAINS

- AVAILABLE FIELDS:
- (A) REGULATION BASEBALL W/LIGHTS
 - (B) SOFTBALL W/LIGHTS
 - (C) LITTLE LEAGUE W/LIGHTS
 - (D) REGULATION SOCCER W/LIGHTS (FALL ONLY)
 - (E) FOOTBALL W/LIGHTS
 - (F) 6 TENNIS COURTS W/LIGHTS
 - (G) INTERMEDIATE SOCCER (SPRING)
 - (H) REGULATION SOCCER (SPRING)



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 18, 2002

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

RE: SFD # 02-0241 Charleston Estates Lot 8

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Charleston Creek. The following comments are provided for your use:

1. The site plan will need to be modified to show the State tidal wetland boundary which falls within the ravine to the north and east of the SRA. The Charles County soil survey, the State tidal wetlands maps (types 41 and 42), and MERLIN database all show a tidal marsh boundary extending up into this ravine. Given the configuration and elevation of the ravine, nontidal wetlands might also be present within the upper gradient portion of the drainage. A field delineation using the three parameters for identifying wetlands is needed to determine the extent and type of wetlands present so that they can be shown on the plan. Any state tidal wetland acreage must be subtracted from the lot acreage.
2. Once the wetland information is provided, the 100' Critical Area boundary may need to be revised and/or expanded. If so, the alignment for the pump chamber, gravity line, and force main will need to be shifted to avoid encroachment into the Buffer.
3. Forest clearing for the installation of the sand mound system will require 1:1 Critical Area forest mitigation. This mitigation will need to be provided on-site using native species, in addition to the CREP plantings being provided by the applicant. We also recommend that the plantings include a mix of species rather than be planted as a monoculture.

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4. The applicant has mentioned using American chestnut plantings obtained from a Virginia university research source. We recommend that the applicant provide information on whether these trees are cultivated from a strain of American chestnut or a hybrid with another form of chestnut. A hybrid form would not be considered a native species.
5. I spoke with Mark Xander, Charles County sanitarian, regarding the updated perc tests performed last year and inquired as to whether the SRA could be relocated out of the woods and away from the shoreline. Even though groundwater was not intercepted until five feet below grade, the soils drained too slow for a sand mound system. Given that the soils get wetter as you move away from the shoreline, it appears that alternative SRA sites are unlikely in the open fields. Therefore, the proposed SRA will have to remain within the existing easement.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 203-02

CLEARINGHOUSE REVIEW

RECEIVED

April 16, 2002

APR 18 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 Flemming, 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)

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

SUBJ: DNR Clearinghouse Review of Local POS Project # 4105-18-89
Nicolet Park Expansion, St. Mary's County

This project proposes the expansion of Nicolet Park to accommodate growth in the Lexington Park area. The expansion includes multi-purpose play area, bike trail, outdoor roller hockey rink, playground, nature trails, picnic areas, basketball courts, and skatepark.

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.

wdc

Not in the CBCritical Area

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

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

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

CLEARINGHOUSE REVIEW

April 16, 2002

RECEIVED

APR 18 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)
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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)

FROM: James W. ^{Jwf}Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 4104-18-88
Northern County (Chaptico) Park, St. Mary's County

This project proposes the construction of Phase I development of the new 250 acre regional park. Approximately 40 acres will be developed in Phase I and will include clearing and excavation, utilities, roads and parking, nine soccer fields, multiple use area, and concession and restroom 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.

wdc

Not in the CB
Critical Area

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

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 12, 2002

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

RE: 02-04 Brian MacDonald Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request, and for joining me on a site visit, where we had the opportunity to speak with the applicant.

The applicant is proposing the construction of a pool within the 100' Critical Area Buffer. This is a grandfathered lot located in the RCA of Chesapeake Bay and Browns Creek. The lot measures nearly two acres in size and is shaped as a long, narrow rectangle lying on both sides of Breezy Point Road. This configuration allows the parcel to have road frontage on both sides of the road and waterfront access to both Chesapeake Bay and Browns Creek.

This office opposes this variance request for the following reasons:

1. There are ample alternatives to locate a pool on this property without disturbing the Buffer. The applicant's house sits a considerable distance back from Breezy Point Road, where the yard between the house and road is level and clear except for a few trees lining the driveway. There is room to add attractive landscape or privacy fencing if the applicant needs additional privacy from the view of neighboring houses, which also sit a considerable distance from this portion of the property. Indeed, the location proposed by the applicant in this request is in full view from neighboring properties.
2. The applicant bought this lot in August 1987 and completed construction on the house by November 1987, just a few months prior to the County's adoption of their Critical Area Program and ordinances. The Critical Area development Criteria had been published and made available to waterfront property owners by that time. The applicant's house was sited nearly at the 100' Buffer line, constraining the site for future, desired recreational amenities, such as a pool, even though there was room on site to have accommodated

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both a house and pool outside the Buffer in the configuration that the applicant now seeks.

3. The applicant has already encumbered the Buffer by a number of uses, some of which were most likely created after the County's Critical Area Program went into effect. The applicant's septic fields and underground electric are located in the Buffer immediately adjacent to the proposed pool location. A shed and gazebo are also located in the Buffer, and the applicant also indicated that he parks his recreational vehicle and boat in the Buffer, as well.

The applicant has stabilized almost the entire face of this 21' high, >15% slope with riprap and timber terracing walls, and stabilized the shoreline with riprap, leaving a slope with little or no natural features. The slope comprises approximately 1/3 of the Buffer.

The remaining 2/3 area of the Buffer consists of lawn grasses, some foundation landscaping, and a few, very large diameter, very tall and stately mature trees. The roots of these trees certainly lie beneath the proposed pool area and would be cut when the pool is excavated. These trees would most likely die once their roots are damaged.

It is our opinion that the arguments for hardship are more focused on matters of inconvenience, rather than true hardship. There are alternatives that would not require a variance. The Buffer is to be protected from all disturbances in order to maintain its water quality and habitat functions so important to the Chesapeake Bay. The Buffer at this site has already been compromised and we recommend that the remaining Buffer be protected from further degradation.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 188-02

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

April 11, 2002

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

Re: 02-100-020 J.D. Blackwell Subdivision, Lots 1 & 2

Dear Theresa,

Thank you for the opportunity to review the preliminary plan for the above referenced subdivision, located in the LDA of Potomac River. The following comments are provided for your use:

1. The following items should be labeled on the plan: the series of parallel lines along the shoreline (which probably denote steep slopes); the hexagonal and rectangular items located in the 100' Critical Area Buffer which have been tallied as impervious surface areas in the Critical Area Existing Conditions Table.
2. The areas listed in Critical Area note # 5 do not appear on this plan. Are such areas present? A copy of the determination letter from Maryland Dept of Natural Resources Wildlife and Heritage Division must be provided to this office prior to issuance of any approvals for this subdivision.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 68-02

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

April 11, 2002

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

Re: 02-100-021 Lot 27 Red Hill Subdivision
Home Owners' Association (HOA) Concept Plan

Dear Theresa,

Thank you for the opportunity to review the above referenced concept plan. The HOA proposes a recreational area to include one pier with sixteen (16) boat slips, a boat ramp, an access lane to the ramp, one each: pavilion, tot lot, and tennis court, and a 14-space parking lot with driveway and walkway leading to the boat ramp access lane. This development is proposed on a grandfathered lot located within the designated Resource Conservation Area of Cuckold Creek.

The following comments are provided for your use:

1. It appears the scale on this plan is 1"= 40', rather than the 1"= 50' stated on the plan.
2. Information needs to be shown regarding platted lots within this subdivision that are located entirely within the Critical Area, and the number of existing piers on those platted lots. Are there any other community boat ramps in this subdivision?
3. When a community pier is provided, private piers are not allowed.
4. Community piers located within the RCA are limited to the lesser of one slip for each 300 feet of shoreline, or one slip per each platted lot within the subdivision up to 15 lots. What is the length of shoreline for this subdivision?
5. The 100' Critical Area Buffer line has not been extended the full 100 feet in the area north of the pavilion. It appears the Limits of Disturbance (LOD) line in this area will fall within the Buffer. In addition, the location of the expanded Buffer line becomes confusing on the east side of the tennis court where it merges with the LOD line. The location of the expanded Buffer line needs to be clearly delineated in this area.

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6. Are there any streams, seepages or wetlands located in the ravine where the boat ramp access is proposed?
7. The 24.6% forest clearing requires mitigation plantings at a 1.5 to 1 ratio. It appears there is no room on this site to perform this mitigation. Aerial photography shows that much of this subdivision could use afforestation. We encourage the use of off-site plantings within this subdivision before accepting a fee-in-lieu payment.
8. A variance would be needed for the disturbances proposed to steep slopes by the construction of the proposed boat ramp access lane, driveway, and walkway. It appears the access lane could be relocated to greatly reduce these impacts. There appear to be alternatives with fewer impacts for the entire proposal. This office cannot support a variance for this much disturbance to steep slopes.

We will provide additional comments when we have complete information. Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 170-02
Beth Roth

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 8, 2002

Ms. Michele Hurt, Chief
Central Region, Engineering & Construction
Maryland Dept of Natural Resources
580 Taylor Avenue, D-3
Annapolis, MD 21401

Re: Critical Area Commission Approval of Gunpowder Falls State Park, Hammerman Area:
Pavilions, Playgrounds, Basketball Court, and Paved Pathways

Dear Ms. Hurt,

I am pleased to inform you that on April 3, 2002, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project in accordance with COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands. This approval is subject to the following conditions:

1. The site for the 1:1 forest mitigation for, or relocation of, the young trees in the vicinity of Shelter # 2 be approved by Commission staff prior to planting, and
2. A five-year Planting Agreement be implemented for the mitigation area.

Enclosed for your use is a copy of the Planting Agreement form for you to complete and return to our office. Please let me know when you are ready to discuss the location for the mitigation.

Thank you for your participation and assistance in this process. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Arnold Norden
40-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 8, 2002

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

Re: Growth Allocation Request of 0.44 Acres for Hooper's Island VFD

Dear Ms. Houtman,

I am pleased to inform you that on April 3, 2002, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that this growth allocation request was a refinement to the County's Critical Area Program, and the refinement was approved.

Please forward a copy of the signed Ordinance and the revised Critical Area Overlay map as soon as they are available.

As requested, enclosed are copies of the staff report I presented to the Commission.

Thank you for your participation and assistance in this process. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: DCA 41

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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April 2, 2002

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

RE: 02-03 Kenneth Gajewski Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing the construction of a garage within the 100' Critical Area Buffer. This is a grandfathered lot located in the LDA of Old Road Bay.

This office does not oppose the granting of this variance request. We recommend that the variance approval include a condition regarding the required 3:1 mitigation plantings for the amount of new disturbances that will occur within the Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC 187-02

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 2, 2002

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

RE: 02-05 Eckro LLC Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing the construction of a single-family dwelling and its associated appurtenances within the 100' Critical Area Buffer. This is a grandfathered lot located in the LDA of Hopkins Creek.

This office does not oppose the granting of this variance request provided that the proposed and any future development does not exceed the maximum impervious surface area limits. We recommend that the variance approval include a condition regarding the required 3:1 mitigation plantings for the amount of new disturbances that will occur within the Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC 189-02

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Ren Serey
Executive Director

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

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April 2, 2002

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

Re: 02-130-018 Joan Mullen Bed & Breakfast

Dear Theresa,

Thank you for the opportunity to review the above site plan. Our office has no comment on the use of this property as a bed & breakfast provided it is consistent with the County's zoning.

It should be noted that the amount of existing impervious surfaces on this lot is 26.7%, which exceeds the 15% limit on impervious surfaces for grandfathered lots of this size. It appears these surfaces were present at the time of the County's Critical Area Program approval. If approval for additional development at this site is requested in the future, the applicant will need to reduce or maintain the existing impervious surface level. This office will not support a variance to increase impervious surfaces beyond what exists now.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 172-02

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

April 1, 2002

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

Re: 02-130-015 Steven and Diane Geimer Revised Right-of-Way Plat

Dear Theresa,

Thank you for the opportunity to review the above referenced plat. Our office has no comments on the revised right-of-way. It appears afforestation may be needed when a site plan for development is submitted.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 171-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 1, 2002

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

Re: 02-140-014 Herring Creek Estates Confirmatory Plat

Dear Theresa,

Thank you for the opportunity to review the above referenced confirmatory plat whose purpose is to revise the access easement to lots 500-31, 33, 34 and 35. These lots appear to be grandfathered and are located in the RCA of Herring Creek and McKay's Cove.

We have no comments regarding the revised access easement. It appears afforestation will be necessary on each of these lots when site plan development is proposed. All afforestation should be directed to the on-site 100' Critical Area Buffer.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 173-02

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April 1, 2002

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

RE: CA Permit # 01- 2319 Mark and Andrew Kijecky

Dear Theresa,

Thank you for the opportunity to comment on the above referenced variance request. The applicant proposes the construction of a deck which will result in a net increase of 215 square feet of impervious surface in the 100' Critical Area Buffer of Chesapeake Bay. This is a grandfathered lot located in the LDA.

Our office does not oppose the granting of this variance. We recommend that the required 3:1 mitigation plantings be made a condition of the variance approval. We request a copy of the written decision made in this case.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 174-02

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April 1, 2002

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

RE: CA Permit # 02- 0195 Carol Paris

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes to replace an existing house with a larger dwelling in the 100' Critical Area Buffer. Although the net impervious surface area will increase, the development will not exceed the maximum allowable limits on impervious surfaces.

Assuming this is a properly grandfathered lot, our office does not oppose the granting of this variance provided the variance includes a condition regarding the required 3:1 mitigation plantings for the 700 square feet of additional impervious surface area. Please provide our office with a copy of the written decision made in this case.

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: SM 169-02

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April 1, 2002

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

RE: XRS 02-0020 Shores of the Mattawoman

Dear Ms. Ault,

Thank you for the opportunity to review the above referenced three-lot subdivision proposal. The applicant proposes to subdivide a 59.5 acre property containing 54.1 acres in the Limited Development Area of Mattawoman Creek. The following comments are provided for your use:

1. No topographic or soils information has been provided to assist in determining how the 100' Critical Area Buffer was delineated and whether it needs to be expanded to include contiguous wetlands, steep slopes and highly erodible soils. For those areas where the Buffer has been expanded, what was the reason for the expansion?
2. If this subdivision represents a change in use from agriculture to residential, the 100' foot Critical Area Buffer must be fully established in forest vegetation.
3. Critical Area note # 4 states that there are no jurisdictional wetlands on site as per the National Wetland Inventory (NWI). The NWI are guidance maps and small wetland areas might not appear on these maps. The floodplain adjacent to Mattawoman Creek suggests that this area might include hydric soils that might support tidal and nontidal wetland vegetation. The existence of wetlands at this site must be field verified, and if present, shown on the plat.
4. The MDE tidal wetland maps should be consulted to determine the tidal wetland limits. Any state tidal wetlands acreage cannot be included as acreage of the parent parcel.
5. As per your letter to Mr. Tomlinson, information is needed regarding the presence of rare, threatened and endangered species, and habitat protection areas. We request that no

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approvals be granted until a copy of the determination letter by the Maryland Dept of Natural Resources Wildlife and Heritage Division (WHD is provided to both our offices for review.

6. Information on forest cover must be shown and quantified. If afforestation is needed, a statement to this effect must appear on the plat.
7. Statements need to be included on the plat regarding protection of the 100' Critical Area Buffer and existing forest cover from future disturbances. A note on the plat should be provided that requires all Critical Area restrictive statements to be incorporated into all subsequent site plans and survey plats as a means to alert subsequent property owners of these restrictions.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 176-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 25, 2002

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

Re: BZA # 02-02 Doris Wainwright Variance Request

Dear Ms. Walter,

Thank you for the opportunity to review the above referenced variance request in which the applicant proposes to exceed the impervious surface limits on her lot, located in the Limited Development Area of Jenkins Creek. This office opposes the granting of this or any other variance related to increasing the impervious surface limits within this subdivision. We recommend that the City of Cambridge apply for growth allocation to change the LDA to IDA for this subdivision in order to rectify a situation created when the City's Planning & Zoning Commission required the construction of a wider than normal road.

This is the second such request in less than three months and appears to be the beginning of a trend following the precedent set in the Frank and Lois Narr variance case, which allowed the applicant to exceed impervious surface limits and to encroach into the 100-foot Critical Area Buffer to do so. Said variance was granted on or about December 14, 2001.

These lots were created within a non-grandfathered subdivision with full knowledge of the 15% limitation on impervious surfaces. Indeed, this knowledge was demonstrated when the remainder of the 15% impervious surface limit was allocated equally to each lot. While we can appreciate the constraints that these allocations may place on the development of these lots, the developer agreed to record the subdivision plat with this constraint in place. Similarly, the applicants purchased this lot with this requirement in place.

With regards to the Wainwright lot, it appears the applicant has already exceeded the allocated 3,902 square feet of impervious surface by 900 square feet. Our office has no record that a

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variance was obtained to allow this change. With the addition of 3500 square feet of driveway paving, the total impervious surface area on this lot would equal 8,302 square feet, or 21.18%. This amount of impervious surface, in addition to the Narr impervious surfaces, has caused the subdivision to exceed its 15% limit, and has done so without providing mitigation for increased stormwater quality impacts.

As other property owners will most likely wish to also pave their driveways, add decks and patios, or new sidewalk areas, we can expect to see more requests like this. The subdivision will no longer be in compliance with its original approval and the increased runoff will adversely affect the water quality of nearby Jenkins Creek and its aquatic, biological resources.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

Cc: CM 151-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 25, 2002

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

Re: Case # 996: Patricia W. Blankley Intrafamily Transfer

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced plat. The applicant proposes an intrafamily transfer in the designated Resource Conservation Area of Brooks Creek. The following comments are provided for your use:

1. Additional information is needed regarding the parent parcel in order to determine if the parcel meets the standards for creating a third dwelling unit through the intrafamily transfer process. Specifically, the locations of the two existing dwellings, the status and location of Lot 1, the amount of state tidal wetlands, the location of the 1000-foot Critical Area Boundary, and the acreage located within the Critical Area must be provided.

For parent parcels, it is also customary to provide information regarding topography, soils, streams, location of the 100-foot Critical Area Buffer, nontidal wetlands, and the amount and location of existing impervious surfaces and forest cover in order to determine whether the creation of this lot would have future negative effects on the use of the residue.

2. General Note # 8 states that there are no endangered species located on the property based on the available data. What data was used to make this determination? The MERLIN database shows that a Sensitive Species Project Review Area (SSPRA) polygon lies over the entire proposed lot. A copy of this information is provided for your use.

The applicant must consult the Wildlife and Heritage Division of the Maryland Dept of Natural Resources for a determination letter on what this SSPRA means relative to this

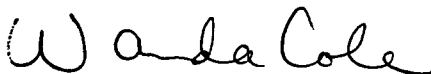
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- property. The applicant should reference record # 91-903-01. Perhaps this is the reason that a Conservation Easement was placed on this property.
3. Final approval of this subdivision should not be given until this office has been provided with copies of both the Wildlife and Heritage determination letter and the comments from Maryland Environmental Trust regarding the Conservation Easement.
 4. As this subdivision represents a change from agricultural to residential use, the on-site 100-foot Critical Area Buffer must be fully established in forest vegetation.
 5. Provided a lot can be created as a bona fide intrafamily transfer, General Note # 16 (a) must change the last word, "or", to "and".
 6. The only perc test shown is located in the far eastern corner of the property. This appears an unlikely site for placing a sewage reserve area (SRA). Please provide information on the location of the SRA and show the locations of any additional perc test sites that might have been tested.
 7. We concur with your comment # 11 in your letter to Tim Marshall.

Thank you for your assistance with these items. We request a copy of the revised plat once it is available. If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 145-02
Tim Marshall
John Hutson
Lori Byrne

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 25, 2002

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

Re: Case # 997: Jo Ann and Phillip E. Councell, Jr. Subdivision

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced plat. The applicant proposes a one-lot subdivision in the Resource Conservation Area of Little Blackwater River. The following comments are provided for your use:

1. The location of the 1000-foot Critical Area Boundary needs to be shown on the parent parcel and a statement provided regarding how much acreage lies within the Critical Area.
2. It is customary to provide information regarding the entire parent parcel when subdivision is being requested. The parent parcel outlined on the vicinity map of this plat is labeled as Robert G. Hayes Parcel 11, yet the Site Data labels this as Parcel 35. The Maryland Department of Assessments and Taxation database lists both Parcels 11 and 35, with Parcel 11 having less acreage than that shown on the vicinity map. Which is the correct parcel number? If Parcel 35 was subdivided out of Parcel 11, the configuration of Parcel 35 must be shown.
3. In your letter to Tim Marshall & Associates, your comment # 9 indicates that your overlay shows tidal wetlands along the road. Given the location of the nontidal wetlands on the property, it is possible that an expanded Critical Area Buffer may occur on this proposed lot. If this should be the case, then a variance would be required in order for the applicant to build access into this lot.

Our office cannot support a subdivision which would require a variance in order to implement the development of the lot.

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4. Topographic information needs to be shown or stated on the plan if there is no change in contour.
5. General Note # 8 is unclear as to where the information regarding endangered species was obtained. A determination letter regarding the presence of rare, threatened or endangered species, or FIDS habitat, must be obtained from the Wildlife and Heritage Division. No approvals should be granted before this information is provided. A copy of that determination letter must be provided to this office.
6. A statement should be provided on the plat regarding the amount of afforestation that will be required, or the limits on clearing of existing forest cover if the site has > 15% forest cover.
7. This office requests a copy of the revised plat when it is available.

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: DC 146-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 21, 2002

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

Re: Hooper's Island VFD Growth Allocation

Dear Ms. Houtman,

Thank you for providing information on the above referenced growth allocation request to use 0.44 acres of growth allocation to change the Critical Area designation from Limited Development Area to Intensely Developed Area. The Critical Area Commission received your letter on March 19, 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 at its meeting on April 3, 2002.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DCA 41

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 20, 2002

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

RE: St. Mary's County Critical Area Program Comprehensive Review

Dear Sue,

Mary Owens and I would like to thank you and Theresa Dent for meeting with us on March 4, and March 11, 2002 to review the draft changes to the St. Mary's County Critical Area Ordinance. These meetings were very productive and have enabled us to discuss a variety of issues relating to the County's Critical Area Program.

During our discussions, we noted that the County's Ordinance is best served if it maintains that language which reflects the intent and policies of the Chesapeake Bay Critical Area Protection Program. As you know, the County does not implement the Critical Area Program with a separate program document, but rather includes all of the Critical area goals, policies, objectives and regulations in the County's Zoning Ordinance. This approach and the format of the County's current zoning ordinance has worked well, and several other jurisdictions are now using similar comprehensive Critical Area ordinances.

If you have any questions regarding the desired changes to the St. Mary's Critical Area Ordinance, please contact me at 410-260-3481 or Mary Owens at 410-260-3480.

Sincerely,

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

Wanda Cole
Natural Resources Planner

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Ren Serey
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March 15, 2002

Ms. Elsa Ault
Charles County Government
Planning and Growth Management
P.O. Box 2150
La Plata, Maryland 20646

RE: Efton Hill/Steve Morgan Habitat Protection Plan

Dear Ms. Ault:

Thank you for the opportunity to comment on the above referenced Habitat Protection Plan (HPP), which was drafted by the applicant. The following items, discussed during our joint review held in your office on March 11, 2002, need to be addressed in order to complete the Plan. These comments pertain to the HPP's content as well as the procedures it describes, and constitute the response of both the Critical Area Commission and the Natural Heritage Program to the County's request for review of this plan.

1. The format of the HPP should include two integral components. The first should include a general discussion of the Nanjemoy Creek Natural Heritage Area (NHA). This discussion, at a minimum, needs to include: what is an NHA, why this area was designated as an NHA, where it is located relative to this property and the project itself, the potential effects this project might cause to the NHA that led to the need for this HPP, and discussion about the purpose and goals of an HPP. The second component should then list the performance standards and development restrictions necessary to accomplish the goals of this HPP.
2. The performance standards and development restrictions should be incorporated into a restrictive easement that is attached to the property and recorded in the local land records. The restrictive easement could be held by the County or by a local land trust with the ability to enforce the provisions of the easement. The restrictive easement should reference the HPP.

A note should be placed on the plat providing a reference to the HPP and the restrictive easement. The restrictive easement will need to be reviewed by Commission staff prior

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to recordation. This will inform subsequent property owners of the long-term maintenance and management requirements they will be assuming.

3. MDE must be contacted regarding a delineation of the 100-ft nontidal wetland buffer required for Wetlands of Special State Concern (WSSC). This delineation must then be shown on the plan. It appears the floodplain limits might also be the limit of the nontidal wetland in the field. It appears the Sewage Reserve Area (SRA) may lie within the 100' buffer for the WSSC.

4. Section 1.0 Introduction

The first paragraph should include a general description of the natural resources that the habitat protection plan is intended to protect: The Nanjemoy Creek NHA was designated to protect the outstanding tidal and nontidal wetlands that border Nanjemoy Creek and harbor several rare plant and animal species. The upland knoll proposed for construction of this home was included within the NHA because it is surrounded by those wetlands and influences the water quality, composition and hydrology of those wetlands.

Last paragraph: Discussion is needed regarding what on-going sediment control measures will be provided. This should include maintenance of the driveway and access road.

5. Section 2.0 Critical Area Buffer

- The driveway shall not be paved with asphalt or concrete.
- The statement regarding "Forestry Best Management Practices..." should be changed to "Buffer Management will include controlling invasive species." Forestry best management practices are used for silvicultural operations and such operations are not being proposed for this property.
- A process should be defined to describe how invasive species will be targeted and how methods of control will be determined. We recommend that prior to construction an invasive species inventory be conducted to obtain baseline data.
- Discussion must include intended access road improvements, road maintenance and maintenance scheduling. It has been our understanding that improvements would be necessary to provide access for construction vehicles as well as for the owner. Are MDE permits needed for the improvements and/or the maintenance? If so, the owner should obtain an initial finding from MDE regarding the permissibility of the activities.
- Add a statement that prior to any future timber harvest/management operations, a timber harvest/management plan must be submitted to the Wildlife and Heritage Division for review and approval in order to assure compliance with the

protection to Natural Heritage Areas provided under the Critical Area Regulations (COMAR 27.01.09.04).

6. Section 3.0 Endangered and Threatened Species

- Revise the heading to include **Rare**.
- The discussion needs to be revised to indicate that the site visit conducted in June by the Charles County Environmental Planner and the Chesapeake Bay Critical Area Commission **Planner** was intended primarily as an inspection of the condition of the existing road, not a comprehensive site survey for rare, threatened and endangered species.
- The last statement of the first paragraph must be revised to read, "Although no rare, threatened or endangered species were observed during those site visits, the presence of rare, threatened and endangered species on this site has yet to be determined."
- The last paragraph must be deleted as it implies that the owner will be allowed to proceed with construction while this Habitat Protection Plan is being resolved. That is not the case. No approvals shall be issued until the site has been surveyed for the presence of rare, threatened and endangered species at the appropriate time of year and a final HPP is reviewed and approved by the appropriate agencies. "Site" shall be defined to include: (a) all that area within 200 feet of the perimeter of all limits of disturbance, and (b) all that area within 200 feet of that length of access road that crosses wetlands for which improvements are to be made.

7. Section 5.0 Natural Heritage Area

- Change the last two sentences to read, "Field inspection by a Natural Heritage Program representative was made outside the growing season, and no rare, threatened or endangered species were observed. If, during any subsequent field inspection any rare, threatened or endangered species are identified, specific protection provisions shall be prepared, reviewed and approved by the appropriate agencies, and management practices implemented."
- Refer to the Charles County Critical Area Program (page 68, item 'B') regarding the need to maintain the structure and species composition of the Natural Heritage Area and explain what actions will be taken to address this requirement.

8. Section 6.0 Colonial Water Bird Nesting Sites

- Second sentence: The correct reference is Nanjemoy Creek area. The only currently known nesting site in the vicinity is outside the boundary of the NHA.

9. Section 7.0 Forest **Interior** Dwelling Species

- Text should be added that clearly states that the forest on this property provides habitat for Forest Interior Dwelling Species (FIDS). Impacts to FIDS habitat are to be determined using the guidelines found in *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000*.
- First paragraph: Change to, "The area to be cleared is a very young forest dominated by loblolly pine saplings. Even though it is younger and has a different species composition than the surrounding forest, it is part of the forest matrix that provides FIDS habitat. This area has the potential to succeed to high quality FIDS habitat if not disturbed by construction."
- Second paragraph: insert the word 'Critical Area Buffer' in front of mitigation.
- Include statement, "The required FIDS mitigation may be satisfied concurrently with the Buffer mitigation, provided the maximum ratio is attained and the planting or regeneration of native, indigenous, forest species occurs next to an area that is currently functioning as FIDS habitat."
- The Mitigation Planting Plan must include only those native species indigenous to this site. Foundation plantings using azaleas and rhododendrons are acceptable for aesthetics but may not be counted toward the mitigation for this site. In addition, red bud and hawthorn are not typically found in the forest interior in this region and are not suitable species for mitigation.
- The existing access road cannot be used for mitigation plantings as the road maintains a closed canopy and acts as established forest cover. The required Buffer and FIDS mitigation should be directed to the on-site, open field areas that abut the woods line. This mitigation may be accomplished either by plantings using native, indigenous species or by allowing the area to revert to natural vegetation. Either option must be described in a detailed mitigation plan to be made part of this HPP and included in the restrictive easement. Long-term protection of the required planting should also be addressed in the restrictive easement. The site should be well marked in order to prevent inadvertent destruction of the trees.
- Add the statements, "The mitigation area as described in the mitigation plan will be fully established prior to issuance of Use and Occupancy Permit or Temporary Use and Occupancy Permit for this site. A joint inspection by representatives from Charles County Planning and Growth Management, the Chesapeake Bay Critical Area Commission, and the Natural Heritage Program shall be made to determine if the mitigation has been properly established."
- Delete the last sentence.

10. Section 8.0 Sediment and Erosion Control

- First paragraph, second sentence: Add “and by maintenance needs generated by use of the access road.”
- First paragraph, third sentence, revise to read, “The sediment control and stormwater management measures shown on the site plan, and as approved by Charles County Soil Conservation Service, shall be strictly adhered to as the soils are highly erodible.
- First paragraph: delete the fourth sentence.
- Second paragraph, first sentence: move this to the first paragraph and insert as the second sentence.
- Second paragraph, last sentence: move to Section 6.0 as it refers to Colonial Water Bird Nesting, not FIDS. Second paragraph: add, “Final vegetative stabilization shall be accomplished immediately after final grades are established. Parking of construction vehicles on final-grade areas, except the designated driveway, is prohibited.”
- Add a statement on the plan that during construction silt fence is to be installed across the lower entrance of the driveway at the end of each work day, and during all daytime rain events when construction personnel remain on site.
- A silt fence detail was not provided. If the silt fence shown is not reinforced with wire mesh, include a specification for reinforced silt fence.
- Add statements, “Encroachments and disturbances, including, but not limited to, accessory structures, will not be allowed within the remaining forest beyond the limits of disturbance shown on the site plan. This plan is dated December 2001 by Ben Dyer & Associates, for Efton Hill Tract 2, drawing # J-00531, Record No. 6.01-P.”

11. We recommend that the County require a Conservation Easement to be placed on the property as a means to provide further protection of the Natural Heritage Area and expanded Critical Area Buffer. Otherwise, a title search of the deed will be the only way that the HPP will be called to the attention of subsequent planners, contractors, surveyors, and property owners if and when any new development is considered at this site.

12. Management Guidelines

This section should be deleted entirely. It is recommended that this section be replaced with a section entitled “Restrictive Easement”. The restrictive easement should include all of the provisions throughout the HPP that relate to actions by the landowner that are necessary to accomplish the goals of the HPP. This includes restrictions on future

development, clearing, grading, and paving, as well as invasive species control and long-term protection of mitigation plantings.

Thank you for working so closely with us to develop this Habitat Protection Plan for this important Natural Heritage Area. If you have any questions, please feel free to call me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
Kathy McCarthy
Claudia Jones
Marianne Mason
CS 272-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 15, 2002

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

RE: 01-11 John McKeever
Lots 86 & 87 Revolea Beach Road

Dear Keith,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is requesting a variance to develop within a Habitat Protection Area by the construction of a single-family dwelling on each of these lots. In addition, it appears that clearing would exceed 30% of the existing forest on one of the lots. These grandfathered lots are located in the designated Limited Development Area of Frog Mortar Creek.

The applicant has not provided sufficient information regarding topography, the amount of proposed forest clearing, the amount and full extent of the nontidal wetland impacts, and proposed impervious surface areas. Based upon the information provided, this office cannot conduct an informed review nor provide comments on the proposal as shown. We request that issuance of the variance be set aside until such time as this information has been provided.

The applicant will need to contact the Maryland Department of the Environment to determine if they would issue a permit for the nontidal wetland impacts and whether or not on-site wetland mitigation would be required. The applicant may wish to evaluate whether combining these lots into one lot would allow him to realize at least one developable lot that meets all the necessary setback conditions.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC 548-01

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

March 14, 2002

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

Re: ISUB 02-100-009 Lovers Retreat Lot 1

Dear Theresa,

Thank you for the opportunity to review the above referenced subdivision plat. Our office has no comments on this proposed plat as the creation of Lot 1 and Parcel A occur outside the 1000' Critical Area boundary.

According to the information furnished, the residual parcel, Farmstead "A", would have one RCA density right. If a dwelling currently exists within the Critical Area on Farmstead "A", a label should be included on this plat to state that no further density rights remain in the Critical Area of Farmstead "A".

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 136-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 14, 2002

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

Re: ISUB 02-100-013 Joseph Lawrence Subdivision, Lot 1

Dear Theresa,

Thank you for the opportunity to review the above referenced subdivision plat. Our office has no comments on this proposed plat as the creation of Lot 1 occurs outside the 1000' Critical Area boundary.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 135-02

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

March 14, 2002

Mr. James W. Price, Director
Program Open Space
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Local POS Project 4106-18-90 Piney Point Lighthouse Museum and Park

Dear Chip,

Thank you for the opportunity to comment on the above referenced project. This project involves the purchase of property which St. Mary's County will utilize to expand its recreational use of this historic site.

As these properties are located within the Chesapeake Bay Critical Area, any proposed development activities will need to meet the Criteria described in COMAR 27.02 Development in the Critical Area Resulting From State and Local Agency Programs. The County agency that will own these properties is encouraged to contact Ms. Theresa Dent at the St. Mary's County Department of Planning and Zoning as early as possible once the planning process for these properties has begun. Ms. Dent may be reached at 301-475-4670.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Theresa Dent

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

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CLEARINGHOUSE REVIEW

February 27, 2002

RECEIVED

MAR 4 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, Cmt. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. ^{JWP}Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 4106-18-90
Piney Point Lighthouse Museum and Park (Steuart Property), St. Mary's County

The project proposes the acquisition of two acres of waterfront property adjacent to Piney Point Lighthouse Museum and Park. Parcel one is 1.67 acres on the Piney Point Creek side of Lighthouse Road and has three usable commercial buildings. Parcel two is one-third acre on the Potomac River contiguous to the lighthouse property. The County plans to expand and enhance the existing recreation and historic site. The request is for \$ 335,000.00 in local side POS funds and \$300,000.00 in state side POS funds.

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.

wde

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

March 13, 2002

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

RE: SFD # 02-0085 L/O Shank

Dear Ms. Ault,

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

I utilized the MERLIN database and found that this property does not lie within any polygons that would indicate the presence of a Natural Heritage Area (NHA), Wetlands of Special State Concern (WSSC), nor Sensitive Species Project Review Area (SSPRA).

It is our understanding that the location of the sewage reserve area (SRA) was approved by the Charles County Health Department even though the perc test information was old. It would seem more plausible to move the SRA closer to the house where it would be farther away from the slopes that drain to the nearby stream and wetland. If the Health Department and the applicant are not willing to reconsider moving this SRA, we recommend that the required 1:1 forest mitigation be planted due south of the SRA so that the plantings occur contiguous to the woods line and across the slopes. This will help protect the water quality of the nearby stream and wetland.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 142-02
Mark Williams, Charles County Health Department

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 7, 2002

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

Re: Hooper Island Volunteer Fire Company Parking Plan

Dear Karen,

I have reviewed the additional information provided by the Dorchester County Department of Engineering on February 26, 2002, and find that it addresses all the items listed in my letter dated February 21, 2002.

I understand that the County's growth allocation process has begun regarding this site and that a hearing has been scheduled with the Planning Commission for March 12, 2002. I look forward to working with you again on this project when it is submitted for Critical Area Commission approval as a change to the County's Program.

Please contact me at 410-260-3481 if you need further assistance.

Sincerely,

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

Wanda Cole
Natural Resources Planner

DC 3-02

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 January 25, 2002 Fax: (410) 974-5338

Mr. Reed Faasen
Department of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646-2150

RE: XRS 01-0160: Robert & Kathryn Walsh Subdivision

Dear Mr. Faasen:

Thank you for the opportunity to review the most recent information regarding the above referenced intra-family subdivision request. The following comments are provided for your use:

1. This property contains 3.59 acres in the RCA, therefore it has only one RCA density right.
2. By naming this subdivision an Intrafamily transfer and including the Critical Area acreage of the property, this plan must be treated as a Critical Area intrafamily transfer when reviewing the proposed development activities in the Critical Area. Again, intrafamily transfers require at least seven (7) acres in the Critical Area. This parcel has only 3.59 acres in the Critical Area, therefore it does not meet the seven acre criteria. We understand that the applicant prefers this terminology for the purposes of avoiding Forest Conservation planting requirements in the non-Critical Area portion of the property. However, it confuses the issue regarding what is allowed on the Critical Area acreage, particularly that acreage that would remain with the residue as undevelopable. We recommend that this project be submitted as a regular one-lot subdivision, and that the plan include a label placed on the drawing to clearly delineate the Critical Area portion of the residue as not having any RCA density rights.
3. The applicant should be made aware that if these lot lines are maintained as shown, forest clearing and impervious surface limits for homesite development in the Critical Area portion of Parcel A would be based upon the 2.13 acres in the Critical Area, not the original 3.59 acres of Critical Area on the parent tract.
4. Information regarding topography, wetlands, streams, soils and the presence or absence of rare, threatened, endangered or sensitive species and/or habitats still needs to be provided in order to determine if this lot configuration is conducive to development.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CS 673-01

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

March 7, 2002

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

Re: ISUB 02-100-011 Kepner Subdivision Lot 1

Dear Theresa,

Thank you for the opportunity to review and comment on the above referenced subdivision. The applicant is creating a 10.00 acre lot of which 0.70 acres occur in the RCA of St. Inigoes Creek. The following comments are provided for your use:

1. The location and configuration of the parent parcel is not clear.
2. I searched our database for files regarding previous subdivision history for the parent parcel under the names of Kepner and Carroll and for tax map 63. No information could be found. Please provide a description of the previous subdivision history for the parent parcel. Does it have any remaining RCA density rights?
3. Although most of the Critical Area portion of Lot 1 is encumbered by the 75' front building restriction line, a label should be added to the plat that the Critical Area portion of this lot is not developable without growth allocation.
4. Critical Area notes # 2 and 3 do not appear to be consistent with the conditions shown on this plat and, if not, should be removed to avoid confusion. If nontidal wetlands occur on this parcel, their location should be delineated on this plat.
5. Critical Area note # 4 or Resource Protection Standards note # 3 should be revised to clarify that Area "C" on the Resource Protection Lands Table "1" does not apply to the forested area located within the Critical Area portion of this lot.
6. How will the information in the Critical Area plat notes be conveyed to subsequent site plans and location surveys? To ensure that this information is not lost to subsequent owners, we recommend that a note be added to the plat that all subsequent site plans and locations surveys also include these Critical Area notes.

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

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

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: SM 137-02
Nokleby Surveying, Inc.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 5, 2002

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

RE: XPN 02-0002: Gunston Pointe Phase 2 Preliminary Subdivision Plan

Dear Reed,

Thank you for providing the above referenced plan for review and comments. The information submitted is consistent with our understandings from the previous reviews. The following comments are provided for your use:

1. The parcel divider between Lot 18 and Parcel D is the access lane shown as Parcel C.
2. The location of the sewage reserve areas (SRA) on Lots 16-A, 16-C and 18 will most likely be moved closer to the proposed home sites once perc tests are updated. As proposed, Lot 18's SRA would require disturbance for a considerable distance over slopes with highly erodible soils.
3. During our site visit with the consultant last year, we agreed that the expanded Buffer line could coincide with the existing farm road, provided a vegetative buffer is established in the area between the road and the agricultural fields just upgrade of the road. The plan needs to include a statement or label to show the location of this vegetative buffer as well as discuss the planting plan for the area.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 143-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 28, 2002

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

Re: Perry North Intrafamily Transfer: Lot 2

Dear Mr. Dodd,

Thank you for providing a copy of the site plan as follow-up to my February 7, 2002 comments on the above referenced intrafamily transfer. These additional comments are provided for your use:

1. General Note # 15 does not apply to this subdivision. There will be a change in use from agriculture to residential on the new lot, therefore, the 100' Critical Area Buffer on the new lot must be fully established in forest vegetation using native species.
2. The amount of existing forest cover is not shown on the plan nor addressed in the General Notes. Aerial imagery, dated April 8, 1994, from the MERLIN database confirms that no forest cover existed on this lot at that time. Therefore, 15% of this lot must be afforested. The Buffer plantings may count toward this afforestation requirement.
3. A note must be provided on the plan stating that no development will be permitted in the Critical Area Buffer.
4. General Note # 16 (a) must change the word "or" at the end to "and".
5. General Note # 8 states that no endangered species are located on the property. Please provide this office with a copy of the determination letter from the Wildlife and Heritage Division regarding this site.
6. The vicinity map shows a tributary stream crossing the southeast corner of Lot 2 yet General Note # 7 states there are no intermittent or perennial streams on the property. This stream appears as a blue line on the USGS topo map; the waterway can also be

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

viewed on the aerial imagery obtained from the MERLIN database. This stream must be shown on the plan and a 100' Buffer extended along each side where it occurs within the 1000' Critical Area. The 1000' Critical Area boundary will need to be shown for reference.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DC 53-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 28, 2002

Mr. Brendan Hastie
Project Engineer
STV Incorporated
7125 Ambassador Road, Suite 200
Baltimore, Maryland 21244-2722

Re: FMIS No. DO565A21 MD 16 From Brannock Road to MD 335
Drainage Design Improvements

Dear Mr. Hastie,

Thank you for the information you submitted regarding the above referenced project. We have determined that this project is located within an Intensely Developed Area. As such, the 10% Rule calculations regarding phosphate pollutant loadings and removal requirements need to be provided. Best Management Practices consistent with the designs listed in the Maryland Department of the Environment (MDE) 2000 Stormwater Design Manual are needed.

Enclosed for your use is a copy of the Dorchester County Critical Area boundary map for the project area. The location of the 1000' boundary line where it occurs within the Limits of Work must be shown on the design plan. Any tributary streams that occur within this boundary will need a 100' Critical Area Buffer extended along both sides and this line must also be shown. If nontidal wetlands are contiguous to this Buffer, the Buffer line will need to be expanded to include all of the wetland area plus the 25' regulated nontidal wetland Buffer. Decisions regarding mitigation for wetland impacts will be deferred to MDE.

It appears that minimal forest vegetation will be affected. Mitigation for impacts to forest vegetation will be 1:1 unless this vegetation occurs within the 100' Critical Area Buffer or expanded Buffer, where mitigation for forest cover impacts is 3:1.

This project will require formal approval from the Critical Area Commission, which meets once a month on the first Wednesday. This project will be presented to the Critical Area Commissioners once all other state and federal permits have been obtained. Meanwhile, I will

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

be happy to assist you with questions regarding any necessary mitigation plantings and the Best Management Practices for this project.

Feel free to contact me at 410-260-3481. My business card is attached for your use.

Sincerely,

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

Wanda Cole
Natural Resources Planner

Encl. (2)

cc: 8-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 28, 2002

Mr. Sean Callahan
Lane Engineering, Inc.
PO Box 1767
Easton, MD 21601

Re: Indian Creek Estates Phase IV

Dear Mr. Callahan,

Thank you for the additional information you provided regarding the above referenced site plan. It was very helpful to have the outline of the original parent tract with all the phases and the forest cover shown. Thank you, too, for providing the clearing table and for relocating the sewage reserve areas outside of the forest or closer to its edge. This preserves the integrity of the forest habitat as well as reducing the need for mitigation.

The following comments are provided for your use:

1. Please add a Critical Area note to the plan that states that the existing forest cover is 10.35 acres and that any forest clearing may not exceed 30% or 3.105 acres. Alternatively, add a statement to the forest protection note # 1 on sheet 1 of 2 to read, "All existing forest retained on individual lots located in the Critical Area and all Critical Area reforestation areas shall remain undisturbed except as permitted by the Dorchester County Critical Area ordinance." The 30% clearing limit can then be applied on a per lot basis. It is recommended that the Dorchester County Department of Planning and Zoning then require that this statement be transferred to every subsequent site plan or location survey generated for these lots.
2. The 0.58 acre reforestation area shown on lots 22-25 by shading should be labeled as the designated reforestation area for Phase IV. At first glance, it appears to be part of the Phase III afforestation area.
3. Please verify that the amount of existing forest on the parent tract is 10.35 acres. Lot 22 is 11.325 acres and is largely forested. Together with the forested areas shown on lots 23-25, it appears there may be more than 10.35 acres of forest cover located within the Critical Area.

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4. The Critical Area Impervious Area Table will need to be amended. All lots over 1.0 acre in size are limited to 15% impervious surface area. The 15% impervious surface limits would then be: Lot 23= 0.31 acres, Lot 24= 0.30 acres and Lot 25= 0.10 acres.

Thank you for your cooperation in this process. If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 657-00
Steve Dodd



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 26, 2002

Ms. Maria Lasek
US Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, Maryland 21203-1715

Re: CENAB-OP-RMS White, Richard/Lots 11 & 12/Madison Bay Landing 01-66219-7

Dear Ms. Lasek,

The Chesapeake Bay Critical Area Commission would like to provide the following comments regarding the above referenced application to fill 59, 422 square feet of forested, nontidal wetlands at this site:

1. This project is located within the Chesapeake Bay Critical Area. According to our records, these lots were grandfathered by interim subdivision approval.
2. The occurrence of nontidal wetlands immediately adjacent to tidal wetlands requires that the 100' Critical Area Buffer be expanded to include all of the contiguous nontidal wetland areas. At this property, the Critical Area Buffer line would be expanded to the edge of Timbermarsh Lane.
3. Development in the 100' Critical Area Buffer or expanded Buffer is prohibited unless authorized by a variance. Variances for development in the Critical Area are approved by the Dorchester County Board of Appeals. Mitigation for loss of forest cover and new disturbances within the Buffer would be required at a 3:1 ratio using native forest plantings. The applicant needs to contact Mr. Steve Dodd at 410-228-3234 for guidance in Critical Area requirements.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Ace Adkins
Steve Dodd
Roland Limpert

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 26, 2002

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

RE: CA Permit # 01-1902 George Diaz

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes construction of a house, driveway and septic area on a grandfathered parcel located within the Resource Conservation Area of Saint Thomas Creek. This development will occur in the 100-foot Critical Area Buffer expanded for steep slopes.

It appears that the expansion of the Critical Area Buffer for steep slopes should include the entire lot. Expansion of the Buffer for steep slopes is 4 ft for every one percent of slope, or to the top of the slope, whichever is greater. For this lot, the top of slope is not reached within its property boundaries.

This office does not oppose the granting of this variance provided 3:1 Buffer mitigation is provided for all clearing that occurs on this lot. We recommend that forest plantings be first directed to the area of the "existing woods road to be abandoned" if this area has not already regenerated into forest growth.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 88-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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February 22, 2002

Ms. Pat Farr
Mr. Michael Kulis
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Md 21204

Re: SWAP K-9 Police Facility

Dear Pat and Mike,

Thank you for the opportunity to review and comment on the above referenced site plan. The K-9 Police facility, a county facility proposed on county-owned land at Southwest Area Park, is located within a designated Resource Conservation Area of Patapsco River. Accordingly, this project falls into the category defined by COMAR 27.02.02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. A consistency report must be provided to this office prior to issuing any permits or approvals for this project.

We understand that this area is an old landfill site where no cap is in place, thereby limiting certain activities such as excavation and tree planting potential. These limitations prevent the installation of more appropriate best management practices for stormwater quality. Stormwater management is being addressed by a proposed gabion-sand filter weir structure placed near the head of a ravine. This structure is located outside the expanded Critical Area Buffer, therefore a variance is not required.

Located just upgrade of the weir, a fill is proposed within the County's Critical Area Easement that will create a 36% slope. Similar steep fill slopes are being proposed around the building pad. This situation needs to be addressed in the consistency report if it is not feasible to lower the slopes on this fill.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: 79-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 21, 2002

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

Re: Hooper Island Volunteer Fire Company Parking Plan

Dear Karen,

Thank you for the opportunity to review and comment on the above referenced site plan which is being submitted prior to application for growth allocation to change the designation from LDA to IDA. The following comments are provided for your use:

1. Wetland vegetation must be established within the swale as part of the project's planting plan. Although it is possible that natural vegetation may colonize the site, it is also possible that undesirable species, such as phragmites, Japanese honeysuckle, or a monotypic stand of cattails, might first become established. The planting plan should include a note regarding periodic removal of undesirable species in order to maintain the viability of the wetland plantings.
2. A copy of the complete 10% Rule worksheet is necessary to show how the calculations were derived. It appears the removal requirement and load removed calculations correctly apply the wet swale standards shown in Figure 3.19 and Chapter 3 pages 3.42 & 3.44 of the MDE 2000 Stormwater Management Design Manual. A copy of this manual may be obtained from MDE by calling 1-800-633-6101 or 410-631-3543. If you have access to the internet, you may also print a copy of this manual by going to www.mde.state.md.us/environment/wma/stormwatermanual/Manual_CD.
3. Will the existing driveway continue to be used and by whom?

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4. In order to ensure that the 10' x 84' grassy area located south of the gravel parking area does not become compacted- and thus, impervious- the plan should include a note that parking is prohibited in this area. We recommend that bollards or signage be placed along the edge of the gravel parking area to prevent cars from parking on the grass.

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

Sincerely,



Wanda Cole
Natural Resources Planner

DC 3-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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Fax: (410) 974-5338

February 21, 2002

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

RE: Cedar Cove P.U.D. Confirmatory Plat, Lots 500-59 & 500-60

Theresa
Dear Ms. ~~Dent~~,

Thank you for the opportunity to comment on the above referenced confirmatory plat. We have no comments regarding the changes in impervious surface amounts as they do not cause the entire development to exceed its maximum impervious surface limits. We do recommend that the Critical Area notes and the Resource Protection Table be required on subsequent site plans and location surveys generated for these lots, as a means to alert subsequent property owners of these limits.

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: SM 69-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 21, 2002

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

RE: Cedar Cove P.U.D. Boundary Line Adjustment Plat Lots 500-29

Theresa

Dear ~~Ms. Dent~~,

Thank you for the opportunity to comment on the above referenced boundary line adjustment plat. This plat adds 1,000 square feet onto the size of the property. The maximum impervious surface limit shown in the Resource Protection Table is increased by 300 square feet.

We have no comments regarding these changes as they do not cause the entire development to exceed its maximum impervious surface limits and nor cause the lot to exceed its maximum impervious surface limit. We do recommend that the Critical Area notes and the Resource Protection Table be required on subsequent site plans and location surveys generated for this lot, as a means to alert subsequent property owners of these limits.

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: SM 76-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

February 14, 2002

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

RE: SFD # 02-0044 Charleston Estates Lot 4

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Charleston Creek. The entire parcel lies within the 1000-foot Critical Area boundary. The 100-foot Critical Area Buffer will not be disturbed by new development impacts, although a portion of the existing driveway will continue to be used.

The following comments are provided for your use:

This plan shows the terminal portion of the existing driveway, half of which is located within the Buffer, being abandoned and reforested. Although the relocated driveway is proposed entirely outside the Buffer and will improve the water quality leaving the site, it will require clearing an area of forest equal to or greater than the size of the area being abandoned.

Nearly 86.5 % of the lot is wooded, with the only encroachment into the interior canopy being the existing driveway. In viewing the area on MERLIN, it appears the remaining, intact, forest area represents high-quality riparian forest habitat. The configuration of this peninsula suggests that it may serve as an important migratory resting and foraging area before and after migratory birds cross the large open water areas of the Potomac River. Therefore, conserving the integrity of this riparian forest as an intact unit is strongly encouraged.

It is understood that clearing is necessary to accommodate the site development. Although this clearing is well within the maximum allowed, forest impacts could be substantially reduced if the relocated driveway were shortened, and the house moved to the area where some clearing has

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already occurred. A homesite could be developed between the existing driveway loop, which is already cleared, and the area due east of the sand mound system. The floorplan of the house might be reversed so that the garage would be closer to the driveway.

This area is nearly level, with less slope than the currently proposed homesite, and occurs outside the Buffer. The sewage reserve area would remain where proposed. Admittedly, the house will be 30 feet farther back from the shoreline than proposed, and would view the creek from a different angle. The view of the creek would not be blocked by trees any differently at this alternative site than at the proposed homesite, for the slope falls away from the house in nearly the same manner.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 77-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 12, 2002

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

Re: Mark and Traci Murphy Subdivision

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced site plan. The applicant proposes to subdivide one lot in the Critical Area of Marshyhope Creek. This is a designated Resource Conservation Area. The following additional information is needed to allow us to complete our review and provide comments your use:

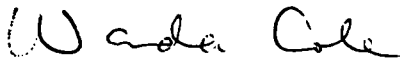
1. How many acres belong to the parent tract and what is its configuration? How many acres are located within the Critical Area? Please provide a plat that shows the entire parent tract and includes statements regarding the amount of Critical Area acreage and number of RCA density rights consistent with this acreage.
2. From the information found on the Maryland Department of Assessments and Taxation database, parcel 199A contains 27.26 acres. This parcel is entitled to only one RCA density right as RCA density cannot exceed one dwelling unit per 20 acres. The residue of the parcel would not have any development rights and the plat must be labeled as such.
3. Please include a vicinity map showing this property's position within the Critical Area. If the 1000' boundary line occurs on this parcel, that line must be shown on both the map and the plat.
4. Has the parent tract been subdivided since the implementation of the County's Critical Area Program? If so, please provide a subdivision history.
5. The state tidal wetland acreage must be deducted from the parcel acreage when calculating density.

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6. The plat needs to show the location of existing forest cover on the parent parcel and include a statement that enumerates the amount of existing forest cover. It is recommended that the 15% afforestation plantings be located adjacent to existing forest cover, if present, in order to increase the amount of riparian forest canopy, or be established in groves to provide a dense canopy that will reduce the exposure of nesting and foraging species from predators.
7. If this subdivision represents a change in use from agriculture (the property was transferred from the Chesapeake Forest Products Co.) to residential, then the entire 100' Critical Area Buffer must be established in forest vegetation. A Critical Area note to this effect must be provided on the plat.
8. General note # 9 states that no endangered species are located on the property based on the available data. Please identify the source of the data and provide copies to this office of any correspondence regarding this determination.
9. Please provide a Critical Area note stating that the 100' Critical Area Buffer is to be protected from all disturbances.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 70-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 12, 2002

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

Re: Daniel and Kathleen Wanex Subdivision

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced site plan. The applicant proposes to subdivide one lot in the Critical Area of Marshyhope Creek. This is a designated Resource Conservation Area. The following additional information is needed to allow us to complete our review and provide comments your use:

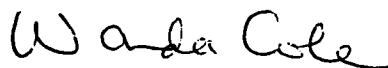
1. How many acres belong to the parent tract and what is its configuration? How many acres are located within the Critical Area? Please provide a plat that shows the entire parent tract and includes statements regarding the amount of Critical Area acreage and number of RCA density rights.
2. From the information found on the Maryland Department of Assessments and Taxation database, parcel 199B contains 27.26 acres. This parcel is entitled to only one RCA density right as RCA density cannot exceed one dwelling unit per 20 acres. The residue of the parcel would not have any development rights and the plat must be labeled as such.
3. Please include a vicinity map showing this property's position within the Critical Area. If the 1000' boundary line occurs on this parcel, that line must be shown on both the map and the plat.
4. Has the parent tract been subdivided since the implementation of the County's Critical Area Program? If so, please provide a subdivision history.
5. The state tidal wetland acreage must be deducted from the parcel acreage when calculating density.

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6. The plat needs to show the location of existing forest cover on the parent parcel and include a statement that enumerates the amount of existing forest cover. It is recommended that the 15% afforestation plantings be located adjacent to existing forest cover, if present, in order to increase the amount of riparian forest canopy, or be established in groves to provide a dense canopy that will reduce the exposure of nesting and foraging species from predators.
7. If this subdivision represents a change in use from agriculture (the property was transferred from the Chesapeake Forest Products Co.) to residential, then the entire 100' Critical Area Buffer must be established in forest vegetation. A Critical Area note to this effect must be provided on the plat.
8. General note # 9 states that no endangered species are located on the property based on the available data. Please identify the source of the data and provide copies to this office of any correspondence regarding this determination.
9. Please provide a Critical Area note stating that the 100' Critical Area Buffer is to be protected from all disturbances.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 54-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 11, 2002

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

Re: Case # 02-140-003 J.D. Blackwell BLAP

Dear Theresa,

Thank you for the opportunity to review the above referenced boundary line adjustment plat in which the applicant will be increasing the acreage to his parcel. A small portion of the additional acreage is located in the Critical Area.

Our office has no objection to this boundary line adjustment. As noted on the plat, there will be no increase in LDA density rights.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 68-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 7, 2002

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

Re: River View Farms Resubdivision: Lots 5000-8A and 5000-8B

Dear Ms. Dent,

Thank you for providing the subdivision history we requested for the above referenced project. The applicant proposes to create Lots 5000-8A and 8-B from parcel 500-8, which was created by subdivision in February 8, 1988. This 34.16 acre parcel contains 17.93 acres located within the Critical Area. Lot 5000-8B will contain all of this Critical Area acreage and has one RCA density right. The applicant might consider drawing the boundary line tangent to or along the Critical Area boundary to avoid having two levels of zoning on the property.

We do not oppose this subdivision proposal provided the Wildlife and Heritage determination is obtained prior to development on the property.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 6-02

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

February 7, 2002

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

Re: ISUB 02-100-003 Ronald C. DeLahay Subdivision


Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced subdivision in which one lot is being created on a property located off Bayside Road near St. Clement's Bay. This lot is outside the Critical Area, therefore we have no comments regarding the development on that lot.

It appears a small amount of development will occur within the Critical Area portion of the residue in order to provide access into this lot. Although it does not appear that this will become a problem, the impervious surface area of this access will reduce the site's available remaining impervious surface area allocation.

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

Sincerely,


Wanda Cole
Natural Resources Planner

cc: SM 47-02

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 7, 2002

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

Re: Perry North Intrafamily Transfer: Lot 2

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The information provided did not include a site plan, therefore, the following comments are based upon the information contained in your letter to Tim Marshall, dated January 22, 2002, and from information provided by the Maryland Department of Assessments and Taxation. Please provide our office with a copy of the site plan once it becomes available.

The following comments are provided in support of and to add to your comments to Mr. Marshall:

1. The applicant proposes an intrafamily transfer that will create one lot from a 63.47 acre parcel. This parcel appears to have contained 80 acres at one time. If this property has been previously subdivided, please provide a subdivision history starting with the 80 acre parent parcel.
2. This parcel appears on the Dorchester Critical Area map as having half its acreage located within the RCA of Chapel Creek. It is possible that this property may contain more than 60 acres in the Critical Area. If that is the case, this property does not qualify for an intrafamily transfer subdivision.
3. The 100' Critical Area Buffer must be expanded for adjacent wetland areas. Because there will be a change in use from agriculture to residential on the new lot, the Buffer on the new lot must be fully established in forest vegetation. It is possible that these forest plantings may exceed 15% afforestation of the site. A statement on the plan is necessary regarding protection of the Buffer from development activities.

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4. The deed must contain a covenant stating that the property can only be transferred to members of the immediate family. A note on the plat must state the same information. Please send a copy of the deed to this office once it is recorded.
5. A determination by the Maryland Dept of Natural Resources Wildlife and Heritage Division is needed regarding the presence of rare, threatened, or endangered species, and of species or habitat in need of conservation. Please provide this office with a copy of the determination letter once it is available.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 53-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 4, 2002

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

RE: Edgemere Food Lion Variance

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is requesting a variance for a proposed redevelopment project on an existing site in the IDA of Back River. There will be no net increase in impervious surfaces nor any clearing of forest vegetation. The variance is being requested due to Habitat Protection Area impacts caused by encroachment into nontidal wetlands and their 25' buffers, however, it appears there will be disturbances within the 100' Critical Area Buffer of the tributary stream, as well.

The following comments are provided for your use:

1. The plan needs to extend the 100' Critical Area Buffer on both sides of the tributary stream and then calculate the impacts within this Buffer. Mitigation for impacts within the 100' Buffer are at a 3:1 ratio for disturbances within the Buffer.
2. The 1000-foot Critical Area Boundary line shown on the plan does not correspond to the boundary shown on the County's approved Critical Area maps. Attached is a copy of the County Critical Area map.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481,

Sincerely,

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

Wanda Cole
Natural Resources Planner

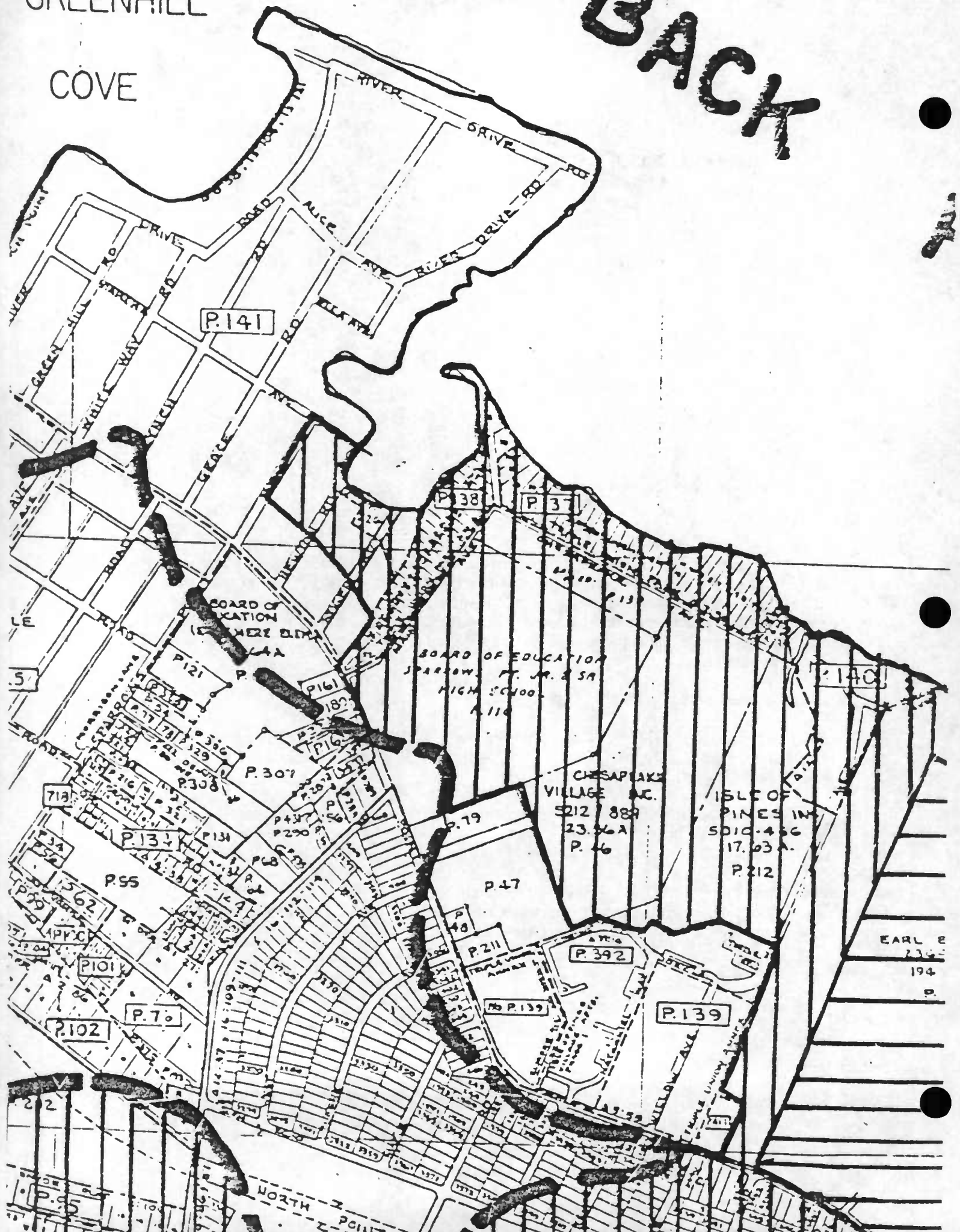
cc: BC 633-01

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

GREENHILL

COVE

BACK





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 4, 2002

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

RE: Ray Trgina Encroachment into the 100' Critical Area Buffer

Dear Theresa,

Thank you for the opportunity to comment on the above referenced as-built site plan, which is being submitted for comment as a result of an inspection that discovered the encroachment. In addition, it is our understanding that the property owner may apply to the St. Mary's County Board of Appeals for a variance if the site cannot be brought into compliance.

This property is located in the Limited Development Area of Cobrums Creek. Most of the site's developed areas are located in the 100' Critical Area Buffer. The property owner has built a patio and installed concrete stepping-stone pavers in the Buffer without first obtaining the required variance and building permits.

We cannot support a variance for a hardship created by the actions of the applicant. We support the County's efforts to address this as a violation. We recommend that restoration include the removal of the unauthorized impervious surface areas in addition to the 3:1 mitigation required for violations. Review of an aerial image of this area indicates that the property has sufficient room to accomplish this mitigation, including areas in the Buffer.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 23-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 4, 2002

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

Re: Free Subdivision, Lot 4

Dear Ms. Dent,

Thank you providing the additional information regarding the subdivision history of this subdivision. The property owner is completing the 1989 subdivision by making the 1.56 acre residue a lot of record, now that the property has passed perc tests. This residue was identified as Lot 4 on the 1989 plan but is labeled as Lot 2 on the 2001 plan. This project was sent to us for review and guidance on whether growth allocation would be needed.

We have determined that the 1.56 acre residue parcel is grandfathered and, therefore, has retained one Critical Area development right, provided that no variances are required to develop the lot. No growth allocation will be needed as long as the development plans are able to comply with all Critical Area requirements.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 566-01
Mrs. Judy Free

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 1, 2002

Mr. Kenneth L. McLawhon
Town Manager
Town of Indian Head
4195 Indian Head Hwy
Indian Head, MD 20640

RE: Saber Helal Shore Erosion Project

Dear Mr. McLawhon,

I have reviewed the information you provided regarding the above referenced shoreline protection project. You requested our review relative to compliance with the Town's Critical Area zoning ordinance requirements for such projects, namely, whether structural protection was the most appropriate approach to solving erosion problems at this site.

I telephoned Mr. Phil Mohler on January 30th and left a voice mail message asking this question. I have not yet heard back from Mr. Mohler so I will provide my recommendation based upon what I remember from a site visit we made to the area over a year ago. I believe structural measures are warranted at this site. The high and steep bank along this area, as well as the amount of open water exposure in front of it, creates a high-energy environment. The combination of long fetch and steep slopes does not allow the energy from wave action to dissipate before hitting the shoreline, therefore something is needed that will endure the constant pounding of waves and the shifting of nearshore bottom sediments.

Although the placement of earthen fill may have adverse environmental impacts, its purpose is to allow the steep bank to slump onto the bench and not onto the revetment. Ideally, the slope should eventually reach its natural angle of repose and remain stabilized. The only other alternatives to stabilizing a steep slope to keep it from slumping on top of the revetment is to grade back or terrace the bank- methods which we strongly discourage as they result in significant disturbances to the 100-foot Critical Area Buffer.

The placement of the earthen fill should be staged so that no more fill is placed channelward of the toe of the bank than what the contractor can cover with revetment stone in the same day. It would be to the contractor's benefit to stockpile enough stone on site so that he will not run short by the end of the day. If at all possible, the stockpiling of materials and storage of materials should occur outside the 100-foot Buffer.

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

In addition, we recommend that a condition be placed in the Town's permit that the resulting earthen bench is not to be mown or enhanced with any structures or amenities. It may be planted with native forest and shrub vegetation.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: IH 73-02



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

January 31, 2002

Mr. Jordan Loran, Chief
Eastern Region Engineering
For Public Lands
D-3 Tawes Building
Annapolis, Maryland 21401

Re: 42-01 Fishing Bay WMA Ramp and Parking

Dear Jordan,

Thank you for providing updated information regarding the boat ramp and parking improvements along Island Creek at Fishing Bay WMA. Our office has determined that the minor changes in scope of work are still consistent with the approval procedures that were in effect at the time of Ms. Cheryl Cort's May 16, 1995 letter to Mr. Barry Christy. There will be no need for this project to be presented to the full Critical Area Commission for approval.

Thank you for your cooperation and participation in this process.

Sincerely,

Wanda Cole

Wanda Cole

cc: 42-01

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 31, 2002

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

RE: XRS 01-0177: Wicomico View Farm Sudivision and BLAP

Dear Mr. Faasen,

Thank you for the opportunity to review the above referenced subdivision proposal. The applicant proposes to subdivide a property which appears to contain acreage both in and out of the Critical Area in the designated RCA. The following comments are provided for your use:

1. No topographic or soils information has been provided to assist in determining whether the 100' Critical Area Buffer has been properly delineated for wetlands, tributary streams, steep slopes and highly erodible soils.
2. Similarly, no information has been provided regarding a determination by the Maryland Dept of Natural Resources, Wildlife and Heritage Division (WHD), on the presence of sensitive species or habitat. This information must be requested and a copy of the WHD needs to be submitted to this office for review.
3. The 1000' Critical Area Boundary needs to be shown. A statement regarding the amount of acreage located within the Critical Area portion of this lot is also needed.
4. It appears Parcel C is being created now and that Parcel B is the result of an earlier subdivision. It is unclear as to how many RCA density rights this property might have. Please provide a subdivision history of the parent parcel, to include dates of subdivision and maps that show the property boundaries before and after those subdivisions.
5. Forest cover information is missing from the plan. If the parent parcel has been used for agriculture, the Buffer must be fully established in forest vegetation.

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6. A Critical Area note regarding preservation of the 100' Critical Area Buffer from future development activities is required.
7. A Critical Area note is needed that will require all Critical Area restrictive statements to be incorporated into subsequent site plans and survey plats so that subsequent property owners will be aware of the restrictions that are part of the subdivision approval process.

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: CS 28-02

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

January 30, 2002

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

RE: XRS 01-0175 Watson Property Subdivision

Dear Mr. Faasen,

Thank you for the opportunity to review the above referenced subdivision proposal. The applicant proposes to subdivide a property which contains acreage both in and out of the Critical Area of Popes Creek in the designated RCA. Two lots will contain Critical Area acreage. The following comments are provided for your use:

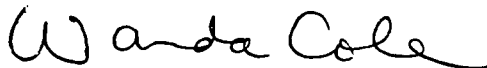
1. No topographic or soils information has been provided to assist in determining whether the 100' Critical Area Buffer has been properly delineated for wetlands, steep slopes and highly erodible soils.
2. Similarly, no information has been provided on the presence of sensitive species or habitats. A determination by the Maryland Dept of Natural Resources Wildlife and Heritage Division (WHD) must be requested and a copy of the WHD determination letter must be submitted to this office for review.
3. The 100' Critical Area Buffer has not been extended on both sides of the tributary stream. This information must be shown on the plan. A Critical Area note regarding preservation of the 100' Critical Area Buffer from future development activities is needed.
4. In addition, the mean high water line must be shown, as it appears the area labeled as nontidal wetlands might instead be tidal wetlands. If this area is indeed tidal wetlands, all the state tidal wetland acreage must be deducted from the parcel acreage before calculating the RCA density rights to this property.

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

5. A Critical Area note is needed that will require all Critical Area restrictive statements to be incorporated into subsequent site plans and survey plats so that subsequent property owners will be aware of the restrictions that were placed on this property as part of the subdivision approval process.
6. Will Lot 2 retain one of the RCA density rights? The plan should clearly state where the RCA density rights will be directed.
7. It is our understanding that no development is planned at this time, that this subdivision is primarily a boundary line adjustment to allow the family to distribute the acreage of the property. It is our recommendation that the northern boundary line of Lot 2 be moved to coincide with the Critical Area Boundary line so that none of Lot 2 will fall within the Critical Area. This will allow future development on Lot 2 to proceed without having to address Critical Area restrictions.

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

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 29-02



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 January 25, 2002 Fax (410) 974-5338

Mr. Reed Faasen
Department of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646-2150

RE: XRS 01-0160: Robert & Kathryn Walsh Subdivision

Dear Mr. Faasen:

Thank you for the opportunity to review the most recent information regarding the above referenced intra-family subdivision request. The following comments are provided for your use:

1. This property contains 3.59 acres in the RCA, therefore it has only one RCA density right.
2. By naming this subdivision an Intrafamily transfer and including the Critical Area acreage of the property, this plan must be treated as a Critical Area intrafamily transfer when reviewing the proposed development activities in the Critical Area. Again, intrafamily transfers require at least seven (7) acres in the Critical Area. This parcel has only 3.59 acres in the Critical Area, therefore it does not meet the seven acre criteria. We understand that the applicant prefers this terminology for the purposes of avoiding Forest Conservation planting requirements in the non-Critical Area portion of the property. However, it confuses the issue regarding what is allowed on the Critical Area acreage, particularly that acreage that would remain with the residue as undevelopable. We recommend that this project be submitted as a regular one-lot subdivision, and that the plan include a label placed on the drawing to clearly delineate the Critical Area portion of the residue as not having any RCA density rights.
3. The applicant should be made aware that if these lot lines are maintained as shown, forest clearing and impervious surface limits for homesite development in the Critical Area portion of Parcel A would be based upon the 2.13 acres in the Critical Area, not the original 3.59 acres of Critical Area on the parent tract.
4. Information regarding topography, wetlands, streams, soils and the presence or absence of rare, threatened, endangered or sensitive species and/or habitats still needs to be provided in order to determine if this lot configuration is conducive to development.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CS-673-01

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 18, 2002

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

RE: Denise Gardner Shared Pier
Lots 6 and 7 Leverings Subdivision

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan. The following comment appends our letter dated January 16, 2002.

We defer to the Maryland Department of the Environment regarding pier issues. Provided the pier has been authorized by all the necessary state, federal and local approvals, this office has no comment.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 5-02

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

January 17, 2002

The Honorable Julie B. Randall, President
Board of County Commissioners for
Saint Mary's County
PO Box 653
Leonardtown, Maryland 20650

Re: Ordinance No. 2001-33: Text Amendment Changes Regarding Growth Allocation Deductions

Dear Ms. Randall,

I am pleased to inform you that, on January 9, 2002, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that County Ordinance 2001-33, regarding growth allocation deductions was a refinement to the County's Critical Area Program and the refinement was approved. These text amendments are consistent with the wording of the Commission's growth allocation policy, dated February 3, 1993. This action complies with the terms of the Consent Decree between the Board of County Commissioners for Saint Mary's County and Judge John C. North, II, Chairman, Chesapeake Bay Critical Area Commission dated September 20, 2001.

As a result of this refinement and the Consent Decree, the growth allocation awards for Eppard Subdivision, St. Clements Woods, and Loes Landing are now valid. The maps showing these subdivisions will need to be amended to show their new designations, and copies of the amended maps must be forwarded to our office.

Thank you for your participation and assistance in this process.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: Mr. Jon Grimm
Ms. Marianne Mason

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

January 17, 2002

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

RE: Ray Trgina Encroachment into the 100' Critical Area Buffer

Dear Mr. Berry,

Thank you for the opportunity to comment on the above referenced as-built site plan, which is being submitted for comment as a result of an inspection that discovered the encroachment. In addition, it is our understanding that the property owner may apply to the St. Mary's County Board of Appeals for a variance if the site cannot be brought into compliance.

This property is located in the Limited Development Area of Cobrums Creek. Most of the site's developed areas are located in the 100' Critical Area Buffer. The property owner has built a patio and installed concrete stepping-stone pavers in the Buffer without first obtaining the required variance and building permits.

We do not oppose the granting of a variance, provided the applicant implements the necessary 3:1 mitigation to offset the new disturbances to the Buffer. This mitigation should first be accomplished in the 100' Critical Area Buffer.

This is an after-the-fact application. The County's Critical Area ordinance includes a 3:1 penalty provision for Buffer violations. The St. Mary's County Board of Appeals might consider requiring this mitigation as well. Review of an aerial image of this area indicates that the property has sufficient room to accomplish this mitigation, including areas in the Buffer.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 23-02

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

January 17, 2002

Mr. William Ball
Parks Division Manager
Saint Mary's County
Department of Recreation and Parks
PO Box 653
Leonardtown, MD 20650-0653

Re: ADA Walkways Project (Elms Beach Park)

Dear Mr. Ball,

I am pleased to inform you that on January 9, 2002, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project in accordance with COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area. This approval is subject to the following conditions:

1. A maintenance agreement is required to address potential erosion problems that could occur along the walkways. County Recreation and Parks staff will coordinate with Commission staff in the drafting and execution of this agreement prior to initiating construction of the pathways.
2. Mitigation for disturbances within the 100' Critical Area Buffer are required at a 3:1 ratio using native plantings. These plantings must be placed within the 100' Critical Area Buffer and may include a mixture of trees and shrubs to cover a 2,720 square feet. Seven trees (7) and 21 shrubs would provide this amount of mitigation. In addition, if it is necessary to remove any trees to accommodate placement of the pathways, mitigation for loss of forest cover is 3:1 in the 100' Critical Area Buffer and 1:1 outside the Buffer. A planting plan and agreement will be necessary to show what species will be used, where they will be placed, and how they will be maintained to ensure their survival.

Once the pathways have been field located, please contact me at 410-260-3481 for a site visit to determine the options for a planting plan.

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

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Thank you for your participation and assistance in this process. It has been a pleasure working with you, and I look forward to our continued efforts to develop a planting plan and maintenance agreements.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Sandra Patty, DNR
Project File 28-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

January 16, 2002

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

RE: Louis and Margaret Hammett Variance Application

Dear Theresa,

Thank you for the opportunity to comment on the above referenced variance application, which is being submitted for after-the-fact approval of a 99 square foot deck and 150 +/- square feet of stone walkway. These development activities attach to an existing dwelling, deck, garage, and driveway on a grandfathered lot located in the Limited Development Area of Potomac River. The purpose of the variance is to allow the site to exceed its maximum allowable limit of 31.25% impervious surface area.

A new addition is also present at this property, and Mr. Jackie Alvey's November 20, 2001 violation notice appears to follow-up on an inspection of the recent construction of this new addition. The addition appears to have been authorized by a building permit. This addition also caused the property to exceed its 31.25% impervious surface limit.

This office cannot support a variance for actions caused by the property owner. Had the property owners applied for the variance beforehand, they would have been asked to remove existing impervious surface areas in exchange for the new in order to maintain impervious surfaces within permissible limits.

We recommend that the applicant remove impervious surfaces to bring this site into compliance with the 31.25% impervious surface limit of 4,883 square feet. We suggest the applicant consider removing stone surfaces around and behind the carport, as well as the stepping stones of the walkway, in order to achieve this goal.

Please do not hesitate to call me at 410-260-3481 if you have questions about these comments.

Sincerely,

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

Wanda Cole
Natural Resources Planner

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

January 16, 2002

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

Re: Variance Case Number 2080: Jacquelyn Handley

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the replacement of an existing 1,680 square foot dwelling with a 1,568 square foot dwelling on the same footprint, a portion of which is located in the 100' Critical Area Buffer. The existing garage, which is perpendicular to the existing dwelling, will remain in place. This is a grandfathered property located in the Limited Development Area of Hurst Creek.

This office does not oppose this request. We observed from 1995 aerial imagery that the site does not have 15% forest cover, therefore, we recommend that the variance approval include a condition that the applicant provide 15% afforestation on the property.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: DC 10-02

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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January 16, 2002

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

RE: Denise Gardner Site Plan
Lots 6 and 7 Leverings Subdivision

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan. Our comments remain the same as those we provided for VAAP # 00-2470 and 2472 under the name of William Wellington. Copies of those comments are provided for your use. In addition, Lot 6 needs to provide for 15% afforestation if afforestation was not addressed at the time of the original subdivision.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 5-02

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

December 7, 2000

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

RE: VAAP# 00-2470 William Wellington, Leverings Subdivision Lot 6

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced variance request. This variance involves the construction of a single-family dwelling and deck within the Critical Area Buffer and the clearing of 39% of the site's existing forest cover. This property lies within a designated Limited Development Area (LDA).

Forest impacts exceed the allowable limits, therefore mitigation is required at a 3:1 ratio.

In addition, impervious surface impacts within the Buffer will require plantings at a 3:1 ratio.

It is recommended that landscape gravel be placed beneath the deck and that there be spacing between the deck floorboards in order for the structure to be considered pervious.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 599-00

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

December 7, 2000

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

RE: VAAP# 00-2472 William Wellington, Leverings Subdivision Lot 7

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced variance request. This variance involves the construction of a single-family dwelling and deck within the Critical Area Buffer and the clearing of 59% of the site's existing forest cover. This property lies within a designated Limited Development Area (LDA).

Forest impacts exceed allowable limits, therefore mitigation is required at a 3:1 ratio.

In addition, impervious surface impacts within the Critical Area Buffer require plantings at a 3:1 ratio.

It is recommended that landscape gravel be placed beneath the deck and that there be spacing between the deck floorboards in order for the structure to be considered pervious.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 598-00

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 16, 2002

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

Re: River View Farms Resubdivision

Dear Ms. ~~Dent~~,
Theresa

Thank you for the opportunity to review the above referenced project. The following comments are provided for your use:

1. This office has no record of having reviewed the original subdivision history of this project under the names of Riverview Farms, River View Farms, Lott, or Tax Map 68 Parcel 12. Please provide a subdivision history that will show the original lot line configuration for the parent parcel.
2. Lots 2-6, 500-1, and 500-2 are not shown. Similarly, Lot 500-7 is not shown in its entirety. It is not clear if Lot 500-7 was once part of Farmstead 5000-8B. If that is the case, Farmstead 5000-8B might not have any remaining density rights in the RCA and the plat of record would need to be labeled accordingly.
3. Critical Area note # 4 mentions that the locations of Natural Heritage Areas, etc. have been located on the preliminary plan. Such information does not appear on the plan. Are these areas present or absent? Please provide a copy to our office of the Maryland Dept of Natural Resources Wildlife and Heritage Division determination letter that states the presence or absence of these sensitive areas.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 6-02

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

January 15, 2002

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

RE: Carole Linthicum Variance

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing construction of a single-family home in an Intensely Developed Area of Back Creek. The proposed development will encroach into the 100' Critical Area Buffer at the site, therefore a variance is requested.

There will be minimal permanent displacement impacts within the Buffer. Most of the impacts to the Buffer will be intermittent disturbances that will occur during temporary construction activities and by use of the area on the southeast side of the house as yard. These disturbances will affect 1200 square feet of Buffer.

This office does not oppose the granting of this variance, however, mitigation for impacts in the Buffer are 3:1, therefore the applicant will need to provide 3,600 square feet of mitigation instead of the 1200 square feet shown on the plan.

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

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: BC ~~361-01~~ 640-01

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

January 15, 2002

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

Re: Guazzo Subdivision

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced subdivision proposal. As most of parcel and all of its associated development will occur outside the Critical Area, this office has no comments.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 7-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 11, 2002

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

Re: Mirant Piney Point Pipeline Tower
Replacement of Monopole Communications Tower

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced plan. It appears that the replacement of an existing monopole communications tower with a slightly larger monopole will occur just outside the Critical Area. Accordingly, our office has no comment.

In the event that the project is located just inside the Critical Area Boundary, this office would have the following comment:

- The proposed work, which includes a 6' diameter caisson for the pole, two grounding rods, an expansion area for a cabinet, the possible installation of a phone pedestal and underground electric line, will occur in an area that has already been disturbed by previous site development. In addition, this work does not represent a significant increase in impervious surface or disturbed area. We assume that once the existing monopole is removed, its foundation area will be vegetatively stabilized.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 671-01

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

January 10, 2002

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

Re: Mark Burroughs Subdivision

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced simplified subdivision plan. It appears that the requested subdivision occurs entirely outside the Critical Area. Accordingly, our office has no comment.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 670-01

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

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Chairman

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Executive Director

**STATE OF MARYLAND
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January 10, 2002

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

Re: Mary Clarke Subdivision

Dear Mr. Berry,

Thank you for the opportunity to comment on the above referenced simplified subdivision plan. It appears that the requested subdivision occurs entirely outside the Critical Area. Accordingly, our office has no comment.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 638-01

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

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Chairman



Ren Serey
Executive Director

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

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

January 10, 2002

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

Re: Robert B. Davis Intrafamily Transfer

Dear Mr. Berry,

Thank you for the opportunity to comment on the above referenced intrafamily transfer. The following comments are provided for you use:

1. It is not clear whether the development envelope for Lot 3 is located. Is it all of the area that has less than 15% slopes?
2. If yes to # 1 above, is any part of that area included inside the expanded 100-foot Critical Area Buffer? It is not clear where the expanded Buffer line stops when it reaches the western property boundary near survey point L14.
3. The limits of the Sewage Reserve Area should be shown on this plat.
4. Critical Area Intrafamily Transfer note # 2) b should be deleted. This is not a situation addressed by the County's Critical Area ordinances.
5. Critical Area Intrafamily Transfer note # 2) c.iv needs to be clarified to state that parcels greater than 7 acres and less than 12 may be subdivided into two (2) lots only.
6. This plan shows a Lot 1, Lot 500-2 and Lot 3. Is Lot 1 part of the parent tract? If so, what is it's subdivision history? If not, is there a reason it is being shown?
7. Critical Area Note # 10 states that locations are identified on the plat for natural heritage areas, and habitats of rare, threatened or endangered species. There are no locations shown, therefore it appears no such areas exist at this site. Please provide this office with a copy of the determination letter from the Department of Natural Resources' Wildlife Division regarding the presence or absence of these areas.

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8. How will the development site on Lot 3 be accessed from the Common Access driveway? It appears a driveway would have to be built across the greater than 15% slope as well as in the expanded 100-foot Critical Area Buffer. A variance would be required for both situations. This office cannot support a subdivision that would require a variance in order to be developed. We recommend that the applicant provide an access easement across Lot 500-2 into Lot 3 in an area where a variance would not be required.
9. The designated 20' water access easement for Lot 1 is impractical. It descends a greater than 25% slope. Developing an access lane to the shoreline down this slope would create a tremendous amount of disturbance on extremely steep slopes composed of highly erodible soils. Any development to facilitate access along this area would require a variance. Again, this office cannot support a subdivision that would require a variance. If this easement has not yet been granted and recorded, we recommend that it be deleted from this plat.

If you have any questions about these comments, feel free to call me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 639-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

January 8, 2002

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

RE: Cape Saint Mary's Marina Site Visit

Dear Theresa,

This letter provides comments as follow-up to our December 17, 2001 site visit to the above referenced site. This property had previously been used as a restaurant, marina and boat storage facility. The new owner, who operates a marine construction business, wishes to add some new water-dependent and water-related uses.

During the site visit we observed earth disturbances to the mean high water line that were created by the movement of equipment during barge off-loading operations and for construction of the replacement bulkhead. We also observed sandblasting of equipment in an area within the 100-foot Critical Area Buffer, as well as the location of portable, outside toilets within the Buffer.

The new, marine construction-related uses would qualify as a water-dependent, commercial use. This operation could be viewed as an expanded marina within a Limited Development Area which is permitted in accordance with COMAR 27.01.03.06 A.

Provided the County's Ordinance allows proposed water-dependent and water-related uses, the Commission would not oppose a change in use. However, the applicant should remove all non-water-dependent activities from the Buffer. Because the property is almost entirely encumbered by the 100-foot Buffer, the County may wish to consider designating this property as a Buffer Exemption Area in order to provide flexibility in accommodating the new uses.

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

Sincerely,

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

Wanda Cole
Natural Resources Planner

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

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

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

January 7, 2002

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

RE: CA Permit # 01- 2188 Jeffrey and Cathy Pinkel

Dear Theresa,

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

The applicant proposes construction of a screened porch, masonry patio, and hot tub in the 100-foot Critical Area Buffer of Patuxent River. This lot is located in a designated Limited Development Area. Provided this is a properly grandfathered lot, a lot of this size may utilize up to 31.25% of its area for impervious surfaces. The proposed impervious areas will equal 26%.

This office does not oppose the granting of this variance provided that the applicant locate the hot tub onto the proposed masonry patio or screened porch. This action would keep the developed areas in one building envelope, and would minimize the cumulative impervious surface impacts on the site.

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

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 685-01

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

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 2, 2002

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

RE: XRS 01-0160: Robert & Kathryn Walsh Subdivision

Dear Mr. Faasen,

Thank you for the opportunity to review the above referenced intra-family subdivision request. The following comments are provided for your use:

1. Intra-family subdivisions require at least seven (7) acres. The size of the property and its RCA designation will not permit any other form of subdivision without growth allocation.
2. A complete review could not be accomplished as important information is missing from the plan. The applicant will need to provide an environmental report or at least address the following items:
 - The amount of existing forest cover on the site
 - The amount of existing impervious surfaces
 - The location of the Sewage Reserve Area and the boring information for the area where perc tests were performed
 - Locations of streams, wetlands, steep slopes, the Critical Area boundary and the 100-foot or expanded Buffer line, if applicable
 - Information on topographic contours and soils types
 - Information regarding the presence of any rare, threatened or endangered species. A copy of the determination letter from the Department of Natural Resources Wildlife and Heritage division will need to be provided to this office.
3. Where is Parcel A-1 located relative to Parcel A?
4. Was Parcel A originally created from an earlier subdivision. The subdivision history of this parcel must be furnished.

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

5. This subdivision is not exempt from the forest conservation requirements of the Charles County Critical Area Program for subdivisions on properties located in the RCA or LDA (should growth allocation be requested.)

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: CS 673-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 2, 2002

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

RE: XRS 01-0160: Robert & Kathryn Walsh Subdivision

Dear Mr. Faasen,

Thank you for the opportunity to review the above referenced intra-family subdivision request. The following comments are provided for your use:

1. Intra-family subdivisions require at least seven (7) acres. The size of the property and its RCA designation will not permit any other form of subdivision without growth allocation.
2. A complete review could not be accomplished as important information is missing from the plan. The applicant will need to provide an environmental report or at least address the following items:
 - The amount of existing forest cover on the site
 - The amount of existing impervious surfaces
 - The location of the Sewage Reserve Area and the boring information for the area where perc tests were performed
 - Locations of streams, wetlands, steep slopes, the Critical Area boundary and the 100-foot or expanded Buffer line, if applicable
 - Information on topographic contours and soils types
 - Information regarding the presence of any rare, threatened or endangered species. A copy of the determination letter from the Department of Natural Resources Wildlife and Heritage division will need to be provided to this office.
3. Where is Parcel A-1 located relative to Parcel A?
4. Was Parcel A originally created from an earlier subdivision. The subdivision history of this parcel must be furnished.

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

5. This subdivision is not exempt from the forest conservation requirements of the Charles County Critical Area Program for subdivisions on properties located in the RCA or LDA (should growth allocation be requested.)

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

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: CS 673-01

Staff Correspondence Vol. I: Esslinger

2002

S1832-152-2

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 27, 2002

Mr. Duncan Stuart
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: National Aquarium Expansion

Dear Mr. ^{Duncan} Stuart:

Thank you for providing the revised site plan, Critical Area report, and 10% Rule calculations for the National Aquarium expansion. The revised calculations are correct, and a fee-in-lieu payment is proposed. Thank you for the opportunity to review this project.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Dawnn McCleary
BA441-02

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

July 23, 2002

Mr. Duncan Stuart
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Visitor's Center Consistency Report

Dear Mr. ^{Duncan} Stuart:

Thank you for providing the consistency report and landscaping plan for the new visitor's center at the Inner Harbor. Based on the information provided, this office concurs with your determination that the visitor's center proposal is consistent with the City's Critical Area Program.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Dawnn McCleary
BA 175-02

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

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

TO: Ray Dintaman, Jr.

FROM: Regina Esslinger



RE: ClearStream fiber optic cable

DATE: July 8, 2002

I have reviewed the proposal to place fiber optic cable in the Chesapeake Bay and its tidal tributaries using directional boring and/or incision plow trenching. While the Critical Area Criteria permit the placement of utilities in Habitat Protection Areas, all impacts must be minimized. I met with Milt McCarthy, the consultant on this project, last year about the proposal and it is my understanding that as proposed impacts will be minimized.

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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

Mr. Donald J. Bautz Jr.
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Red Head Way

Dear Mr. Bautz:

We spoke on May 17, 2002 regarding the request to pave Red Head Way with asphalt; the current surface is gravel, which has become highly compacted. Red Head Way is a private road which serves a townhouse community. We discussed the City's position that the road should be replaced with pea gravel to provide some infiltration in an area that currently has none. The Critical Area regulations allow for local jurisdictions to determine which surfaces provide infiltration. Based on our discussion, this office does not oppose your decision.

Please feel free to contact me if you have any other questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-3460

Fax: (410) 974-5338

May 10, 2002

Ms. Marie L. Rameika
Town of Church Hill
Town Hall
P O Box 85
Church Hill, Maryland 21623

RE: Mill Property

Dear Ms. Rameika:

I have reviewed your May 2, 2002 letter and photos in which you describe the proposal to push all the mill debris into the existing basements, grade the foundations to ground level, fill and compact the soil, and stabilize the site. The current ruins present a safety hazard and the Town wants to eliminate the potential for harm. The property is in the floodplain, within the 100-foot stream Buffer, contains nontidal wetlands, and has a Maryland Historic Trust archeological easement on it. All work will be done with the Army Corps of Engineers and Maryland Department of the Environment present. Based on our phone conversation today, it appears that this work can occur.

We recommend that after the site is stabilized, native Buffer plantings of trees and shrubs equivalent to the area of fill be planted on site. Because the site occasionally floods, the following species would have a good chance for survival:

Large trees:	Willow oak	Quercus phallus
	Red maple	Acer rubrum
	River birch	Betula nigra
	Pin oak	Quercus palustris
Small trees:	Greenash	Fraxinus pennsylvanica
	Paw paw	Asimina triloba
	Ironwood	Carpinus caroliniana
	Sweetbay magnolia	Magnolia virginiana

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Ms. Rameika
May 10, 2002
Page Two

Shrubs:	Sweet pepperbush	Clethra alnifolia
	Silky dogwood	Cornus amomum
	Elderberry	Sambucus Canadensis
	Winter berry	Ilex verticillata
	Swamp azalea	Rhododendron viscosum

Thank you for the opportunity to comment on this proposal.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Mary Ann Skilling
Ms. LeeAnne 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

April 24, 2002

Mr. William R. Watson
Town of Chesapeake Beach
8200 Bayside Road
P O Box 400
Chesapeake Beach, Maryland 20732

Re: Horizons on the Bay
Buffer Exemption Area Mitigation

Dear Mr. Watson:

I have reviewed and discussed with Mary Owens the proposal in your January 8, 2002 letter to use the Richfield Station site as a mitigation planting site. This site is acceptable if the adjacent forest is protected from clearing and if an easement permanently protecting the mitigation is put in place. We concur with your recommendation that a sketch and specifications be put together for our approval to describe the affected area and to ensure natural regeneration.

I have also reviewed the March 21, 2002 Collinson, Oliff & Associates, Inc. revised Landscape Plan that identifies the BEA plantings on site. The plantings proposed are acceptable.

The flood gate agreement has been approved and signed by MDE, therefore this last outstanding issue has been addressed.

Thank you for your assistance in closing out this project.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: Mr. Rick Ayella, MDE
Mr. Ren Serey
Ms. Mary Owens

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 10, 2002

Ms. Marie L. Rameika
Town of Church Hill
Town Hall
P O Box 85
Church Hill, Maryland 21623

RE: Mill Property

Dear Ms. Rameika:

I have reviewed your May 2, 2002 letter and photos in which you describe the proposal to push all the mill debris into the existing basements, grade the foundations to ground level, fill and compact the soil, and stabilize the site. The current ruins present a safety hazard and the Town wants to eliminate the potential for harm. The property is in the floodplain, within the 100-foot stream Buffer, contains nontidal wetlands, and has a Maryland Historic Trust archeological easement on it. All work will be done with the Army Corps of Engineers and Maryland Department of the Environment present. Based on our phone conversation today, it appears that this work can occur.

We recommend that after the site is stabilized, native Buffer plantings of trees and shrubs equivalent to the area of fill be planted on site. Because the site occasionally floods, the following species would have a good chance for survival:

- | | | |
|--------------|-------------------|------------------------|
| Large trees: | Willow oak | Quercus phallus |
| | Red maple | Acer rubrum |
| | River birch | Betula nigra |
| | Pin oak | Quercus palustris |
| Small trees: | Greenash | Fraxinus pennsylvanica |
| | Paw paw | Asimina triloba |
| | Ironwood | Carpinus caroliniana |
| | Sweetbay magnolia | Magnolia virginiana |

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Ms. Rameika
May 10, 2002
Page Two

Shrubs:	Sweet pepperbush	Clethra alnifolia
	Silky dogwood	Cornus amomum
	Elderberry	Sambucus Canadensis
	Winter berry	Ilex verticillata
	Swamp azalea	Rhododendron viscosum

Thank you for the opportunity to comment on this proposal.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Mary Ann Skilling
Ms. LeeAnne 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

March 1, 2002

MEMORANDUM

TO: Larry Duket

FROM: Regina Esslinger *RE*

RE: Grandfathered lots

We have an unusual situation regarding lot consolidation and grandfathered lots in Anne Arundel County. In Herald Harbor, where the average lot is 25'x100', a builder has purchased numerous adjacent undeveloped, steeply sloped, wooded lots, all designated RCA. Some of the lots front a paper road. The County arranged a land swap with the builder to create a new road that facilitates development of his lots. The lots need one or more Critical Area variances to be developed as proposed. The lots are part of a large (100+ acre) tract of FIDS habitat. The proposed homes are much larger than the existing houses in the community. Naturally, the neighbors are opposed to the development. The County has an "antiquated lot law" which requires that substandard sized lots be brought closer to current minimum size when possible. This seems to apply to an individual who owns a few small lots side by side and must combine them before building. The County also has a law regarding "developer's interest lots" that requires someone who holds a subdivision created before 1970 in common interest to combine them. I believe the intent of the developer's interest law is to prevent full scale development of old subdivisions that don't meet current zoning standards. It's not clear if these two laws overlap or are mutually exclusive.

Here are the various problems:

1. The County never notified the Commission of the road proposal under 27.02.02. While we can address the lack of notification, is this in effect creating a "new" subdivision?
2. The builder has consolidated lots to create three larger lots, but all will still need variances. The builder may also own other adjacent lots not currently proposed for development. We recognize the right of grandfathered lots, but when is further consolidation justified given the environmental impacts?
3. Can we require the County to look at all of his adjacent holdings?

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

4. The RCA regulations in the Criteria encourage various mechanisms to “maintain the land area necessary to support the protective uses.” How does that enter into this situation?
5. The “developer’s interest” law sounds like it would address the problem here, but we have had an almost impossible time over the years trying figure out exactly how it applies. It seems to change with each new application and we have been unable to get our hands on any standards or guidelines.

Here’s how you can help us if you’re able:

Any information you have on the legal issues involved in lot consolidation. Perhaps a request to APA’s PAS for information may help. Any recollections you have about Criteria development discussions on grandfathering may also be illustrative.

Please feel free to call me, LeeAnne, or Ren if you need any more information. Thank you!

cc: Ren Serey
LeeAnne Chandler
Lisa Hoerger
Marianne Mason



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

February 25, 2002

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: January 28, 2002 letter

Dear Ms. ^{Roxana} Whitt.

I have received your letter regarding our conversation about the Hance property with 39 mobile home units. The site is 13.9 acres and designated RCA. Your letter is correct in that the Commission considers the existing 39 dwelling units to be grandfathered and that future subdivision density would be determined by County zoning limitations, provided that the total number of dwelling units do not exceed 39. Future subdivision must meet all Habitat Protection Area requirements.

Please call me if you need any additional information.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Julie LaBranche

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

Staff Correspondence Vol. I: Jones

2002

SI832-152-3

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 12, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Pirate's Cove Growth Allocation (Property of Roger & George Ann Butt)

Dear Ms. Kean:

I am in receipt of your letter to Judge North of August 9, 2002 on behalf of the Board of County Commissioners for Somerset County requesting approval for 5.8 acres of growth allocation for the above-referenced parcel. It is my understanding that the County Commissioners approved this use of growth allocation after a public hearing on July 30, 2002.

This item will be placed on the agenda for review by the full Commission on September 4, 2002. In the meantime, Judge North will make a refinement determination. If you have any questions, please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Tom Lawton
Mary Owens

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 17, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

Re: Tylerton Wastewater Treatment Plant Upgrade, Smith Island, Somerset County

Dear Ms. Kean:

This letter is to inform you that at their monthly meeting on June 5, 2002, the Critical Area Commission approved the project upgrading the Tylerton Wastewater Treatment Plan. As you know, a conditional approval was necessary for this project since there will be development activities in the Critical Area Buffer. The Commission felt that a conditional approval was warranted due to the substantial benefits of the proposed project.

Thank you for your assistance with this project.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

June 4, 2002

Mr. Tom Lawton
Somerset County Department of
Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

Re: Pirates Cove Marina, Chance, Maryland 02-125, Site Plan SO 120-02 – Proposed
BEA designation and proposed growth allocation.

I am writing this letter as a follow-up to our site visit on May 21, 2002 to the above-
referenced site and as a response to the proposal by the property owner to the County to
designate the property as a buffer exempt area (BEA) and concurrently a request for
growth allocation from LDA to IDA. It is our understanding that the property has been
used as an Army Corps of Engineers spoil disposal site in the past and at one time a
restaurant/bar was located on the site. The restaurant/bar has since burned down. There
are currently 32 existing boat slips on the site adjacent to a portion of the shoreline that is
bulkheaded.

The property owner has proposed to increase the size and amenities at the marina by
increasing the number of boat slips, providing designated parking, providing crab
shanties and a picnic shelter. The owner has requested that the site be designated as a
BEA and that growth allocation be granted to change the Critical Area designation from
LDA to IDA.

This office does not believe that the property qualifies as a BEA under the County's
Critical Area Program. While the site has been used for spoil disposal, this use has not
precluded vegetation from establishing itself and providing some water quality and
habitat benefits. Use of a site for dredge material does not automatically qualify the site
for BEA designation. Even with a possible clay layer underlying the surface soils, there
is undoubtedly some water quality treatment since there is no evidence that stormwater
collects, increases in volume and speed, and runs off of the site into the surrounding
waters either during or immediately after a rain event. If left alone the vegetation will
succeed to a more mature and diverse species composition providing additional habitat

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Mr. Lawton
June 4, 2002
Page Two

benefits to both terrestrial and aquatic species. There is some *Phragmites australis* on the site, but it is not the dominant vegetation. While *Phragmites* is not usually considered a desirable plant, it does provide water quality services and is a significant deterrent to soil erosion.

While this office does not believe that the entire site should be designated as a BEA, we can support a portion of the property being classified as BEA. The area that seems suitable for BEA designation is that adjacent to the existing boat slips and bulkhead and where buildings and paving were previously located in the Buffer.

If the entire property is not designated as a BEA, it will not necessarily preclude the applicant from pursuing an expansion and upgrade of the marina. Design modifications could include the relocation of the crab shanties, which are considered water-dependent facilities under the local Critical Area Program. This would free up some of the non-Buffer portion of the property for parking and nonwater-dependent structures. Instead of an access road that follows the edge of the peninsula perhaps a road could be designed with several access points that would minimize impervious surface in the Buffer. We would be happy to work with the applicant and his consultants to find a way to design a project that will be consistent with the County's Critical Area Program.

Even if the property did have a designation of BEA, the extent of encroachment into the 100-foot buffer area adjacent to the water is significant and would need to be minimized and the Buffer area enhanced. BEA designation does not eliminate the need to minimize impervious surfaces and development activities adjacent to the water and does require mitigation.

If the property is not designated as a BEA, there may or may not be a benefit to receiving growth allocation to allow additional impervious surface on the site. A designation of IDA also carries with it the responsibility to do additional stormwater management measures through the 10% pollutant reduction requirement.

Please do not hesitate to call me if you have any questions regarding this letter. You may reach me directly at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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June 6, 2002

Ms. Lori Allen
Development Division
Anne Arundel County Office of Planning and Zoning
MS #6303.
2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Re: Watson Property (Nantucket on the Severn) off of Benfield Road, Severna Park
AA 491-01

Dear Ms. Allen:

I have attached a map further clarifying where I believe the drainage area on the eastern side of the property stops functioning as a stream. The site plan indicates a stream designated "waters of U.S." draining into a nontidal wetland. It is my opinion that the drainage is not a tributary stream for Critical Area purposes beyond this point. I believe that the drainage was a stream at one time, but that the water was diverted and now drains elsewhere off of the property. This means that there will not be Buffer considerations on the lots on the northern portion of the property near Benfield Road.

Please do not hesitate to call if you have any questions regarding this letter. You can reach me directly at 410-260-3476.

Sincerely,

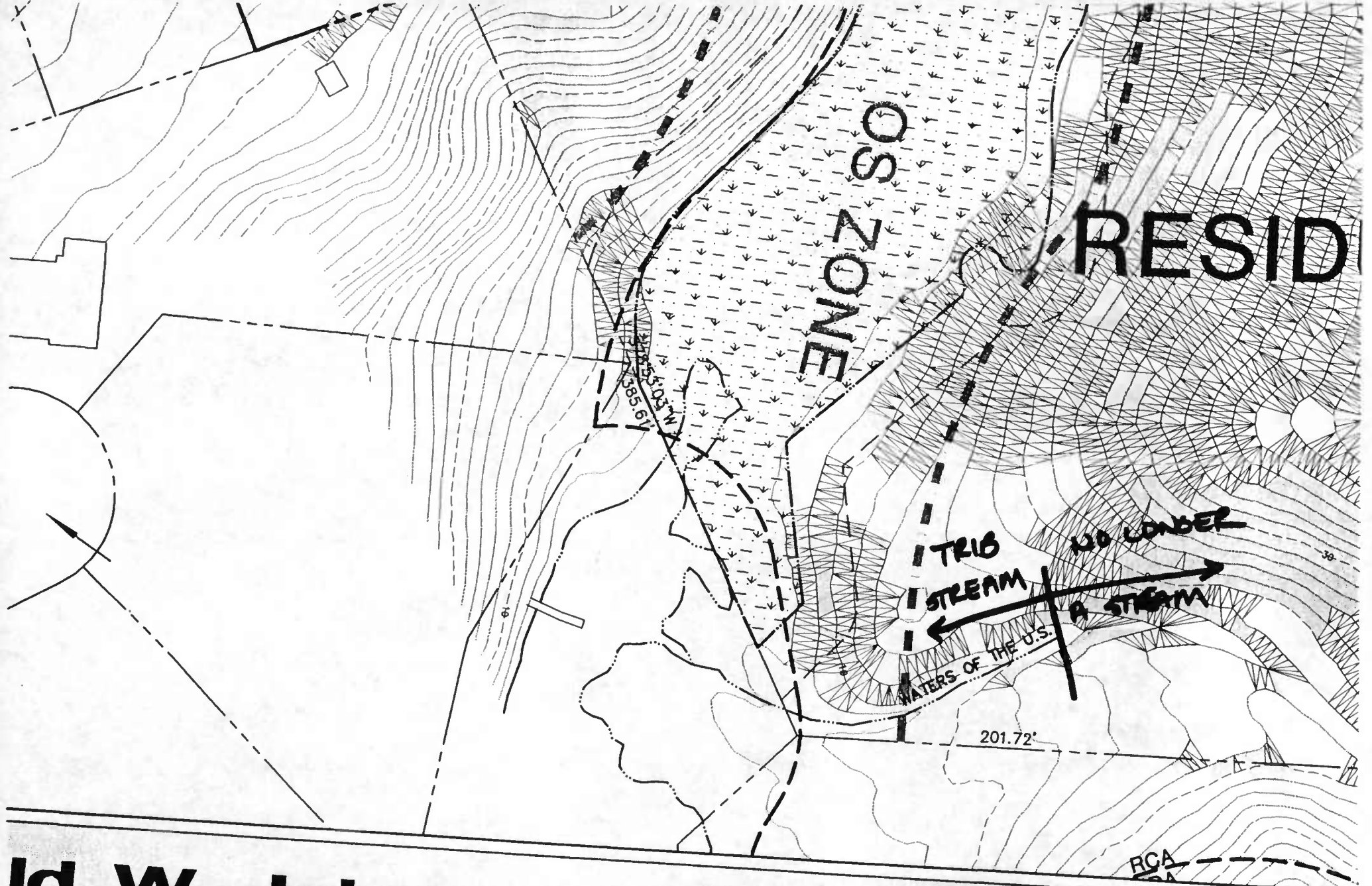
A handwritten signature in black ink that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Eric See
Lisa Hoerger

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

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Id W. Johnson Associates, Inc.
Engineers, Land Planners, Surveyors

201.72'
RCA
Road Building 400, Suite 420 Ann Arbor, MI 48106

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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June 3, 2002

Ms. Judy Cole
Maryland Department of the Environment
Southern Maryland Field Office
Louis L. Goldstein State Office Building
Suite 2700, 200 Duke Street
Prince Frederick, Maryland 20678

Dear Judy:

Thank you for your excellent presentation on vernal pools. Your presentation was informative and generated a lot of interest. I believe many people were greatly enlightened about the ecology, range in size and the significance of these systems, which can easily be overlooked when reviewing a project for environmental impacts.

As you know, local government education and support are important components of the effective implementation of any environmental program. The Critical Area Commission greatly appreciates your time and effort in making this presentation and, of course, the vernal pool reconnaissance prior to the workshop. As a further token of our appreciation, I have enclosed a Critical Area Commission cap.

Sincerely,

Claudia

Claudia Jones

MCJ/jjd

Enclosure

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

June 3, 2002

Mr. Butch Norden
Maryland Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Butch:

Thank you for your excellent presentation on vernal pools. Your presentation was informative and generated a lot of interest. I believe many people were greatly enlightened about the ecology, range in size, and the significance of these systems, which can easily be overlooked when reviewing a project for environmental impacts.

As you know, local government education and support are important components of the effective implementation of any environmental program. The Critical Area Commission greatly appreciates your time and effort in making this presentation and, of course, the vernal pool reconnaissance prior to the workshop. As a further token of our appreciation, I have enclosed a Critical Area Commission cap.

Sincerely,

Claudia

Claudia Jones

MCJ/jjd

Enclosure

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June 3, 2002

Dr. Dennis Whigham
Smithsonian Environmental Research Center
647 Contees Wharf Road, P O Box 28
Edgewater, Maryland 21037

Dear Dr. Whigham:

Thank you for your excellent presentation at the recent Critical Area Commission Spring Workshop on your research into forests, forests gaps and the effects on the reproduction and the genetics of forest wildflowers. Your presentation was fascinating and very informative. It reminded us of how complex our forest systems actually are.

As I indicated to you while setting up this presentation, one of the habitats that local Critical Area jurisdictions conserve through their Critical Area Program are their forests. Efforts such as yours are one way that local government staff can become more educated on and remain inspired to approach their often, difficult job of implementing environmental regulations.

The Critical Area Commission greatly appreciates your time and effort in making this presentation. As a further token of our appreciation, I have included a Critical Area Commission cap.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

M CJ/jjd

Enclosure

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Chairman

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June 3, 2002

Mr. Greg Stewart
Anne Arundel County Department of Public Works
Bureau of Engineering
2662 Riva Road, MS 7301
Annapolis, Maryland 21401

Dear Mr. Stewart:

Thank you for your excellent presentation on green roofs at the recent Critical Area Commission Spring Workshop. Your presentation was very informative and interesting, especially knowing that you are currently working on numerous green roof retrofits for Anne Arundel County. It is always best to hear about new or alternative ways of doing something from someone that is actively involved and knows the pros and cons firsthand.

As you know, local government education and support are important components of effective land-use planning and implementation and are essential to the success of the Critical Area Program. The Critical Area Commission greatly appreciates your time and effort in making this presentation and for answering the numerous questions from the audience. I believe that the number of questions indicates just how much interest there is in this topic.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

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June 3, 2002

Mr. Ron Brasher
D. R. Brasher
5560 Sterrett Place, Suite 300
Columbia, Maryland 21044

Dear Mr. Brasher:

Thank you for your excellent presentation on green roofs at the recent Critical Area Commission Spring Workshop. Your presentation was very informative and interesting, especially knowing that you are currently working on a large-scale building that incorporates a green roof into the design. It is always best to hear about new or alternative ways of doing something from someone that is actively involved and knows the pros and cons firsthand.

The Critical Area Commission greatly appreciates your time and effort in making this presentation and for answering the numerous questions from the audience. I believe that the number of questions indicates just how much interest there is in this topic. I have enclosed a Critical Area cap as a further token of our appreciation.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

Enclosure

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June 3, 2002

Mr. Colin Studds
Smithsonian Environmental Research Center
647 Contees Wharf Road, P O Box 28
Edgewater, Maryland 21037

Dear Mr. Studds:

Thank you for your excellent presentation on the effects of fragmentation to migratory birds and a comparison of the differences seen in a suburban versus an agricultural matrix at the recent Critical Area Commission Spring Workshop. Your presentation was very interesting and informative. It reminds us all how complex the ecological systems and the wildlife that they support are.

As I indicated to you while setting up this presentation, one of the habitats that local Critical Area jurisdictions are required to conserve is that habitat utilized by forest interior dwelling birds for breeding. I have enclosed a copy of the guidance document that the Critical Area Commission approved to help local jurisdictions with this task. The document was reviewed by numerous scientists actively working in the area of bird study and conservation, as well as local government planners involved with implementation of a Critical Area Program.

The Critical Area Commission greatly appreciates your time and effort in making this presentation, especially during the busy field season. Efforts such as yours are one way that local government staff can become more educated and remain inspired to approach their often difficult job of implementing environmental regulations. As a token of our appreciation, I have enclosed a Critical Area Commission cap for you.

Sincerely,

M. Claudia Jones
Claudia Jones
Science Advisor

MCJ/jjd

Enclosures

Branch Office: 31 Creamery Lane, Easton, MD 21601
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June 3, 2002

Dr. Tom Jordan
Smithsonian Environmental Research Center
647 Contees Wharf Road, P O Box 28
Edgewater, Maryland 21037

Dear Dr. Jordan:

Thank you for your excellent presentation on vegetated riparian zones and the implications for water quality and management of these buffer areas at the recent Critical Area Commission Spring Workshop. Your talk was very interesting and presented in a way that made this complex information accessible even for those with minimal technical background.

As you know, a riparian buffer is an important component of the Critical Area Program. The education and support of the individuals that are charged with implementing this program on a day-to-day basis is key to the program's success. The Critical Area Commission greatly appreciates your time and effort in making this presentation and for answering the numerous questions that it generated. Hearing firsthand from the scientists involved in applicable research helps keep local government staff inspired to do their job. As a further token of our appreciation, I have enclosed a Critical Area Commission cap.

Sincerely,

M. Claudia Jones
Science Advisor

MCJ/jjd

Enclosure

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

Mr. Gilbert and Ms. Marilyn Ugiansky
404 Ridgely Avenue
Annapolis, Maryland 21401-1306

Re: Proposed Activity in Critical Area Buffer

Dear Mr. and Mrs. Ugiansky:

This letter is a follow-up on our site visit to your property on May 10, 2002. After seeing your property and talking with you, it appears that this office can support your variance request with some minor changes/conditions. We recommend the following:

- Relocate the new steps that go from the deck towards the water closer to the existing steps. This will minimize the impervious surface and increase the distance to the adjacent creek and wetlands.
- Maintain the existing larger trees and native saplings where possible. These should be shown on the site plan.
- Limb the tulip poplar along the water. By cutting only the bottom limb it should be sufficient to allow enough additional light along the shoreline to increase the amount of *Spartina alterniflora* that can survive in this area.
- There were several native shrubs, either *Iva frutescens* or *Baccharis halimifolia* (too far away to see properly) growing along the shoreline next to the bridge property. These should remain to help provide stabilization of the shoreline.
- Mitigation calculations should be provided for all new structures and disturbance for construction in the Buffer. This mitigation is at a 3:1 ratio.
- Mitigation should be provided at a 1:1 ratio for other vegetation removal not associated with the construction of the decks and/or walkways. For example, we talked about replacement of a dying cherry tree. This should be replaced with another tree somewhere on the property. I imagine that the plantings you are proposing will be more than adequate to mitigate for all your activity, but we need to document that.

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Mr. and Mrs. Ugiansky:
May 15, 2002
Page Two

Thank you for taking the time to meet with us and explain what you are proposing.
Please do not hesitate to give me a call if you have any questions regarding this letter.
You can reach me directly at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

cc: Ms. Megan Owen, City of Annapolis
Ms. Regina Esslinger, CAC
Ms. Dawnn McCleary, CAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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May 13, 2002

Ms. Janet Gleisner
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Pais Enterprises, HC 644-01, VAR 5204

Dear Ms. Gleisner:

Thank you for providing information on the Pais project for our review and comment. As you know several Critical Area Commission staff have visited the site. We have also had conversations with you since then as well as with consultants for the applicant. As you are aware the site is entirely Critical Area Buffer due in large part to the tributary stream that runs through the property. Our comments are based in part on the fact that the site falls entirely within the Critical Area Buffer and on the proximity of sensitive wetlands adjacent to the site.

- All disturbance on the site should be mitigated for at a ratio of 3:1. This mitigation should be in the form of forest plantings on another site, preferably in the same watershed and within the Buffer.
- Any areas that are not to be disturbed and/or will not have structures or parking should be maintained in woody vegetation.
- The 10% pollutant reduction needs to be met for the site since it is in an IDA. Hopefully this can be met on site with a measure such as the proposed rain gardens that will allow for infiltration.
- Impervious surfaces need to be minimized to the extent possible. Impervious surfaces should be as far from the stream/wetlands as possible and at a minimum twenty-five feet from the edge of the stream channel. This may not be possible at the top of the streams where the used car display is adjacent to Route 40, but this minimum should be maintained on the rest of the site.
- Mitigation should be proposed to treat some of the stormwater runoff coming off of Route 40 in addition to the 10% pollutant reduction requirement. The proposal should include the types and locations of both as well as a maintenance proposal for all facilities. The maintenance proposal should include who will be

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Ms. Janet Gleisner
May 13, 2002
Page Two

responsible for the facilities and a schedule.

Please do not hesitate to call if you have any questions regarding these comments. You may reach me directly at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

cc: Ms. Regina Esslinger
Ms. Dawnn McCleary

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 10, 2002

Ms. Lakesha Coates
Maryland Dept of Natural Resources
Taws State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: NEPA Review/TEA-21 Wetlands Project
Grays Creek Bog Creation Project

Dear Ms. Coates:

Thank you for seeking our comments on the Grays Creek Bog wetland restoration project. Based on our site visit of last year and the information that you have provided, it appears that the project is consistent with the Chesapeake Bay Critical Area Criteria and will in fact enhance the Magothy River watershed.

Since the project is technically a local county project, it needs to be demonstrated that the project is consistent with the Anne Arundel County Critical Area Program. I don't believe that this will be a problem. We will work with the County on their Consistency Report.

Thank you for including us in your review. Please call if you have any more questions. You can reach me directly at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Mr. Dennis McMonigle
Ms. Regina Esslinger
Ms. Lisa Hoerger

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Executive Director

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

May 7, 2002

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

Re: Clearbrook Farms

Dear Ms. Veith:

This letter is a follow-up to our site visit yesterday to the Clearbrook Farms site to look at potential tributary streams. In my opinion, the watercourses leading into the "lake" are no longer functioning as tributary streams requiring a 100-foot buffer. I believe at one time there was a direct connection with Little Kingston Creek and the drainage to the west, but the existing damn has changed how the remnant stream is functioning and it no longer requires a 100-foot Buffer under the County's Critical Area program. This area is still, however, very valuable to wildlife because of the diverse vegetation, the aquatic component of the lake and the nontidal/tidal wetlands, the proximity to large forested areas, and the proximity to the Patuxent River. It undoubtedly provides important habitat for migratory birds as well as resident birds, small mammals and, of course, reptiles and amphibians. It is encouraging that it appears that this area is to remain forested under the current proposal for growth allocation.

The Buffer does need to be extended some for the tributary stream that drains into the tidal pond. The stream channel extends approximately 5 feet beyond the area where willows are growing along this drainage and the Buffer should be extended to reflect this. This is somewhat farther than is shown on the site plan.

Please call if you have any questions about this letter. You can reach me directly at 410-260-3476.

Sincerely

Handwritten signature of Claudia Jones in cursive script.

Claudia Jones
Science Advisor
MCJ/jjd
cc: Ms. Wanda Cole

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Ren Serey
Executive Director

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May 2, 2002

Mr. Melvin A. Cusick
Somerset County Roads Department
P.O. Box 219, 8981 Sign Post Road
Westover, Maryland 21871

Re: Allen Road Culvert Replacement – Somerset Creek

Dear Mr. Cusick:

This responds to your letter of April 15, 2002. Thank you for providing information on the emergency replacement of the concrete box culvert and wingwalls with two aluminum box culverts that will be supported by timber pilings in Somerset Creek. From the information provided it appears that the project is consistent with the Somerset County Critical Area Program. It is my understanding that work was to begin immediately due to the emergency nature of the project. The only additional recommendation I have is that if vegetation is removed in the Buffer, that it be replaced and or reestablished in the Buffer.

Thank you for providing the Local Agency Consistency information for the Somerset County Critical Area Program.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Ms. Joan Kean

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 29, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Smith Island Wastewater Treatment Plant Upgrade, Somerset County

Dear Ms. Kean:

This letter responds to your submittal of the Smith Island Wastewater Treatment upgrade proposal. Based on preliminary information it appears that the Commission will need to consider this project for conditional approval by the Critical Area Commission based on the Critical Area Commission's Criteria (Criteria), Title 27, Subtitle 2, Chapter 6. "Conditional Approval of State or Local Agency Programs in the Critical Area." Normally, a local project of this type would be handled simply as a project of "local significance", and documented with a letter that describes how the project is consistent with the jurisdiction's Critical Area Program. This project is different due to the potential impacts to the Critical Area Buffer. It is our understanding that the Tylerton treatment wetlands will be primarily located in the Critical Area Buffer. To make this determination, we need to know the square footage of impacts to the Buffer and the kind of activities that will occur in this area (i.e. grading, clearing, etc.) and a map of the project sites with the project activities and the Buffer designated on the plan. We also need to know the type of vegetation, etc. that exists there now.

According to the Criteria, in order to qualify for consideration by the Commission for conditional approval, the sponsoring agency needs to show that the project meets 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;

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Ms. Joan Kean
April 26, 2002
Page Two

- (2) That the project otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program; and
- (3) That the project or program is otherwise in conformance with this subtitle.

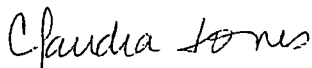
The conditional approval request shall contain at a minimum, the following:

- (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;
- (2) A proposed processes by which the program or project could be conducted as to conform, insofar as possible, with the approved local Critical Area program;
- (3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program.

If it is determined that this project needs to proceed as a Conditional Approval, the above information is needed by the Commission, at a minimum, two and one-half weeks before the Commission meeting at which the project will be voted on.

Please do not hesitate to call me at 410-260-3476 if you have any questions about this process, or if I can assist you in any way.

Sincerely,



Claudia Jones
Science Advisor

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 23, 2002

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Henricson Variance Application, CF 232-02

Dear Ms. Evans:

This letter is in response to the above-referenced variance request. It is my understanding that the property owner wishes to construct a single-family dwelling, a storage shed, a concrete pad, and a pier. I also noticed on the site plan a pool and a fishpond. I have the following comments on these proposals.

This office is not opposed to a variance for the house and the driveway. Since a significant portion of the property is within the 100-foot Critical Area Buffer, the applicant does not have much in the way of alternatives for the location of the dwelling. However, this office cannot support a variance for the storage shed, a concrete pad, the pool, or the fishpond. These are all accessory structures/activities that would require construction and grading in the Buffer. Their construction would not be consistent with the Town's Critical Area Program. The State's Critical Area Criteria as well as the Town's ordinance prohibits structures in the Buffer. The pier is a "water-dependent" structure and is therefore allowed within the Buffer without a variance.

Granting a variance for the accessory uses on this parcel would result in a special privilege for the property owner, beyond what would normally be allowed within the Buffer. The Critical Area Commission, as well as the Courts, have generally considered the "unwarranted hardship" variance standard to only apply to a principal dwelling. In other words, if a property owner has a parcel that is entirely Buffer, it would be an unwarranted hardship if that property owner could not build a single family dwelling, but

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Ms. Angie Evans
April 23, 2002
Page two

it is not unwarranted hardship if a property owner cannot build various accessory structures. That is why we recommend denial of the variance as proposed.

We would not oppose the rv pad adjacent to the proposed driveway, and we would not oppose the shed if it was attached to the house. In this way they could be considered part of the principal structure and access. Another possibility may be to locate these, as well as the pool and the pond in the area on the parcel that is outside of the Buffer.

We recommend that mitigation for the impacts to the Buffer be in the form of plantings of native woody vegetation at a ratio of 3:1 for the area of disturbance.

Please feel free to call me at 410-260-3476 if you have any questions about this letter.

Sincerely,

Claudia Jones
Science Advisor

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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March 19, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: David Taylor Camping Area, Special Exception - SO 193-02, 02-2229

Dear Mr. Lawton:

Thank you for providing information on the above-referenced project. After speaking with you after your site visit, it sounds as if the actual location on the site where the property owner would like to locate the cabins is within the Buffer. If this is accurate, it is a problem for the Commission. The Commission, as you know, cannot support the location of such structures within the Buffer. It would also not be consistent with the Somerset County Critical Area Program and it would not be able to meet the variance standards for development activities within the Critical Area under the Somerset County Zoning Ordinance.

If the property owner wishes to construct the cabins at the location on the original site plan that was submitted with the application, outside of the Buffer, the Commission has no problems with the proposal. Any trees that are cleared for the project need to be replaced on a minimum 1:1 basis for disturbance outside of the Buffer. There is a 3:1 replacement ratio for any disturbance inside the Buffer.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

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Ren Serey
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March 18, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Robert Pollitt, SO 192-02, 02-2225

Dear Mr. Lawton:

Thank you for providing information on the above-referenced project. It is our understanding that the three micro cabins proposed will be placed outside of the 100-foot Buffer. Any trees that are cleared for the project need to be replaced on a 1:1 basis.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

MEMORANDUM

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

FROM: ^{CJ} Claudia Jones, Critical Area Commission

SUBJECT: COE Draft EA – Smith Island Wastewater Treatment Plant Upgrade Project, Somerset County

DATE: March 29, 2002

Any project that is the result of State or Local Agency actions that would normally be prohibited under the Critical Area Criteria needs to come before the Critical Area Commission for conditional approval. It appears that the above-referenced project will need to come to the Critical Area Commission for conditional approval since the project will impact the Critical Area Buffer.

We will work with the Somerset County, the State, and the COE to ensure that this can occur during the time frame that has already been set in motion.

We do not have any additional comments at this time.

cc: Tom Lawton, Somerset County
Regina Esslinger, 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
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March 20, 2002

Mr. Tom Magenau
South County Properties
P O Box 9
Churchton, Maryland 20733

RE: Forest/FID Mitigation Banking Issues

Dear Mr. Magenau:

Thank you for your ideas for future forest mitigation banking efforts that you forwarded to Mary Owens. We appreciate the innovative ideas that you are working on, and look forward to working with you, County staff and MDE staff on some of these ideas. I do not believe, however, that we can fully support your recent request on increasing mitigation credits available for sale as Forest Interior Dwelling Bird (FID) mitigation on protected forests. I will try to explain why.

In recent correspondence from you and Doug Musser regarding your current and potential forest mitigation properties, you requested additional information about how the FID mitigation credit for an easement on existing forest relates to the reforestation credit on existing forest. Specifically, you have requested to be allowed to increase the amount of mitigation credits that you can sell from protected forest from: 1 acre for every 3 acres preserved (1:3), to: 1 acre for every 2 acres preserved (1:2). You based this request, in part, on a portion of, A Guide to the Conservation of Forest Interior Dwelling Birds Habitat in the Critical Area (FID Guidance).

In order to answer this question, I think it is important to clarify how FID mitigation works and how this relates to potential credits for sale in a mitigation bank. These are actually two different things. On one hand, there is the issue of how many credits a mitigation bank has available to sell and on the other hand is how a mitigation credit can be applied by a property owner to a mitigation debt that has been incurred by developing in Critical Area forestland.

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Mr. Magenau
March 20, 2002
Page Two

First, consider mitigation credits that may be available for sale on an existing protected forest. The Critical Area Commission has directed Critical Area jurisdictions, including Anne Arundel County, that only 30% of any protected forest acreage can be considered available for mitigation purposes. This is based on the Critical Area Criteria, which allow a maximum of 30% clearing of forest in Limited Development Areas and Resource Conservation Areas. Based on this, it is considered that approximately 70% of a forest is already protected by the existing regulations and it would be inappropriate to allow mitigation credits for forest that is already protected. Available credits for sale in this type of forest mitigation bank would be the same whether it was for general forest mitigation or FID mitigation.

Second, consider FID habitat and how that mitigation is calculated. It is somewhat different than general forest clearing and mitigation. It may be important to understand how FID impacts are quantified. FID impacts are quantified as "direct loss" and "interior loss". Direct loss is the actual area of forest that is cut or cleared. Interior loss refers to the acres of forest interior that are cut or converted to edge, thereby reducing the value of the area for FID. Interior loss is calculated by determining the area of forest interior prior to development and then subtracting the area of forest interior after development. The type of mitigation that will be acceptable depends on whether the mitigation is based on direct loss or interior loss.

In determining mitigation requirements associated with a project and ultimately identifying mitigation sites, the County, with the assistance of the Commission, must first determine if the project meets the "Site Design Guidelines" (Guidelines) set forth in the Commission's FID Guidance. If it is determined that the Guidelines have been followed, then only replacement of forest directly cut is required. **For direct forest habitat loss, all mitigation must result in the creation of new FIDS habitat. Easements on existing forest cannot be used to meet this requirement.** Protection of existing habitat is not allowed in this case because of the state criteria requiring maintenance of existing forest acreage in each Critical Area jurisdiction and the requirement to "protect and conserve" FID habitat.

If the County determines that the Guidelines were followed, then the total FIDS mitigation will equal the number of acres of direct forest habitat loss or the actual area cut or cleared, in other words an area equal to the area cut or cleared must be planted to create or expand an area of FIDS habitat. Qualifying mitigation for direct forest habitat loss can also satisfy the basic reforestation requirement, although additional acreage may be needed if the replacement ratio exceeds one to one.

If the County determines that the guidelines were not followed, then the total FID mitigation equals the number of acres of direct forest habitat loss plus two times the number of acres of interior habitat loss. Once the direct replacement requirement for FID mitigation has been met,

Mr. Magenau
March 20, 2002
Page Three

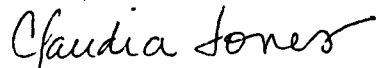
additional mitigation can be either created or protected. **Easements on existing forest that is determined to be potential FIDS habitat may be used to meet the interior habitat loss requirement only.** When forest is created, full credit toward a mitigation debt is allowed. When the protection option is chosen, the protected acres are given only one half credit towards the mitigation acres. This is, I believe, the one half credit for forest protection that you and Mr. Musser have referred to in the FID Guidance. Mitigation in the form of easements is not an acceptable as a way to meet the basic reforestation requirement since the basic reforestation requirement would have been satisfied as part of meeting the mitigation requirement for direct forest habitat loss. Direct forest habitat loss requires planting rather than protection of existing forest.

The one half credit for protection that you have referred to applies to how much credit someone would be allowed toward the mitigation that they owe. It does not really apply to how much credit might be available to sell from a forest mitigation bank. This is a separate issue. This is why we do not believe that it is appropriate to suggest to the County that they allow additional credits for protected forests that are set up as mitigation banks.

It is also important to differentiate between mitigation for forest clearing and mitigation for FID impacts. Mitigation for both forest clearing and FID impacts can only occur simultaneously on the same acreage when the site is being planted, and the FID mitigation is for the direct forest habitat loss.

I hope this explains what we considered in evaluating your request. For your information, I have enclosed a copy of the Commission's guidance publication entitled, A Guide to the Conservation of Forest Interior Dwelling Birds Habitat in the Critical Area which provides additional information about FIDS, conservation guidelines, and mitigation. If you have any questions, please feel free to call me at (410) 260-3476.

Sincerely,



Claudia Jones
Science Advisor

MCJ/jjd

cc: Mr. Doug Musser
Ms. Penny Chalkley
Mr. Jim Johnson
Ms. Mary Owens
Ms. Regina Esslinger
Ms. Lisa Hoerger

Judge John 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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March 13, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Scott Tawes Growth Allocation

Dear Ms. Kean:

The Critical Area Commission voted on the Scott Tawes growth allocation at their monthly meeting on March 6, 2002. The Commission concurred with Judge North's determination that the growth allocation be handled as a refinement to the County's Critical Area Program and approved the growth allocation with the condition that the County deduct the entire acreage (6.78 acres) of Lot 1 from the County's growth allocation. This would be instead of deducting the area of the "development pad." The Commission determined that the growth allocation as proposed was not consistent with the Commission's Growth Allocation Policy. Specifically, the proposal was not consistent with the language "The development envelope shall include individually owned lots ..." from this policy. Deduction of the entirety of Lot 1 will rectify this inconsistency.

If you have any questions, please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

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Executive Director

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March 13, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Terry Sparr Campground –Special Exception

Dear Mr. Lawton:

Thank you for providing information on the above-referenced project. I have the following comments/questions regarding this project and additional information that is needed to complete our review.

- The 100-foot Buffer needs to be delineated on the site plan. The 100-foot Buffer is determined in the field. It appears that a large portion of the site is Buffer and without that information it will be hard to provide substantive comments.
- We need a letter from the Department of Natural Resource, Wildlife and Heritage regarding the location of any rare, threatened or endangered species in the vicinity of the project.
- We need further information on what the property owner envisions for the campground. Will it require additional impervious surface, filling of wetlands, new structures, new roads and/or parking areas?
- We need information on the adequacy of the sewage system. Will it need to be enlarged and/or replaced? Is there adequate room to do this on site?
- Will the marina component of the property still be operated?

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- Since the property is designated as a Limited Development Area there is a limit on the amount of impervious surfaces of 15% that can be placed on the property.

I am sorry that this letter provides more questions than substantive comments, but it is hard to review without this additional information. I will be happy to meet with County staff and the applicant onsite if that would be helpful.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 28, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Pirates Cove Marina

Dear Mr. Lawton:

Thank you for providing information on the above-referenced marina proposal. It is my understanding that the site is designated as a Limited Development Area (LDA) and is an existing marina. Based on these assumptions, I have the following comments:

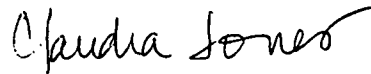
- An LDA site needs to be at least 15% afforested. The site plan indicates that the parcel is 5.75 acres in size. According to my calculations, 15% of the site would be equivalent to 37,570 sq. ft. of trees/forest vegetation. It appears that only 12,304 sq. ft. of the site is being proposed for afforestation. The remaining 25,266 sq. ft. of afforestation areas needs to be addressed. The Buffer along the side of the property facing Scott's Cove appears to be a possible location for addition tree planting to meet this requirement.
- Spoil disposal in the 100-foot Buffer – The Critical Area Criteria prohibit spoil disposal in the Buffer unless it is in a previously approved channel maintenance spoil disposal area or as backfill for a permitted shore erosion protection measure. If this site has been previously approved as a spoil disposal area, documentation of this needs to be provided to the County.
- Any new parking and other nonwater-dependent facilities need to be located entirely outside of the Buffer.
- The "Marina Notes" on the site plan indicates that a store/shop building was proposed at one time. Besides the three proposed crab shanties, the only building that is shown on the plan that I have, dated November 26, 2001, is a storage building. This needs to be clarified since a store/shop would probably require

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Mr. Tom Lawton
February 28, 2002
Page Two

more parking than a storage building under the County's regulations. Any additional parking needs to be located outside of the Buffer. Thank you for this opportunity to comment. If you have any questions, please feel free to contact me at (410) 260-3476.

Sincerely,



Claudia Jones
Science Advisor

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 18, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Covington Cove Growth Allocation

Dear Ms. Kean:

The Critical Area Commission approved the above-referenced project at their meeting on February 6, 2002. The approval was subject to the following conditions:

- A site plan is provided to Critical Area staff that shows the entire parcel, clearly marking the areas that will remain as RCA. Acreage figures for each area must total the Critical Area acreage and be included on the plan. Also to be shown are the existing forest cover, tidal wetlands, and the entire 100-foot Buffer as determined from the edge of tidal wetlands. This new site plan should be reviewed by Critical Area Commission staff prior to recordation.
- The Buffer needs to be established in forest vegetation. Plat notes and deed restrictions need to indicate that the Buffer will need to be established in forest vegetation and that any forest existing on a lot must be maintained or mitigation must be provided.
- Calculations need to be provided for existing forest cover to determine if there is a minimum of 15% forest coverage on the site.

Thank you for working with the Commission on getting this project through the approval process. Please call if you have any questions regarding these conditions.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 19, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Scott Tawes Growth Allocation

Dear Ms. Kean:

I am in receipt of your letter of January 29, 2002 on behalf of the Board of County Commissioners for Somerset County requesting approval for 2.87 acres of growth allocation for the above-referenced parcel. It is my understanding that the County Commissioners approved the use of 2.87 acres of growth allocation after a public hearing on January 29, 2002.

This item will be placed on the agenda for review by the full Commission on March 6, 2002. In the meantime, Judge North will make a refinement determination. If you have any questions, please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

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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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Fax: (410) 974-5338

January 29, 2002

Ms. Joan Kean
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Scott Tawes Subdivision, SUB 01-222, SO 475-01, Growth Allocation

Dear Ms. Kean,

This is a follow-up to my letter of October 24, 2001. Since that time, we have received additional information on the proposal from the County. We have no problems with the growth allocation. We have the following comments:

- Growth allocation should be deducted in the amount of 2.87 acres for the newly created development envelope.
- 15% afforestation – it is our understanding that the 15% afforestation requirement will be met for the development envelope (0.43 acres) outside of the development envelope, but on the property and adjacent to the Buffer. This is a preferable location especially since there may be rare plants in the wetlands adjacent to the property.
- The result of the existing dwelling, for density purposes, encumbers 20 acres of the parcel. Of the remaining 16.1 acres, 2.87 acres will be the newly created development envelope. The left over 13.23 acres does not have any development potential remaining unless additional growth allocation is used.
- I have consulted with Russ Hill from the Wildlife and Heritage Division of DNR. He does not believe that the proposed subdivision will have an adverse impact on any listed plant species that may be in the tidal wetlands. I have attached a memo from him.

Please call if you have any questions regarding these comments.

Sincerely,

Claudia Jones
Science Advisor

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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January 24, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Covington Cove Growth Allocation

Dear Ms. Kean:

Thank you for providing additional information on the above-referenced growth allocation. Based on the information from you and the additional maps from the applicant's consultant, we have determined that we have a complete submittal. It is my understanding that that the County Commissioners approved the use of 34 acres growth allocation after a public hearing on August 28, 2001.

This item will be placed on the agenda for review by the full Commission on February 6, 2002. In the meantime, Judge North will make a refinement determination. If you have any questions, please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

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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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January 7, 2002

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

Re: Variance No. 2001-0456-V, Robert Lubbert, AA661-01

Dear Ms. Plociennik:

Thank you for providing information on the above-referenced variance application. The applicant is requesting a variance to permit a dwelling addition with disturbance to steep slopes and steep slope buffer and with less Critical Area Buffer than required. This office has no problem with construction of a house on this site and realizes that variances will be necessary. We do have several suggestions to minimize the extent of the variance needed:

-Shortening the length of the driveway would allow the house to be pulled back away from the steep slopes.

-Moving the location of the proposed deck to the side of the house or even to the western end of house on the same side would increase the distance of the structure from the wetland and shoreline.

-A smaller house would require less impact to the expanded Buffer and to the 25ft. buffer to the steep slopes.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: AA 619-01

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Staff Correspondence Vol. I: Labranche

2002

S1832-152-4

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
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October 28, 2002

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town Water Tower Project at Richfield Station

Dear Mr. Watson:

This letter is to update the Town regarding our evaluation of the water tower project at Richfield Station. There are several outstanding issues regarding this project, including environmental and site plan information (refer to my letter of October 1, 2002), and selection of a mitigation site.

At our meeting on October 21, 2002 to review the Critical Area maps for Chesapeake Beach, we discussed various mitigation alternatives for the Water Tower project. The mitigation alternatives discussed included the use of Transferable Development Rights and preservation opportunities in other areas of the Calvert County. Commission staff determined that these were potentially viable options to providing mitigation outside the Town. However, it is the Town's responsibility to coordinate with the County to evaluate and select a mitigation site, develop a planting plan and schedule, and select an appropriate preservation strategy for the site. As we discussed, the proposed mitigation sites must ensure that new Forest Interior Dwelling Bird (FID) habitat is being established, not only preservation of existing FIDs habitat or forested lands.

As discussed during our phone conversation of October 25, 2002, Commission staff will need a revised site plan in order to evaluate FIDs impacts for the proposed site. The revised site plan must show the parcel boundary and contiguous forest within the Critical Area, the limits of disturbance for the water tower site and access road, and topography for the parcel and contiguous forest within the Critical Area.

After our evaluation is complete, the project must be presented to the Commission for approval. This project may require a consistency report or a conditional approval, depending upon the scope of impacts associated with the project and whether the project complies with the provisions of the local Critical Area program.

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William R. Watson
Town Water Tower Project at Richfield Station
October 28, 2002
Page 2

I have attached the requirements for both a consistency report (Chapter 02, pages 77-78) and conditional approval (Chapter 06, pages 111-112) of local projects within the Critical Area. For local projects, the Town must submit to the Commission a consistency report or specific findings for conditional approval. The Commission may hold a public hearing on a request for conditional approval (refer to the requirements of COMAR 27.02.07.02 and 03).

Please contact me at (410) 260-3475, if you have questions or need additional information.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Mayor Gerald Donovan

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

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD-01-18-44, Alex's Gardens (TM 44, Parcel 135)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 1.1 acre parcel to create 4 lots. The property is designated a Limited Development Area (LDA). A portion of the property is currently developed with a single-family dwelling.

Based on the information provided, we have the following comments regarding this subdivision proposal.

- 1) Lots of less than one acre in the LDA, that are part of a subdivision created after December 1, 1985, are limited to 25 percent impervious surface coverage, providing that the subdivision does not exceed 15 percent impervious surface coverage. It appears unlikely that the proposed subdivision would meet this standard, when the impervious surface coverage of the existing dwelling and the proposed subdivision access road are considered (refer to calculations below). The applicant may investigate alternative configurations for subdivision of the property, considering the impervious surface coverage limitations within the Critical Area.

<u>Property/Subdivision Area</u>	<u>47,916 sq. ft. (1.1 acres)</u>
Allowable Impervious Surface	+7,187 sq. ft. (15 percent of property)
Existing Impervious Surface	-1,380 sq. ft. (existing dwelling)
Proposed Access Road	-4,069 sq. ft. (from subdivision plan)
<i>Remaining Impervious Surface</i>	<i>= 1,738 sq. ft. (for 3 undeveloped lots)</i>

- 2) We recommend that, if the applicant chooses to pursue the current proposal, growth allocation be considered as an alternative to exceeding the impervious surface standards within the LDA.

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

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Olivia Vidotto
MSD-01-18-44, Alex's Gardens
October 25, 2002
Page 2

- 3) The applicant must request an evaluation of the property for rare, threatened, and endangered species by the Department of Natural Resources. A copy of their evaluation must be provided to this office.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: CA 646-02

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 24, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SD-02-08, Solomons Harbor (TM 44, Parcel 294)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 95.84 acre parcel to create 246 lots, of which 80.34 acres and 243 lots would be within the Critical Area. The property is designated an Intensely Developed Area (IDA) and portions of the western and southern parcel boundary are Buffer Exempt Areas (BEAs). Portions of the property are currently developed with a commercial marina and facilities.

At this time, we are unable to complete our evaluation of this subdivision proposal due to the absence of specific environmental information for the site. We have the following comments regarding this subdivision proposal.

- 1) The property contains nontidal and tidal wetlands, which are not identified on the subdivision plan provided by the applicant. All Habitat Protection Areas, and wetlands, must be identified on the property and shown on a revised subdivision plan.
- 2) The 100-foot Buffer is identified incorrectly in several locations on the subdivision plan (refer to Sheets 6 and 10). These portions of the property are not Buffer Exempt Areas. The 100 foot Buffer must be delineated from the landward edge of tidal wetlands or mean high water, whichever is greater, and shown on a revised subdivision plan.
- 3) If present, steep slopes (greater than 15 percent) must be identified on the subdivision plan. The Buffer must be expanded for steep slopes. Without this information, we are unable to determine whether expansion of the Buffer is necessary.
- 4) Based on GIS information from the Department of Natural Resources, the property is identified on the Maryland Inventory of Historic Properties database. The applicant must request an evaluation of the property from the Maryland Historic Trust. A copy of their evaluation must be provided to this office.

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Olivia Vidotto
SD-02-08, Solomons Harbor
October 24, 2002
Page 2

- 5) The applicant must request an evaluation of the property for rare, threatened and endangered species from the Department of Natural Resources. A copy of their evaluation must be provided to this office.
- 6) Development on Lots 15-19 and a playing field are proposed within the 100 foot Buffer (refer to Sheet 10). Development on Lots 3 and 4 are proposed within the 30 foot waterfront setback in a BEA (refer to Sheet 10). Development on Lots 3, 4, 10, 11, 12, and an unidentified Lot, are proposed within the 100 foot Buffer (refer to Block Q, Sheet 9). Development activities are not permitted within the Buffer or waterfront setback in BEAs, except by variance. This office would not support the creation of new lots, recreational or stormwater facilities for which a variance would be required to develop.
- 7) Subdivisions in an IDA must demonstrate compliance with the 10% Rule for reductions in pollutant loads within the Critical Area. At this time, the applicant has not submitted 10% Rule worksheets (including existing and proposed impervious surface calculations) to this office for review. In addition, all stormwater best management practices and structures proposed on site must be shown on the subdivision plan. New stormwater best management practices and structures are not permitted within the Buffer or waterfront setback in BEAs.

Prior to local approvals, we request that the applicant submit a revised subdivision plan to this office for review and comment. The revised plan must address the information requested above. We will provide additional comments after evaluation of this information.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Patrick Mudd (DayTech Engineering, LLC)

CA 589-02

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 24, 2002

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

Re: Variance 02-2861, White

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling with clearing of greater than 30 percent of the property and disturbance to the Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent of the existing forested area, should be required. Since the property is almost fully forested, mitigation alternatives will need to be addressed. However, some mitigation plantings may be accommodated within the septic reserve areas on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 641-02

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

October 24, 2002

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

Re: Variance 02-2862, Baranek

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition and driveway expansion with disturbance to the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for the proposed construction. The applicant should be aware that with the proposed improvements, the property would have 24.4 percent impervious surface coverage. Any future improvements to the property must comply with the maximum allowable impervious surface coverage of 25 percent. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Stormwater runoff from the new structures should be directed to a stable, vegetated outfall on the property to promote sheetflow and infiltration.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 642-02

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 24, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SD-02-08, Solomons Harbor (TM 44, Parcel 294)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 95.84 acre parcel to create 246 lots, of which 80.34 acres and 243 lots would be within the Critical Area. The property is designated an Intensely Developed Area (IDA) and portions of the western and southern parcel boundary are Buffer Exempt Areas (BEAs). Portions of the property are currently developed with a commercial marina and facilities.

At this time, we are unable to complete our evaluation of this subdivision proposal due to the absence of specific environmental information for the site. We have the following comments regarding this subdivision proposal.

- 1) The property contains nontidal and tidal wetlands, which are not identified on the subdivision plan provided by the applicant. All Habitat Protection Areas, and wetlands, must be identified on the property and shown on a revised subdivision plan.
- 2) The 100-foot Buffer is identified incorrectly in several locations on the subdivision plan (refer to Sheets 6 and 10). These portions of the property are not Buffer Exempt Areas. The 100 foot Buffer must be delineated from the landward edge of tidal wetlands or mean high water, whichever is greater, and shown on a revised subdivision plan.
- 3) If present, steep slopes (greater than 15 percent) must be identified on the subdivision plan. The Buffer must be expanded for steep slopes. Without this information, we are unable to determine whether expansion of the Buffer is necessary.
- 4) Based on GIS information from the Department of Natural Resources, the property is identified on the Maryland Inventory of Historic Properties database. The applicant must request an evaluation of the property from the Maryland Historic Trust. A copy of their evaluation must be provided to this office.

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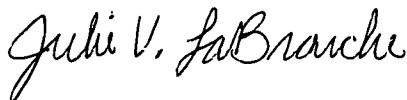
Olivia Vidotto
SD-02-08, Solomons Harbor
October 24, 2002
Page 2

- 5) The applicant must request an evaluation of the property for rare, threatened and endangered species from the Department of Natural Resources. A copy of their evaluation must be provided to this office.
- 6) Development on Lots 15-19 and a playing field are proposed within the 100 foot Buffer (refer to Sheet 10). Development on Lots 3 and 4 are proposed within the 30 foot waterfront setback in a BEA (refer to Sheet 10). Development on Lots 3, 4, 10, 11, 12, and an unidentified Lot, are proposed within the 100 foot Buffer (refer to Block Q, Sheet 9). Development activities are not permitted within the Buffer or waterfront setback in BEAs, except by variance. This office would not support the creation of new lots, recreational or stormwater facilities for which a variance would be required to develop.
- 7) Subdivisions in an IDA must demonstrate compliance with the 10% Rule for reductions in pollutant loads within the Critical Area. At this time, the applicant has not submitted 10% Rule worksheets (including existing and proposed impervious surface calculations) to this office for review. In addition, all stormwater best management practices and structures proposed on site must be shown on the subdivision plan. New stormwater best management practices and structures are not permitted within the Buffer or waterfront setback in BEAs.

Prior to local approvals, we request that the applicant submit a revised subdivision plan to this office for review and comment. The revised plan must address the information requested above. We will provide additional comments after evaluation of this information.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Patrick Mudd (DayTech Engineering, LLC)

CA 589-02

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 21, 2002

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

Re: Variance 2002-0398, Joseph Badanes

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received revised site plans on October 21, 2002.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that the current proposal does not include a deck, but a driveway and front steps have been added to the site plan. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be first directed to nonforested areas of the Buffer, then to other areas of the property. Stormwater should discharge to a stable, vegetated outfall on the property to promote sheetflow and infiltration.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: Joseph Badanes

AA 585-02, supplemental

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
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

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

Re: Variance 2002-0352, 3603 Partnership Ltd.

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped. I conducted a site visit with County staff on Friday, October 18, 2002.

Providing this lot is properly grandfathered, we would not oppose a variance to construct a dwelling on this lot. However, several issues should be addressed regarding the current development proposal.

- 1) The site contains several sensitive features, including a tributary stream and nontidal wetlands. Based on the information provided and observations made on the site, it appears that disturbance to the nontidal wetlands and the notidal wetland buffer have not been minimized to the extent possible. We recommend that the footprint of the proposed development be reduced to avoid these areas as much as possible. For example, the house and driveway could be aligned parallel with the eastern property boundary, which would significantly reduce disturbance within the nontidal wetland buffer. This configuration would also allow a larger area to direct stormwater runoff from structures and reduce the amount of clearing necessary.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the site fully forested, mitigation alternatives will need to be addressed.
- 3) Stormwater should be directed to a stable, vegetated outfall on the property. Best management practices should be utilized to promote sheetflow and infiltration, while avoiding discharge near the nontidal wetlands and the tributary stream.

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Pam Miley
Variance 2002-0352, 3603 Partnership Ltd.
October 21, 2002
Page 2

We request that a copy of the revised site plan be forwarded to this office for review prior to the variance hearing scheduled for Thursday, October 31, 2002.

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 Resource Planner

cc: AA 546-02

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
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October 21, 2002

Bill Watson
Town of Chesapeake Beach
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Board of Appeals Case No. 2002-1

Dear Mr. Watson:

Thank you for providing information about this subdivision and variance application. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. The property is designated an Intensely Developed Areas (IDA) and a Buffer Exempt Area (BEA). The property is undeveloped, except for several accessory structures. We understand that these structures will be removed from the property.

Based on the information provided, we would not oppose this variance.

- 1) The proposed development on Lot 8R extends approximately 4 feet beyond the setback, as established by existing development on the adjacent lots. It appears that the applicant has made a reasonable effort to maximize the setback by reconfiguring the driveway and dwelling, as shown on the revised site plan. Therefore, we would not oppose the current proposal.
- 2) For residential development in IDAs, water quality improvements must be provided on site. A reduction in pollutant loads can be achieved through the implementation of Best Management Practices or with plantings. Development of an approved planting plan should be coordinated with Town staff, and a copy of the plan forwarded to Commission staff for comment.
- 5) Mitigation, at a ratio of 2:1 for disturbance within 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, then to other areas of the property. Plantings to provide water quality improvements can be utilized for the required mitigation.

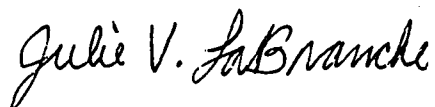
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Bill Watson
Board of Appeals Case No. 2002-1
October 21, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 327-02, supplemental

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

Chuck Schneider
Environmental Project Manager
Fred Ward Associates, Inc.
P.O. Box 727
Bel Air, Maryland 21014-0727

Re: Sandy Hill Camp & Conference Center Expansion Proposal

Dear Mr. Schneider:

This letter is in response to your email of September 30, 2002 and letter of October 3, 2002 regarding the expansion proposal for the Sandy Hill Camp & Conference Center. Your correspondence focused on several aspects relating to the type of development allowed within a Resource Conservation Area (RCA), as it relates to the proposed development at this facility.

Based on the site plans and information provided by your office and the County, we have the following supplemental comments regarding this proposal.

- 1) One of the grass swales proposed is located on steep slopes (slopes of greater than 25 percent as identified on the site plan) within the RCA. Development on steep slopes within the Critical Area is not permitted without a variance.
- 2) It appears that the two grass swales are the only stormwater Best Management Practice (BMP) being utilized for treatment of runoff from the proposed development. Have other BMPs been considered to manage stormwater on the site? Would the application of several, smaller BMPs for each new structure be feasible? We request that the applicant investigate alternative methods for stormwater management for the site, particularly BMPs that could be accommodated within the LDA. Please provide information defining the area that will be treated by these BMPs (drainage area and runoff from structures).
- 3) Based on the site plan provided, it appears that the desired development could be accommodated within the LDA portion of the site by adjusting the location of several of the proposed structures. For example, two or three of the new structures (located near the LDA-RCA boundary) could be relocated east of the existing dining hall, with the existing structures remaining in their present location.

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Chuck Schneider
Sandy Hill Camp & Conference Center Expansion Proposal
October 16, 2002
Page 2

Please contact me at any time if you have questions regarding my comments or this proposal.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: David Black, Cecil County, Office of Planning and Zoning

Attachments: Critical Area Commission, Guidelines for the Counting of Growth Allocation

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

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Grading/Building Permit, Tom Parran (TM 35, Parcel 126, Lot 4R)

Dear Mr. Swartz:

Thank you for providing information on the above referenced permit application. The applicant is requesting a grading and building permit to construct a single-family dwelling within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding this development proposal.

- 1) The 100-foot Critical Area Buffer is shown on the site plan and plat. However, the "extended buffer" shown on the site plans does not appear to be delineated correctly. The Buffer must be expanded for steep slopes on the property, according to the provisions in the Calvert County Zoning Ordinance (Section 4.407). Since steep slopes are prevalent, a substantial portion of the property will be within the expanded Buffer. The expanded Buffer, and all steep slopes on the lot, must be shown on a revised site plan.
- 2) The extensive disturbance proposed within the expanded Buffer is a primary concern with the current development proposal. Disturbance within the expanded Critical Area Buffer is not permitted, except by variance. The applicant should coordinate with the County submission of a variance application for the current development proposal.
- 3) As proposed, the current development plan does not demonstrate minimization of disturbance within the expanded Buffer. It appears that alternative configurations for the dwelling and driveway are possible that could substantially reduce disturbance within the expanded Buffer. We recommend that that applicant provide a revised site plan, including topography for the entire lot and an alternative development envelope.

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

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John Swartz
Grading/Building Permit, Tom Parran
October 16, 2002
Page 2

- 4) Mitigation is required for disturbance to the expanded Buffer. Since the lot is almost fully forested, mitigation alternatives would need to be addressed.
- 5) This lot contains several sensitive features, including tidal wetlands and extensive steep slopes. Stormwater runoff should be directed to stable, vegetated outfalls on the site to promote sheetflow and infiltration, while avoiding discharge near steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 635-02

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 15, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision 02-125RH, New Research & Development Lab. Inc.

Dear Ms. Owings:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 0.81 acre parcel to create two lots. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, porch, several sheds, and driveway.

Based on the information provided, we would not oppose this subdivision request. However, several issues should be addressed.

- 1) The 100-foot buffer should be shown on the subdivision plat.
- 2) The new lots would not have grandfathered status. Therefore, development within the Buffer would not be permitted except by variance. This should be noted on the subdivision plat or deed restrictions.
- 3) Because these lots are designated IDA, pollutant load reductions must be demonstrated for all proposed development to comply with the 10% Rule. Stormwater Best Management Practices and plantings can be utilized to provide water quality improvements on site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 634-02

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

October 15, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-110, Willis

Dear Ms. Owings:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a parking area for boat storage within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a commercial marina and facilities.

Based on the information provided, we would not oppose this variance. However, several conditions should be addressed.

- 1) The 100-foot Buffer, and the area of disturbance within the Buffer, is not shown on the site plans. The applicant should provide a revised site plan, which includes this information.
- 2) The local Critical Area regulations do not permit development activities within the Buffer, unless no feasible alternative exists. Given that this is not a water-dependent facility, has the applicant considered alternative locations on the property, outside the Buffer?
- 3) Based on provisions in the local Critical Area regulations, a Buffer Management Plan and mitigation are required for disturbance of natural vegetation within the Buffer. The applicant should coordinate compliance with these requirements with County staff.
- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native species, be directed first to non-forested areas of the Buffer on the property.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: KC 611-02

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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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 15, 2002

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

Re: Variance 2002-0398, Joseph Badanes

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we are unable to complete our evaluation of this variance. We request that the applicant provide the following information. The current proposal does not include a driveway, walkways to the dwelling, or a deck. If these structures are desired, they must be shown on a revised site plan in order to ensure that disturbance within the Critical Area has been minimized and to calculate impervious surface coverage for the site.

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. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: Joseph Badanes

AA 585-02

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

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October 11, 2002

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

Re: Variance 2002-0388, JMS Ventures

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, we recommend that the applicant consider alternative configurations for the proposed dwelling in order to minimize disturbance within the Critical Area, as required by the local Critical Area regulations. For example, the house could be oriented east-west, which would increase the setbacks to steep slopes on the property by approximately 12 feet. Footers for the proposed deck should be dug by hand to further minimize disturbance to steep slopes.

Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Stormwater runoff should be directed to a stable, vegetated outfall on the property to promote sheetflow and infiltration, while avoiding discharge near steep slopes.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 582-02

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

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

Re: Variance 2002-0356, St. Matthew's U.M. Church

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a building addition with less setbacks than required and with disturbance to the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed a church, cemetery, and parking areas.

Providing this lot is properly grandfathered, we would not oppose this variance. Currently, the property is non-conforming with respect to impervious surface coverage with 15,466 square feet. The maximum allowable impervious surface coverage for the property is 11,761 square feet. The current proposal will reduce impervious surface coverage by 35 square feet or 15,431 square feet following redevelopment. Since the current proposal will result in a net decrease in impervious surface coverage on the property, mitigation is not required. We understand the existing impervious parking areas within the Buffer will be removed and planted with grass, and that no clearing is proposed on the site at this time.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 569-02

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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October 11, 2002

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

Re: Variance 2002-0400, Bartolo

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to redevelop a commercial property with less setbacks and buffer than required and with disturbance to steep slopes. Portions of the property are designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently developed with two commercial buildings, several sheds, and extensive parking areas. We received revised site plans on October 7, 2002 and October 9, 2002 (via facsimile).

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we have the following comments regarding this proposal.

- 1) The County paperwork and information provided by the applicant indicate that the entire property is designated LDA. Based on the Anne Arundel County Critical Area maps, the property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA) (refer to attached photograph).
- 2) Currently, the LDA portion of the site is almost completely impervious, with pavement to the edge of the steep slopes and the RCA boundary. We understand that the current development proposal will result in a significant reduction in impervious surface coverage on the property, from 89,080 square feet of existing to 61,663 square feet.
- 3) Based on the preliminary planting plan provided by the applicant, areas of existing impervious will be removed around the periphery of the developed LDA portion of the site. These areas will be planted with a mix of trees, shrubs and ground cover. We recommend that these plantings consist of native species. These plantings can also be utilized to provide water quality benefits and protect erosion of steep slopes on the site.
- 4) Development activities proposed within the LDA are not permitted to impact RCA areas of the property. This would include, but is not limited to, stormwater management devices and best management practices (BMPs), roads, utilities, and accessory structures. An existing stormwater outfall is located within the RCA portion of the property. This stormwater outfall can be maintained as long as no improvements are proposed to the existing infrastructure.

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Ramona Plociennik
Variance 2002-0400, Bartolo
October 11, 2002
Page 2

- 5) Since the current development proposal will result in a 31 percent (or 27,417 square feet) reduction in impervious surface coverage on the lot, mitigation is not required. However, the applicant should coordinate with the County to develop an appropriate planting plan for the site.
- 6) The RCA portion of the property consists of environmentally sensitive features, including steep slopes, nontidal wetlands, tributary streams, and riparian forest. Given that these are designated Habitat Protection Areas under the local Critical Area regulations, and development of these areas is not permitted without a variance, we suggest that the property owner protect these areas of the property through a conservation easement or other protective covenant. This will ensure that these Habitat Protection Areas are not impacted by the more intensive development on the LDA portion of the property and provide a substantial benefit to the County's Critical Area program.

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 Resource Planner

cc: AA 587-02

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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October 11, 2002

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

Re: Variance 2002-0376, 8919 LLC/James Robinson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required and with disturbance to nontidal wetlands. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1.5:1 for disturbance outside the Buffer, should be required for clearing in excess of 20 percent of the existing forested area. Since the lot is fully forested, mitigation alternatives will need to be addressed. Stormwater runoff should be directed to a stable, vegetated outfall on the property, avoiding discharge near the nontidal wetlands.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 577-02

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Chairman



Ren Serey
Executive Director

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October 11, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision, Robert Granados

Dear Ms. Vidotto:

Thank you for providing information on the above referenced application for subdivision. The applicant is requesting to subdivide a 99-acre parcel (TM 20, Parcel 39), of which 94 acres is within the Critical Area, to create a 6.2 acre lot. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, porch, shed, and driveway.

Based on the information provided, we have the following comments regarding this subdivision proposal.

- 1) The 100-foot Buffer must be expanded due to the presence of steep slopes on the proposed lot. The site plan shows an area noted as "limit of non-disturbance vegetated buffer" however this does not appear to incorporate proper expansion of the Buffer. The Buffer must be expanded using the standards required by the local Critical Area Regulations and shown on the subdivision plat.
- 2) Based on measurements from the site plan, it appears that portions of the existing driveway and septic system, and a shed, may be located within the expanded Buffer. On the County "Subdivision Letter of Explanation" form, it is stated that the "lot supports an existing house constructed within the last 10 years". Our records indicate that a variance was neither requested nor granted for development within the Buffer on this property. The County should clarify the status of this property, and determine if any mitigation is required for the previous development.
- 3) The information provided does not include an evaluation of the presence of rare, threatened, and endangered species by the Department of Natural Resources. A copy of their evaluation must be provided to this office and to the County before subdivision approval.
- 4) The information provided does not include the subdivision history of the parent parcel, beginning from June 1, 1988. The subdivision history of the parent parcel must be documented before subdivision approval.
- 5) The subdivision plat (or deed restrictions) must include calculations of the remaining density and development rights for the parent parcel, after subdivision.

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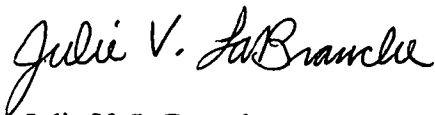
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Olivia Vidotto
Minor Subdivision, Robert Granados
October 11, 2002
Page 2

- 6) We recommend that the applicant submit a revised subdivision plat, including the information described above. Furthermore, the County should determine if an after-the-fact variance is needed for previous development of the property. The County should notify our office of any action taken regarding this matter.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 588-02

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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October 10, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Site Plan, Sperling - Moller

Dear Ms. Owings:

Thank you for providing information on the above referenced site plan. The applicant is requesting to operate a 3-room bed and breakfast at 20562 Rock Hall Avenue, Rock Hall. The property is designated a Limited Development Area (LDA) and is currently developed with a commercial building and parking area.

Based on the information provided by the applicant, the requested use complies with the standards for development within the LDA, as required by the local Critical Area regulations. We understand that the change in use will involve renovations to the interior of the existing building and that sufficient parking is available on the property to accommodate the proposed use. We have no further comments regarding this proposal.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 617-02

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Ren Serey
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October 9, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Lanphar Growth Allocation Request

Dear Mr. Di Giacomo:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area growth allocation request. On October 2, 2002, the Critical Area Commission concurred with Chairman North's determination that the Lanphar growth allocation be approved as a refinement to the Town's Critical Area Program. The Commission and Chairman North supported the County's approval to award 1.3 acres of growth allocation to change the designation of Parcels 1112 and 1211 (lands of Ralph R. Lanphar and Shady Beach, L.L.C.) from Limited Development Area (LDA) to Intensely Developed Area (IDA). The Commission supported several of the conditions placed by the County on this growth allocation. These conditions are:

- The site plan for any future development of the property, before being approved, be contingent upon the satisfactory demonstration of conformity with all Critical Area regulations, as well as Section 291 if the Cecil County Zoning Ordinance.
- The awarding of growth allocation is limited to a period of two years. If construction has not begun or improvements to the property within two years, the growth allocation shall be withdrawn.

This refinement shall be reflected on the Town's Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised map to the Commission when it is available. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

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Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 8, 2002

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

Re: Variance 2002-0335, George Wohlgemuth

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and with greater impervious coverage than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a house, patio, porch, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Currently, the property is non-conforming with respect to impervious surface coverage. The property has 2,302 square feet of impervious surface coverage. The maximum allowable impervious surface coverage for this lot is 2,106 square feet. Based on the information provided by the applicant, we understand that the impervious surface coverage will be reduced to 2,163 square feet as a result of the proposed improvements. However, the applicant must clarify where the reductions in impervious surface coverage are proposed, including the sidewalk and portions of gravel parking area. The applicant should coordinate with the County to develop a planting plan for these areas.

Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Storm water from the new structures should be directed to a stable, vegetated outfall on the property, avoiding discharge to steep slopes.

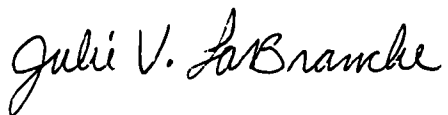
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Ramona Plociennik
October 8, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 538-02

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

October 7, 2002

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

Re: Variance 2002-0307, John Deering

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed, and driveway. We received a revised site plan on September 25, 2002.

Providing this lot is properly grandfathered, we would not oppose a variance to improve the property. However, several issues must be addressed regarding the current development proposal.

- 1) Based on the information provided by County staff, we understand that the existing porch (located on the water side of the dwelling) was constructed without the necessary permits from Anne Arundel County and after adoption of the local Critical Area program. Therefore, the porch must not be used to establish setbacks for new development on the property. Any new development must be located within the setbacks established by the existing dwelling on the lot, which is approximately 56 feet from mean high water.
- 2) We understand that the current development proposal will result in impervious surface coverage of 31 percent of the lot. The applicant should be aware that future improvements to the property must address the impervious surface limits within the Critical Area, which are limited to 31.25 percent of the lot.
- 3) We recommend that the current proposal be revised to comply with the proper setbacks, with new development no further waterward than 56 feet from mean high water.

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Kathleen Shatt
Variance 2002-0307, John Deering
October 7, 2002
Page 2

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 then to other non-forested areas on the property. Storm water runoff should be directed to a stable, vegetated outfall on the property to promote infiltration and sheetflow.

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 Resource Planner

cc: AA 523-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 4, 2002

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

Re: Variance 2002-0305, John Severson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, two sheds, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on information provided by the applicant, we understand that the dwelling addition is proposed within the footprint of an existing (impervious) patio and the garage is located outside the 100-foot Buffer. Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a Best Management Practice (BMP) or with plantings. Development of an approved planting plan should be coordinated with the County. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas within the Buffer, then to other areas on the property. Mitigation plantings can be utilized to provide water quality benefits. Stormwater runoff from the new structures should be directed to a stable, vegetated outfall on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 537-02

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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October 4, 2002

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

Re: Variance 2002-0336, Terrell Waters

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, two-story deck, garage and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for construction of the dwelling addition. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Storm water should be directed to a stable, vegetated outfall on the property, avoiding discharge to steep slopes within the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 539-02

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Ren Serey
Executive Director

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October 3, 2002

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

Re: Variance 2002-0297, Mary Boss and Patricia Hanson

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and in-ground pool within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, brick patio, and shed. I accompanied County staff on a site visit on September 30, 2002. Commission staff received a revised site plan from the applicant's consultant on August 20, 2002 and October 1, 2002. County staff provided an additional revised plan on October 2, 2002.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the revised plan of October 2, 2002, it appears that the in-ground pool has been eliminated from the current proposal. We have the following comments regarding this proposal.

- 1) As stated by County staff, we understand that the 100-foot Buffer does not require expansion due to the presence of highly erodible soils on the property. However, steep slopes are present on the site. The 100-foot Buffer must be expanded to include steep slopes on the property.
- 2) There appears to be a discrepancy in the acreage of the property reported by applicant, as compared with County records. Based on information provided by the applicant, we understand that the property consists of part of Lot 6 and all of Lots 7 and 8 (TM 60, Parcel 39, Block 8), and is 27,193.6 square feet in area. Our evaluation of the revised proposal is based on this information. If this information is determined to be incorrect, we request revised property information in order to accurately determine the maximum allowable impervious surface for the property. Based on the current property information, the maximum allowable impervious surface for the property is 5,445 square feet.

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

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Pam Miley
Variance 2002-0297, Mary Boss and Patricia Hanson
October 3, 2002
Page 2

- 3) Provided these lots are properly grandfathered, we would not oppose a variance to construct a replacement dwelling on the property. Based on the revised site plans (October 2, 2002), the dwelling has been proposed in a location that minimizes disturbance to steep slopes on the property. In addition, we understand that an existing accessory structure (shed) and other existing impervious surface (brick patio and retaining wall) will be removed from the Buffer as part of this proposal.
- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be directed first to non-forested areas of the Buffer, then to other areas of the property. Mitigation plantings can be used to achieve the 15 percent afforestation requirement and for treatment of stormwater runoff to provide water quality benefits on the site. Stormwater runoff should be directed to a stable, vegetated outfall, avoiding discharge to steep slopes on the property.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 469-02, supplemental



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 2, 2002

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

Re: Variance 2002-0297, Mary Boss and Patricia Hanson

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and in-ground pool within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, brick patio, and shed. Commission staff received a revised site plan from the applicant's consultant on August 20, 2002 and October 1, 2002. I accompanied County staff on a site visit on September 30, 2002.

We have the following comments regarding this proposal.

- 1) As stated by County staff, we understand that the 100-foot Buffer does not require expansion due to the presence of highly erodible soils on the property. However, steep slopes are present on the site. The 100-foot Buffer must be expanded to include steep slopes on the property.
- 2) There appears to be a discrepancy in the acreage of the property reported by applicant, as compared with County records. Based on information provided by the applicant, we understand that the property consists of part of Lot 6 and all of Lots 7 and 8 (TM 60, Parcel 39, Block 8), and is 27,193.6 square feet in area. Our evaluation of the revised proposal is based on this information. If this information is determined to be incorrect, we request revised property information in order to accurately determine the maximum allowable impervious surface for the property. Based on the current property information, the maximum allowable impervious surface for the property is 5,445 square feet.
- 3) Provided these lots are properly grandfathered, we would not oppose a variance to construct a replacement dwelling on the property. Based on the revised site plans (October 1, 2002), the dwelling has been proposed in a location that minimizes disturbance to steep slopes on the property. In addition, we understand that an accessory structure (shed) and other existing impervious surface (brick patio and retaining wall) will be removed from the Buffer as part of this proposal. At this time, no new development within the Buffer is proposed.

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Pam Miley
Variance 2002-0297, Mary Boss and Patricia Hanson
October 2, 2002
Page 2

- 4) Based on the revised plans (October 1, 2002), we would oppose the placement of a new accessory structure (in-ground pool) on steep slopes within the expanded Buffer. The in-ground pool has been relocated outside of the Buffer. However, the new location contains steep slopes. It appears that sufficient area exists within the side-yard to accommodate the in-ground pool, without disturbance to steep slopes. We recommend that the applicant investigate this alternative location for the in-ground pool in order to minimize disturbance within the Critical Area, as required by the local Critical Area regulations (Article 28, §1A-105). Thus, the applicant will retain reasonable use of the property, with construction of a larger replacement dwelling and an accessory structure.
- 5) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be directed first to non-forested areas of the Buffer, then to other areas of the property. Mitigation plantings can be used to achieve the 15 percent afforestation requirement and for treatment of stormwater runoff to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 469-02, supplemental

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 1, 2002

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

Re: Variance 02-2859, Woo/Willows Development

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a private access road with disturbance to steep slopes within the Critical Area. The purpose of the road is to provide access to Lots 20 and 21 within the Willows Wood subdivision. The road will be constructed from Bayview Drive, connect with Fairway Drive, cross Lot 19 (woodland reserve/conservation open space for the Willows Wood subdivision) and Lot 20, and then terminate at the boundary of Lot 21. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Provided these lots are properly grandfathered, we would not oppose this variance request. However, several issues should be addressed. The current proposal will result in significant impacts to steep slopes within the Critical Area. We strongly recommend that the applicant consider alternative configurations for the proposed access road for Lots 20 and 21. For example, if access to the lots were provided from Fairway Drive, rather than the proposed access at Bayview Drive, a substantial area of steep slopes could be avoided.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 561-02

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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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 1, 2002

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

Re: Variance 02-2849, Martin

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the expanded Critical Area Buffer and with greater impervious surface than allowed. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, deck garage, shed, water access road, and driveway.

Based on the information provided, we would not oppose a variance to construct a dwelling addition. However, we would oppose a variance to exceed the allowable impervious surface coverage. We strongly recommend that the applicant address alternatives to the current proposal in order to minimize disturbances within the Critical Area, as required by the local Critical Area regulations (Article 4, Section 4-4.07 and Section 4-7.06). We have the following comments regarding this proposal.

- 1) The 100-foot Buffer and steep slopes are not identified on the site plan provided. The 100-foot Buffer must be expanded for steep slopes on the property. Since steep slopes are prevalent, nearly the entire property will be within the expanded Buffer.
- 2) We recommend that the proposed improvements to the property do not exceed the maximum allowable impervious surface coverage, which is 15 percent or 3,600 square feet. At present, the lot has 3,536 square feet of existing impervious surface. Alternative configurations (as described below) may help achieve compliance with impervious surface requirements, however, the applicant may need to consider reductions in the impervious area of the driveway in order to remain within the allowable impervious surface limits.
- 3) Although this lot is grandfathered, disturbance to the expanded Buffer and steep slopes must be minimized. We recommend that the applicant address alternative configurations, which reduce disturbance within the Critical Area, while accommodating the desired improvements. It appears that the dwelling addition could be reconfigured, and the footprint reduced, to minimize disturbance to steep slopes and the expanded Buffer. For example, a full second story as well as additions to the sides and front of the existing dwelling could be added to expand living space.

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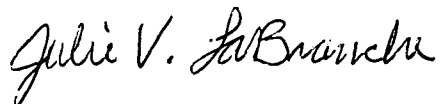
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Roxana L. Whitt
Variance 02-2849, Martin
October 1, 2002
Page 2

- 4) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be first directed to on-forested areas of the Buffer then to other areas of the property.
- 5) Stormwater runoff from the new structures should be directed to a stable, vegetated outfall on the property to promote infiltration and sheetflow through the Buffer while avoiding discharge to steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 560-02



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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October 1, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Subdivision, Richard Rettig Property

Dear Mr. Di Giacomo:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 85.28 acre parcel (TM 54, Block 7, Parcels 1 and 38) to create to a new lot (Lot 6, 21.99 acres). The property is designated a Resource Conservation Area (RCA) and is currently developed with two dwellings and several barns and outbuildings.

We have the following comments regarding this subdivision proposal.

- 1) The applicant provided a letter from the Department of Natural Resources (September 26, 1994) regarding the presence of rare, threatened and endangered species on the Rettig property. The Department of Natural Resources states that evaluations of rare, threatened and endangered species are valid for a period of two years from the date of the original evaluation of a site. Therefore, the applicant must provide a new evaluation from the Department of Natural Resources prior to approval of the current subdivision proposal.
- 2) We understand that no redevelopment or new development is proposed in conjunction with this subdivision request. Any such activities must comply with the standards for development within the RCA, as required by the local Critical Area regulations. Access to the remaining lands of Richard Rettig and Lot 6 will be provided by an existing combined access from Old Telegraph Road.
- 3) The subdivision plat (or deed restrictions for the property) must include calculations of the remaining Critical Area density for the parent parcel and Lot 6. Lot 6 is already developed at a density of one dwelling unit per twenty acres, and therefore further subdivision is not permitted without the use of growth allocation.

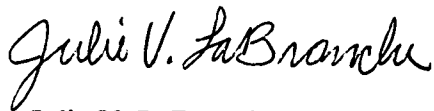
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Anthony Di Giacomo
Subdivision, Richard Rettig Property
October 1, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CE 604-02

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 30, 2002

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

Re: Variance 02-2856, Shehan-McDaniel

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a dwelling addition and garage within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on conversations with applicant's consultant, alternative locations and configurations for the proposed septic system have been considered. However, it appears that the current orientation of the proposed septic system and structures would result in the least disturbance to steep slopes and clearing necessary. However, several issues should be addressed, specifically the extensive disturbance to steep slopes, which is a primary concern with the current proposal.

- 1) The 100-foot Critical Area Buffer is located outside the property boundary. However, the property contains extensive steep slopes.
- 2) In order to minimize disturbance to steep slopes, we recommend that the proposed dwelling and garage be reconfigured to reduce the overall footprint. For example, the garage could be attached to the dwelling and the length of driveway could be reduced. Also, the structures could be shifted slightly northward away from steep slopes, particularly the porch on the southern end of the dwelling.
- 3) Stormwater runoff from the site should be directed to a stable, vegetated outfall or stormwater device to provide water quality benefits within the expanded Buffer. Stormwater best management practices selected should avoid discharge to steep slopes and promote infiltration and sheetflow on the site in order to minimize erosion potential on steep slopes.

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Roxana L. Whitt
Variance 02-2856, Shehan-McDaniel
September 30, 2002
Page 2

- 4) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is fully forested, mitigation opportunities are limited. Therefore, mitigation alternatives should be addressed.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 564-02



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 27, 2002

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

Re: Variance 02-2855, Cesario

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct an accessory structure within the expanded Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, and driveway.

Based on the information provided, the Critical Area Commission staff opposes this variance request. The applicant is requesting a variance to construct an accessory structure (an in-ground swimming pool) within the expanded Critical Area Buffer. The proposal is not consistent with the Critical Area Criteria or the local Critical Area Regulations. As stated on the variance application, this lot (TM 33, Parcel 162, Lot 19R) was legally recorded through subdivision in 1994. Therefore, this lot does not have grandfathered status under the Critical Area Law (COMAR 27.01.02.07) or the Calvert County Critical Area Program (Section 2(C)). In addition, the Criteria (COMAR 27.01.09.01) and the Calvert County Critical Area Program (Section 9.1 Buffer Protection Program Elements) state that development is prohibited in the Buffer on non-grandfathered lots in the Critical Area, except for those necessarily associated with water-dependent facilities.

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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Roxana L. Whitt
Variance 02-2855, Cesario
September 27, 2002
Page 2

The Code of Maryland Regulations and the Calvert 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. There is nothing unusual or unique about this residential property. The applicant has reasonable use of the property, which is developed with a dwelling, garage, and driveway. In addition, it appears that an accessory structure of reduced proportions might be accommodated outside the expanded Buffer, thereby eliminating the need for a variance. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.
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 expanded Buffer. "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.
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 addition of 1,500 square-feet of impervious surface will reduce the area available for infiltration and for habitat in the Buffer. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations. The proposed accessory structure will result in disturbance to the expanded Buffer on a non-grandfathered lot, which is prohibited by Critical Area Law and the local Critical Area regulations.

Roxana L. Whitt
Variance 02-2855, Cesario
September 27, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 563-02

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 24, 2002

Eric Sennstrom
Cecil County, Office of Planning and Zoning
129 E. Main Street
Elkton, MD 21921

Re: Special Growth Allocation, Mary Parker Estate

Dear Mr. Sennstrom:

Based on the information provided to this office regarding the growth allocation for the Mary Parker Estate, Critical Area Commission Chairman John C. North II has determined this request to be an amendment to the County's Program. We have accepted this growth allocation request for processing, and will place it on the agenda for the November 6, 2002 Commission meeting. The request will be presented to the Program Subcommittee, who makes recommendations to the Commission regarding the amendment, prior to a Commission vote.

The applicant is requesting 1.5 acres of growth allocation to change the designation of a portion of Parcel 1 (TM 60, Parcel 1) from Resource Conservation Area (RCA) to a Limited Development Area (LDA). A proposal to subdivide the Parker Property (TM 60, Parcel 1) was reviewed by this office previously. The growth allocation is required because the proposed subdivision does not meet the density requirements of one dwelling unit per twenty acres within the RCA.

Commission staff continue to investigate outstanding issues regarding this growth allocation request. Based on our evaluation of the information provided by the County and the applicant, we have the following comments.

- 1) As set forth in COMAR 27.01.02.07, local jurisdictions shall use all of the established guidelines when locating new Limited Development Areas within the Critical Area. The County has not provided a complete assessment as to how these guidelines have been addressed (see attached guidelines). It is not been demonstrated that the current proposal to create a new limited development area will: minimize impacts to Habitat Protection Areas and optimize benefits to water quality; be located to minimize impacts to the defined land uses of the Resource Conservation Area; and be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

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Eric Sennstrom
Special Growth Allocation, Mary Parker Estate
September 24, 2002
Page 2

- 2) It has not been demonstrated how the protective standards, set forth in Section 9.3 of the Cecil County Critical Area Program, have been met with respect to threatened and endangered species. The Department of Natural Resources recommended (in a letter of June 13, 2001) that a 300-foot setback be required for protection of Tiger Beetle habitat, with a minimum 200-foot setback if the County granted an exception. The Cecil County Critical Area Program (Section 9.3 Threatened and Endangered Species Protection Program Element) provides repeatedly for protection of threatened and endangered species within the Critical Area, especially those found within Resource Conservation Areas (page 9.3-10). The proposal as submitted does not provide a 200-foot setback from Tiger Beetle habitat.
- 3) Based on the revised site plan, it appears that the desired lot density may be achieved without the use of growth allocation. It appears that two new lots can be created from the area shown on the revised site plan as "Lot 2". This type of lot configuration would maintain the maximum cliff setback, for protection of Tiger Beetle habitat present on the property, and would comply with the density requirements in the LDA. The applicant has not addressed whether alternative lot configurations were considered for this subdivision.

Because Chairman North has determined that this growth allocation request is an amendment to the County's Critical Area Program, he will appoint a panel to hold a public hearing in Cecil County and make a recommendation to the Commission prior to its consideration on November 6, 2002. I will contact you regarding arrangements for a public hearing. Commission staff will continue to evaluate this proposal in preparation for the public hearing and its consideration by the Commission at the November 6th meeting. If you have any questions, or need additional information, please contact me at (410) 260-3475.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Nelson K. Bolender, Board of Commissioners
Steve Parker (by facsimile)
Mike Pugh

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 24, 2002

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

Re: Variance 02-2856, Shehan-McDaniel

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a dwelling addition and garage within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on conversations with applicant's consultant, alternative locations and configurations for the proposed septic system have been considered. However, it appears that the current orientation of the proposed septic system and structures would result in the least disturbance to steep slopes and clearing necessary. However, several issues should be addressed, specifically the extensive disturbance to steep slopes, which is a primary concern with the current proposal.

- 1) The 100-foot Critical Area Buffer is located outside the property boundary. However, due to the presence of steep slopes, the Buffer must be expanded to include the steep slopes on the lot that are contiguous with the 100-foot Buffer. Thus, nearly the entire lot will be within the expanded Buffer.
- 2) In order to further minimize disturbance to steep slopes, we recommend that the proposed dwelling and garage be reconfigured to reduce the overall footprint. For example, the garage could be attached to the dwelling and the length of driveway could be reduced. Also, the structures could be shifted slightly northward away from steep slopes, particularly the porch on the southern end of the dwelling.
- 3) Stormwater runoff from the site should be directed to a stable, vegetated outfall or stormwater device to provide water quality benefits within the expanded Buffer. Stormwater best management practices selected should avoid discharge to steep slopes and promote infiltration and sheetflow on the site in order to minimize erosion potential on steep slopes.

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Roxana L. Whitt
Variance 02-2847, Rupertus
September 24, 2002
Page 2

- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is fully forested, mitigation opportunities are limited. Therefore, mitigation alternatives should be addressed.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 564-02

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 24, 2002

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

Re: Variance 02-2849, Martin

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the expanded Critical Area Buffer. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, deck garage, shed, water access road, and driveway.

Based on the information provided, we would not oppose this variance. However, we strongly recommend that the applicant address alternatives to the current proposal in order to minimize disturbances within the Critical Area, as required by the local Critical Area regulations (Article 4, Section 4-4.07 and Section 4-7.06). We have the following comments regarding this proposal.

- 1) The 100-foot Buffer and steep slopes are not identified on the site plan provided. The 100-foot Buffer must be expanded for steep slopes on the property. Since steep slopes are prevalent, nearly the entire property will be within the expanded Buffer.
- 2) Has the applicant considered alternative configurations for the proposed dwelling addition? It appears that the dwelling addition could be reconfigured to reduce disturbance to steep slopes and the expanded Buffer. For example, a second story could be added to the existing dwelling to reduce the footprint of new construction. We recommend that the applicant address alternative configurations, which reduce disturbance within the Critical Area. Although this lot is grandfathered, disturbance to the expanded Buffer and steep slopes should be minimized to maintain the character of the RCA.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be first directed to on-forested areas of the Buffer then to other areas of the property.

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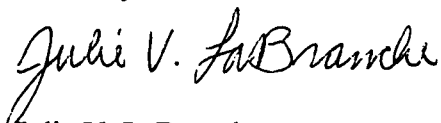
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Roxana L. Whitt
Variance 02-2847, Rupertus
September 24, 2002
Page 2

- 4) Stormwater runoff from the new structures should be directed to a stable, vegetated outfall on the property to promote infiltration and sheetflow through the Buffer while avoiding discharge to steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 560-02

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 20, 2002

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

Re: Variance 2002-0311, 8919 LLC

Dear Ms. 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 Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) A deck is not shown on the site plan provided. If the applicant expects to construct a deck in the future, it should be shown on the current site plan.
- 2) 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 to non-forested areas on the property. Since the lot is already heavily forested, mitigation alternatives may need to be addressed.
- 3) Storm water should be directed to a stable, vegetated outfall on the property. Storm water outfalls should be located to maximize infiltration and sheetflow, while avoiding discharge to the nearby wetlands and streams, and their buffers.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 525-02

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

September 20, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-114, Andrew & Elizabeth Vaden

Dear Ms. Owings:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) and expand the existing roofline within the 100-foot Critical Area Buffer. The property is designated a Limited development Area (LDA) and is currently developed with a house, garage, porch, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that the current proposal will result in a net decrease of 21 square feet of impervious surface coverage within the Buffer. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Stormwater runoff from the new structures should be directed to a stable, vegetated outfall on the property to provide water quality benefits within the Buffer. The deck should be designed to be pervious, with gravel substrate and vegetative stabilization on the downslope or waterward end.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 554-02

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

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Chairman



Ren Serey
Executive Director

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September 20, 2002

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

Re: Variance 02-2860, Ratner

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a single-family dwelling and garage within the Critical Area with impacts to the 100-foot Buffer and steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, we recommend the following be made conditions of this variance, if granted.

- 1) Steep slopes are not identified on the site plan provided. The 100-foot Buffer is shown on the site plan. Based on calculations made from the site plan by Commission staff, the Buffer needs to be expanded for steep slopes, as required by the local Critical Area regulations. . It appears that most of the lot will be within the expanded Buffer. The site plan should be revised to show steep slopes and the expanded Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Since most of the lot is currently forested, mitigation alternatives should be addressed.
- 3) Storm water runoff should be directed to a stable, vegetated outfall on the property, avoiding discharge near steep slopes.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 562-02

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 19, 2002

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

Re: Variance 2002-0275, Amanda Spake

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a Best Management Practice (BMP) or with plantings. Development of an approved planting plan should be coordinated with the County. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Storm water from the new structure should be directed to a stable, vegetated outfall on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 456-02

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

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

Re: Variance 2002-0328, Bernard Kaufman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required and greater impervious surface area than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with house, carport, walkway, driveway and accessory structure.

Based on the information provided, we would oppose this variance request to exceed the impervious surface coverage limits within the Critical Area.

- 1) The lot is non-conforming with respect to impervious surface coverage. Currently, the lot has 41.8 percent (or 3,135 square feet) impervious surface coverage.
- 2) The maximum allowable impervious surface coverage for a lot of this size is 25 percent (or 2,375 square feet). The proposed development would increase the impervious surface coverage on the lot to 46.7 percent (or 3,485 square feet). We recommend that the impervious surface coverage on this lot not exceed the existing non-conforming condition.
- 3) In order to offset the desired improvements, we recommend that an area equivalent to the new impervious surface proposed be removed from the property. This area would exclude the existing impervious surface area (concrete walkway) located on the site selected for the screened porch. For example, it appears that a portion of the concrete walkway could be removed and the walkway reconfigured to tie in with the existing asphalt area.

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Ramona Plociennik
Variance 2002-0328, Bernard Kaufman
September 17, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 531-02

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 16, 2002

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

Re: Variance 2002-0276, Frances Palmer

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, sunroom, porch, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that only a small portion of this lot is within the Critical Area and the proposed development is entirely outside of the Critical Area. Therefore, no mitigation is required. Storm water should be directed to a stable, vegetated outfall on the property. No have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 457-02, revised

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Chairman



Ren Serey
Executive Director

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September 16, 2002

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

Re: Variance 2002-0272, Kelly Fink

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA), a Buffer Exempt Area (BEA), and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The current site plan provided does not include a deck. If the applicant decides to construct a deck at a later time, the setback to steep slopes will be further diminished. And decks should be incorporated into the proposal now.
- 2) Mitigation, at a ratio of 2:1 for disturbance outside 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 to provide water quality benefits.
- 3) Storm water from the new development should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 453-02

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Chairman



Ren Serey
Executive Director

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September 16, 2002

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

Re: Variance 2002-0262, Colleen Howard

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance for a deck and stairway within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA), a Buffer Exempt Area (BEA), and is currently developed with a single-family dwelling and a pier.

Based on the information provided, we would oppose this variance for the deck structure but not for the stairway, which provides access to the water. You and I conducted a site visit on September 9, 2002 and observed that the deck and stairway have been constructed. The deck is approximately 225 square feet and is located in the 100-foot Buffer and at the base of steep slopes. Two sets of stairs, attached to the water-ward side of the deck, extend below mean high water and to the edge of tidal wetlands. It appears that an area at the base of the slope, within the Buffer and below mean high water, has been excavated to construct the deck. A portion of tidal wetland vegetation may also have been removed. A platform was also constructed close to the midpoint of the existing pier. Placement of structures below mean high water, in this case portions of the deck and the pier platform, require authorization from the Maryland Department of the Environment. Based on the current records of the Maryland Department of the Environment, the applicant has not applied for the authorizations necessary for these structures.

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.

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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.

The Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

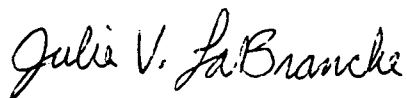
1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant. The majority of the properties in this community are all similarly constrained by steep slopes. Also, there are several accessory structures, as well as a porch, patio, and deck on the property. 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. Given the house, 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 or waterfront structures that are non-water dependent. "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.

Suzanne Diffenderfer
Variance 2002-0262, Colleen Howard
September 16, 2002
Page 2

4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request 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 self-created hardship.
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 and the riparian areas along the water. 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 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 Resource Planner

cc: AA 407-02

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 12, 2002

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

Re: Variance 2002-0330, James Lighthizer

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier and mooring piles with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with house, deck, walkways, and pier.

Providing this lot is properly grandfathered, we would not oppose this variance. Since no impacts within the Critical Area are proposed, mitigation is not required. The applicant must secure the necessary authorizations from the Department of the Environment for construction of the pier extension and mooring piles. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 533-02

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Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 12, 2002

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

Re: Variance 2002-0316, John Farrell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, patio and walkways.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that the proposed dwelling addition will be constructed over existing impervious surface (a concrete patio) adjacent to the house. Since no new impervious surface or clearing is proposed, mitigation is not required. The applicant states that stormwater from the new structure will be directed to the existing stormwater management system, which directs runoff to the side yards and planting beds on the property. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 527-02

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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September 12, 2002

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

Re: Variance 2002-0329, Rita Robertazzi

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, porch, shed, walkway, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a Best Management Practice (BMP) or with plantings. Development of an approved planting plan should be coordinated with the County. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Storm water from the new structure should be directed to a stable, vegetated outfall on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 532-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 10, 2002

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

Re: Variance 2002-0086, John Gottschalk

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, garage, shed, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The property is a non-conforming lot, with 38.5 percent existing impervious surface coverage, exceeding the maximum allowable of 25 percent for a lot of less than one half acre. We have the following comments regarding this variance request.

- 1) An area of existing impervious surface, equivalent to the area of the proposed dwelling addition (160 square feet), should be removed to accommodate the desired property improvements while not exceeding the present non-conforming condition. For example, the driveway could be reduced in size to offset the proposed increase in impervious surface.
- 2) Mitigation, at a ratio of 2:1 for disturbance to the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be accommodated on the property and within the Buffer. Given that the dwelling addition will be located approximately 20 feet from the water, mitigation plantings should be concentrated in the area between the structure and the water to provide maximum water quality benefits.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

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AA 182-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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September 5, 2002

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

Re: Variance 2002-0268, Charles Nemphos

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance for an existing accessory structure (a pier) on a lot without a principal structure. The property is designated a Limited Development Area (LDA) and is currently undeveloped with the exception of a pier and bulkhead. Commission staff received a revised site plan, by facsimile, on September 5, 2002 from the Anne Arundel County, Office of Planning and Zoning.

Based on the information provided, we would not oppose this variance. Providing the applicant secures the necessary authorizations from the Department of the Environment for the pier, we have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

AA 412-02, revised

Branch Office: 31 Creamery Lane, Easton, MD 21601
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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 3, 2002

David R. Black
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Site Plan, Sandy Hill Camp and Conference Center Expansion

Dear Mr. Black:

Thank you for providing information on the above referenced development proposal. The applicant is requesting a permit to construct a single-family dwelling, garage, and driveway within the Critical Area. Portions of the Sandy Hill Camp and Conference Center are designated as Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently developed with camp and conference facilities, and large portions are forested. Most existing development is concentrated within the LDA portion of the site.

Based on the information provided, we have the following comments regarding the development proposal.

- 1) One of the new structures proposed is located in an area of existing forest. It appears that alternative locations exist on the property that would eliminate the need for clearing. Were any alternative locations for this structure considered by the applicant?
- 2) No information was provided with the site plan regarding the force main proposed within the LDA and RCA portions of the property. The applicant should provide specifications and calculations of disturbance within the Critical Area associated with this structure.
- 3) Two grass swales are proposed to treat storm water runoff on site, one in the LDA and the other in the RCA. Storm water best management practices, which treat runoff from development in the LDA, are not permitted in the RCA.
- 4) We recommend that the development plan be revised to address the questions stated above and to comply with all local Critical Area regulations as required in Section 2(B) and Section 9.4 of the Cecil County Zoning Ordinance. (Refer to COMAR 27.01.02.04 and 27.01.02.05, Critical Area standards for development in the RCA and LDA.)

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David R. Black
Site Plan, Sandy Hill Camp and Conference Center Expansion
September 3, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CE 511-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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September 3, 2002

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

Re: Variance 02-2831, Scott

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Critical Area Buffer. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, several decks, a porch, a driveway, and a pier and boatshed. The property owner submitted previously a variance request to construct a dwelling addition 15 feet from tidal wetlands. Commission staff submitted a letter of opposition to this variance request on May 5, 1999, stating that the proposed development did not meet the variance standards set forth in Section 27.01.11.01 of COMAR nor did it meet the variance criteria set forth in Section 7-3.01(B) of the Calvert County Zoning Ordinance.

Commission staff and County staff conducted a site visit on Friday, July 26, 2002. Since tidal wetlands comprise a substantial portion of the property, nearly the entire lot is located within the Buffer, with the exception of a portion of the driveway. The proposed dwelling addition would be located 35 feet from the edge of tidal wetlands. The southern side of the lot has been extensively landscaped to the edge of tidal wetlands, to create a lawn surrounding the house. Most of the Buffer on the lot consists of lawn, with the exception of landscape plantings along the edge of the tidal wetlands. (Refer to the attached photographs of the property.) We are concerned that intensive development within the RCA, such as in this case, may prevent the Buffer from functioning properly in providing water quality benefits and riparian habitat, and maintaining the hydrologic regime of the adjacent wetlands. Based on the site plan provided and observations made on site by Commission staff, it appears that the proposed addition could be located on a portion of the existing driveway adjacent to the north side of the house. Given that this area is outside of the 100-foot Buffer and already impervious, we strongly recommend that the applicant consider this alternative location for the proposed addition.

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Roxana L. Whitt
Variance 02-2831, Scott
September 3, 2002
Page 2

The Commission again opposes the granting of a variance to construct a dwelling addition within the Buffer since we conclude that the applicant has not met all of the variance standards. As stated above, the property is developed with numerous impervious structures and an extensively landscaped yard. There are no special conditions or circumstances that exist that result in unwarranted hardship. The property owner was allowed to rebuild the previously existing dwelling. The literal interpretation of the local Critical area program and regulations would not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

We maintain that the applicant has reasonable use of their property, and that granting of this variance would confer a special privilege that would be denied to others within the jurisdiction's Critical Area. Again, we recommend denial of this variance request.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 429-02

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 28, 2002

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

Re: Variance 2002-0297, Mary Boss and Patricia Hanson

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, and extensive patios and walkways.

Based on the information provided, we are unable to complete our evaluation of this proposal until a site visit has been conducted. Commission staff has made preliminary arrangements with County staff to visit the property some time in early September. Following the site visit, we will submit our final comments for this variance request.

Thank you for the opportunity to provide comments on this variance request.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 469-02

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Chairman



Ren Serey
Executive Director

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

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August 28, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-100 Lankford Bay Marina

Dear Ms. Owings:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with numerous structures and marina related facilities.

Based on the information provided, we would oppose this variance.

- 1) Calculations of the existing and proposed impervious surface coverage on the property were not included with the variance application. The applicant should provide this information.
- 2) Based on information provided by County staff, we understand that the proposed structure will be located on an existing impervious area within the Buffer. We would oppose this variance if the proposed structure would result in a net increase in impervious surface coverage on the property.
- 3) Given that this is not a water-dependent structure, it appears that alternative locations exist on the property to construct the proposed pavilion, outside of the 100-foot Buffer. The applicant should provide information about whether alternative locations for the proposed structure were considered and why they were not feasible.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 490-02

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 27, 2002

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

Re: Variance 2002-0249, Paul Fujimura

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, several patios, carport, two sheds, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant, no new impervious surface will result from the proposed improvements. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required.

In addition, it appears that the total impervious surface coverage on the lot (as calculated from the site plan) exceeds the impervious surface coverage stated on the Critical Area Report Worksheet provided by the applicant. This should be clarified if the property owner were to apply for a variance in the future.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 400-02 (revised)

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Chairman



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Executive Director

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August 22, 2002

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

Re: Variance 02-2843, Gribble

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with greater impervious surface coverage than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a house, patio, and driveway.

Based on the information provided, we would oppose this variance.

- 1) The Gribble property has 4,407 square feet of existing impervious surface coverage. Based on the local Critical Area regulations, the maximum impervious surface coverage allowed for a lot of this size is 25 percent or 3,750 square feet. The Gribble property currently exceeds the maximum allowable impervious surface limits for lots within the LDA of Critical Area. Therefore, the Gribble property is currently non-conforming with respect to impervious surface coverage.
- 2) Based on the site plan provided, it appears that an alternative location for the garage exists on property, eliminating the need for a variance. The proposed garage could be relocated over the existing impervious driveway, which would result in no net increase in impervious surface coverage.
- 3) We recommend that the current site plan be revised to comply with the impervious surface limits, as required by the local Critical Area regulations. With the recommended revisions, the property owner will retain reasonable use of the property and accommodate the desired improvements.

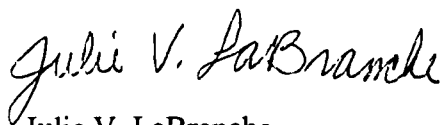
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Roxana L. Whitt
Variance 02-2843, Gribble
August 22, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 486-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 21, 2002

Mary Anne Skilling
Maryland Office of Planning
Upper Eastern Shore Regional Office
120 Broadway
Centerville, Maryland 21617

Re: Consistency Report for Express Marina Redevelopment/Greenway

Dear Ms. Skilling:

Thank you for the opportunity to review this project for consistency with Port Deposit's Critical Area program and the State Critical Area Criteria. I understand that the Town of Port Deposit is in the process of developing a community park along the waterfront. The park will serve as a connecting link for the Lower Susquehanna Heritage Greenway. The phased project will consist of restoration and development of a trail and public park on the Express Marine property. Approximately 90 percent of the project is located within a designated Intensely Developed Area (IDA) and Buffer Exempt Area (BEA) under the Town's Critical Area Program. The site is constrained by an active railroad line located 125 feet shoreward of mean high water. As a result, the proposed public walkway, comfort station and pavillion will be located waterward of the railroad line and within the 100-foot Buffer. The Town justifies the proposed development within the Buffer for safety reasons, eliminating pedestrian traffic across the active railroad tracks during public events in the park and by trail users.

Commission staff has reviewed the revised consistency report and site plan. When available, we request that the Town provide to this office a copy of the required authorization from the Maryland Department of the Environment for restoration of the existing jetty. Based on the calculations provided, the project complies with the 10% Rule pollutant reduction requirements for redevelopment within the IDA. In addition, we recommend that stormwater from existing and new impervious surfaces (visitors center and parking area, pavilion, comfort station) be directed to the grass swale which will be constructed adjacent to the south side of the existing railroad bed. Treatment of stormwater runoff will provide additional water quality benefits within the Buffer. If feasible, a rain garden or bio-retention area could be incorporated into the design of the visitor center and the surrounding landscape. This structure will provide additional water quality benefits on the site and serve as an environmental education tool for park visitors.

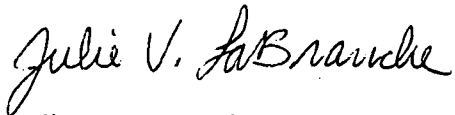
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Mary Anne Skilling
Express Marina Redevelopment/Greenway
August 21, 2002
Page 2

Commission staff agrees with the consistency report for the Town of Port Deposit, Express Marina Redevelopment/Greenway project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planer

PD 385-02 site plan

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 20, 2002

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

Re: Variance 02-2846, Ashton

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling and a detached garage within the Critical Area with clearing in excess of allowable limits. The property is designated a Limited Development Area (LDA). The property is currently undeveloped and fully forested.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. Because the property is fully forested, we realize that it is not possible to comply with the maximum limits of clearing without a variance and develop the lot to the maximum allowable impervious surface coverage. Therefore, every effort should be made to minimize the amount of clearing necessary while accommodating development of the property.

As proposed, the development plan for this property does not demonstrate minimization of disturbance within the Critical Area. The applicant proposes to clear 39.3 percent of the existing forest on the lot (approximately 8,399 square feet). We recommend that the applicant revise the current site plan to consolidate the development envelope, while accommodating the proposed dwelling, garage, and driveway. For example, the development envelope (as defined by the limits of disturbance) could be substantially minimized by enlarging the proposed attached garage, rather than addition of a detached garage, and by reducing the area of the driveway.

We recommend the following be made conditions of this variance, if granted.

- 1) The site plan should be reconfigured to minimize disturbance within the Critical Area.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. If clearing exceeds 30 percent of the existing forested area, mitigation should be required at a ratio of 2:1, as required by the local Critical Area regulations.

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Roxana L. Whitt
Variance 02-2846, Ashton
August 20, 2002
Page 2

- 3) It appears that mitigation opportunities on the lot will be limited, therefore mitigation alternatives should be addressed.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 487-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 20, 2002

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

Re: Variance 02-2847, Rupertus

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition and garage within the Critical Area with disturbance to steep slopes and the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, porch, patio, driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The Buffer and steep slopes present on the lot are not identified on the site plan provided. The Buffer must be expanded for steep slopes, which will include most of the lot.
- 2) By adjusting the location of the proposed dwelling addition and garage, slightly northwest toward Stagecoach Circle, it appears that disturbance to steep slopes and forest clearing could be substantially reduced.

We recommend the following be made conditions of this variance, if granted.

- 1) The site plan should be revised to show the expanded Buffer and steep slopes on the lot.
- 2) The site plan should be reconfigured to minimize disturbance within the expanded Buffer.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation opportunities on the lot are limited, therefore mitigation alternatives should be addressed.

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Roxana L. Whitt
Variance 02-2847, Rupertus
August 20, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 488-02

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

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision 02-98, Barrett Family Ltd. Partnership

Dear Ms. Owings:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 79.36 acre parcel, of which approximately 30 acres is designated a Resource Conservation Area (RCA). Most of the parcel is undeveloped, with the exception of several structures and agricultural uses.

Based on the information provided, we are unable to complete our review of the proposed subdivision. The following issues should be addressed and additional information provided in order to further review this proposal and before subdivision approval.

- 1) Based on tax map information published in 1985, the original acreage of Parcel 271 was 58.76 acres. Based on the subdivision plan provided, the boundaries and the acreage of Parcel 271 do not match those shown on the 1985 tax maps. The applicant must clarify this information and revise the subdivision plan, if necessary.
- 2) Within a Resource Conservation Area, the subdivision plat must include the following information: the subdivision history of the parcel of record as of December 1, 1985, the acreage of the original parcel (in this case only the Critical Area portion), and the acreage and development rights remaining for the Critical Area portion of the parcel, following subdivision.
- 3) Critical Area calculations are not shown on the site plan, including existing and proposed impervious surface coverage, forested area, and acreage within the Critical Area.
- 4) Based on GIS information from the Department of Natural Resources, there appear to be several structures present on the northern portion of the parcel, identified on the site plan as an area to be retained by the owner. If a dwelling exists, it must be considered when determining the density requirements for subdivision in the RCA, which is limited to one dwelling unit per 20 acres. If no dwelling exists, and a dwelling is established on Lot 27, the maximum allowable density will have been reached, precluding any further residential development on the Critical Area portion of the parcel.

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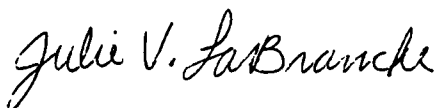
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Gail Owings
Minor Subdivision 02-98, Barrett Family Ltd. Partnership
August 14, 2002
Page 2

- 5) Based on GIS information from the Department of Natural Resources, it appears that the existing pond outfalls toward a large nontidal wetland to the northwest. Has an environmental evaluation been performed to determine if there are streams or wetlands present? If a stream is present, a 100-foot stream buffer must be identified, as required by the local Critical Area regulations. If a nontidal wetland is present, a 25-foot wetland buffer must be identified, as required by State regulations.
- 6) When developed, 15 percent of Lot 27 must be established in forest within the Critical Area portion of the lot.
- 7) A road is proposed from Stillpond Landing Road through the RCA. Has an alternative location for this road, within the subdivision but outside of the RCA, been considered?
- 8) The applicant must obtain an evaluation of the property by the Department of Natural Resources for the presence of rare, threatened, and endangered species before any approvals are granted. A copy of their letter must be provided to this office.
- 9) We would like the opportunity to review the subdivision plan further, if the plan is revised.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: KC 483-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 13, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision 02-16-44, Three Acres

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant proposed to subdivide a 3.870 acre parcel to create 4 new lots and a 1.676 acre residue parcel within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, patio, shed, pier, and driveway.

Based on the information provided, we have the following comments regarding the proposed Three Acres subdivision.

- 1) The 100-foot Buffer is not identified on the site plans. Also, the Buffer must be expanded in several locations due to the presence of steep slopes (on Lot 2 and the residue parcel).
- 2) Calculations of the existing impervious surface coverage (12,230 square feet) and proposed (new) impervious surface coverage (13,057 square feet) are stated on the site plan. Do these calculations include the new impervious surface for the private lane, providing access to the new lots within the subdivision? This roadway must be included in the total impervious surface coverage for the subdivision, which is limited to 25 percent.
- 3) As defined on the site plans, Lots 1, 2, 3 and the waterfront portion of Lot 4 are located almost entirely within the 100-foot Buffer or expanded Buffer. The area outside the Buffer on Lots 1 and 3 is not large enough to accommodate a single-family dwelling without disturbance to the Buffer. Disturbance within the Buffer, for non-water dependent activities, is not permitted. Therefore, development of these lots, as proposed, would require variances. We would not support such variances.
- 4) The applicant must request an evaluation of the property by the Department of Natural Resources for the presence of rare, threatened, and endangered species before any approvals are granted. A copy of their letter should be provided to this office.

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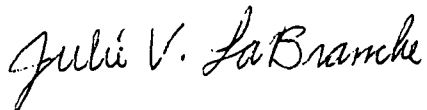
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Olivia Vidotto
Minor Subdivision 02-16-44, Three Acres
August 13, 2002
Page 2

- 5) The current subdivision plan must be revised to comply with the standards for development within a Limited Development Area and the Critical Area Buffer (Article 4, Section 4-8 and Section 4-4.07), as required by the local Critical Area regulations. The revised subdivision plan should be provided to this office for further review.

Thank you for the opportunity to provide comments. If you have any questions, I can be reached at (410) 260-3475. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 482-02

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 13, 2002

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

Re: Variance 2002-0273, Virgil Keith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. As measured from the site plan provided, the total proposed impervious surface is approximately 1,640 square feet, which includes the dwelling, new garage and new driveway. The maximum allowable impervious surface coverage for this lot is 1,776 square feet. We understand that the property owner is currently pursuing an administrative plat change to increase the acreage of Lot 97 to accommodate future improvements to the property.

Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property. We understand that the existing driveway will be removed as part of the proposed construction. Mitigation plantings can be used to revegetate this area. Storm water should be directed to a stable, vegetated outfall to promote infiltration and provide water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: AA 457-02

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
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August 9, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision 02-88RH, Howard Gibson

Dear Ms. Owings:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 0.733 acre parcel into two lots. The property is designated an Intensely Developed Area (IDA) and appears to be undeveloped.

Based on the information provided, we are unable to complete our evaluation of the proposed minor subdivision. The following issues should be addressed.

- 1) The 100-foot Buffer is not identified on the site plans. The southern boundary of Parcel 530 is adjacent to an existing marina. Although this is not a waterfront parcel, it appears that the buffer extends within the parcel boundary. The 100-foot Buffer must be delineated from mean high water or the edge of tidal wetlands (if present) and shown on the subdivision plan.
- 2) No information was provided about the existing conditions on the parcel, including impervious surface coverage, forested area, and Habitat Protection Areas. These features, and area calculations, must be identified on the subdivision plan. Based on GIS information from the Department of Natural Resources, it appears that the parcel is undeveloped currently.
- 3) The applicant must request an evaluation of the property, by the Department of Natural Resources, for the presence of rare, threatened, or endangered species. A copy of their letter must be provided to this office.

We request that a revised subdivision plan, including the information described above, be submitted to this office in order to fully evaluate the proposal.

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Gail Owings
Minor Subdivision 02-88RH, Howard Gibson
August 9, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: KC 484-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 9, 2002

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

Re: Variance 2002-0299, Richard Hanhart

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, several porches, pier, and driveway.

Based on the information provided, we would oppose this variance. We have several concerns regarding the current proposal.

- 1) It appears that several alternative locations exist on the property, outside of the Buffer, to construct the proposed shed. There is already an existing shed and a garage located outside of the Buffer. Therefore, we see no reason why the proposed shed must be located within the Buffer.
- 2) A site for mitigation plantings has been identified (labeled as a reforestation area on the site plan) which is located outside of the Buffer. We recommend that any required mitigation plantings be accommodated within the Buffer, whenever feasible.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 470-02

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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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August 9, 2002

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

Re: Variance 2002-0296, William Hodges

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a buffer Exempt Area (BEA). The property is currently developed with a house, deck, several porches, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer and 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed first to the Buffer then to other non-forested areas on the property. The deck should be constructed with a gravel substrate and vegetative stabilization on the down-slope end to provide water quality benefits and promote infiltration of storm water runoff.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 468-02

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



Ren Serey
Executive Director

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

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August 9, 2002

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

Re: Variance 2002-0271, Matthew Carr

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, several patios, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits within the Critical Area. Storm water should be directed to a stable, vegetated outfall, which promotes infiltration of runoff on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 452-02

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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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August 6, 2002

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

Re: Variance 2002-0274, Walter Cole

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits within the Critical Area. Storm water should be directed to a stable, vegetated outfall, which promotes infiltration of runoff on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 455-02

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



Ren Serey
Executive Director

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

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August 6, 2002

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

Re: Variance 2002-0278, James Donnelly

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, sunroom, pool, carport, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that the existing driveway and carport will be removed to offset the proposed impervious surfaces on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, can be utilized to reforest disturbed areas following construction and provide water quality benefits.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 458-02

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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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August 6, 2002

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

Ré: Variance 2002-0279, John Jones

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with house, shed, porch, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings, consisting of a mix of native species, can be accommodated on the property. Storm water from the new structure should be directed to a stable, vegetated outfall, to promote infiltration and water quality improvement on the site. All disturbed areas should be stabilized and replanted following construction.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 459-02

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Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 6, 2002

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

Re: Variance 2002-0276, Frances Palmer

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, sunroom, porch, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The information provided to this office did not indicate whether steep slopes are present within the limits of disturbance for the proposed construction. The applicant should provide this information in a narrative form or on a revised site plan. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Storm water should be directed to a stable, vegetated outfall.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 457-02

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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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August 6, 2002

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

Re: Variance 2002-0275, Amanda Spake

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits within the Critical Area. Storm water should be directed to a stable, vegetated outfall, which promotes infiltration of runoff on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 456-02

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Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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July 29, 2002

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

Re: Variance 2002-0186, Midge/Havener

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition, porch and driveway within the Critical Area with less setbacks and buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, porch and driveway. Revised site plans were received by Commission staff on June 27, 2002 and July 25, 2002.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the most recent revised site plan, it appears that the proposed impervious surface (covered porch, addition and driveway) is greater than what is stated on the site plan. Commission staff calculated an increase of 1,153 square feet of impervious surface for a total of 3,888 square feet on the lot (or 30.8 percent). The applicant should clarify the impervious surface calculations and revise the site plan accordingly. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property, consisting of a mix of native species that provide canopy, understory and ground cover.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 305-02, revised

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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July 29, 2002

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

Re: Variance 02-2834, Balinski

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct single-family dwelling and a garage within the Buffer with impacts to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, patio, access road and driveway.

Providing this lot is properly grandfathered, we would not oppose construction of the proposed dwelling. However, several issues should be addressed.

- 1) The garage is proposed on steep slopes within the expanded Buffer. Since it appears that alternative locations exist on the property, we recommend that the garage be relocated to an area near the proposed dwelling where the topography is flat and impacts to steep slopes would be minimized.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the expanded Buffer, should be required. It appears that mitigation opportunities may be limited on the property. Therefore, mitigation alternatives may need to be addressed.
- 3) Mitigation plantings can be used to vegetate disturbed areas on the site and to help stabilize areas of steep slopes in the vicinity of the dwelling.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 430-02

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

July 29, 2002

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

Re: Variance 02-2831, Scott

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Critical Area Buffer. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, several decks, a porch, a driveway, and a pier and boatshed. The property owner submitted previously a variance request to construct a dwelling addition 15 feet from tidal wetlands. Commission staff submitted a letter of opposition to this variance request on May 5, 1999, stating that the proposed development did not meet the variance standards set forth in Section 27.01.11.01 of COMAR nor did it meet the variance criteria set forth in Section 7-3.01(B) of the Calvert County Zoning Ordinance.

Commission staff and County staff conducted a site visit on Friday, July 26, 2002. Since tidal wetlands comprise a substantial portion of the property, nearly the entire lot is located within the Buffer, with the exception of a portion of the driveway. The proposed dwelling addition would be located 35 feet from the edge of tidal wetlands. The southern side of the lot has been extensively landscaped to the edge of tidal wetlands, to create a lawn surrounding the house. Most of the Buffer on the lot consists of lawn, with the exception of landscape plantings along the edge of the tidal wetlands. (Refer to the attached photographs of the property.) We are concerned that intensive development within the RCA, such as in this case, may prevent the Buffer from functioning properly in providing water quality benefits and riparian habitat, and maintaining the hydrologic regime of the adjacent wetlands.

The Commission again opposes the granting of a variance to construct a dwelling addition since we conclude that the applicant has not met all of the variance standards. As stated above, the property is developed with numerous impervious structures and an extensively landscaped yard. There are no special conditions or circumstances that exist that result in unwarranted hardship. The property owner was allowed to rebuild the previously existing dwelling. The literal interpretation of the local Critical area program and regulations would not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

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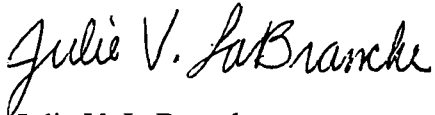
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Roxana L. Whitt
Variance 02-2831, Scott
July 29, 2002
Page 2

We maintain that the applicant has reasonable use of their property, and that granting of this variance would confer a special privilege that would be denied to others within the jurisdiction's Critical Area. Again, we recommend denial of this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 429-02

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 29, 2002

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

Re: Variance 2002-0268, Charles Nemphos

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure on a lot without a principal structure. The property is designated a Limited Development Area (LDA) and is currently undeveloped with the exception of a pier and bulkhead.

As proposed, we would oppose this variance. Based on the information provided, the current development proposal does not demonstrate that disturbance within the Critical Area has been minimized, as required in Article 28, Section 1A-104(c) of the Anne Arundel County Zoning Ordinance.

- 1) The current development proposal consists of removing 100 percent of the existing forest on the lot. There appears to be adequate space on the lot to construct a driveway while minimizing the amount of clearing necessary.
- 2) The current development proposal states that approximately 1,835 square feet of impervious surface coverage is proposed for construction of the driveway. This represents almost 50 percent of the maximum allowable impervious surface for a lot of this size, excluding a dwelling.
- 3) The placement and substantial size of the driveway will constrain the location of a dwelling on the lot, perhaps creating the necessity for a variance in the future. There appears to be more than adequate space on the lot to construct a dwelling and a driveway without disturbance to the 100-foot Buffer.
- 4) Based on information from the Department of Natural Resources GIS database, there appear to be tidal (and nontidal) wetlands located at the southern property boundary (see attached map). Therefore, the 100-foot Buffer must be established from the edge of tidal wetlands, not the mean high water line as shown on the site plan. (Refer to the attached photograph.)

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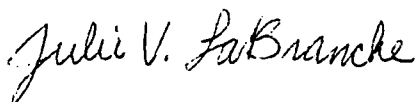
Rob Konowal
Variance 2002-0268, Charles Nemphos
July 29, 2002
Page 2

- 5) If the Buffer needs to be adjusted, the limits of disturbance shown on the site plan may in fact fall within the Buffer. We would not support a variance for disturbance within the Buffer when alternatives exist on the site and disturbance has not been minimized.
- 6) The Critical Area report (Bay Engineering, Inc.) states that mitigation, at a ratio of 1:1, will be required for the proposed development. As required by the Anne Arundel County Zoning Ordinance [Article 21, Section 2-301(j)(3)(iii)], clearing in excess of 30 percent of the existing forested area on a lot requires mitigation at a ratio of 3:1.

In conclusion, the proposed development does not meet all of the variance standards set forth in Section 27.01.11.01 of COMAR nor does it meet the variance criteria set forth in Article 28, Section 11-102.1 of the Anne Arundel County Zoning Ordinance. A literal interpretation of the local Critical Area program would not deprive the applicant of any rights commonly enjoyed by other property owners as there appears to be sufficient area to develop the lot without removing all of the existing forest and without disturbance to the Buffer. The granting of a variance would confer upon the applicant a special privilege that would be denied to others, if the proposed development were to impact the Buffer and disturbance within the Critical Area has not been minimized.

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 Resource Planner

cc: Mr. Charles Nemphos

AA 412-02

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 23, 2002

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

Re: Variance 2002-0178, Coulter

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA), a Buffer Exempt Area (BEA), and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The Critical Area report (Terrain, Inc.) provided by the applicant states that the lot is fully forested. Based on information provided by County staff, the lot is vegetated with grass and small shrubs, not forested. The applicant should provide revised Critical Area calculations.
- 2) There is a storm water structure proposed which outfalls near Long Cove. Are any water quality measures planned to treat the storm water before it is discharged?
- 3) We recommend that an alternative location be identified to convey storm water from the lot, preferably a location that would minimize impacts to steep slopes and the amount of clearing and grading necessary.

We recommend the following be made conditions of this variance, if granted.

- 1) Mitigation, at a ratio of 2:1 for disturbance within Buffer and 1:1 for disturbance outside the Buffer, should be required.
- 2) The applicant is required to provide 15 percent forest cover on the lot, as required by the local Critical Area regulations. Mitigation plantings can be used to meet the afforestation requirement.
- 3) The applicant should provide information to address the issues stated above regarding storm water management on the site.

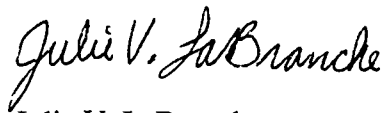
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Rob Konowal
Variance 2002-0178, Coulter
July 23, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 439-02

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 22, 2002

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

Re: Variance 2002-0178, Coulter

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling within the Critical Area with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA), a Buffer Exempt Area (BEA), and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) There is a storm water structure proposed which outfalls near Long Cove. Are any water quality measures planned to treat the storm water before it is discharged?
- 2) We recommend that an alternative location be identified to convey storm water from the lot, preferably a location that would minimize impacts to steep slopes and the amount of clearing and grading necessary.

We recommend the following be made conditions of this variance, if granted.

- 1) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent within the expanded Buffer, should be required.
- 2) Since the lot is fully forested, mitigation alternatives are limited and therefore, mitigation alternatives should be addressed.
- 3) The applicant should provide this information about storm water management for the site.

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Rob Konowal
Variance 2002-0178, Coulter
July 22, 2002
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: AA 439-02



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

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

Re: Variance 2002-0189, Richard Vanlill

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and a deck with less setbacks and Buffer than required and with greater impervious coverage than allowed. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, porch, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The limits of disturbance (LOD) for the proposed construction and the 100-foot Buffer are not defined on the site plan. The applicant should provide a revised site plan defining these elements in order to determine mitigation requirements.
- 2) Based on information provided by County staff, the proposed development will result in approximately 1,945 square feet of impervious surface coverage on the lot. The maximum allowable impervious surface for a lot of this size is 1,975 square feet. The property owner should be aware of this when proposing any further improvements to the lot. We would not support a variance to exceed the impervious surface limits for this lot in the future.
- 3) The new deck should be designed to pervious, with gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits.

Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Storm water from the new structures should outfall to a stable, vegetated area on the property to enhance infiltration and sheetflow within the Buffer.

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Suzanne Diffenderfer
Variance 2002-0189, Richard Vanlill
July 22, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 306-02

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 19, 2002

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

Re: Variance 02-2830, Brockman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition, which exceeds the allowable impervious surface limits and impacts the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, shed, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) Based on the information provided, it is not clear whether clearing is necessary to construct the porch addition. The applicant should provide this information.
- 2) Currently, the lot is non-conforming with respect to impervious surface coverage. The lot has 5,910 square feet of impervious surface coverage, exceeding the maximum allowable of 5,445 square feet. The dwelling addition would add approximately 240 square feet of new impervious surface.

We recommend the following be made conditions of this variance, if granted.

- 1) An area of existing impervious surface, equivalent to the amount of proposed impervious surface, should be removed from the lot to offset the desired improvements.
- 2) Mitigation requirements will be base upon the amount of clearing required, which has yet to be determined. Mitigation plantings, consisting of a mix of native species, should be directed first to non-forested areas of the Buffer, then to other areas of the property.
- 3) Storm water runoff should discharge to a stable, vegetated area on the property to promote sheet flow and infiltration within the Buffer.

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Roxana L. Whitt
Variance 02-2830, Brockman
July 19, 2002
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: CA 428-02

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

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

Re: Variance 2002-0118, Henkart

Dear Ms. 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 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a buffer Exempt Area (BEA). The property is currently developed with a house, porch, deck, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on information provided by the project engineer (Michael Helfrich, Gamma Engineering), we understand the following:

- 1) the existing deck footers and porch footers will not be replaced as part of the new construction;
- 2) as calculated on the site plan, the limits of disturbance for the proposed development activities includes reconstruction of the porch, existing deck, and retaining wall and construction of the stone revetment; and
- 3) the existing timber retaining wall is structurally damaged and will be reconstructed to maintain the stability of the steep slopes within the Buffer. The retaining wall must be included in the impervious surface calculations. If clearing is necessary for construction of the retaining wall, this should be included in the Critical Area calculations.

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Rob Konowal
Variance 2002-0118, Henkart
July 19, 2002
Page 2

Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be first directed to non-forested portions of the Buffer and to stabilize disturbed areas within the Buffer following construction.

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 224-02, revised



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

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

Re: Variance 2002-0248, Cynthia Belkov

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, walkway, deck, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant, the proposed structure will not require any clearing or grading to construct. The structure will be located outside of the 100-foot Buffer. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas of the Buffer. Storm water runoff from the structure should be directed to a stable, vegetated area, avoiding steep slopes present on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: AA 399-02

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July 15, 2002

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

Re: Variance 2002-0249, Paul Fujimura

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, several patios, carport, two sheds, and a driveway.

Based on the information provided by the applicant, we are unable to complete our review of this variance request. We request clarification of several elements of the site plan and application.

- 1) The lot size is recorded differently on the County form and the Notification of Project Application Form.
- 2) The existing and total impervious surface recorded on the Notification of Project Application Form. Will the proposed impervious surface be placed over existing impervious surface? It appears that the total proposed impervious surface calculation surface recorded on the Notification of Project Application Form is substantially less than that measured from the site plan. The applicant should clarify this information and provide an itemized list of impervious surface calculations for all structures shown on the site plan. The maximum allowable impervious surface coverage for a lot of this size is 31.25 percent of the area of the lot.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resource Planner

cc: AA 400-02

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Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 15, 2002

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

Re: Variance 2002-0260, Grier Smokovich

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct several dwelling additions within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed, garage, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed.

- 1) Based on the information provided, the total impervious surface coverage resulting from the proposed construction (5,530 square feet), will exceed the maximum allowable for a lot of this size (5,445 square feet). We recommend that 85 square feet of existing impervious surface be removed to comply with the local Critical Area regulations while accommodating the desired improvements. It appears that a portion of the driveway could be removed to meet the impervious surface standards. Any future improvements must address the fact that the maximum allowable impervious surface coverage currently exists on the property.
- 2) The limits of disturbance should be shown on the site plans. The limits of disturbance should be kept to the minimum necessary for construction access to reduce the amount of disturbance within the Critical Area.
- 3) Mitigation, at a ratio of 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 and those areas where existing impervious surface may be removed.
- 4) Storm water runoff from the new structures should be directed to stable, vegetated areas on the property.

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Ramona Plociennik
Variance 2002-0260, Grier Smokovich
July 15, 2002
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: AA 406-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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July 15, 2002

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

Re: Variance 2002-0252, James Russo

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required and with disturbance to steep slopes within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, walkway, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) Based on the information provided by the applicant, the property (Lot 115) is currently non-conforming with respect to impervious surface coverage. The maximum allowable impervious surface coverage for a lot of this size is 25 percent plus 500 square feet or 2,242.4 square feet. We recommend that 545 square feet of existing impervious surface be removed to accommodate the desired property improvements while complying with the local Critical Area impervious surface limits. It appears that reductions in impervious surface coverage can be achieved by reducing the size of the existing gravel driveway and walkway, and by reconfiguring portions of the proposed dwelling located over the existing covered porch.
- 2) The limits of disturbance should be reduced to the minimum required for construction access and limited grading adjacent to the house. This will reduce disturbance to steep slopes and clearing necessary for the proposed development.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since mitigation opportunities appear to be limited on the site, mitigation alternatives will need to be addressed.
- 4) Storm water runoff should be managed carefully on the site to prevent erosion of steep slopes and maintain water quality within the Critical Area. Wherever feasible, we recommend non-structural storm water best management practices be utilized, such as rain gardens, and methods that promote sheet flow and infiltration.

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Ramona Plociennik
Variance 2002-0252, James Russo
July 15, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum, Snell & Associates)

AA 401-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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July 12, 2002

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

Re: Variance 2002-0263, Fred and Marguerite Wirsching

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, two porches and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The limits of disturbance for construction are not shown on the site plans. To reduce disturbance within the Buffer, the limits of disturbances should be kept to the minimum necessary for construction access. Based on the information provided, the applicant did not state whether clearing is necessary for the proposed development.
- 2) The 100-foot Buffer should be shown on the site plan.
- 3) 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, then to other areas of the property.
- 4) Water quality improvements can be achieved by managing storm water on site and with plantings. Storm water runoff from the new structures should discharge to a stable, vegetated area on the property.

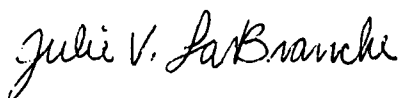
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Ramona Plociennik
Variance 2002-0263, Fred and Marguerite Wirsching
July 12, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 408-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 12, 2002

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

Re: Variance 2002-0269, Marjorie and Leslie Davis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house and porch.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) Based on the information provided, the total proposed impervious surface calculations appear to be slightly less than what Commission staff measured from the site plan. These calculations should include all existing and proposed (garage, dwelling addition, driveway and breezeway) impervious surfaces on the property.
- 2) The limits of disturbance for construction are not shown on the site plans. To reduce disturbance within the Buffer, the limits of disturbances should be kept to the minimum necessary for construction access. We understand that no clearing is necessary for the proposed development.
- 3) The 100-foot Buffer should be shown on the site plan.
- 4) 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, then to other areas of the property.
- 5) Storm water runoff from the new structures should discharge to a stable, vegetated area.

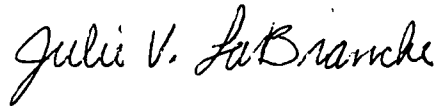
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Ramona Plociennik
Variance 2002-0269, Marjorie and Leslie Davis
July 12, 2002
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 413-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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July 12, 2002

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

Re: Variance 2002-0270, Frank Bright

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, shed carport, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, an area of existing impervious surface equal to the area of proposed impervious surface will be removed. Therefore, the proposed improvements will result in no net increase in impervious surface area on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed first to areas where impervious surface will be removed and 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,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 414-02

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

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

Re: Variance 2002-0265, Stephen Dorsey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, patio, sidewalk, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, it is not clear whether any clearing is necessary for the proposed development. The applicant should provide this information. We recommend that the following be made conditions of this variance, if granted.

- 1) Storm water runoff from the dwelling addition should be directed to a stable, vegetated outfall on the property, allowing for sheetflow and infiltration. This will provide water quality improvements within the Buffer and the adjacent waterway. Storm water runoff should not be directed to the existing storm water system, which discharges directly to Black Hole Creek.
- 2) Mitigation, at a ratio of 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, then to other areas of the property.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: AA 409-02

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 12, 2002

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

Re: Variance 2002-0267, Karl Prince

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage addition, porch and driveway addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, several decks, walkways, shed, garage, and a pier.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no clearing is necessary and a net decrease of 4 square feet in total impervious surface on the property will result from the proposed development. An area of existing impervious surface (portion of the driveway) will be removed to offset the proposed improvements. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed first to areas where impervious surface will be removed and 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,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 411-02

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July 12, 2002

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

Re: Variance 2002-0241, Joseph Dumsha

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a storage building within the Critical Area with less setbacks than required and on a lot without a principal structure. The property is designated a Limited Development Area (LDA) and is currently developed with a paved parking area.

Providing the lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no clearing is necessary to construct the storage building and the proposed development complies with impervious surface limitations for a lot of this size (7,250 square feet). Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas of the property. Storm water runoff from the new structure should discharge to a stable, vegetated area of the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 72-99

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 12, 2002

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

Re: Variance 2002-0226, Michael Housley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier within the Critical Area with less setbacks than required. The properties are designated each a Limited Development Area (LDA) and are currently developed with single-family dwellings.

Providing these lots are properly grandfathered, we would not oppose this variance. Based on the information provided, the properties comply with the Critical Area standards for a private pier in a Limited Development Area. However, the applicant must secure an authorization from the Maryland Department of the Environment (MDE), Tidal Wetlands Division to construct the proposed pier. Based on the site plans provided, the pier may not meet the State standards for pier construction due to its length and orientation, and the configuration of the shoreline adjacent to the lots. We recommend that the applicant secure the necessary authorizations from the Maryland Department of the Environment prior to the variance hearing.

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 Resource Planner

cc: AA 366-02

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

**STATE OF MARYLAND
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July 11, 2002

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

Re: Variance 2002-0230, David Haughey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed, patio, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Given that almost the entire lot is within the 100-foot Buffer, no alternatives exist on the lot to locate the proposed dwelling addition outside of the Buffer. We understand that no clearing is necessary for the proposed addition and decks. The decks should be constructed with gravel substrate and vegetative stabilization on the down-slope end to provide water quality benefits within the Buffer. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed 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,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 371-02

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Judge John C. North, II
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Ren Serey
Executive Director

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July 3, 2002

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

Re: Variance 2002-0144, Thomas Bedard

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed and driveway. Commission staff received revised site plans for this variance request on July 2, 2002 and offer the following comments.

Providing this lot is properly grandfathered, we would not oppose construction of a dwelling on the property. Based on the new information provided, the limits of disturbance for the proposed construction and the limits of tidal wetlands are properly identified on the site plans. It appears that the limits of disturbance for construction access will not impact tidal wetlands on the property. However, a 100-foot Buffer must be shown from the edge of all tidal wetlands on the property, which is not shown on the revised site plan. With the Buffer properly identified, the entire lot is within the 100-foot Buffer. The revised site plans do not show a replacement for the existing deck on the property. If the property owner desires a deck, the deck should be shown on the site plan at this time.

Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation planting should be first directed to non-forested areas of the Buffer adjacent to tidal wetlands and the shoreline. Plantings should consist of a mix of native species to establish canopy, understory and ground cover, which will provide habitat and water quality benefits in the Buffer. If 15 percent forest cover is not achieved through mitigation plantings, additional afforestation may be necessary on the property, as required by the local Critical Area regulations. Storm water runoff should be managed on site to provide water quality benefits within the Critical Area. Mitigation plantings can be utilized for this purpose.

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Pam Miley
Variance 2002-0144, Thomas Bedard
July 3, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 248-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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July 3, 2002

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

Re: Variance 2002-0213, Alan and Janis Darrow

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less buffer than required and disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, the variance request is for disturbance to steep slopes, but steep slopes are not identified on the site plan. Based on measurements from the site plan, Commission staff identified slopes ranging from 28 to 46 percent within the 100-foot Buffer and slopes in excess of 46 percent on other areas of the property. Therefore, the Buffer must be expanded. It appears that most, or perhaps all, of the lot is within the expanded Buffer.

We understand that no clearing is necessary for the proposed addition and deck. The garage is located partially on existing impervious surface (carport). New impervious surface will result from the garage addition and the reconstructed front entry. The decks should be constructed with gravel substrate and vegetative stabilization on the down-slope end to provide water quality benefits within the Buffer. We recommend excavation of the deck footers by hand and limited use of heavy machinery on steep slopes during construction.

Mitigation, at a ratio of 2:1 for disturbance within the expanded Buffer, should be required. Mitigation plantings should consist of a mix of native species. Mitigation plantings should be directed first to non-forested areas of the Buffer, then to other areas of the property. Storm water from the new structures should outfall to stable, vegetated areas on the property to prevent erosion on steep slopes. Mitigation plantings can be used to help manage storm water runoff on site.

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Ramona Plociennik
Variance 2002-0213, Alan and Janis Darrow
July 3, 2002 Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 378-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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July 1, 2002

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

Re: Variance 2002-0240, David Harris

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier extension and pilings with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, driveway, and pier.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that all construction will take place below mean high water. The applicant must acquire the necessary authorizations from the Maryland Department of the Environment for the proposed pier construction. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 373-02

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Ren Serey
Executive Director

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July 1, 2002

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

Re: Variance 2002-0233, James Barron

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant proposes to construct a deck for which no clearing is necessary. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Disturbed areas should be planted following construction, preferably with a mix of native vegetation in a location on the site that will provide water quality benefits within the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 370-02

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Ren Serey
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July 1, 2002

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

Re: Variance 2002-0205, McNamara and Peters

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, two sheds, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The lot, with existing development, is non-conforming with respect to impervious surface coverage. The existing impervious surface coverage is 7,667 square feet and the maximum allowed impervious surface coverage for a lot of this size is 5,445 square feet. However, we understand that an area of existing impervious surface, equivalent to the area of the proposed addition, will be removed from the lot. Thus, there will be no net increase in impervious surface coverage on the property. Mitigation, at a ratio of 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 and other areas of the property. Storm water runoff from the proposed addition should outfall to a stable, vegetated area on the site. Mitigation plantings can be utilized to manage storm water runoff and provide water quality improvements.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 356-02

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Ren Serey
Executive Director

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July 1, 2002

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

Re: Variance 2002-0204, Richard Weaver

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for the proposed deck. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that the deck footers be dug by hand, rather than with heavy machinery, to avoid additional disturbance to steep slopes on the property. Mitigation plantings, consisting of a mix of native species, should be directed 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,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 352-02

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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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July 1, 2002

Jeanne D. Minner
Director of Planning
Town of Elkton
100 Railroad Avenue
Elkton, Maryland 21922

Re: Redevelopment Project, Elkton Florist

Dear Ms. Minner:

Thank you for providing information on the above referenced project. The applicant has submitted for review 10% Rule Calculations for redevelopment within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently developed with a commercial florist business.

Commission staff has reviewed the 10% Rule calculations provided. With the removal of 1,752 square feet of existing impervious surface from the site, the project complies with the pollutant reduction requirement for redevelopment within the IDA. Any plantings that will be done on site should be placed to provide maximize their potential to provide additional water quality benefits within the Critical Area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: EL 390-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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July 1, 2002

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

Re: Variance 2002-0199, Walter Pinkard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less Buffer than required and disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house and porch.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing or grading is necessary for the proposed addition. However, if heavy machinery will be used for construction, we recommend that sediment and erosion control measures (such as silt fence) be utilized on the site to prevent further disturbance to steep slopes and maintain water quality within the Buffer. Although minimal, disturbance within the Buffer and outside the Buffer must be calculated in order to determine the required mitigation. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation planting should consist of a mix of native species. It appears that mitigation plantings can be accommodated on site and should be directed 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,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 349-02

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Ren Serey
Executive Director

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July 1, 2002

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

Re: Variance 2002-0202, Mark Gray

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, two decks, walkways, and a garage.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for the proposed addition. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the plan provided, storm water will discharge to a stable, vegetated area on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 351-02

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Chairman



Ren Serey
Executive Director

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July 1, 2002

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

Re: Variance 2002-0217, David Craig

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house and deck.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant proposes to replace existing impervious surface (concrete pad, steps and walkway) with pervious wooden structures. We understand that no clearing is necessary for the proposed addition. The new structure will consist of wooden decking with gravel substrate beneath. Therefore, Critical Area mitigation is not required for this variance. Disturbed areas should be planted following construction, preferably with a mix of native vegetation in a location on the site that will provide water quality benefits within the expanded Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 363-02

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

July 1, 2002

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

Re: Variance 2002-0244, Lawrence Hofman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required and disturbance to steep slopes. The property is designated a Limited Development Area (LDA). The property is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for the proposed deck. We recommend that the deck footers be excavated by hand, rather than with heavy machinery, to minimize disturbance to steep slopes on the property. The decks should be constructed with a gravel substrate and vegetative stabilization on the down-slope end to provide water quality benefits within the Buffer. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native species. It appears that mitigation plantings can be accommodated on site and should be directed first to non-forested areas of the Buffer, then to other areas of the property.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: AA 377-02

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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July 1, 2002

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

Re: Variance 2002-0236, Margaret Bacharach

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, patio, several accessory structures, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant proposes to construct a covered porch over an existing brick patio, for which no clearing will be necessary. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Disturbed areas should be planted following construction, preferably with a mix of native vegetation in a location on the site that will provide water quality benefits within the expanded Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 372-02

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July 1, 2002

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

Re: Variance 2002-0224, Michael and Mary Casey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant proposes to construct a garage with a second story, partially located on existing impervious surface. We understand that no clearing is necessary for the proposed addition. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native vegetation, should be directed first to non-forested areas of the Buffer and other areas of the property. Storm water from the new structure should discharge to a stable, vegetated area on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 365-02

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

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

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July 1, 2002

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

Re: Variance 2002-0222, Eric Levin

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for the proposed addition and that most of the proposed impervious surface will be located on existing impervious surfaces (garage and driveway), with the exception of 18 square feet of new impervious surface. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required for this project. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas of the Buffer to provide water quality benefits. Based on the plan provided, storm water will discharge to a stable outfalls already established on the property. Mitigation plantings can be used to help manage storm water on site and enhance water quality within the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 416-02

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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

June 28, 2002

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

Re: Variance 02-2804, Oursler/Kopicki

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling, garage, and driveway with impacts to steep slopes within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped. A pool was added to the revised site plan (revised plan received on June 19, 2002).

Providing this lot is properly grandfathered, we would not oppose the construction of a dwelling on the property. However, several issues should be addressed.

- 1) We recommend that several notes on the site plan be revised, as follows.
 - a) The "pre-construction vegetation" calculations should be replaced with "existing forested area" on the lot. Only forested areas should be included in this calculation.
 - b) The statement that "a washed gravel or concrete bed, minimum of 6 inches deep, shall be placed under the deck to provide stabilization" should be clarified. Do the calculations for proposed impervious surface reflect the choice of gravel or concrete beneath the deck? If concrete is placed beneath the deck, we would consider the deck impervious and the deck area should be added to the proposed impervious surface calculation.
- 2) The variance required for development of this lot is for disturbance to steep slopes. However, steep slopes are not identified on the site plan. Steep slopes and disturbance to steep slopes should be identified on the site plan.
- 3) Based on the revised site plan, we conclude that disturbance within the Critical Area has not been minimized. It appears that disturbance to steep slopes could be reduced by reconfiguring several of the features proposed on the site plan. The pool and house could be reconfigured, adjusting them southward closer to the edge of the 100-foot Buffer (see attached example sketch). Also, the driveway could be reconfigured to eliminate the circular portion. A small turnaround area could be provided as an alternative. Additionally, the proposed site plan revisions would reduce the amount of clearing necessary on the lot.

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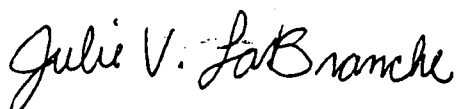
Roxana L. Whitt
Variance 02-2804, Oursler/Kopicki
June 28, 2002
Page 2

What is the purpose of the stone paved access to the pool? If the access is necessary, the access might be constructed of pervious or semi-pervious materials, such as pavers. These changes to the site plan would substantially reduce disturbance to steep slopes.

- 4) Given that substantial impervious surface and forest clearing are proposed on the lot, storm water quantity and quality measures are necessary for the proposed development. What methods will be used to provide water quality treatment and manage water quantity on the site? The applicant should provide details for storm water management to this office.
- 5) Mitigation, at a ratio of 3:1, should be required for proposed clearing in excess of 6,000 square feet and 30 percent of the existing forested area on the lot. Mitigation plantings, consisting of a mix of native species, should be directed first to non-forested areas of the Buffer. A Buffer Management Plan should be developed, incorporating species appropriate for conditions in this low-lying and highly exposed area along the Patuxent River.
- 6) Following development, the lot must be planted to meet the 15 percent afforestation standard, as required by the local Critical Area regulations. Mitigation plantings can be used to meet the afforestation requirement.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 156-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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June 27, 2002

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

Re: Variance 2002-0214, Joyce Gomez

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two dwelling additions within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant in a narrative and on the site plan, the proposed impervious surface is approximately 663 square feet (stated as 514 square feet on the Notification of Project Application form). The applicant should clarify this calculation for the purpose of determining mitigation requirements. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. A mix of native species should be used. Storm water should be managed to provide water quality improvements on the site. Mitigation plantings can be utilized or storm water best management practices can be applied to achieve these improvements.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 361-02

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June 27, 2002

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

Re: Variance 2002-0200, John Weaver

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct mooring pilings with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed.

Providing this lot is properly grandfathered, we would not oppose this variance. We have no comments regarding this variance.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 350-02

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Ren Serey
Executive Director

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June 27, 2002

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

Re: Variance 2002-0201, Joseph Milleker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a shed within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. A mix of native species should be used. Storm water runoff from the proposed shed should outfall to a stable, vegetated area on the site. Mitigation plantings can be utilized to manage the runoff and provide water quality improvements.

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 Resource Planner

cc: AA 353-02

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Judge John C. North, II
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Executive Director

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

June 27, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2869, Gary Brobst

Dear Mr. Di Giacomo:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to exceed the height limit in order to construct a single-family dwelling, garage, and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. The lot is limited to 31.25 percent impervious surface coverage. The proposed impervious surface for development is below the allowable limit. We understand that no Habitat Protection Areas exist on the property. The property owner must afforest the lot to provide forest or developed woodland cover of at least 15 percent of the site, as required by the local Critical Area regulations. A mix of native species should be planted to provide canopy, understory and ground cover. Storm water runoff from the site should be directed to stable, vegetated areas on the site. Critical Area mitigation is not required for this proposal.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: CE 355-02

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Chairman



Ren Serey
Executive Director

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

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

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

Re: Variance 02-2825, Meyer

Dear Ms. Whitt:

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

Providing the lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. Based on the information provided, it appears that reconfiguring the site plan could provide substantial reductions in Buffer impacts. This can be accomplished by adjusting the shape of the driveway (elongated north to south across the lot) and by moving the house approximately 10 feet landward (to the west). These site plan changes will provide the additional benefits of increasing the setback from steep slopes for proposed impervious surfaces and storm water outfalls within the Buffer. Storm water runoff from the proposed development should outfall to a stable vegetated area, avoiding discharge to steep slopes on the lot and the adjacent properties. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native plantings, should be directed first to non-forested areas of the Buffer. Since mitigation opportunities appear limited on the property, mitigation alternatives will need to be addressed.

We have several comments regarding the existing forested area reported on the site plan.

- 1) Based on the information provided, the forested area on Lot 4 consists of two large maple trees. It appears that more than half of one tree and all of another tree are located on the adjacent lot (Lot 5). Although these trees provide canopy cover for Lot 4, we would not include the canopy provided by these trees as part of the forested area on the lot.
- 2) Given these circumstances, we recommend that in developing this lot the property owner meet the 15 percent afforestation standard for development of lots within a Limited Development Area, as required by the Criteria and the local Critical Area regulations. Mitigation plantings can be utilized to meet the afforestation requirement.

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Roxana L. Whitt
Variance 02-2825, Meyer
June 26, 2002
Page 2

- 3) The proposed development plan includes a 2-story dwelling on Lot 4. A large portion of the canopy of the tree closest to the waterfront covers a portion of the deck and house. Will significant portions of the canopy need to be removed in order to construct the house and prevent structural damage from falling limbs or the tree itself?

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 337-02



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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June 25, 2002

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

Re: Variance 02-2823, Pappas

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a single family dwelling with impacts to steep slopes in the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing the lot is properly grandfathered, we would not oppose this variance. As required by the local Critical Area regulations, mitigation at a ratio of 1:1 should be required for clearing of existing forest within the Critical Area. Since mitigation opportunities on the lot are limited, mitigation alternatives will need to be addressed. Storm water runoff from the proposed development should outfall to a stable vegetated area, avoiding discharge to steep slopes on the lot and the adjacent properties. Disturbed areas, especially on steep slopes, should be revegetated following construction. Mitigation plantings can be utilized for this purpose. We understand the proposed impervious surface coverage is 1,732 square feet. In proposing future improvements, the property owner must comply with the maximum allowable impervious surface limit of 1,905 square feet (or 25 percent plus 500 square feet).

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: CA 335-02

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

June 25, 2002

Gail Webb Owings
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

Re: 02-64 Minor Subdivision, Claggett

Dear Ms. Owings:

Thank you for the opportunity to review this minor subdivision. The applicant is requesting to adjust existing lot lines to create a 3.134 acre lot. The existing parcels are designated Resource Conservation Area (RCA) and are currently in agricultural use.

We have the following comments regarding the proposed subdivision.

- 1) All Habitat Protection Areas should be identified on the lot. All development activities including private roads and driveways must not disturb Habitat Protection Areas.
- 2) We would not support a variance for disturbance within Habitat Protection Areas, except for those uses allowed by the Criteria and the local Critical Area Regulations. We recommend that a development envelope be identified on the lot to avoid disturbance to Habitat Protection Areas.
- 3) Disturbance within the 100-foot Buffer is prohibited. This should be included as a note on the subdivision plat.
- 4) The lot will be limited to 15 percent impervious surface coverage (0.471 acres or 20,517 square feet).
- 5) Within a subdivision in a Resource Conservation Area, housing density is limited to one dwelling per twenty acres. The subdivision plat must include the following information: the acreage of the two parent parcels; the parcel which will contribute the development right for the new lot must be identified (i.e. for density calculations on that parcel); and the acreage and development rights remaining for each of the parent parcels, following subdivision.
- 6) Subsequent to the change from agricultural to residential use, the 100-foot Buffer must be established. If not present, afforestation may be required within the Buffer to establish a fully forested condition, consisting of canopy, understory, and ground cover.

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Gail Webb Owings
02-64 Minor Subdivision, Claggett
June 25, 2002
Page 2

- 7) Based on GIS information from the Department of Natural Resources, there appear to be several drainage channels originating from the adjacent farm fields, one of which drains toward Worton Creek and the other to an existing pond (see attached photograph). These channels should be evaluated to determine whether they are streams. All streams in the Critical Area require a 100-foot buffer, which are identified as Habitat Protection Areas under the Criteria and local Critical Area regulations. A fully forested 100-foot buffer must be established for all streams present on the lot.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: KC 386-02



STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 20, 2002

Gail Webb Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Conditional Use, 02-53, Gillin

Dear Ms. Owings:

Thank you for providing information on the above application for conditional use. The applicant is requesting conditional use of a 7.996 acre parcel for the purpose of establishing a country inn. The property is designated a Limited Development Area (LDA) and is currently developed with a house, guesthouse, garage, and driveway.

Based on the information provided, we would not oppose this request for conditional use. However, several issues should be addressed. We have the following comments regarding this proposal.

- 1) The 100-foot Buffer should be shown on the site plans. We understand the entire parcel is within the Critical Area.
- 2) We recommend that all Habitat Protection Areas be identified on the property to minimize disturbance as a result of increased use of the property.
- 3) Improvements to the property must comply with the standards for development within a LDA, as required by the local Critical Area regulations. The parcel is limited to 15 percent impervious surface coverage. We would not support a variance for activities associated with the conditional use (i.e. development that does not comply with the local Critical Area regulations, such as disturbance to the Buffer or other Habitat Protection Areas).

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 333-02

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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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June 12, 2002

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Grading-Building Permit, AP 25207, Williams

Dear Ms. Whitt:

Thank you for providing information on the above referenced grading and building permit. The applicant is requesting a permit to construct a garage and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, would not oppose development of the property. However, several issues should be addressed. Storm water runoff from the development must provide water quality benefits within the Critical Area. Storm water outfalls should discharge to stable, vegetated areas to prevent disturbance to highly erodible soils and nontidal wetlands located on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is fully forested, mitigation alternatives should be addressed.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: CA 317-02

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

June 7, 2002

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

Re: Variance 2002-0185, Paul Clark

Dear Ms. 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 Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, swimming pool and barn.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) As proposed, development of the lot will require removal of 35 percent of the existing forested area. Therefore, mitigation, at a ratio of 3:1 for disturbance outside the Buffer, should be required for the entire area of the existing forested area removed. While some mitigation can be accommodated on site, mitigation alternatives will need to be addressed.
- 2) The development proposal includes disturbance to steep slopes within the Critical Area. In order to reduce the impacts resulting from development, mitigation plantings should be utilized to stabilize steep slopes disturbed during construction.
- 3) If feasible, we recommend that the house be relocated toward the back of the lot (away from South Shore Drive) to reduce impacts to steep slopes.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: AA 304-02

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

June 4, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Growth Allocation, Ralph R. Lanphar and Shady Beach, LLC

Dear Mr. Di Giacomo:

Thank you for the opportunity to review the concept plan for the growth allocation request by Ralph R. Lanphar and Shady Beach, LLC. The applicant is requesting to change the designation of 1.3 acres of Limited Development Area (LDA) to Intensely Developed Area (IDA) within the Critical Area of Cecil County.

Based on our review of the information provided, we offer the following comments.

- 1) No Habitat Protection Areas have been identified on the property. The applicant has requested an evaluation of rare, threatened, and endangered species from the Wildlife and Heritage Division, Department of Natural Resources. The applicant should provide a copy of the report to this office when available.
- 2) The property is within a County designated Priority Funding Area.
- 3) The property is adjacent to LDAs in the County and IDAs in the Town of Northeast (adjacent to the northern property boundary).
- 4) This request is not fully consistent with the growth allocation requirements in the local Program. The applicant must provide details regarding the development and use of the property and justification of the need for request for growth allocation, as required by the local Critical Area regulations (Section 2 D of the Cecil County Critical Area Program).
- 5) The proposed development, within the Critical Area portions of the property, must be consistent with the Criteria and local Critical Area regulations for development within the IDA, if growth allocation is awarded.
- 6) Development of the property should also be consistent with other relevant County regulations and standards.

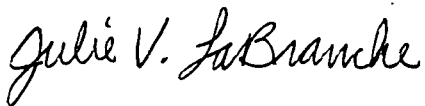
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Anthony Di Giacomo
Growth Allocation, Ralph R. Lanphar and Shady Beach, LLC
June 4, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CE 324-02

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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June 3, 2002

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

Re: Variance 2002-0180, Hazard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enlarge an existing single-family dwelling and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house and driveway.

We would not support this variance request given that several outstanding issues exist with respect to the prior subdivision of this property. Specifically, the impervious surface limits stated on the record plat and the Buffer Exempt status of the property remain unclear at this time. Based on telephone consultations with Anne Arundel County staff and representatives from Ronald W. Johnson Associates, Inc., we understand the following:

- the property (Parcel 569) was administratively subdivided in August 2000 to be documented as a legal parcel;
- after subdivision, County staff determined that the property would not retain Buffer Exempt status;
- the record plat established impervious surface limits of 6,275 square feet (this calculation included the total impervious area of the existing access easement located partially on Parcels 551 and 569); and
- after subdivision, the record plat prohibits additional impervious surface or development within the 100-foot Buffer.

We have the following comments regarding the proposed redevelopment plan and variance request.

- 1) Since the parcel was legalized after December 1, 1985, the property no longer retains grandfathered status and Buffer Exempt status under the Criteria and the local Critical Area regulations.

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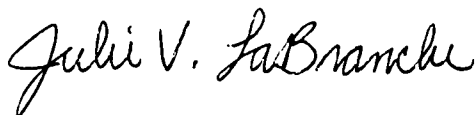
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Ramona Plociennik
Variance 2002-0180, Hazard
June 3, 2002
Page 2

- 2) The property is a nonconforming parcel with respect to impervious surface and Buffer disturbance since development occurred prior to the parcel being legalized. As calculated on the site plan, the existing impervious surface coverage includes only the portion of the access easement within the boundary of Parcel 569 (most of the access easement is located on the adjacent Parcel 551). This methodology differs from the calculation of existing impervious surface coverage on the record plat (noted previously).
- 3) The record plat notes that 6,275 square feet of impervious surface coverage is allowed for the parcel. This equals the amount of existing impervious surface coverage on the parcel. When the impervious surface coverages are combined (existing, existing to be removed, and proposed), the maximum allowable impervious surface coverage is exceeded. We recommend that the proposal be revised to comply with the maximum impervious surface coverage established on the record plat.
- 4) The site plan states that no mitigation is required for new impervious surface in the Buffer, since there will be a net decrease of impervious surface within the Buffer after redevelopment. This statement is incorrect. Mitigation is required for all impervious surface created in the Buffer. The site plan notes should be revised to reflect the proper mitigation requirement of 3:1 for new impervious surface within the Buffer.
- 5) Several storm water management structures are proposed within the Buffer. Storm water management structures must be included in the proposed impervious surface calculations. Storm water outfalls must be located outside of the Buffer and shown on the site plans.
- 6) Mitigation plantings should consist of a mix of native species, which provide canopy, understory and ground cover on the site. Mitigation plantings should be first directed to non-forested areas of the Buffer.
- 7) After redevelopment, the property must be planted to establish a minimum of 15 percent of the area in forest cover. Mitigation plantings can be utilized to meet the afforestation requirement.

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 Resource Planner

cc: AA 300-02



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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May 31, 2002

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

Re: Variance 2002-0114, Suburban Builders & Realty LLC

Dear Ms. 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 Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, driveway, concrete walkway and pier. We received revised site plans on May 24, 2002. The revised site plan shows the limits of disturbance for construction, as requested. If a deck is desired in the future, an additional Buffer variance will be required.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The revised site plan indicates that storm water "will drain to the toe of slope and discharge directly to Mill Creek" and that "any storm water management will be addressed with plantings". Upon redevelopment, improvement in water quality must be provided for storm water runoff from the site before runoff is discharged to Mill Creek, as required by the Criteria and the local Critical Area regulations. Water quality improvements can be accomplished using approved best management practices such as grass swales, outfalls to fully vegetated or forested areas, or rain gardens. All storm water runoff should be directed away from steep slopes on the site to prevent erosion and discharge to a stable, vegetated outfall to provide water quality benefits within the Buffer. The site plan should be revised to incorporate adequate storm water best management practices on site

Mitigation, at a ratio of 3:1 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 first directed to non-vegetated portions of the Buffer. Mitigation plantings can be utilized to provide water quality improvements for storm water runoff on the site.

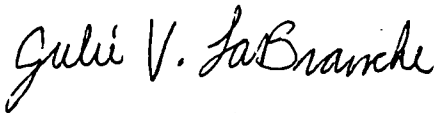
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Ramona Plociennik
Variance 2002-0114, Suburban Builders & Realty LLC
May 31, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 222-02, revised plan

Judge John C. North, II
Chairman



Ren Serey
Executive 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

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Permit 00-2678, Moore and O'Neil

Dear Mr. Swartz:

Thank you for providing information on the above referenced grading and building permit. The applicant is requesting a permit to construct a single family dwelling and septic within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped with the exception of several trails and an access road for interior lots of the subdivision. During a telephone conversation of April 23, 2002 with Jeff Tewell (Collinson, Oliff & Associates), Commission staff was informed of a final recorded subdivision plan for this property, and subsequently requested a copy of the plan.

Although we would not oppose development of this property, we would not support this permit application for several reasons. The current plan for development of the property does not demonstrate minimization of impacts as required by the Criteria and the local Critical Area regulations. As proposed, this project would require a variance for disturbance to steep slopes within the Critical Area, for which this office has not received a variance request. The following comments are based on evaluation of the site plan and observations made during a site visit of May 10, 2002.

- 1) The subdivision access road is shown on both the site plan provided for the building permit and the previous subdivision plan. Currently, grading and clearing have been conducted to establish the access road. However, the current alignment of the access road does not adhere to the alignment shown on the site plan and the subdivision plan. Instead of being oriented parallel to the northern property boundary, the access road extends southward from MaCrae Avenue, following roughly the alignment of the existing trails shown on the site plan and the subdivision plan. Additionally, a construction access road has been created on Lot 2, extending from the end of the access road to the interior of the lot. (Refer to notations on the photocopy of the site plan.)

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John Swartz
Permit 00-2678, Moore and O'Neil
May 30, 2002
Page 2

- 2) The proposed driveway will be constructed by expanding the existing trail on Lot 2. In the proposed location, the driveway will extend across steep slopes. A variance would be required for disturbance to steep slopes within the Critical Area. The existing trail, which varies from 4 to 8 feet in width, would require substantial grading and clearing to construct the driveway. It is our opinion that these activities would compromise both the steep slopes and the wetlands immediately downslope. We recommend that the driveway for Lot 2 be realigned to follow the new construction access to prevent further disturbance to steep slopes.
- 3) In this new location, the driveway would cross a headwater drainage swale, which conveys surface water runoff from surrounding upland areas to a wetland located immediately adjacent to the property boundary. A culvert beneath the driveway will likely be necessary to prevent flooding and to maintain the existing hydrologic connection to the wetland downslope.
- 4) As defined on the site plan, the limit of disturbance (LOD) is very close to the boundary of the 50 foot wetland buffer. Based on site observations, it appears that the LOD may extend within the wetland buffer. We recommend that the LOD for development of the lot be marked to ensure that disturbance does not extend beyond the defined LOD during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 211-02



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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May 24, 2002

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

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

Dear Ms. 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) and is currently developed with numerous homes and accessory structures.

Based on the information provided, we are unable to complete our evaluation of the proposed development activity. We offer the following comments regarding this variance application.

- 1) 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.
- 2) The site plan provided shows only the development envelope for the proposed property improvements. The applicant must provide information for the entire parcel, including existing and proposed impervious surface calculations, forest coverage, steep slopes, Habitat Protection Areas (Buffer and expanded Buffer, wetlands and their buffers, streams and their buffers), and storm water management, if applicable. Proposed disturbance within the Critical Area (both outside and within the Buffer or expanded Buffer) must be calculated and shown on the site plan, including grading, clearing, steep slope impacts, impervious surface, and storm water management structures and best management practices.

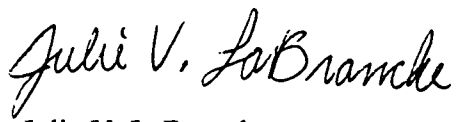
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Ramona Plociennik
Variance 2002-0082, Patapsco Boating & Social Club
May 29, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Brenda Hodgson, Permit Services, Inc.

AA 245-02



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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May 23, 2002

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

Re: Variance 2002-0183, Huttinger

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, garage, swimming pool, patio and pier.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed. The site plans provided do not identify the Buffer and the limits of disturbance (LOD), which should include areas disturbed for removal of the existing garage and construction of the new garage. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer and 2:1 for disturbance within the Buffer, should be required.

The applicant states that impervious surface coverage on the property had been reduced previously to 6,210 square feet. With these reductions, the lot remains nonconforming with respect to impervious surface coverage (3,988 square feet allowed). Any improvements to the property must not increase the current impervious surface coverage. The applicant indicates that porous pavers may be used for this project. The applicant should be aware that Anne Arundel County considers areas installed with porous pavers to be 40 percent pervious. The areas where pavers are used must be defined on the site plan and the impervious surface calculations revised.

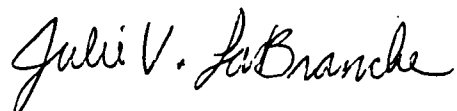
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Ramona Plociennik
Variance 2002-0183, Huttinger
May 23, 2002
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 303-02

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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May 23, 2002

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

Re: Variance 2002-0186, Midge/Havener

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enlarge an existing single-family dwelling within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, porch and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the site plan provided, it appears that the proposed impervious surface is greater than what is stated on the site plan. Commission staff calculated an increase of 1,153 square feet of impervious surface for a total of 3,888 square feet on the lot (or 30.8 percent). The applicant should clarify the impervious surface calculations and revise the site plan accordingly. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property, consisting of a mix of native species that provide canopy, understory and ground cover.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 305-02

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Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 22, 2002

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

Re: Variance 2002-0189, Richard Vanlill

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, porch, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The proposed deck should be constructed with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits. The limits of disturbance (LOD) for the proposed construction were not defined on the site plan provided. The applicant should provide a revised site plan that defines and calculates the LOD in order to determine mitigation requirements. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 306-02

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May 22, 2002

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

Re: Variance 2002-0179, David Smith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct mooring pilings with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, swimming pool and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We have no further comments regarding this application and the proposed activities.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 299-02

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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May 17, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Site Plan for Preliminary Major Subdivision, Susquehanna River View

Dear Mr. Di Giacomo:

Thank you for providing information on the above referenced subdivision. The applicant proposes to develop a 119 acre parcel, of which 2.5 acres is within the Critical Area. The Critical Area portion of the property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Based on the preliminary site plan provided, the Critical Area portion of the property is contained within a designated Common Open Space for the subdivision. The established lot lines for the subdivision do not extend within the RCA. We recommend that the final subdivision plat include a note stating that disturbance to the Critical Area is prohibited without the required local approvals. Disturbances include impacts to steep slopes and Habitat Protection Areas, clearing, grading, and addition of impervious surfaces. Storm water management devices, structures, and best management practices for development outside the Critical Area (except outfalls) are not permitted in the RCA, as stated by the Criteria and the local Critical Area regulations. Except for water dependent facilities, all impacts to Habitat Protection Areas and steep slopes within the Critical Area require a variance. This office would not support development proposals associated with this subdivision that would require such a variance.

It appears that a substantial portion of the subdivision, including the RCA portion, and the Critical Area adjacent to this property is forested and may contain Forest Interior Dwelling Bird habitat (FID habitat). FID habitat is a designated Habitat Protection Area under the Criteria and the local Critical Area regulations. We recommend that the applicant request an evaluation by the Department of Natural Resources for threatened, rare and endangered species, and FID habitat on the property. A copy of this evaluation should be provided to the County and Commission staff.

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Anthony Di Giacomo
Preliminary Major Subdivision, Susquehanna River View
May 17, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: 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 17, 2002

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

Re: Variance 02-2814, White

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Shore erosion control improvements have been completed on the property to stabilize the eroding cliff face and shoreline.

Providing this lot is properly grandfathered, we would not oppose development of the property. However, several issues should be addressed. The proposed development plan does not demonstrate minimization of disturbances to the Critical Area and does not comply with the cliff setback standards required by the County Zoning Ordinance (Article 4, Section 4-4.05). While this office would not oppose reasonable use of the property, the development options on this property are clearly limited by its topography, proximity to the actively eroding shoreline, and the Habitat Protection Area requirements within the Critical Area. We recommend the site plan be revised to incorporate the following in order to reduce impacts to the Buffer and steep slopes, minimize clearing and grading, and increase the cliff setback:

- 1) reduce the footprint of the house by adding a second story over the garage;
- 2) maximize use of the lot by orienting structures close to the building restriction lines on the north and south property boundaries; and
- 3) reduce the driveway area.

Mitigation, at a ratio of 1:1, is required for disturbances within the Critical Area, including clearing, grading, and impervious surface. It appears that mitigation opportunities are limited on the property, therefore, mitigation alternatives may need to be addressed.

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Roxana L. Whitt
Variance 02-2814, White
May 17, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 273-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 17, 2002

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

Re: Variance 02-2813, Greenberg

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling within the 100-foot Buffer of the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We recommend the following be made conditions of this variance if granted.

- 1) The limits of disturbance should be minimized to reduce the amount of clearing necessary, particularly the fully forested areas at the front and back of the property.
- 2) Mitigation, at a ratio of 1:1, is required for clearing within the Buffer. It appears that mitigation opportunities are limited on the property, therefore, mitigation alternatives may need to be addressed. Disturbed areas within the Buffer should be replanted to the extent possible following construction.
- 3) An approved planting plan should be developed to ensure water quality is maintained within the Critical Area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 272-02

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May 16, 2002

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

Re: Variance 02-2820, Kuhn

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a deck and walkway within the 100-foot Buffer of the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with a house, deck, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose construction of a deck and walkway on the property. However, we would not support a variance for disturbance to the Buffer for non-water dependent structures when alternatives exist on the site. We recommend that the proposed deck be relocated outside of the 100-foot Buffer to minimize disturbances to Habitat Protection Areas within the RCA as required by the Criteria and the local Critical Area regulations. Based on the site plan provided, there appears to be sufficient area on the property to accommodate the desired improvements without impacting the Buffer. The deck should be designed to be pervious, with a gravel substrate and vegetative stabilization at the downslope end to provide water quality benefits. The walkway should also be constructed of pervious materials, preferably wood chips, and should be located to minimize or eliminate the need for clearing in the Buffer.

The site plan did not indicate whether clearing is necessary. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. All trees removed in the Buffer to construct the walkway (shoreline access) must be replaced on a 1:1 basis. Mitigation plantings should be accommodated on the property, using a mix of native species that provide canopy, understory and ground cover.

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Roxana L. Whitt
Variance 02-2820, Kuhn
May 16, 2002
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: CA 153-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 13, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD 00-10, Flag Harbor

Dear Ms. Vidotto:

Commission staff received revised site plans on April 24, 2002 for the Flag Harbor subdivision proposal. The subdivision plans have been revised to address all previous recommendations and comments from Commission staff. We recommend the following additions to the general notes on the final subdivision plan.

- 1) Item #21 should include removal of existing gravel within the 100-foot Buffer on Residue B. These areas of the Buffer must be replanted, preferably with a mix of native species.
- 2) If the impervious surface coverage for Residue A and Residue B (as stated in #16-17) are existing conditions, the proposed or post-development conditions should also be noted.
- 3) After subdivision, disturbance within the 100-foot Buffer is not allowed except for water dependent facilities.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Dean Wilkinson, R.A. Barrett & Associates

CA 614-01

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May 13, 2002

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4014-4-45
Kellam's Field Playground, Town of Chesapeake Beach, Calvert County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. According to the Critical Area maps, the Kellam's Recreational Complex is designated an Intensely Developed Area (IDA) within the Chesapeake Bay Critical Area. The proposed playground improvements are associated with a redevelopment plan for this facility, which was reviewed previously by Commission for consistency with the local Critical Area regulations. The redevelopment plan included ball fields, parking, lighting, accessory structures, and storm water management. We understand that the proposed playground improvements at the Kellam's Recreational Complex have been completed. The Town has advised Commission staff that a consistency report is forthcoming, stating that the project complies with the local Critical Area program.

Thank you again for the opportunity to comment on this project. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Bill Watson, Town of Chesapeake Beach

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



Ren Serey
Executive Director

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May 13, 2002

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4017-4-46
Callis Memorial Park, Town of North Beach, Calvert County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. Commission staff have not received information regarding the proposed improvements to Callis Memorial Park. We will coordinate with Town staff to obtain project information and review the project for consistency with the local Critical Area regulations. According to the Critical Area maps, it appears that Callis Memorial Park is designated an Intensely Developed Area (IDA) within the Chesapeake Bay Critical Area (see enclosed map). For any new or redevelopment activities in the IDA, the applicant must comply with 10% Rule requirements for pollutant reduction. Otherwise, there are no restrictions on impervious surface limitations or clearing notwithstanding any local zoning requirements such as landscaping and reforestation.

The proposed improvements to Callis Memorial Park are associated with a current proposal by the Town of North Beach to construct a Senior Center on the adjacent property. Commission staff conducted a site visit with John Hoffman (Town engineer and Critical Area reviewer) on March 27, 2002 and reviewed the preliminary site plan for this project. Attached is a letter of March 29, 2002 outlining specific comments regarding the preliminary site plan and the Commission process for review of local Critical Area projects. We requested additional information in order to complete our review of the development proposal and raised several issues that should be addressed by the Town, including a wetland delineation. We have not yet received the requested information or a revised site plan. The Town will need to submit a consistency report stating that the development project complies with the local Critical Area program before the project plans are finalized.

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Mr. James W. Price, Director
Re: Local POS Project #4017-4-46
May 13, 2002
Page 2

Thank you again for the opportunity to comment on this project. If you have any questions, please contact me at (410) 260-3475.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: John Hoffman, Town of North Beach



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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May 10, 2002

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

Re: Variance 2002-0133, Martin Fisher

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier of greater length than allowed by local regulations. The property is designated a Resource Conservation Area (RCA). The development status of the property is unknown since only the shoreline area of the property was included on the site plan.

Providing this lot is properly grandfathered, we would not oppose this variance. We have no further comments regarding this variance request.

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 230-02

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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May 7, 2002

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

Re: Variance 2002-0173, Thomas Ribis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a carport within the Buffer with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, no clearing is necessary for this project. Since the structure will be built on existing impervious areas on the property, mitigation is not required.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 261-02

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

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May 7, 2002

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

Re: Variance 2002-0168, Patricia Saltsman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling and a pier within the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, walkway, and porch.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, no clearing is necessary for this project and the new dwelling will be constructed on the footprint of the existing dwelling. Storm water runoff should be directed to a stable outfall with vegetative stabilization to provide water quality benefits. We understand that the walkways and a porch will be removed. Is the porch, located waterward of the house, existing or proposed? If the porch is new, mitigation, at a ratio of 2:1, should be required for disturbance to the Buffer. If no new impervious surface is proposed, mitigation is not required for this project.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 259-02

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

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May 7, 2002

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

Re: Variance 2002-0155, Sandra Kelly

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area Buffer with less setbacks and buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, driveway and pier.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no clearing is necessary for the proposed project. Disturbance to steep slopes should be minimized during construction. The limits of disturbance for construction were not calculated or shown on the site plan. The applicant must provide this information in order to determine mitigation requirements for disturbance to the Buffer. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be accommodated on site if possible. Storm water runoff from the dwelling addition should be directed to stable outfalls with vegetative stabilization to provide water quality benefits.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 257-02

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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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May 3, 2002

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

Re: Variance 2002-0144, Thomas Bedard

Dear Ms. 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 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed and driveway.

Providing this lot is properly grandfathered, we would not oppose construction of a dwelling on the property. However, several issues should be addressed. Based on the information provided, the limits of disturbance for the proposed construction and the limits of tidal wetlands were not defined on the site plans. It appears that the limits of disturbance for construction access could impact adjacent tidal wetlands.

The applicant should submit a revised site plan, identifying all disturbances to Habitat Protection Areas (Buffer, tidal wetlands), the limits of disturbance for construction, and limits of tidal wetlands. We recommend that the limits of disturbance be reduced as much as possible to minimize disturbance to the Buffer. We would not support this variance if impacts to tidal wetlands were proposed. However, if impacts to tidal wetlands are proposed, the applicant must acquire an authorization from the Maryland Department of the Environment.

Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation planting should be first directed to non-forested areas of the Buffer adjacent to tidal wetlands and the shoreline. Plantings should consist of a mix of native species to establish canopy, understory and ground cover, which will provide habitat and water quality benefits in the Buffer. If 15 percent forest cover is not achieved through mitigation plantings, additional afforestation may be necessary on the property, as required by the local Critical Area regulations.

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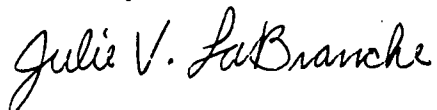
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Ramona Plociennik
Variance 2002-0144, Thomas Bedard
May 3, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 248-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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May 3, 2002

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

Re: Variance 2002-0148, Allan Chilla

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and driveway expansion within the expanded Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no clearing is necessary and the limits of disturbance have been minimized for the proposed construction. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should consist of a mix of native species. Since it appears that mitigation opportunities are limited on site, mitigation alternatives should be addressed. Storm water runoff from the dwelling addition and expanded driveway should be directed to a stable outfall with vegetative stabilization to provide water quality benefits and prevent erosion of adjacent steep slopes.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 249-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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April 30, 2002

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

Re: Variance 2002-0102, Michael and Tina Kelly

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing, grading or new impervious surface within the Buffer will result from this project. Therefore, mitigation is not required. It should be noted that the Maryland Department of the Environment, tidal wetland regulations state that a pier must not extend greater than 25 percent across a waterway. Due to the configuration of the cove in front of this property, the applicant should determine whether the maximum pier length allowed would provide sufficient water depths.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 213-02

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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April 30, 2002

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

Re: Variance 2002-0145, Brian and Karen Czarnowski

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enlarge an access road (right-of-way) within the Critical Area with less width than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, swimming pool and barn.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, the amount of clearing or grading necessary for the proposed road improvements was not calculated. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer and 3:1 for disturbance within the Buffer, should be required.

Commission staff have several concerns regarding the proposed subdivision. The site plan provided does not include the 100-foot Buffer, the limit of tidal wetlands, topography, limits of disturbance for the road expansion, and calculations of the area of disturbance within the Critical Area. Most of the existing parcel, and the current development on the property excluding the barn, is located within the 100-foot Buffer. A variance would be required for future development or redevelopment of this lot. It appears that almost half of the second proposed lot (to the north) is within the 100-foot Buffer. New development within the Buffer would be prohibited on this lot without a variance. This office would not support such a variance.

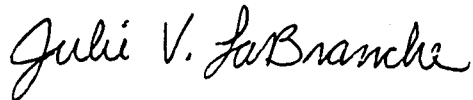
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Ramona Plociennik
Variance 2002-0145, Brian and Karen Czarnowski
April 30, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Chris Soldano – Kelly Krinetz, Anne Arundel County

AA 249-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

April 26, 2002

Victor J. Schueler
457 Blackbird Station Road
Townsend, Delaware 19734

Re: Bay Boat Works Dredge Disposal Project

Dear Mr. Schueler:

This letter is in response to your letter of March 29, 2002 regarding Bay Boat Works Dredge Disposal Project. We would like to clarify several points made in your recent letter, clarify our requests for additional information, and outline the steps necessary to move the project forward for County approval.

- 1) We would like to clarify your interpretation of several points in Eric Sennstrom's (Cecil County, Office of Planning and Zoning) letter of September 28, 2001. Although dredge disposal Site A is a non-conforming use allowed in the Buffer, this does not mean that the "100-foot Buffer criterion are waived". Mr. Sennstrom specifically references several Articles in the local Zoning Ordinance relating to development in the Buffer, Buffer Exempt Areas, and Limited Development Area (LDA) within the Critical Area. He states that "redevelopment of the disposal facility will need to be accomplished in compliance with the Zoning Ordinance" and "the requirements will need to be met with respect to all tree clearing activities that will occur". Any questions regarding the local Zoning Ordinance should be coordinated with the staff in the Cecil County Office of Planning and Zoning.
- 2) Because disturbance to the Buffer is proposed at Site C, which is not a Buffer Exempt Area, the property owner must apply to the Cecil County Office of Planning and Zoning for a variance, as required by the local Critical Area regulations. Dredge disposal Site A is a Buffer Exempt Area (BEA) therefore disturbances to the Buffer do not require a variance.
- 3) As previously requested, please provide the following project information, reported in square feet or acres, and delineated on the site plan:
 - a) calculations of disturbance within the 110-foot Buffer (clearing, grading, impervious surface) which should include the outfalls, accessory structures, and access points), and
 - b) a revised site plan showing the location of the proposed dredge disposal sites, the 110-foot Buffer, topography, existing impervious surface, existing forested area, and the area of proposed forest clearing.

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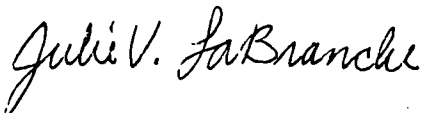
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Victor J. Schueler
Bay Boat Works Dredge Disposal Project
April 26, 2002
Page 2

- 4) For this project, mitigation is required for all disturbances to the Buffer, including those in BEA's. The mitigation requirement is determined by measuring the area of the footprint of the activity in the Buffer (usually reported in square feet). Mitigation, at a ratio of 3:1 for disturbance to the Buffer and 1:1 for disturbance outside the Buffer, should be required. If the mitigation plantings can not be accommodated on site, mitigation alternatives will need to be addressed with the County.
- 5) The property owner will need to apply to the Cecil County, Office of Planning and Zoning, for a variance (Buffer disturbances) and a grading permit for this project. County staff can provide assistance as to the permit and variance requirements. In order to facilitate the County review process, a mitigation planting plan should be included as part of the grading permit application.
- 6) We understand that the property owner has submitted applications to the U.S. Army Corps of Engineers and the Maryland Department of the Environment (MDE), Tidal Wetlands Division and Nontidal Wetlands Division, for impacts associated with this project. These applications are being reviewed and no permits have been issued. We are coordinating our review of this project with MDE. It should be noted that the Critical Area mitigation requirements are determined independently from those required by State and federal agencies.

Thank you for the opportunity to comment on this project. Please contact me at (410) 260-3475 if you have questions or need additional information.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Anthony DiGiacomo, Cecil County, Office of Planning and Zoning
Donald Green, Bay Boat Works
Charlie DeRose, Maryland Department of the Environment

CE 212-02



STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 16, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Proposed Mill Pond Restoration and Dam Replacement Project

Dear Mr. Di Giacomo:

Based on information provided by a local citizen and the Cecil County Department of Public Works, Commission staff were made aware of a proposed dam replacement and pond restoration project on Scotchman's Creek. We were subsequently contacted by a representative from Rummel, Klepper & Kahl, consultants for this project, to participate in an interagency site meeting on Monday, April 8, 2002. The following agencies were represented at the meeting: Department of Natural Resources, Fish Passage and Chesapeake Bay Critical Area Commission; National Marine Fisheries (John Nickols); U.S. Fish & Wildlife Service (Bob Zepp); Maryland Department of the Environment, Nontidal Wetlands and Waterways Program (Aaron Brown); and U.S. Army Corps of Engineers (John Roup).

The information presented at this site meeting and discussion points are summarized below.

- 1) The portion of Mill Lane that crosses the dam was closed to public access in 1991 due to structural instability of the dam.
- 2) It appears that, since its construction in the late 1800's, routine maintenance of dam has not been performed. Commission staff observed numerous large trees (some greater than several feet in diameter) growing from both sides of the embankment. According to Department of Public Works staff, the dam is registered with the Maryland Department of the Environment, Dam Safety Division.
- 3) Ownership of the property, consisting of the dam and pond, has not been determined. Signs are posted on both approaches indicating that the road is privately owned.
- 4) The Mill Pond dam failed in 1999 during hurricane Hugo. Approximately 30 percent of the dam structure was breached, and the remaining structure was severely damaged. A temporary stone revetment was installed across the dam breach area of the dam to control stream flow and sedimentation. Currently, the dam structure is actively eroding, contributing large volumes of sediment to Scotchman's Creek, the Bohemia River and Chesapeake Bay.

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Anthony Di Giacomo

Proposed Mill Pond Restoration and Dam Replacement Project

April 16, 2002

Page 2

- 5) Mill Pond was drained as a result of the dam failure. Extensive palustrine emergent wetlands have been re-established in the approximately 45 acres previously occupied by Mill Pond. The main channel of Scotchman's Creek now flows through the wetlands and the dam breach area.
- 6) We understand that a similar dam replacement project was proposed shortly after the dam was breached in the 1999 hurricane. Staff from the Department of Natural Resources (DNR), Watershed Restoration Division, consulted with the County Department of Public Works regarding the potential on this site to restore the wetlands and stream back to their original condition. DNR staff recommended restoration as the preferred option, and technical and financial resources were made available for the project. However, the County did not pursue the restoration option.
- 7) Based on discussions during the site visit and project meeting, several agency representatives suggested the option of restoration of the wetlands and stream rather than replacement of the dam. Agency representatives explained that restoration of the palustrine and riverine ecosystem is consistent with the spirit and intent of local Critical Area Program, the Criteria, and the goals of the Chesapeake Bay Program to enhance fish passage and aquatic resources, improve water quality, and restore wetlands and streams.
- 8) In order to comprehensively evaluate the proposed project, the following additional information was requested by agency representatives:
 - a) detailed site plans;
 - b) detailed benefits analysis including flood protection, sediment control, emergency access, fire protection, and recreation;
 - c) alternatives analysis including dam replacement, various fish passage structures, a bridge and culvert system, and restoration of the wetlands and streams;
 - d) evaluation of the resource benefits and impacts for each of the alternatives.

Agency representatives indicated that comments regarding the proposed project would be submitted to the County and the consultant after evaluation of this information.

During the site visit, I explained briefly the Critical Area requirements for the site including: delineation of the Critical Area boundary (which bisects Mill Pond), the 110-foot Buffer and expanded Buffer (for contiguous wetlands, streams), calculations of existing and proposed conditions (impervious surface, Buffer disturbance including clearing and grading), general standards for development in Resource Conservation Areas, and the process for general approval and conditional approval by the Commission. I explained to the County staff and the consultants that they should coordinate with your office regarding this project, and my comments from the site visit would be forwarded to you as well.

Anthony Di Giacomo
Proposed Mill Pond Restoration and Dam Replacement Project
April 16, 2002
Page 3

Please contact me at (410) 260-3475 if you require additional information or have questions regarding this project.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Matt Carter, Cecil County, Department of Public Works
Kirk Mantay, Rummel, Klepper & Kahl, LLP

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 26, 2002

Dan Kelsh
Collinson, Oliff Associates, Inc.
288 Merrimac Court
Prince Frederick, Maryland 20678

Re: Site Plan, North Beach Resort

Dear Mr. Kelsh:

Thank you for providing complete site plans for the proposed North Beach Resort development project. The applicant proposes to construct a commercial facility on five lots, and a portion of an adjacent lot (Lot 6) located on Bay Avenue, between Third Street and Fifth Street, in the Town of North Beach. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is undeveloped, with mowed grass areas and numerous mature trees, except for a commercial building on Lot 5.

We have reviewed the revised site plans and storm water management plans for consistency with the Critical Area Criteria and the local Critical Area regulations. We offer the following supplemental comments.

- 1) The revised 10% Rule calculations provided show that an offset requirement of 0.2 pounds of phosphorous remains, after the addition of two retrofit storm water devices to treat runoff from the adjacent roadway. Even with the supplemental storm water management, the remaining pollutant removal offset will not be met due to the specific constraints of this property including a high water table, lack of impermeable solids, and topography. For this site, additional plantings can be used to provide additional water quality benefits.
- 2) The proposed redevelopment will require removal of 14 mature trees. The landscape management plan includes planting five trees and numerous shrubs on the site. We recommend that the landscape plan be modified to incorporate a diverse mix of native plantings, providing multiple layers of vegetation on the site (including canopy, understory and groundcover). The shrubs planted on the east and south property boundaries could be replaced with a mix of small trees, large shrubs, and ground cover. The area behind the main parking lot could be planted with shrubs and ground cover to further enhance the existing trees and provide habitat and water quality benefits. The Town's Comprehensive Plan,

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Dan Kelsh
Site Plan, North Beach Resort
April 26, 2002
Page 2

Waterfront Revitalization Plan, and Zoning Ordinance promote landscaping where feasible in Intensely Developed Areas of the Critical Area (see attached page from the North Beach Critical Area Program: Program 2, section II, page 2-15).

3) Mitigation for disturbance to the Buffer has been provided on site with plantings.

Thank you for the opportunity to provide comments on this project. Please contact me at (410) 260-3475 if you have any questions or need further assistance.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: John Hoffman, Town of North Beach

NB 208-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 25, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision, MSD 02-02-20, John Hall

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 58 acre parcel to create a 2.739 acre lot (Lot 1) within the Critical Area. The property is designated a Resource Conservation Area (RCA). The property is currently developed with a number of dwellings, outbuildings and access roads (undetermined from the site plans provided) and portions are currently in agricultural use.

We have reviewed the subdivision application and have determined that additional information is needed to complete our review of the proposal. The applicant must address each of the following:

- 1) The site plans provided must include: the entire parcel to be subdivided, the Critical Area boundary, the 100-foot Buffer, Habitat Protection Areas if present (streams, private and State tidal wetlands, forests), existing forested areas, and calculations of the existing and proposed conditions (impervious surface coverage, clearing).
- 2) The size of the new lot is stated as 2.739 acres on the Critical Area Form and 1.660 acres on the site plan. Another parcel "Revertible Parcel A" is 1.079 acres. Does the 2.739 acres reported on the Critical Area Form reflect the combined acreages for Lot 1 and Parcel A? What is the purpose of creating "revertible parcel A"? Who will have ownership of Parcel A?
- 3) If Parcel A is part of the Lot 1, it must be included in the calculation of the maximum allowable impervious surface coverage for development of Lot 1 (limited to 15 percent of the lot). If the road will be improved, the new impervious surface created must be calculated and noted on the plans.
- 4) Based on the allowable density of one dwelling per 20 acres in the RCA, a maximum of two lots can be created from this 58 acre parcel.
- 5) It is not clear from the information provided how many dwelling units exist on the original Parcel.

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Olivia Vidotto
Minor Subdivision, MSD 02-02-20, John Hall
April 25, 2002
Page 2

- 6) For the purposes of determining allowable densities for subdivision within the RCA, the acreage of State tidal wetlands must be deducted from the total acreage of the original Parcel. Based on our analysis of GIS information from the Department of Natural Resources, it appears that the Parcel contains extensive tidal wetlands. If the remaining lands total less than 40 acres, the parcel cannot be subdivided, except through inter-family transfer.
- 7) After subdivision, 15 percent of Lot 1 must be afforested, as required by the local Critical Area regulations. Afforestation plantings should consist of a mix of native species, including trees, shrubs and herbaceous vegetation. An approved planting plan should be submitted to the County and reviewed by Commission staff.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Jeff Tewell, Collinson, Oliff & Associates, Inc.

CA 239-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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April 24, 2002

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

Re: Variance 2002-0106, Waldron

Dear Ms. 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 Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, walkways, and several retaining walls.

Providing this lot is properly grandfathered, we would not oppose this variance. It appears that the limits of disturbance have been minimized and clearing reduced to the minimum necessary for redevelopment of the property. Mitigation, at a ratio of 3:1, should be required for disturbances to the expanded Buffer. Mitigation plantings should consist of a mix of native species and accommodated on site wherever feasible.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 216-02

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Chairman



Ren Serey
Executive Director

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April 22, 2002

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

Re: Variance 2002-0114, Suburban Builders & Realty LLC

Dear Ms. 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 Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, driveway, concrete walkway and pier.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The site plan provided does not show the limits of disturbance for the proposed redevelopment, including any grading necessary on the site. This will be needed in order to determine mitigation requirements within the Buffer and outside the Buffer. Storm water runoff from the new house should discharge to a stable outfall, directed away from steep slopes on the site, with vegetative stabilization to provide water quality benefits within the Buffer. If a deck is desired in the future, an additional Buffer variance will be required.

Mitigation, at a ratio of 3:1 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 first directed to non-vegetated portions 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

Julie V. LaBranche
Natural Resources Planner

cc: AA 222-02

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Chairman



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April 22, 2002

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

Re: Variance 2002-0118, Menkart

Dear Ms. 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 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a buffer Exempt Area (BEA). The property is currently developed with a house, porch, deck, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose a variance for the dwelling addition. However several issues should be addressed, and additional information provided, before we can fully evaluate the proposed project. It appears there may be additional impacts to steep slopes and the Buffer, associated with other property improvements that have not been identified as part of this variance request.

- 1) If deck footers are to be replaced, the limits of disturbance for the deck replacement must be shown on the site plans.
- 2) The following terms are used in the site plan notes: areas mechanically stabilized and areas vegetatively stabilized. Are these included in the limits of disturbance calculations, or are they additional disturbed areas? The limits of disturbance should include any areas that are cleared, graded, or made impervious.
- 3) The proposed steel retaining wall is considered an impervious structure and must be included in the impervious surface coverage and limits of disturbance calculations. We request that the applicant provide a description of the need for this type of stabilization structure within the Buffer.

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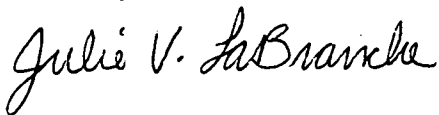
Ramona Plociennik
Variance 2002-0118, Menkart
April 19, 2002
Page 2

- 4) According to the site plan and details provided, the proposed length of rip-rap shoreline extends beyond mean high water and into the Buffer. The portion of the rip-rap structure within the Buffer must be included in the impervious surface calculations and the limits of disturbance on the site. If removal of existing vegetation is necessary for construction of the rip-rap shoreline or retaining wall, this should be included in the Critical Area calculations.

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 first directed to non-vegetated portions of the Buffer to help stabilize steep slopes and provide water quality benefits.

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 224-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 22, 2002

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

Re: Variance 02-2803, Carol Hogue

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling and services within the expanded 100-foot Buffer of the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped, and fully forested, with the exception of a private gravel driveway. We received a second revised site plan and application for this variance request on April 18, 2002.

Provided this lot is properly grandfathered, we would not oppose construction of a dwelling on the property. However, as proposed, this project does not demonstrate minimization of disturbance to the expanded 100-foot Buffer. It appears that ample space is available on the southwestern portion of the lot to accommodate the desired development and minimize disturbances to sensitive areas. The proposed house and shed could be oriented to minimize intrusion into the Buffer, reduce impacts to steep slopes, and reduce the amount of clearing necessary for development of the property.

We recommend the following be made conditions of this variance if granted.

- 1) The site plan should be reconfigured, consolidating the development footprint to minimize disturbance to the expanded Buffer and steep slopes.
- 2) Calculations of impervious surface coverage after development must include the combined existing and proposed conditions and should be noted on the site plans.
- 3) Mitigation, at a ratio of 2:1, should be required for disturbance within the expanded Buffer. Mitigation plantings on site should consist of a mix of native species. Since it is unlikely that all mitigation requirements can be accommodated on the site, mitigation alternatives will need to be addressed.

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Roxana L. Whitt
Variance 02-2803, Carol Hogue
April 22, 2002
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 155-02 revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 18, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

*Faxed copy
4/18/02*

Re: Variance 02-2811, Denise Gardner

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a deck and pergola within the Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, several sheds, and a driveway.

Providing this property is properly grandfathered, we would not oppose this variance. The deck should be constructed with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefit within the Buffer. The information provided does not indicate whether clearing or grading will be necessary. We recommend that any clearing or grading proposed in the Buffer be minimized. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-vegetated areas of the Buffer on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 210-02

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April 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0107, James and Ellen Reinig

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage within the Critical Area with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. Based on the information provided by Allbright Architects, we understand that a dwelling addition is being constructed under an existing building permit. The applicant is requesting a variance to construct a garage and expand the existing driveway and sidewalks. Combined, these property improvements result in 1,200 square feet of additional impervious surface on the lot. The existing impervious surface coverage is 5,000 square feet or 20 percent of the lot. The proposed impervious surface coverage is 6,200 square feet or 24.7 percent of the lot. This would result in a non-conforming lot, which exceeds the maximum allowable impervious surface coverage of 5,445 square feet. As proposed, this project also requires an impervious surface variance.

We recommend that the site plan be reconfigured to accommodate the desired property improvements while not exceeding the maximum impervious surface coverage allowed. It appears that disturbance to the Critical Area could be minimized by relocating the garage to replace portions of the existing driveway. This would also eliminate the need for the proposed driveway extension and reduce the area of the sidewalk.

Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be accommodated on site, preferably in non-vegetated areas adjacent to the Buffer.

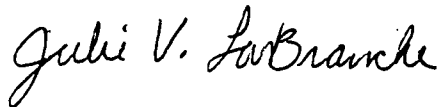
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Ramona Plociennik
Variance 2002-0107, James and Ellen Reinig
April 18, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 217-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0108, Robert Larsen, Kathy Buller

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enclose and existing deck within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, porch, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no existing vegetation will be removed and no grading is necessary for this project. Storm water runoff from the new structure must be treated on site using plantings or other Best Management Practice. An approved Planting Plan should be coordinated with the County. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be first directed to non-vegetated areas within the Buffer. Mitigation plantings can be utilized to achieve treatment of storm water runoff for the structure.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 218-02

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Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

April 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0127, Anthony Krasnow

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to renovate an existing accessory structure within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, pool, barn and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no existing vegetation will be removed, no grading will occur, and existing impervious surface coverage on the lot will be decreased by 270 square feet as a result of this project. The proposed renovations will take place within the footprint of the existing structure. Therefore, mitigation is not required. Storm water runoff from the renovated structure should outfall to a stable area with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 227-02

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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April 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0109, Michael Dimon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enlarge an existing garage within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, porch, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no existing vegetation will be removed and no grading is necessary for this project. Since the garage addition is proposed on an existing gravel area, there will be no increase in impervious surface coverage on the lot. Therefore, mitigation for this project is not required. Storm water runoff from the new structure should discharge to a stable outfall with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 219-02

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 15, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0035, William H. Bold Jr.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition and deck to an existing dwelling within the expanded Buffer. The property is designated a Limited Developed Area (LDA) and is currently developed with a house, several porches, walkways, a detached garage and driveway. We have revised our comments based on new site plans, submitted to our office on April 11, 2002 by Drum, Snell & Associates.

Providing this lot is properly grandfathered, we would not oppose the proposed improvements to the property. However, several issues should be addressed.

- 1) We understand that the applicant is pursuing consolidation of Lots C and D. The combined acreage was used for the purposes of calculating the existing and proposed conditions for this project.
- 2) A 20 inch cedar tree behind the existing dwelling, which was to be removed for construction of the proposed deck, will be retained. The deck should be designed with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits in the Buffer.
- 3) The existing garage will be removed. Mitigation plantings can be utilized to revegetate this area.
- 4) Mitigation for disturbances, at a ratio of 3:1 within the Buffer and 1:1 outside the Buffer, should be required. Since there is little existing forested area on the property, we recommend that all required mitigation plantings, consisting of a mix of native species, be completed on site. Vegetation of steep slopes should be a priority on Lot C, which consists mostly of mowed grass.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 101-02

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North Beach

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 11, 2002

Dan Kelsh
Collinson, Oliff Associates, Inc.
288 Merrimac Court
Prince Frederick, Maryland 20678

Re: Preliminary Site Plan, North Beach Resort

Dear Mr. Kelsh:

Thank you for providing information regarding the proposed North Beach Resort development project. The applicant proposes to construct a commercial facility on five lots, and a portion of an adjacent lot (Lot 6) located on Bay Avenue, between Third Street and Fifth Street, in the Town of North Beach. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA).

We have reviewed the preliminary site plans and storm water management plans for consistency with the Critical Area Criteria and the local Critical Area regulations. We offer the following comments.

- 1) The site plans must show the following: the location of the 100-foot Buffer, topography, existing and proposed conditions (impervious surface coverage, vegetation and forest cover, clearing, grading), and limits of disturbance for construction.
- 2) The 10% rule calculations provided indicate a 50 percent phosphorous removal efficiency for the storm water treatment method selected (Storm Filter). The letter of April 23, 1999 from Ken Pensyl, Maryland Department of the Environment, states that the phosphorous removal efficiency of Storm Filter is 40 percent. The 10% rule calculations indicate that the project area is 0.21 acres. Based on the site plans and Department of Natural Resources GIS information, it appears that the project area is much larger in size. The 10% Rule calculations should be revised based on this revised project information.
- 3) The sediment and erosion control notes on the site pan indicate that zero percent of the site is forested currently. During a site visit on March 27, 2002, Commission staff observed numerous trees on the property. Please clarify the calculations of "forested area" and "cleared area" in the plan notes.

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Dan Kelsh
Preliminary Site Plan, North Beach Resort
April 11, 2002
Page 2

- 4) The lot lines must be clearly marked on the site plans.
- 5) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, is required. If mitigation plantings cannot be accommodated on site, mitigation alternatives should be addressed.
- 6) Based on discussions during our March 27, 2002 meeting, it has not been determined whether this site was previously developed. The status of the property should be determined in order to apply the required standards for new development or redevelopment within the Critical Area.

Thank you for the opportunity to provide comments on this project. Please contact me at (410) 260-3475 if you have any questions or need further assistance.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: John Hoffman, Town of North Beach



STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 8, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0087, Cieprisz

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed, several decks and walkways, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The property is a non-conforming lot, with 56 percent existing impervious surface coverage, which far exceeds the maximum allowable of 25 percent for a lot of less than one half acre. We understand that all proposed structures are located on existing impervious areas. Therefore, no additional impervious surface will result from the proposed project. The applicant states that approximately 3,000 square feet of disturbance will result from the proposed improvements. The limits of disturbance for the project must be calculated, or shown on the site plan, to determine mitigation requirements for this project.

We recommend the following be made conditions of this variance, if granted.

- 1) An area of existing impervious surface, equivalent to the area of the proposed dwelling additions and porch, should be removed to offset the substantial impervious surface coverage in the Buffer. For example, portions of existing gravel areas could be reduced in size.
- 2) The limits of disturbance for the project must be calculated, or shown on the site plan.
- 3) Mitigation, at a ratio of 2:1 for disturbance to the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be accommodated on the property and within the Buffer, particularly in the area between the structure and the water to provide maximum water quality benefits.

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Ramona Plociennik
Variance 2002-0087, Cieprisz
April 8, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 183-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 8, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0086, John Gottschalk

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, garage, shed, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The property is a non-conforming lot, with 38.5 percent existing impervious surface coverage, exceeding the maximum allowable of 25 percent for a lot of less than one half acre. We recommend the following be made conditions of this variance, if granted.

- 1) An area of existing impervious surface, equivalent to the area of the proposed dwelling addition (160 square feet), should be removed to accommodate the desired property improvements while not exceeding the present non-conforming condition. For example, the driveway could be reduced in size to offset the proposed increase in impervious surface. The house was approved under a previous building and grading permit.
- 2) Mitigation, at a ratio of 2:1 for disturbance to the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be accommodated on the property and within the Buffer. Given that the dwelling addition will be located approximately 20 feet from the water, mitigation plantings should be concentrated in the area between the structure and the water to provide maximum water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

AA 182-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 8, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0084, John Elliott

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, garage, shed, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The property is a non-conforming lot, with 28 percent existing impervious surface coverage, exceeding the maximum allowable of 25 percent for a lot of less than one half acre.

We recommend the following be made conditions of this variance, if granted.

- 1) An area of existing impervious surface, equivalent to the area of the proposed dwelling addition (240 square feet), should be removed to accommodate the desired property improvements while not exceeding the present non-conforming condition. For example, portions of existing gravel areas near the garage could be removed.
- 2) Mitigation, at a ratio of 2:1 for disturbance to the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be accommodated on the property and within the Buffer, particularly in the area between the structure and the water to provide maximum water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche

Natural Resources Planner

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AA 180-02

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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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April 8, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0023, Timothy Layne

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage within the Critical Area with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, two decks, and a driveway.

Based on the information provided, we would not oppose this variance. However, it appears that the newly constructed house does impact the Buffer, which has been expanded to include a contiguous nontidal wetland and a 25-foot buffer. The house was approved under a previous building and grading permit. The County has not required a variance for these impacts.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 91-02 suppl.

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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April 4, 2002

Bobbie Hutchison
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SPR 02-7, Calvert County Highway Maintenance Facility

Dear Ms. Hutchison:

Thank you for providing information on the above referenced development project. The applicant is requesting to construct a highway maintenance facility within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

We have the following comments regarding this project.

- 1) Based on discussions with County staff and the consultant, we understand that the current site plan design and proposed use of the property is tentative, and will likely be revised.
- 2) The site plan must include both calculations and delineation of the existing and proposed conditions for impervious surface coverage, forested area, and clearing and grading proposed within the Critical Area.
- 3) The site plan must show the limits of tidal and nontidal wetlands, if present on the site, and the required wetland buffers. Based on GIS information from the Department of Natural Resources, it appears that nontidal wetlands are present on, and adjacent to, the property and may be contiguous to tidal wetlands. In this case, the 100-foot Buffer should be expanded to include contiguous hydric soils and nontidal wetlands, as required by the local Critical Area regulations. The expanded Buffer, and any impacts to the Buffer, must be indicated on the site plans.
- 4) Based on the information provided, the pollutant removal calculations and storm water BMP's selected meet the requirements for the 10% Rule compliance in an IDA.
- 5) The applicant must request an evaluation from the Department of Natural Resources for the presence of sensitive, rare and endangered species on the property and surrounding areas. A copy of their evaluation should be provided to this office.
- 6) If the project includes impacts to the Buffer or expanded Buffer, a conditional approval by the Commission will be necessary, as required by the Criteria (27.02.06).

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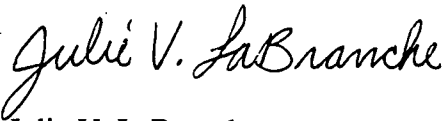
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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Bobbie Hutchison
SPR 02-7, Calvert County Highway Maintenance Facility
April 4, 2002
Page 2

- 7) The County must provide a consistency report to this office, as required by the Criteria (27.02.02).
- 8) If necessary, the required authorizations for wetland and waterway impacts must be acquired from the Department of the Environment.
- 9) If the project is redesigned in the future, a copy of the revised plans should be provided to this office for review and comment.

Thank you for the opportunity to provide comments. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Dan Kelsh, Collinson, Oliff & Associates, Inc.

CA 157-02

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

April 1, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0027, Marcello Nucci

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area. The property is designated a Limited Developed Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, and walkways.

Providing this lot is properly grandfathered, we would not oppose this variance. The proposed addition will result in no additional impervious surface on the lot, since it is located on an existing concrete patio. The site plan does not show the location of a driveway, but we assume one exists on the lot. Including the proposed addition, the lot will have approximately 1,538 square feet of impervious surface coverage. Future development of the property should not exceed the maximum allowable impervious surface coverage of 1,875 square feet (25 percent plus 500 square feet). Mitigation, at a ratio of 2:1 for disturbances within the Buffer, should be required. Mitigation plantings should be directed to non-vegetated areas within the Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 95-02 rev.

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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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March 29, 2002

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance File 2848, Krouse

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and septic system within the 110-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed. Based on the information provided, it appears that the property consists largely of slopes greater than 15 percent. (We could not measure the slopes from the site plan because the scale was not defined.) Therefore, any development on the property would likely impacts steep slopes.

To minimize impacts to steep slopes, we recommend the following be made conditions of this variance, if granted.

- 1) The proposed house and driveway could be reconfigured to avoid steep slopes wherever possible. Reducing the required local setbacks and concentrating development as close to the road and the eastern property line as feasible would facilitate this.
- 2) The limits of disturbance should be minimized as much as possible during construction.
- 3) Impacts resulting from installation of the septic system will be temporary. The disturbed area should be stabilized during and after construction and replanted, as soon as possible, with appropriate vegetation to promote slope stabilization and minimize erosion potential.
- 4) Mitigation, at a ratio of 3:1 for disturbance to the Buffer, should be required. Since mitigation opportunities on the site are limited, mitigation alternative should be addressed.
- 5) We would like to review the sediment and erosion control plan prior to local approval of the project.

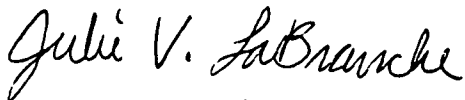
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Joseph Johnson
Variance File 2848, Krouse
March 29, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CE 191-02

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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March 29, 2002

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance File 2844, Frank and Valerie Woodruff

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to reconstruct a single-family dwelling within the 110-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed. Based on information obtained from the Department of Natural Resources GIS database, it appears that the property is partially forested adjacent to the existing house, the existing house is entirely within the 110-foot Buffer, slopes greater than 15 percent may be present within the 110-foot Buffer, and the Buffer may require expansion due to steep slopes. We recommend that the applicant provide a brief description of the following to determine if a variance for disturbance to the Buffer is needed. We would like to review the information requested prior to local approval of this project.

- 1) the scope of the construction activities associated with the project,
- 2) whether the new construction will be exactly within the footprint of the existing house,
- 3) the location of the driveway (and any expansion if proposed),
- 4) the limits of disturbance (reported in square feet), including all construction activities,
- 5) the amount of existing forest and vegetation to be removed, if any, and
- 6) an estimation of slope within the limits of disturbance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CE 159-02

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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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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0070, David Auld

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a second story addition within the footprint of an dwelling within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the Critical Area report provided, we understand that there will be no increase impervious surface coverage on the lot and no trees will be removed as a result of this project. Therefore, mitigation is not required.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 166-02

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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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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0076, Vicki Harrison

Dear Ms. 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 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no new impervious surface will be created and no existing vegetation will be removed. Therefore, mitigation is not required. The deck should be designed with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits within the Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 167-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0095, Todd Holt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a second story dwelling addition within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant, we understand that no grading, clearing, or additional impervious surface will result from this project. Therefore, mitigation is not required. The applicant intends to plant numerous trees and shrubs on the property and install devices to manage storm water runoff from the new addition and garage. Storm water runoff should be directed to a stable outfall with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 186-02

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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0092, Doris Rall

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The information provided by the applicant does not indicate whether any grading or clearing is necessary and the limits of disturbance for construction of the proposed addition. These activities should be described and quantified by the applicant prior to local approval. Storm water runoff from the new addition should be directed to a stable outfall with vegetative stabilization to provide water quality benefits. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be directed to non-vegetated areas of the Buffer and consist of native species of trees, shrubs and herbaceous vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 185-02

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0091, Michael and Jill Browning

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant, we understand that no grading or clearing will result from this project. The proposed addition would increase the impervious surface coverage on the property approximately 100 square feet. The site plan does not define the limits of disturbance for construction. This should be clarified by the applicant prior to local approval of the project. Mitigation, at a ratio of 3:1 for disturbance to the Buffer, should be required. Mitigation plantings should be directed to non-vegetated areas of the Buffer and consist of native species of trees, shrubs and herbaceous vegetation. Storm water runoff from the addition should be directed to a stable outfall with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 184-02

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Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 29, 2002

John Hoffman
Town of North Beach
8916 Chesapeake Avenue
North Beach, Maryland 20714

Re: Site Plan, North Beach Senior Center

Dear Mr. Hoffman:

Thank you for providing information regarding the proposed North Beach Senior Center at our meeting and site visit on March 27, 2002. We have the following comments regarding the preliminary site plan.

- 1) We observed extensive areas of ponded water and some wetland vegetation growing on the site. These areas could be isolated nontidal wetlands. At this time, I recommended that a wetland delineation be conducted to determine the presence and extent of jurisdictional wetlands on the property, if any. If wetlands are present, an authorization from the Department of the Environment must be obtained for impacts associated with this project.
- 2) Per our discussion, this is a local government project that will require approval by the Commission. Since the 100-foot Buffer will not be impacted, the project will not need conditional approval by the Commission. A letter of consistency from the local jurisdiction must be submitted to the Commission, prior to Commission approval, stating that the proposed project is consistent with the local Critical Area program.
- 3) The necessary authorizations from the Department of the Environment must be obtained prior to Commission approval.
- 4) If clearing within the Critical Area will result from this project, a mitigation plan and planting plan must be completed prior to Commission approval. If mitigation plantings cannot be accommodated on site, mitigation alternatives must be addressed.
- 5) Due to the locally high water table and low elevation of this site, management of storm water runoff will require evaluation of alternatives to traditional infiltration methods. We discussed the application of alternative, subsurface technologies for this site. We would like to review the storm water management plan for this project when completed.

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John Hoffman
Site Plan, North Beach Senior Center
March 29, 2002
Page 2

- 6) The property designation is Intensely Developed Area (IDA). The project must comply with 10% Rule pollutant removal requirements. Please provide 10% calculations and methods for addressing phosphorous removal.
- 7) The site plan shows an "alternate parking lot" on the northern portion of the project site. It appears to be outside the lot lines for the Senior Center. If development of an additional lot is anticipated, the site plan must include details for the parking lot, including calculations of impervious surface, clearing, and grading, and storm water management.

Thank you for the opportunity to provide comments on this project. We look forward to reviewing the project site plan when completed. Please contact me at (410) 260-3475 if you need further assistance.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: The Honorable Mark Frazier, Town of North Beach

NB 190-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0095, Todd Holt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a second story dwelling addition within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant, we understand that no grading, clearing, or additional impervious surface will result from this project. Therefore, mitigation is not required. The applicant intends to plant numerous trees and shrubs on the property and install devices to manage storm water runoff from the new addition and garage. Storm water runoff should be directed to a stable outfall with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 186-02

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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0092, Doris Rall

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The information provided by the applicant does not indicate whether any grading or clearing is necessary and the limits of disturbance for construction of the proposed addition. These activities should be described and quantified by the applicant prior to local approval. Storm water runoff from the new addition should be directed to a stable outfall with vegetative stabilization to provide water quality benefits. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be directed to non-vegetated areas of the Buffer and consist of native species of trees, shrubs and herbaceous vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 185-02

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March 29, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0091, Michael and Jill Browning

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided by the applicant, we understand that no grading or clearing will result from this project. The proposed addition would increase the impervious surface coverage on the property approximately 100 square feet. The site plan does not define the limits of disturbance for construction. This should be clarified by the applicant prior to local approval of the project. Mitigation, at a ratio of 3:1 for disturbance to the Buffer, should be required. Mitigation plantings should be directed to non-vegetated areas of the Buffer and consist of native species of trees, shrubs and herbaceous vegetation. Storm water runoff from the addition should be directed to a stable outfall with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 184-02

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Ren Serey
Executive Director

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March 28, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0064, Esteban and Elizabeth Decastro

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within expanded Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. From the information provided, it is difficult to determine whether the addition will be located on a previously graded area of minimal slope or slopes greater than 15 percent. On the site plan, the topographic information provided is inconclusive in the vicinity of the existing house and proposed addition. The applicant should clarify this. The applicant's letter states that the project will result in approximately 2,000 square feet of disturbance to the expanded Buffer. Mitigation, at a ratio of 3:1 for disturbance to the Buffer, should be required. It appears that a portion of the mitigation plantings can be accommodated on site, along the northwestern and northeastern property boundaries. However, mitigation alternatives will need to be addressed.

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 164-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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March 28, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0069, Pamela Clark

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to remodel an existing dwelling within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house.

Providing this lot is properly grandfathered, we would not oppose this variance. However, based on the information provided, it is not clear whether the project proposes additional impervious surface coverage on the lot. Since the house is entirely within the Buffer, the applicant should clarify this on the site plan for the purpose of determining mitigation requirements. Mitigation, at a ratio of 3:1 for additional disturbance to the Buffer, should be required.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 165-02

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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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March 28, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision MSD 00-10, Flag Harbor

Dear Ms. Vidotto:

This office received revised site plans from R.A. Barrett & Associates on February 8, 2002 for the proposed Flag Harbor subdivision. The site plans were revised based on comments by Commission staff in a letter of December 3, 2001, forwarded to R.A. Barrett & Associates and Calvert County, Department of Planning and Zoning. Commission staff commented on the revised site plans in a letter of February 20, 2002. During subsequent discussions with Dean Wilkinson, R.A. Barrett & Associates, we have since made additional recommendations regarding Critical Area requirements. These recommendations are summarized below.

- 1) The subdivision and each of the new lots are limited to 15 percent impervious surface coverage. We have recommended that existing impervious surface on Residue A and Residue B be reduced to meet the impervious surface limits for the subdivision (see note 2 below), while accommodating the desired development.
- 2) The limits of disturbance for new development on the new lots and Residue parcels must not impact the expanded Buffer and stream buffer. Disturbance to the expanded Buffer and stream buffer is prohibited without a variance. This office would not support such a variance.
- 3) A 100-foot Buffer must be established from the tributary stream located on Residue B along the eastern boundary of the property. We have recommended that the existing bluestone parking area within the stream buffer be removed, and the stream buffer planted with a mix of native species consisting of trees, shrubs and herbaceous vegetation. After subdivision, new development within the established stream buffer will be prohibited.
- 4) The proposed development of Lots 1, 2, 3 and 4 must be relocated outside of the expanded (100-foot) Buffer. The proposed building restriction line and limits of disturbance for Lot 3 and Lot 4 must be relocated outside the expanded Buffer. The proposed relocation of two sheds to Residue Parcel B must be outside of the 100-foot stream buffer.

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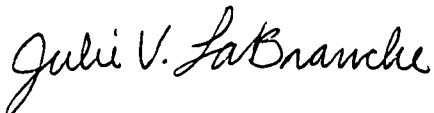
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Olivia Vidotto
Minor Subdivision MSD 00-10, Flag Harbor
March 28, 2002
Page 2

- 5) Storm water management will be required on Lots 1, 2, 3 and 4, given that development will result in greater than 5,000 square feet of disturbance. Storm water management methods, and best management practices, should provide water quality treatment on site. If the existing drainage collection pipe and inlet on Lot 4 will be utilized for storm water management, water quality treatment must be provided prior to discharge to the tributary stream on Residue B.
- 6) We would like to review the revised, final subdivision plan prior to local approval.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Dean Wilkinson, R.A. Barrett & Associates

CA 614-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 27, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0532, William and Arvilla Wubbenhorst

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck, walkways, and addition within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, porch, several walkways, and a pier.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The Critical Area Worksheet provided by the applicant does not report accurately the existing and proposed impervious surface coverage on the lot. Based on the site plan provided, Commission staff estimate that the existing impervious surface coverage is approximately 4,436 square feet (or 26 percent) and the proposed impervious surface coverage is 5,336 square feet (or 31 percent). It should be noted that the proposed impervious surface coverage equals the maximum allowable for a lot of this size. Limits on impervious surface coverage must be addressed with respect to any future development of the property.

We recommend the following be made conditions of this variance, if granted.

- 1) Existing and proposed impervious surface coverage on the lot should be calculated.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required.
- 3) Approximately 5 percent of the property is forested, as stated on the Critical Area worksheet provided by the applicant. It appears that the required mitigation plantings can be accommodated on site, preferably in non-vegetated areas of the Buffer. A mix of native species should be used.

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Ramona Plociennik
Variance 2001-0532, Wubbenhorst
March 27, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 160-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 27, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0059, Christopher Gannon

Dear Ms. 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 Critical Area. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, patio, walkway and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The 100-foot Buffer is not shown on the site plan. Based on the information provided, the existing and proposed impervious surface coverage calculations are incorrect. Commission staff estimates of impervious surface coverage are: 1,800 square feet existing (house shed, driveway) and 2,490 proposed (new house plus garage). It is not clear whether the shed will be retained or removed. Also, will the existing stone patio and walkway be retained or removed? Does the property owner anticipate a variance for a deck in the future?

Redevelopment of the property requires that storm water runoff be managed on the site. This can be accomplished by directing storm water to stable, vegetated areas on the lot, such as a rain garden or other areas planted with suitable vegetation. Mitigation plantings, required for disturbances within and outside the 100-foot Buffer, could be utilized for treatment of storm water runoff, which will also provide water quality benefits to the Critical Area.

We recommend the following be made conditions of this variance, of granted.

- 1) Existing and proposed impervious surface coverage on the lot should be recalculated.
- 2) The site plan should include the 100-foot Buffer.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required.

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Ramona Plociennik
Variance 2002-0059, Christopher Gannon
March 27, 2002
Page 2

- 4) It appears that the required mitigation plantings can be accommodated on site, preferably in non-forested areas of the Buffer. The planting plan provided indicates that several non-native species will be placed on the lot. We recommend that a mix of native species be used for mitigation planting within and outside 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 161-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 27, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0060, Anne Marie Gannon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier and platform within the Critical Area. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, patio, walkway and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no disturbance to the Buffer (grading, clearing) will result from the proposed project. Therefore, mitigation is not required. We have no further comments on this variance request.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 162-02

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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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March 25, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2802, Flood (Drum Point Lot 2)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling and services within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped and fully forested. We received revised site plans for this variance on March 20, 2002.

Provided this lot is properly grandfathered, we would not oppose construction a dwelling on the property. However, several issues should be addressed. As proposed, this project does not demonstrate minimization of disturbance to the 100-foot Buffer and steep slopes. It appears that ample space is available on the eastern portion of the lot to accommodate the desired development and minimize disturbance to the Buffer and steep slopes. The house could be reconfigured eastward (toward the building restriction line) and the garage could be moved southward, eliminating a small portion of the driveway. The 100-foot Buffer should be expanded due to the presence of steep slopes. Expansion of the Buffer would include the entire lot.

We recommend the following be made conditions of this variance if granted.

- 1) The 100-foot Buffer should be revised according to the local Critical Area regulations.
- 2) The site plan should be reconfigured, consolidating the development footprint to minimize disturbance to the expanded Buffer and steep slopes.
- 3) The area of the deck and screened porch could be reduced in size by approximately 15 percent, proportional to a lot of this size. This will provide adequate outdoor recreational space and a view of the water, while minimizing impacts to the Buffer and steep slopes.

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(410) 822-9047 Fax: (410) 820-5093

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Roxana L. Whitt
Variance 02-2802, Flood (Drum Point Lot 2)
March 25, 2002
Page 2

- 4) Mitigation, at a ratio of 2:1, should be required for disturbance within the expanded Buffer. Mitigation plantings on site should consist of a mix of native species. Since it is unlikely that all mitigation requirements can be accommodated on the site, mitigation alternatives will need to be addressed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 154-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 25, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2801, Stephen and Carol Dargan

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a garage within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, pool, shed, several decks, walkways, pier and platforms, and driveway.

As proposed, we would not support this variance. The property is currently a non-conforming lot, exceeding the maximum allowable impervious surface coverage for a lot of this size (15 percent or 6,546 square feet). The existing impervious surface coverage is 7,092 square feet or 16.28 percent of the lot. The post-development impervious surface coverage would be 7,624 square feet or 17.5 percent of the lot, approximately 1,078 square feet over the maximum allowable. We recommend that the proposed site plan could be revised to compensate for the desired improvements to the property. For example, the garage could be relocated to replace portions of the existing driveway, resulting in no net increase in impervious surface on the lot. Alternatively, a proportionate area of existing impervious surface could be removed elsewhere on the lot to offset the proposed impervious surface. These recommendations will ensure compliance with the local Critical Area regulations and accommodate the desired improvements to the property,

If granted, we recommend that the following be made conditions of this variance.

- 1) The site plan should be revised to accommodate the desired property improvements, while creating no additional impervious surface on the lot.
- 2) Mitigation, at a ratio of 1:1, should be required for disturbances outside the 100-foot Buffer. Mitigation plantings should include a mix of native species and be directed to non-vegetated areas of the Buffer.


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Roxana L. Whitt
Variance 02-2801, Stephen and Carol Dargan
March 25, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche". The signature is written in black ink and is positioned above the printed name.

Julie V. LaBranche
Natural Resources Planner

cc: CA 153-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 25, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2804, Oursler/Kopicki

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a single-family dwelling, garage, and driveway within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose the construction of a dwelling on the property. However, several issues should be addressed. The site plan provided does not show the location and elevation of the 100-year floodplain; the site plan notes indicate that part of the lot is within the 100-year floodplain. Using GIS information from the Department of Natural Resources, Commission staff estimated that greater than 75 percent of the lot is within the 100-year floodplain. The site plan notes state, "there will be no required planting on this lot". This statement is inaccurate, given that Critical Area mitigation plantings will be required for development of this lot. This statement should be removed from the site plan.

As proposed this project does not demonstrate minimization of impacts to the Critical Area. Approximately 25 percent of the lot (0.50 acres) will be impacted by the proposed development, including forest clearing, grading, and addition of impervious surface. Although the proposed impervious surface coverage is within allowable limits for a lot of this size, a significant portion of the development is located within Habitat Protection Areas. The driveway, and driveway culvert, will impact a nontidal wetland and wetland buffer. The applicant must secure the necessary authorizations from the Department of the Environment for wetland and wetland buffer impacts associated with this project. The proposed house and garage are substantial in size (approximately 3,600 square feet), the majority of which is located within the 100-foot Buffer and the 100-year floodplain. Given the scope of this project, we recommend that the site plan be redesigned to minimize impacts to the Critical Area, as required by the Critical Area Law and the local Critical Area regulations.

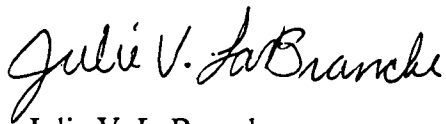
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Roxana L. Whitt
Variance 02-2804, Oursler/Kopicki
March 25, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 156-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 25, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2803, Carol Hogue

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling and services within the expanded 100-foot Buffer of the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped, and fully forested, with the exception of a private gravel driveway. We received revised site plans for this variance on March 20, 2002.

Provided this lot is properly grandfathered, we would not oppose construction a dwelling on the property. However, several issues should be addressed. It is not clear, from the site plan provided, whether the existing private gravel driveway is located on Lot 1. If the driveway is part of Lot 1, this area must be included in the post-development impervious surface coverage calculations. The proposed house extends beyond the limits of disturbance defined on the site plan. Also, it does not appear that adequate construction access for the house can be accommodated within the defined limits of disturbance. Several elements proposed are not labeled on the site plan, including the structure surrounding the waterward side of the house (deck?) and the structure between the house and garage. If a deck is proposed, we recommend that it be reduced in size by approximately 40 percent; a deck of reduced size will provide adequate outdoor recreational space and a view of the water, while minimizing impacts to the Buffer and steep slopes. As proposed, this project does not demonstrate minimization of disturbance to the expanded 100-foot Buffer. It appears that ample space is available on the southwestern portion of the lot to accommodate the desired development and minimize disturbance to the Buffer and steep slopes.

We recommend the following be made conditions of this variance if granted.

- 1) The site plan should be reconfigured, consolidating the development footprint to minimize disturbance to the expanded 100-foot Buffer and steep slopes.

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Roxana L. Whitt
Variance 02-2803, Carol Hogue
March 25, 2002
Page 2

- 2) The revised site plan should clarify the issues addressed above (including the existing driveway, placement of the house outside the limits of disturbance, and unidentified structures).
- 3) Mitigation, at a ratio of 2:1, should be required for disturbance within the expanded 100-foot Buffer. Mitigation plantings on site should consist of a mix of native species. Since it is unlikely that all mitigation requirements can be accommodated on the site, mitigation alternatives will need to be addressed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 155-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 25, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2799, Beaches Water Company

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct an addition to an existing well house on steep slopes within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a well house, walkway, gravel access road and landscape retaining walls.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing will be done, given that the lot has no existing forested area. We recommend that storm water runoff from the new structure be directed to stable, vegetated areas on the site, avoiding steep slopes to the extent possible. Mitigation, at a ratio of 2:1, should be required for disturbances within the Buffer. Mitigation plantings, consisting of mixed native species, should be accommodated on the lot.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 152-02

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Judge John C. North, II
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Ren Serey
Executive Director

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March 22, 2002

Bobbie Hutchinson
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Site Plan Review for Redevelopment, Solomons Fastop

Dear Ms. Hutchinson:

Thank you for providing information on the above referenced redevelopment project. The project proposes to redevelop a 0.44 acre property within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a gas and service station and facilities.

Providing the lot is properly grandfathered, we would not oppose redevelopment of this site. However, several issues should be addressed. We have the following comments regarding the proposed project.

- 1) The site plan provided does not include Critical Area data and calculations of acreage, existing impervious surface coverage, proposed impervious surface coverage, and afforestation acreage.
- 2) The property is a non-conforming lot, exceeding the maximum allowable impervious surface coverage of 5,990 square feet or 31.25 percent of the parcel. Based on the information provided, the lot has 100 percent impervious surface coverage (0.44 acres) and the proposed impervious surface coverage will be 0.40 acres (approximately a 1 percent reduction).
- 3) The site plan notes (sheet 1) state that storm water management ponds will be used on the site. However, the site plans do indicate where the ponds will be located.
- 4) We recommend that a mix of native species be used for all landscaping on the site.
- 5) Mitigation, at a ratio of 1:1 for disturbances outside the 100-foot Buffer, should be required. Since mitigation will likely not be accommodated on the site, alternatives will need to be addressed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this project. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: CA 650-00 suppl.

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Ren Serey
Executive Director

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March 15, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Holt Family Subdivision

Dear Mr. Di Giacomo:

The purpose of this letter is to clarify several issues raised in recent discussions regarding the Holt Family Subdivision. Don Sutton, McCrone Engineering, has questioned repeatedly the interpretation of specific language and standards in the Critical Area Criteria, and the consistency between the Critical Area Criteria and the local Critical Area regulations. This has occurred on several occasions, including the Technical Advisory Committee meeting of February 6, 2002, a site visit of February 26, 2002, and a plan review meeting on March 7, 2002. In each case, Commission staff explained the Commission's interpretation of the Criteria as it pertains to this project. However, further revision of the preliminary site plan is needed for the project to comply with the local Critical Area regulations.

It is the Commission's responsibility as the administrative agency charged by the General Assembly with oversight of the local Critical Area programs to interpret the Critical Area Criteria. Section 8-1801(b) of the Critical Area Act specifies that one of the purposes of the Act is "To implement the Resource Protection Program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their Programs in a consistent and uniform manner subject to State Criteria and oversight." The Commission, and Commission staff, have interpreted and applied consistently the Criteria to development within the Critical Area. These include definitions and interpretations of the Buffer, expanded Buffer, tributary streams, steep slopes, the habitat protection standards, and development standards in a Limited Development Area. We have provided our interpretations of the specific language and standards under question, with references to the Critical Area Criteria and local Critical Area regulations.

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Anthony Di Giacomo
Re: Holt Family Subdivision
March 15, 2002
Page 2

Habitat Protection Areas

Within the Critical Area, Habitat Protection Areas are defined as the Buffer, nontidal wetlands, the habitat of threatened and endangered species, the habitat of species in need of conservation, plant and wildlife habitat, and anadromous fish propagation waters. Protection of these areas is a priority within the Critical Area Act and Criteria. Particularly for non-grandfathered properties within Limited Development Areas and Resource Conservation Areas, new development in habitat protection areas is generally prohibited. As stated in the Cecil County Critical Area regulations, the Buffer is measured landward to a distance of 110-feet, which differs from the 100-foot Buffer required in the Criteria.

Definition of the Critical Area Buffer

The "Buffer" is defined as "*an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.*" COMAR 27.01.09.01 A

The Criteria and the local regulations state that "*in developing their Critical Area programs, local jurisdictions shall establish a minimum 100-foot Buffer landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands.*" [COMAR 27.01.09.01 C(1), Cecil County Zoning Ordinance, Article XI, Part 1, Section 196, 1.a.]

The Commission has always interpreted the Criteria as establishing the Buffer 110-feet: 1) landward from the mean high water of tidal waters or landward from the edge of tidal wetlands, whichever is greater, and 2) landward from all tributary streams, both perennial and intermittent, within the Critical Area. All 61 local jurisdictions, including Cecil County, thus enforce the Buffer provisions in this manner (for some jurisdictions the Buffer is measured landward to 100 feet).

As stated in the Criteria and the local regulations, the Buffer shall not be impacted by development on non-grandfathered lots or subdivisions, except for water-dependent facilities and development activities providing a public benefit or need (public roads, utilities, and services). [Cecil County Zoning Ordinance, Article XI, Part 1, Section 196, 1.b.] The Commission defines the general impacts of development within the Critical Area as "disturbances" such as clearing of vegetation, grading (cutting, filling, leveling), and addition of impervious surface.

Development in a Limited Development Area

Limited Development Areas allow for a greater density of development than Resource Conservation Areas. However, this does not allow for decreased protection of environmental or natural features within the Critical Area. In most instances, new development must fully comply with the Habitat Protection Area provisions and demonstrate minimization of impacts within the Critical Area. The Criteria for development in a Limited Development Area state:

"For all development activities in the limited development areas, the jurisdiction shall require that the developer identify any environmental or natural features described below, and shall meet all of the following standards of environmental protection:

- (a) *"Criteria as provided for the habitat protection areas in COMAR 27.01.09, and those for the water-dependent facilities in COMAR 27.01.03."*
- (b) This section allows for roads, bridges, and utilities that provide a public benefit or need that impact Habitat Protection Areas when no other alternative exists. Private roads and driveways do not qualify for this exception to the Habitat Protection Area provisions.
- (c) This section outlines the criteria by which development activities, including those allowed in Section (b), shall be designed in order to minimize impacts to habitat protection areas. This standard applies to development of grandfathered lots and parcels. COMAR 27.01.01.01 defines the term "development activities" as *"the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures."* [COMAR 27.01.02.03 C(1), Cecil County Zoning Ordinance, Article XI, Part 1, Section 200, 1-5]

The Commission interprets these standards as a hierarchy of Critical Area protection, including the Buffer, where the proposed project or activity must first meet (a), then (b), then (c). For development that provides a public benefit or need, (b) and (c) are applied. For non-grandfathered lots and subdivisions within the Critical Area, development in the Buffer is prohibited and standard (a) must be met.

Public Roads versus Private Roads and Driveways: COMAR does not define the term "road". The Commission has consistently interpreted "road" in 27.01.02.04 C(1)(b) as applicable only to public roads. Accordingly, it has been the Commission's practice to advise local governments to apply this provision only to public roads. With regard to private roads or driveways, the Commission's position has been that if the lot or parcels to be accessed are not properly grandfathered (i.e. legally recorded, platted, buildable lots as of December 1, 1985), then a variance is required to construct a private road or driveway within a Habitat Protection Area.

Anthony Di Giacomo
Re: Holt Family Subdivision
March 15, 2002
Page 4

Buffer Establishment

The Habitat Protection Area criteria state, "*where agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in the policies of this chapter.*" [COMAR 27.01.09.01 C(6), Cecil County Critical Area Program, Section 9.1-4]

The Commission interprets the criteria such that subdivision of agricultural lands (after December 1, 1985) creates new lots or parcels that do not hold grandfathered status. Therefore, the lots or parcels are subject to the full standards of the habitat protection area criteria, including those criteria prohibiting development within the Buffer. Therefore, development within the Buffer, such as the placement of private driveways and roads, is prohibited.

When agricultural lands are converted to other uses, and the Buffer must be established, a planting plan should be approved by the County and reviewed by Commission staff. The 110-foot Buffer and tributary stream Buffers should be planted with trees, shrubs, and other vegetation that create a fully functioning Buffer consisting of multi-level canopy and understory. The established Buffer will provide habitat and enhance the overall function and health of the stream.

Steep Slopes

"Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in Section B of this regulation." [COMAR 27.01.02.04 C(6), Cecil County Critical Area Program, Section 2-11]

When slopes greater than 15 percent are present, but are currently stable (i.e. vegetated and cohesive), grading of these slopes is not justified to enhance "stability". In instances where steep slopes are failing, and may cause harm to sensitive areas, grading and other means of stabilization, may be permitted within Habitat Protection Areas.

For non-grandfathered lots within the Critical Area, development on steep slopes is prohibited. All new disturbances on steep slopes require a variance.

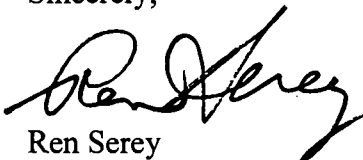
Anthony Di Giacomo
Re: Holt Family Subdivision
March 15, 2002
Page 5

New Lots in the Critical Area

The Commission would oppose the creation of new parcels or lots within the Critical Area that require a variance to develop. New subdivisions, parcels or lots must demonstrate that a building envelope exists that can accommodate development without impacting Habitat Protection Areas or other sensitive areas, such as steep slopes. The construction of a dwelling and services, such as septic systems, wells, and accessory structures, should be accommodated within the subdivision and on each lot or parcel without a variance. In a Limited Development Area, it is particularly important to determine the development envelope in the early stages of subdivision planning, due to the allowed density of lots and potential site constraints.

I hope this clarifies the Commission's position on these issues. We are greatly concerned that the proposed project should proceed under the full application of the Critical Area Criteria and the local Critical Area regulations. Please contact me at (410) 260-3460 if you have any questions regarding these comments or this project.

Sincerely,



Ren Serey
Executive Director

cc: Eric Sennstrom, Director, Cecil County, Office of Planning and Zoning
Don Sutton, McCrone Engineering

CE 55-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 14, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Subdivision, Holt Family Partnership

Dear Mr. Di Giacomo:

This letter is to provide comments on the revised site plan for the Holt Family Partnership subdivision. On Thursday, March 7, 2002, we met with Joe Johnson (Office of Planning and Zoning) and Don Sutton (McCrone Engineering) to review revisions to the Critical Area portion of the subdivision site plan. This was an informal meeting to evaluate changes made to the wetlands delineation, 110-foot Buffer, and expanded Buffer delineations completed on the site, based on recommendations by Commission staff and County staff. Commission staff understand that the revised site plan presented at the March 7, 2002 meeting was a draft version of the site plan, not the revised version the applicant intended to provide to the Planning Commission for concept approval (scheduled for March 18, 2002). Commission staff have not received or reviewed the revised site plan submitted to the Planning Commission.

Based on the draft version of the subdivision site plan, we have the following comments regarding the Critical Area portion of this project.

- 1) The nontidal and tidal wetlands, 110-foot Buffer, and expanded Buffer were identified accurately on the draft site plan.
- 2) A note should be added to the site plan that, following subdivision, the 110-foot Buffer for the tributary stream must be established and a planting plan should be approved by the County and reviewed by Commission staff.
- 2) The tributary stream Buffer should be identified using the same symbol as the 110-foot Buffer and expanded Buffer.
- 3) Because several of the lot lines are within the Buffer, a note should be added to the site plan that disturbance within the Buffer is prohibited.
- 4) The environmental report and site map, provided by Vortex Environmental, indicate that steep slopes are present within the Critical Area. Although not necessary for preliminary concept approval, steep slopes must be shown on the site plan before final subdivision approval. Disturbance to steep slopes in the Critical Area is not allowed without a variance.

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Anthony Di Giacomo
Subdivision, Holt Family Partnership
March 14, 2002
Page 2

This office would not support such a variance. It appears that several proposed lots contain steep slopes (Lots 45, 46, 47, 50, 51, 54, and 55). In order to avoid disturbance to steep slopes, a building envelope should be identified on each lot within the Critical Area. The building envelope must not impact steep slopes or Habitat Protection Areas, including the Buffer (110-foot Buffer, expanded Buffer, or tributary stream Buffer).

- 5) Based on the local Critical Area regulations, lots of less than 1 acre are limited to 25 percent impervious surface and lots of greater than 1 acre are limited to 15 percent impervious surface. However, the subdivision must not exceed the maximum allowable 15 percent impervious surface for a Limited Development Area. Since the proposed lots vary in size, the site plan should note the impervious surface limit allowed for each lot, based on these guidelines. The Critical Area portion of the subdivision must not exceed 15 percent impervious surface coverage overall. Thus, the impervious surface coverage assigned for each lot within the subdivision may be less than the maximum allowed.
- 6) The "Reserve Parcel" should be shown on the revised site plan. Several lots (Lots 80, 81, and 82) and lot access roads are located within the Reserve Parcel. Based on County records, it is our understanding that the Reserve Parcel is included in the approved plat for the St. John's Vista subdivision, and may not be developed or combined with another subdivision proposal. Critical Area calculations for total acreage, impervious surface coverage, lot density, proposed clearing, and afforestation requirements should be revised, excluding the Reserve Parcel acreage.
- 7) A brief description of storm water management for the project should be provided. Storm water management structures must not be located on steep slopes or in Habitat Protection Areas.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Don Sutton, McCrone Engineering

Attachments: copy of Commission letter of March 14, 2002

CE 55-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 14, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-31

Dear Ms. Owings:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition and porch within the 100-foot Buffer. The property is designated LDA and is currently developed with a house, garage, shed, driveway, and pier.

Provided this lot is properly grandfathered, we would not oppose this variance. As submitted, we understand the proposed activities will not require removal of trees or vegetation. Mitigation, at a ratio of 3:1, should be required for the area of impact to the 100-foot Buffer. Native plant species should be used and directed first to non-vegetated portions of the Buffer. The existing and proposed impervious surface coverage was not included in the information provided. Given the extent of impervious surface coverage on the lot, we recommend that an accurate measurement of the total impervious surface coverage on the lot be completed, including that proposed for this project. This will be pertinent to any future property improvements within the Critical Area.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: KC ~~506-01~~ 144-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

March 13, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0530, Dennis Stagi

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two additions to an existing dwelling within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, several patios, and a driveway.

Provided this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed. The applicant has based their calculations of impervious surface and forested area on a lot size of 7,000 square feet. County records indicate the lot is 7,230 square feet; this office will use the County record of the lot size. Based on the information provided by the applicant, the total area of the proposed additions is recorded as 175 square feet on the survey plat and 282 square feet on the Critical Area Worksheet. We understand that no additional impervious surface will result from this project, since the additions will be located on existing impervious areas, therefore mitigation will not be required. However, it should be noted that this is a non-conforming lot, which exceeds the maximum allowable impervious surface coverage of 2,308 square feet (25 percent of the parcel plus 500 square feet).

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 42-01

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North Beach



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 13, 2002

The Honorable Mark Frazier
8916 Chesapeake Avenue
P.O. Box 99
North Beach, Maryland 20714

Re: Critical Area Mapping Project

Dear Mr. Frazier:

The purpose of this letter is to provide you with information regarding production of new Critical Area maps for the Town of North Beach. The Commission has arranged to produce new Critical Area and Habitat Protection Area Maps for 12 towns within the Chesapeake Bay Critical Area. The Consultant will be digitizing some data from existing Critical Area maps and adding new data where available. We are also providing the consultant with the 1972 Tidal Wetlands maps for the Towns so that the Critical Area boundary will be as accurate as possible. The new maps will be produced in hard copy format and in digital format, making reproduction and revision of the new Critical Area maps much easier. When completed, the new Critical Area maps will be submitted to the Commission for formal approval and adoption. A copy of each map, in both formats, will be provided to the Towns and archived in the Critical Area Commission offices on West Street in Annapolis.

Please contact me at (410) 260-3475 if you have any questions regarding the mapping project.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: Mary Owens, 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
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 12, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0037, Landplot Research, Inc.

Dear Ms. 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 Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. The site plan provided does not show the location of the proposed driveway (mentioned in the plan notes). The site plan should be revised to show the location of the driveway and the driveway area should be included in the impervious surface calculations. Are any porches, decks or walkways proposed for this project? These structures, and the additional impervious surface coverage, should be included on the revised site plan. In order to minimize impacts to steep slopes, could the house be moved approximately 5 feet to the west? This would minimize the limit of disturbance and the amount of clearing necessary. Mitigation at a ratio of 3:1, due to the amount of clearing proposed (38 percent), should be required.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 122-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 7, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0042, John and Patricia Paris

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage, porch and deck to an existing dwelling, partially within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, garage, and driveway.

Provided this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed. Commission staff estimated the proposed impervious surface coverage on the lot to be approximately 6,125 square feet. (Impervious surface calculations were not provided with the application.) This exceeds the maximum allowable impervious surface coverage (5,445 square feet) for lots of this size within a Limited Development Area. It appears that impervious surface coverage could be reduced on the lot by decreasing the size of the driveway and turn-around areas.

We recommend the following be made conditions of this variance, if granted.

- 1) Existing and proposed impervious surface coverage should be calculated and noted on the site plan.
- 2) The site plan should be revised to reduce impervious surface coverage on the lot, while accommodating the desired improvements to the property.
- 3) The deck should be constructed with a gravel substrate and vegetative stabilization on the downslope end.
- 4) Mitigation for disturbances, at a ratio of 1:1 outside the 100-foot Buffer and 3:1 within the 100-foot Buffer, should be required. A mix of native plants should be used, preferably in non-vegetated areas within the 100-foot Buffer.

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Ramona Plociennik
Variance 2002-0042, John and Patricia Paris
March 7, 2002
Page 2

- 5) Storm water runoff from the new structures should be directed to vegetated areas on the property to provide water quality benefits.

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 123-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 6, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-05, Jonathan Penders

Dear Ms. Owings:

Thank you for providing information on the above referenced variance application. The applicant is requesting to construct a replacement dwelling within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, trailer, several sheds, and driveway.

Provided this lot is properly grandfathered, we would not oppose this variance. Given that development on the lot will be reconfigured, will it be necessary to expand the existing driveway to service the new house? If necessary, the additional impervious surface coverage should be calculated and the expanded driveway should be shown on the site plan.

We recommend the following be made conditions of this variance, if granted.

- 1) The new dwelling should not be located shoreward of the footprint of the existing dwelling.
- 2) The lot should be afforested to meet the 15 percent forest cover requirement.
- 3) The applicant must request an evaluation by the Department of Natural Resources for the presence of waterfowl staging areas and anadromous fish habitat on and adjacent to the property. A copy of their evaluation should be provided to this office. Redevelopment and afforestation plans for the property should incorporate the recommended protection and enhancement of these habitat protection areas, if present.
- 4) Mitigation, at a ratio of 3:1, should be required for disturbances within the 100-foot Buffer. A mix of native plant species should be used for mitigation and afforestation purposes.

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Gail Owings
Variance 02-05, Jonathan Penders
March 6, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: KC 139-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 6, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0043, David and Sandra Miller

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage and covered porch to an existing dwelling outside the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, porch, garage and driveway.

Provided this lot is properly grandfathered, we would not oppose this variance. If feasible, storm water runoff from the new structures should be directed to stable, vegetated areas on the property to provide water quality benefits. Mitigation, at a ratio of 1:1, should be required for disturbances outside the 100-foot Buffer. A mix of native plants should be used, preferably in non-vegetated areas within the 100-foot Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 124-02

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

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March 1, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2790, Emad Dides

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a dwelling addition within the 100-foot Buffer of the Critical Area. We understand that the dwelling addition is partially constructed, and the County has ordered that construction cease on the property. The property is designated a Limited Development Area (LDA) and is currently developed with a house, extensive patios and landscaping, and several retaining walls.

Based on the information provided, and Commission records of a previous variance request pertaining to this property, we would oppose this variance. We understand that the applicant is pursuing legal recourse against the August 8, 2001 Circuit Court decision recognizing violations associated with improvements to this property, which were completed without local and State authorizations. The Circuit Court decision of August 8, 2001 ordered that the applicant mitigate for disturbances to the Critical Area, including removal of the dwelling addition constructed on the property. The current variance request involves the same violations and property improvements being considered in the applicant's petition to the Circuit Court.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 650-00 suppl.

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 1, 2002

Roxanna Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2791, Drum Point, Lot 3, Block "D", Section 3-A

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a single-family dwelling and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Commission staff comments have been revised (from our original letter of February 21, 2002), based on the revised site plan provided on February 25, 2002.

Providing the lot is properly grandfathered, we would not oppose construction of a dwelling on the property. However, several issues should be addressed. The revised site plan proposes an additional 539 square feet of impervious surface (totaling 2,646 square feet), but 1 square foot less of forest clearing. Please clarify the amount of forest clearing proposed, given that the limits of disturbance are greater on the revised site plan. Also, the location of the proposed well is outside the limits of disturbance. Will any additional clearing be required to construct the well?

Given that the lot is completely forested, and the proposed clearing is substantial, we recommend that clearing in the vicinity of the dwelling be minimized. Mitigation, at a ratio of 3:1, should be required for clearing in excess of 30 percent outside the 100-foot Buffer (39 percent clearing proposed). We recommend that cleared areas on the property be reforested, wherever possible. It appears that mitigation opportunities are limited on the property. Therefore, mitigation alternatives will need to be addressed. The rip-rap pads installed for storm water management should include vegetative stabilization on the downslope side to provide water quality benefits and prevent erosion of steep slopes.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Roxanna Whitt
Variance 02-2791, Drum Point
March 1, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 104-02 (revised 2/29/02)

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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March 1, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0045, Deborah Dorr

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a replacement dwelling within the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, porch, several patios, walkways, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, the existing impervious surface is 2,511 square feet or 89 percent of the lot. The project will not increase existing impervious surface coverage on the lot. The site plan should be revised to include water quality improvements on the site. The site plan should demonstrate that water quality benefits have been achieved through an approved Planting Plan or the use of a best management practice to treat storm water runoff. Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. A mix of native plants should be used, and the maximum amount of mitigation plantings should be accommodated on the site, preferably within the 100-foot Buffer.

Thank you for the opportunity to provide comments on this variance. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 126-02

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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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March 1, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0044, Chauncey and Judith Dayton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a covered porch and second floor to an existing dwelling within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, shed, walkway, garage, and driveway.

Based on the information provided, we would not support this variance, as proposed. Commission staff estimated the existing impervious surface coverage to be 3,399 square feet or 31.5 percent. (Calculations of existing impervious surface coverage were not provided.) The maximum allowable impervious surface coverage, for a lot of less than one half acre in a LDA, is 25 percent (or 2,700 square feet in this case). The proposed covered porch will add 222 square feet of impervious surface, totaling 3,621 square feet or 33.5 percent impervious surface coverage on the lot. We recommend that the site plan be revised to reduce the overall impervious surface coverage, by the amount of proposed additional impervious surface, while accommodating the desired improvements to the property. From the information provided, it is not clear whether clearing of existing vegetation or grading are necessary. Mitigation, at a ratio of 1:1, should be required for disturbances outside the 100-foot Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 125-02

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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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February 28, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0056, Kuhfahl

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a porch to an existing dwelling within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, garage, patio and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we estimate the existing impervious surface coverage to be approximately 4,224 square feet (53 percent of the lot). The proposed porch will result in an additional 114 square feet of impervious surface. We recommend that an approved Planting Plan be developed that includes treatment of storm water runoff from the porch and existing dwelling. In addition, various best management practices can be utilized elsewhere on the property to provide water quality benefits such as rain barrels, a rain garden, or grass swale. Mitigation, at a ratio of 1:1, should be required for disturbance outside of the 100-foot Buffer. A mix of native plants should be used and mitigation should be accommodated on the site. We understand that no existing vegetation will be removed for construction of the porch.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 133-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 28, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0039, Behrouz and Deanna Rakani

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling within the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, patio, walkways, garage, parking areas and driveway.

Based on the information provided, we would not oppose this variance. Based on the information provided, compliance with the 10% Rule in the IDA will be met by not increasing the net impervious surface on the site. This will be accomplished by offsetting proposed impervious surface area with removal of an existing garage and gravel parking area. A new driveway is proposed that is not connected to Magothy Road, the access road for the property. Why is the new drive being proposed in this location and how will it be accessed from Magothy Road? Any additional impervious surface between the existing gravel area and the road must be identified on the site plan.

Since the new addition is proposed within the 100-foot Buffer, we recommend that storm water runoff from the proposed addition be directed to a stabilized, vegetated area to provide water quality benefits. In areas where impervious surface will be removed, we recommend that a mix of native plants be used.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 522-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 28, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0058, Gilbert and Jennifer Snead

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to replace an existing deck within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, shed and driveway. Based on the information provided, we understand that the deck has been constructed on the property.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant states that no existing vegetation was removed during construction of the deck. We recommend that the deck include a gravel substrate with vegetative stabilization on the downslope end to allow for proper drainage and provide water quality benefits. The applicant also states that rooftop runoff will be redirected in the site. All runoff should be discharged to a stable and vegetated area on the site, or to another appropriate best management practice, such as rain barrels, rain garden or grass swale. Mitigation is not required for this project.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 134-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 28, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Subdivision, Block B, North Chesapeake Beach

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 0.653 acre parcel (Block B) to create two lots. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Commission staff requested additional information regarding the proposed subdivision, in a letter of December 18, 2001 to R.A. Barrett & Associates, Inc. and the Calvert County, Department of Planning and Zoning. Based on new information provided by R.A. Barrett & Associates, Inc. on February 25, 2002, we have the following comments. It has been determined that the wetlands on the property are nontidal wetlands, and the appropriate buffer has been identified on the site plan. The 100-foot Buffer is located outside of the proposed subdivision. The 100-year floodplain elevation (6 feet) has been revised and identified on the site plan. The representative from R.A. Barrett & Associates, Inc. has contacted the Department of Natural Resources and the County to determine the extent of the county designated habitat protection area that may be present on the property. We understand that the habitat protection area, and a description of recommended conservation measures, will be shown on the final subdivision plan, if applicable. Mitigation, at a ratio of 1:1, should be required for all clearing outside the 100-foot Buffer of the Critical Area.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Dean Wilkinson, R.A. Barrett & Associates, Inc.

CA 346-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 28, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0036, Wayne Wyvill

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to develop the property with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose the proposed development. The site plans indicate that the proposed impervious surface coverage for Lot 7 will be 1,356 square feet. We estimate the proposed impervious surface coverage will be 1,672 square feet, as measured from the site plans. The proposed development will result in clearing of approximately 1,200 square feet (27.7 percent) of existing forest. Mitigation, at a ratio of 1:1.5, should be required for clearing outside the 100-foot Buffer. Since mitigation opportunities on the site are limited, mitigation alternatives may need to be addressed. We understand that storm water runoff will be directed to a rain garden on the site.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 121-02

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

410-222-7437
R20

Judge John C. North, II
Chairman



Ren Serey
Executive Director

4483

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 26, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0027, Marcello Nucci

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling within the 100-foot Buffer. The property is designated a Limited Developed Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, and walkways.

Providing this lot is properly grandfathered, we would not oppose this variance. The proposed addition will result in approximately 85 square feet of new impervious surface (estimated from the site plan which did not have a scale). The site plan does not show the location of a driveway, but we assume one exists on the lot. Including the proposed addition, the lot will have approximately 1,538 square feet of impervious surface coverage. Future development of the property should not exceed the maximum allowable impervious surface coverage of 1,875 square feet (25 percent plus 500 square feet). Mitigation, at a ratio of 2:1 for disturbances within the Buffer, should be required. Mitigation plantings should be directed to non-vegetated areas within the Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 95-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

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Fax: (410) 974-5338

February 25, 2002

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: January 28, 2002 letter

Dear Ms. ^{Roxana} Whitt.

I have received your letter regarding our conversation about the Hance property with 39 mobile home units. The site is 13.9 acres and designated RCA. Your letter is correct in that the Commission considers the existing 39 dwelling units to be grandfathered and that future subdivision density would be determined by County zoning limitations, provided that the total number of dwelling units do not exceed 39. Future subdivision must meet all Habitat Protection Area requirements.

Please call me if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Julie LaBranche

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 22, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0023, Timothy Layne

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage, attached to a new dwelling, which is currently under construction. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped except for a previously existing house foundation.

Based on the information provided, we request additional information to complete our evaluation of this variance request. This office has not previously reviewed the proposed development of this property, for which several issues within the Critical Area should be addressed.

- 1) The site plan does not show the limits of disturbance for the proposed development. It appears that the proposed development may result in greater than 15,000 square feet of disturbance within the Critical Area. The limits of disturbance must be shown on the site plan and include any clearing and grading proposed on the site. The Critical Area report provided indicates that clearing is necessary.
- 2) The house is located 6 feet from the 100-foot Buffer and less than 2 feet from the nontidal wetlands buffer. It appears unlikely that the limits of disturbance for construction activities can be accommodated without impacting the 100-foot Buffer and the nontidal wetlands buffer. A Buffer variance appears necessary. The applicant must secure the necessary authorizations from the Department of the Environment for wetland and wetland buffer impacts.
- 3) Residential development in an IDA requires storm water management or an approved planting plan to treat runoff from the site. What type of storm water treatment is being considered for the site? The site plan shows a perforated retention drain and pipe, which discharges to Marley Creek. Is this an existing structure and what is its function? If this is not an existing structure, please provide a description of its function.

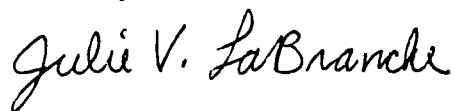
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(410) 822-9047 Fax: (410) 820-5093

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- 4) The site plan includes a shoreline access (5 feet in width), which is a permitted use of the Buffer. The shoreline access should be constructed of pervious materials, and removal of vegetation within the Buffer should be minimized for its construction. Mitigation, at a ratio of 2:1, should be required for clearing associated with the shoreline access.
- 5) The site plan indicates that a bulkhead and pier may be proposed in the future. The bulkhead is located well above mean high water within the 100-foot Buffer. It appears that a variance may be required to construct a bulkhead, in the location proposed within the 100-foot Buffer, if clearing of existing forest and/or grading are necessary. This office would not support such a variance. The applicant must secure the necessary authorizations from the Department of the Environment for the proposed bulkhead and pier.
- 6) Based on our initial evaluation of this variance application, the current site plan does not identify adequately the impacts to Habitat Protection Areas (the 100-foot Buffer and the nontidal wetland buffer) resulting from the proposed development. Please provide a revised plan that reflects the additional information requested.

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 91-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 22, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0035, William H. Bold Jr.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition and deck to an existing dwelling within the expanded Buffer. The property is designated a Limited Developed Area (LDA) and is currently developed with a house, several porches, walkways, a detached garage and driveway.

Providing this lot is properly grandfathered, we would not oppose the proposed improvements to the property. However, several issues should be addressed.

- 1) The acreage of both Lots C and D were combined for the purposes of calculating the existing and proposed impervious surface coverage. The County reported only the acreage for Lot D (21,431 square feet) for the variance application on record. The impervious surface calculations noted on the site plan should be revised, based on the acreage of Lot D. Also, the amount of existing forest and proposed clearing should be noted on the site plan.
- 2) A 20 inch cedar tree will be removed for construction of the proposed deck. A justification for the removal of this tree should be provided. It appears that the deck may be accommodated without removing the tree.
- 3) The deck should be designed with a gravel substrate and vegetative stabilization on the downslope end to provide water quality in the Buffer.
- 4) Mitigation, at a ratio of 3:1, should be required for disturbances within the expanded Buffer. Since there is little existing forested area on the property, we recommend that all required mitigation plantings be completed on site, with vegetation of steep slopes a priority.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 101-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 21, 2002

Roxanna Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2791, Drum Point, Lot 3, Block "D", Section 3-A

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a single-family dwelling and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing the lot is properly grandfathered, we would not oppose construction of a dwelling on the property. Given that the lot is completely forested, and the proposed clearing is substantial, we recommend that clearing in the vicinity of the dwelling be minimized. Mitigation, at a ratio of 3:1, is required for clearing within the Critical Area, given the amount of clearing proposed (39 percent of the existing forest). We recommend that cleared areas on the property be reforested, wherever possible. It appears that mitigation opportunities are limited on the property. Therefore, mitigation alternatives will need to be addressed. The rip-rap pads installed for storm water management should include vegetative stabilization on the downslope side to provide water quality benefits.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this permit. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 104-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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Fax: (410) 974-5338

February 21, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision 02-11, Merlin Corporation

Dear Ms. Owings:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 130 acre parcel to create two lots, Lot 4 (7.010 acres) and Lot 1 (123.145 acres). The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. We understand that the previous minor subdivision request for this property, submitted for our review on May 9, 2001, was not recorded.

Based on the information provided, we request the following additional information to complete our review of the proposed subdivision.

- 1) The site plan does not include topographic or soils information. Topography must be shown for all projects within the Critical Area because development on slopes greater than 15 percent is prohibited in the RCA, and steep slopes that are contiguous with the Buffer may require expansion of the Buffer. Soils information is necessary to determine if the Buffer must be expanded to include hydric soils and highly erodible soils.
- 2) The site plan notes that Schwarm Environmental Consulting performed a wetland delineation. The site plan must clearly define boundaries of the existing nontidal wetlands indicated on Lot 4 (note the line defining the feature ends abruptly). A copy of the wetland delineation report, and other pertinent environmental information, should be provided.
- 3) The application does not include information regarding the presence of rare, threatened, or endangered species habitats or other designated habitat protection areas. The applicant must request an evaluation, in writing, from the Heritage Division of the Department of Natural Resources. A copy of their response must be provided to the Commission.
- 4) The site plan does include notes restricting disturbance of the 100-foot Buffer. An appropriate note should be placed on the plan.

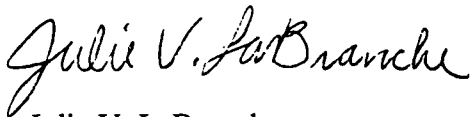
Branch Office: 31 Creamery Lane, Easton, MD 21601
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Gail Owings
Minor Subdivision 02-11, Merlin Corporation
February 21, 2002
Page 2

- 5) Given that use of the agricultural lands on Lot 4 would cease upon subdivision, and the land converted to residential use, the Buffer must then be established.
- 6) The site plan does not include calculations of the maximum allowable impervious surface for Lot 4 (15 percent).
- 7) If a pier is desired, the approximate location and specifications should be provided on the site plan.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: KC 277-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

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February 21, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0028, Robert Boyle

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck partially within the 100-foot Buffer. The property is designated a Limited Developed Area (LDA) and is currently developed with a house, two sheds, and driveway.

Based on the information provided, we would not support this variance. The proposed deck (528 square feet) is located partially within the 100-foot Buffer. It appears that there is sufficient space on the property to reconfigure the deck so that it lies outside of the Buffer, while maintaining the desired deck area. We recommend that the deck be designed with a gravel substrate and vegetative stabilization on the downslope end. These features will allow storm water runoff to infiltrate, providing water quality benefits to the Buffer. Also, the information provided does not include many of the standard elements required for evaluation of a variance request including: the location of the 100-foot Buffer on the site plan, existing impervious surface area, proposed impervious surface area, and the limits of disturbance for the proposed activity (which should also be shown on the site plan). If clearing is necessary, mitigation, at a ratio of 3:1 within the Buffer and 1:1 outside the Buffer, should be required.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 96-02

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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(410) 260-3460 Fax: (410) 974-5338

February 21, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0025, James and Christy Wilson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct additional pilings for a boat lift, which will be attached to an existing pier. The property is designated a Limited Developed Area (LDA).

Based on the information provided, the proposed activity will not impact the 100-foot Buffer of the Critical Area. We have no comments regarding this variance request. The applicant must secure the necessary authorizations from the Department of the Environment and the U.S. Army Corps of Engineers to conduct the proposed work.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 94-02

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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February 21, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0022, Douglas Clemens

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an attached garage to an existing dwelling. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, several patios, walkways, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The proposed garage will be constructed almost entirely on existing impervious surface. We understand no clearing is proposed, and disturbed areas will be stabilized after construction is completed. Mitigation is not required for this project.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 92-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

February 21, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0024, Jack and Jerlean Daniel

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an attached garage to an existing dwelling. The property is designated a Limited Developed Area (LDA) and is currently developed with a condominium and attached deck.

Providing this lot is properly grandfathered, we would not oppose this variance. The proposed deck expansion is reasonable and similar in the scope to decks on adjacent dwellings. We understand no clearing is proposed. Disturbed areas should be stabilized after construction is completed. If vegetation is not currently maintained beneath the deck, a gravel substrate should be installed with vegetative stabilization on the downslope end. Mitigation is not required for this project.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 93-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

February 20, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision MSD 00-10, Flag Harbor

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide two parcels, consisting of 10.5 acres, into four additional residential lots and two residue parcels. The property is designated a Limited Development Area (LDA) and is currently developed with a marina and facilities. The entire property is within the Critical Area.

This office received revised site plans from R.A. Barrett & Associates on February 8, 2002 for the proposed Flag Harbor subdivision. The site plans were revised based on comments by Commission staff in a letter of December 3, 2001, forwarded to R.A. Barrett & Associates and Calvert County, Department of Planning and Zoning. We have the comments regarding the revised site plans.

- 1) A 100-foot Buffer must be established from the tributary stream located on the eastern boundary of the property.
- 2) The 100-foot Buffer must be expanded for contiguous steep slopes (greater than 15 percent), following the Buffer expansion criteria in the local Critical Area regulations. It appears that most of the 100-foot Buffer on the property will need to be expanded due to the prevalence of steep slopes adjacent to Calvert Beach Run and the 100-foot Buffer required for the tributary stream.
- 3) The proposed development on Lots 1, 2, 3 and 4 must be relocated outside of the expanded Buffer. Disturbance to the expanded Buffer is prohibited without a variance. This office would not support such a variance.
- 4) Mitigation, at a ratio of 1:1, must be provided for clearing outside of the expanded Buffer.
- 5) Storm water management will be required on Lots 1, 2, 3 and 4, given that development will result in greater than 5,000 square feet of disturbance. What type (s) of storm water management methods will be utilized to provide water quality treatment? Will the existing drainage collection pipe and outfall on Lot 4 be utilized for storm water management?

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Olivia Vidotto
Minor Subdivision MSD 00-10, Flag Harbor
February 20, 2002
Page 2

- 6) The proposed development on Lot 2 could be relocated westward to minimize grading and maintain the water quality benefits of the natural drainage swale.
- 7) Base on information provided, it appears that the existing impervious surface coverage on the property is approximately 40 percent, which creates a nonconforming condition. Subdivision of the property will create two nonconforming residue parcels, exceeding the maximum allowable impervious surface limits of 15 percent. Residue Parcel A will have 29 percent impervious surface coverage. Residue Parcel B will have 49 percent impervious surface coverage, exceeding the existing non-conforming condition.
- 8) Overall, the subdivision will have 27 percent impervious surface coverage. In order to comply with the local Critical Area regulations and accommodate the desired development, the applicant should investigate reduction of impervious surface coverage on the proposed lots and residue parcels, and the current configuration and number of lots proposed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Dean Wilkinson, R.A. Barrett & Associates

CA 614-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 20, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0449, Sean McCormack

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to redevelop the lot with a new house, garage, decks, driveway, and services, with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA), and is currently developed with a house, shed, and driveway.

Provided this lot is properly grandfathered, we do not oppose redevelopment of the lot with a new dwelling and services. Commission staff has reviewed the revised site plan, received on February 19, 2002. We have the following comments.

- 1) The 100-foot Buffer is not shown on the revised site plan.
- 2) We understand that no existing forest (approximately 33 percent forest cover) will be removed.
- 3) Although the project will result in a net reduction in impervious surface on the lot, the amount of disturbance (new impervious surface, grading) proposed within the 100-foot Buffer and outside of the 100-foot Buffer, should be calculated for the purpose of determining the required mitigation. These calculations should be shown on the site plan.

We recommend the following revisions to the current site plan to minimize impacts within the Critical Area.

- 1) The two proposed double level decks are substantial in size, only 7 percent smaller than the new house. We recommend that the decks be reduced in total area by approximately 30 percent to reduce impacts to the Buffer. The decks should be designed with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ramona Plociennik
Variance 2001-0449, Sean McCormack
February 20, 2002
Page 2

- 2) The proposed house is located only 4 feet from the top of 36 percent slopes within the 100-foot Buffer. It appears that there is ample space on the west side of lot to reconfigure the proposed structures, which would greatly increase the setback from steep slopes.
- 3) Mitigation should be required for disturbances, at a ratio of 2:1 within the Buffer and 1:1 outside the Buffer. Mitigation plantings should be directed first to non-vegetated areas of the Buffer.

Thank you for the opportunity to provide comments on this variance application. 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 15-02 suppl.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 19, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance File 2826, McDaniel Yacht Basin

Dear Mr. Di Giacomo:

Commission staff has reviewed the revised site plans, received on January 29, 2002 from Clifton Bakhsh, Inc., for the McDaniel Yacht Basin. All of our requests for additional information and site plan revisions have been addressed. Disturbances to the 110-foot Buffer were calculated and delineated on the site plans, and the appropriate mitigation provided. Adequate storm water management has been provided, as well as additional treatment of runoff from the adjacent boat storage area. We recommend that the landscape management plan, for restoration of the existing marina office site, incorporate maximum vegetation cover consisting of native plantings. This will help to maximize water quality benefits within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CE 610-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 15, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0010, Leona and Stewart Myers

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck on steep slopes within the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, porch, deck, patio, shed, walkways, and driveway. At a site visit to the neighborhood on February 14, 2002, Commission staff observed that construction of the proposed deck might have been completed prior to submission of this variance request.

Based on the information provided, we would not support this variance. The proposed deck (576 square feet) is located on 35 percent slopes and approximately 16 feet from tidal waters. The potential impacts of this activity include loss of existing vegetation, decreased slope stability, and reduced water quality benefits. There are several accessory structures, as well as a porch, patio, and several decks and walkways on the property. There is also a smaller, existing wooden deck adjacent to the boat shed. Given the availability of outdoor seating and recreational areas on the property, the proposed deck does not appear to be a necessity. Furthermore, the proposed deck is an accessory and non-water dependent structure within the Buffer.

The Critical Area variance provisions provide that: the granting of a variance will not confer upon an applicant any special privilege that would be denied to others, and the variance request is not based upon conditions or circumstances which are the result of actions by the applicant. During the site visit by Commission staff, no other decks of this size and location within the Buffer were observed in the neighborhood. Additionally, the variance request is the result of the actions of the applicant, to construct the deck prior to obtaining local approvals.

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(410) 822-9047 Fax: (410) 820-5093

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Ramona Plociennik
Variance 2002-0010, Leona and Stewart Myers
February 15, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: 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

February 14, 2002

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building and Grading Permit, AP 22134, Lawrence Bowlby Property

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit application. The applicant is requesting a permit to construct a single-family dwelling, garage, and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is partially developed with a barn, several sheds, and a boathouse. We understand that the property does not have grandfathered status.

Based on the information provided, we would not oppose construction of a dwelling on the property. However, several issues should be addressed. As delineated on the site plans, the 100-foot Buffer has not been expanded to include contiguous steep slopes greater than 15 percent. The Buffer should be expanded, using the criteria stated in the local Critical Area regulations. The proposed development must be located outside of the expanded 100-foot Buffer. Disturbance to the Buffer is not allowed without a variance. This office would oppose such a variance.

The current site plan does not demonstrate that disturbances within the Critical Area have been minimized. We recommend that the house be relocated westward to an existing cleared area, in order to reduce the amount of clearing necessary. To further minimize disturbances, the driveway loop could be eliminated and the driveway turn around area could be reduced in size.

Mitigation, at a ratio of 1:1, is required for disturbances outside of the Buffer. It appears that the required mitigation can be accommodated on the property. We recommend that mitigation plantings, consisting of native species, be directed primarily to non-vegetated areas within the 100-foot Buffer.

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John Swartz
Building/Grading Permit, AP 22134, Bowlby
February 14, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this permit. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 85-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 14, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Subdivision, Holt Family Partnership (Lands of)

Dear Mr. Di Giacomo:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 231.9-acre property, consisting of 87 acres within a Limited Development Area of the Critical Area. The property is currently in agricultural use and is developed with a house and numerous outbuildings.

From the information provided, we would not support this subdivision request. Based on discussion at the County Technical Advisory Committee on February 6, 2002 (attended by Commission staff), numerous outstanding issues should be addressed relating to the current site plan. These are summarized below.

- 1) A 23.5 acre Reserve Parcel has been included in the proposed subdivision. This Reserve Parcel, owned by the Holt Family, was included in the plat for a previous subdivision, St. John's Vista (1989), for the purposes of lot density and impervious surface calculations within the Critical Area. At the September 19, 1989 Cecil County Planning Commission meeting, the minutes record that the Reserve Parcel was included as a parcel within the St. John's Vista subdivision. The Reserve Parcel is also recorded on the approved subdivision plat recorded with the County Planning and Zoning office. Furthermore, it was clearly established by Mr. Rogers and Ms. Gleisner that "there would be no further subdivision, no development, and it [the Reserve Parcel] was not to be used for density on any other property" and that only "recreational access" across the Reserve parcel would be allowed.
- 2) As delineated on the current site plans, the 110-foot Buffer has not been expanded to include all contiguous sensitive areas, including steep slopes (greater than 15 percent), nontidal wetlands, and tidal wetlands. The Buffer must be expanded according to the criteria in the local Critical Area regulations. The 100-foot Buffer must be established 100 feet from the landward extent of tidal wetlands, as shown on the 1972 Tidal Wetlands Maps.
- 3) It appears that several lots on the proposed subdivision plan (Lots 45, 46, 47, 50, 51, 54, and 55) may require variances for development due to the location of steep slopes, the expanded Buffer, nontidal wetlands, and streams on the property. We would not support development proposed on those lots requiring a variance.

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Anthony Di Giacomo
Subdivision, Holt Family Partnership
February 14, 2002
Page 2

- 4) Based on the local Critical Area regulations, lots of less than 1 acre are limited to 25 percent impervious surface and lots of greater than 1 acre are limited to 15 percent impervious surface. However, the subdivision must not exceed the maximum allowable 15 percent impervious surface for a Limited Development Area. This requirement would likely not be met with the exclusion of the Reserve Parcel from the subdivision proposal, given the density of roads and sidewalks proposed within the Critical Area.

We have the following recommendations regarding the current subdivision proposal:

- 1) The site plans should be revised to include the following:
 - The revised 100-foot Buffer and expanded Buffer,
 - the development envelope, outside the expanded Buffer and Habitat Protection Areas, for each lot within the Critical Area
 - the impervious surface area designated for each lot within the Critical Area, and
 - the extent of tidal wetlands, as shown on the 1972 Tidal Wetlands maps.
- 2) Based on information stated previously from County records, the Reserve Parcel must be excluded from the subdivision proposal. It is assumed that the proposed Lots 80, 81 and 82 would also be excluded from the subdivision proposal.
- 3) A description should be provided of the available access to Lot 79. The access right of way should be identified on the site plans.
- 4) Commission staff would like to verify the revised 100-foot Buffer and expanded Buffer delineations on the property.
- 5) A description should be provided of the intended use of the residue parcel, located between proposed Lots 53 and 54.
- 6) A brief description should be provided of the storm water management plan for portions of the subdivision within the Critical Area.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Don Sutton, McCrone, Inc.
Bradly Gochnauer, Vortex Environmental

CE 55-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 11, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0004, Michael Ruehr

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to remove an existing one-story dwelling and construct a new 2-story dwelling, partially within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, several decks and walkways, garage, and driveway.

Based on the information provided, we would not oppose construction of a new dwelling on the property. We understand that the new dwelling will be restricted to the existing foundation and no additional impervious surface will result from this project. Areas cleared, or otherwise disturbed, will be replanted following construction. Therefore, mitigation is not required within the Critical Area.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 50-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 11, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0520, Michael and Anna Puma

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, porch, deck, and driveway.

From the information provided, we understand that this is not a grandfathered lot. As measured from the site plans, the existing impervious surface on the lot is approximately 15 percent. (The consultant Terrain, Inc. calculated impervious surface of approximately 6,880 square feet or 14.3 percent.) Since the proposed addition will be located on an existing impervious area, no additional impervious surface will result from this project. However, any future redevelopment on the property may need a variance if additional impervious surface is proposed. We understand that 300 square feet of forest will be cleared within the expanded Buffer and areas disturbed during construction will be stabilized and revegetated upon completion of the project. It is not clear whether any grading is proposed within the limits of disturbance defined on the site plans. Mitigation should be required, at a ratio of 3:1, for all disturbances within the Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 41-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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February 11, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0009, Eileen Smith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a second floor balcony over an existing deck outside of the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, carport, deck, shed, and driveway. As a result of fire damage, reconstruction of the existing house and the addition of a second story are also proposed.

Based on the information provided, we would not oppose this variance request. The proposed reconstruction of existing structures, damaged by fire, will result in approximately 64 square feet of additional impervious surface outside the 100-foot Buffer. Although compliance with the 10% rule for this project is not required, storm water runoff should be treated on site. A reduction in pollutant loads can be achieved through the application of a Best Management Practice (BMP), including rain gardens, bio-retention swales, or other acceptable method of storm water treatment. Development of an approved Planting Plan should be coordinated with the County.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 62-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 8, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0003, Jean Pomerleau

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck within the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, carport, deck, shed, garage, and driveway.

Based on the information provided, we would not oppose this variance. The proposed deck will be approximately 144 square feet. We recommend that the deck be constructed with a gravel substrate beneath and vegetation on the down-slope end to provide water quality benefits. Mitigation, at a ratio of 2:1, should be required for disturbance to the Buffer. Mitigation plantings should be first directed to non-vegetated areas within the 100-foot Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 59-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 8, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0491, Bettina Reeder

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an extension to an existing pier. The property is designated a Limited Development Area (LDA).

Based on the information provided, the proposed activity will not impact the 100-foot Buffer of the Critical Area. We understand that no existing vegetation will be removed and no grading will be required for this project. Construction of the pier extension will take place from the water. The applicant must secure the necessary authorizations from the Department of the Environment and the U.S. Army Corps of Engineers to conduct the proposed work.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 57-02

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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February 7, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0014, Roy Beziat

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The total impervious surface on the property will not be increased as a result of this project, since the proposed addition will be constructed over an existing impervious area. Providing that no clearing or grading will take place within the Buffer, mitigation will not be required. Storm water runoff from the new structure should be directed to stable, vegetated areas.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 64-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 7, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0002, Loreen Petersen

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to reconstruct a garage and driveway outside of the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, patio, boat storage shed, walkways, garage, and driveway.

Based on the information provided, we would not oppose this variance. The new garage and driveway are located within the footprint of existing structures. The applicant has designed the project to avoid clearing existing trees and vegetation. Storm water runoff from the new structure should be directed to stable, vegetated areas.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 58-02

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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February 7, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0510, Robert Howard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enclose a portion of an existing deck within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, deck, and porch.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no existing vegetation will be removed and no grading will be conducted. The project will result in 189 square feet of additional impervious surface on the property (14.8 percent). Mitigation, at a ratio of 3:1, should be required for disturbances within the Buffer.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 31-02

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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February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0513, Cynthia Feaster

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, decks, patio, and driveway.

Based on the information provided, we would not oppose this variance. We understand that no existing vegetation will be removed as a result of the proposed construction. No mitigation will be required within the Critical Area.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 33-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0479, Joaquin Marquez

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to redevelop the property with a house, garage, porches, and driveway. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The lot is currently developed with a house, deck, garage, and several walkways.

Provided this lot is properly grandfathered, we do not oppose redevelopment of this lot with a new dwelling. However, several issues should be addressed. Given the substantial size of the home and proposed impervious area, we recommend that the house, and storm water detention pond, be moved approximately 15 feet westward to reduce disturbance to the 100-foot Buffer. We recommend mitigation at a ratio of 2:1 for disturbances within the Buffer and 1:1 for disturbances outside the Buffer. Revegetation of areas, where existing impervious surface will be removed, can be utilized for mitigation purposes, following the Critical Area guidelines for Buffer plantings. Mitigation plantings can also be utilized to establish 15 percent forest cover on the lot, as required by the local Critical Area Program criteria.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 698-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0514, Ronald and Dawn Watson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling outside of the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, deck, driveway, and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no existing vegetation will be removed and no grading will be required for the proposed construction. The total impervious surface on the property (24 percent) will be reduced by 24 square feet, by decreasing the size of the existing porch. No mitigation is required for this project.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 34-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0518, Kates

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling outside of the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house and patio.

Providing this lot is properly grandfathered, we would not oppose improvements to the existing dwelling. However, several issues should be addressed. The existing impervious surface has not been calculated. The site plan does not indicate the location of a driveway. As measured from the site plans, the proposed improvements will add approximately 212 square feet of new impervious surface. We are unable to determine whether the total impervious surface will exceed the maximum allowable for the lot. The proposed improvements within the Buffer are substantial in size and scope. Both the deck and screened porch will consist of two floors, and the new deck will extend to the edge of steep slopes within the Buffer.

We recommend the following be made conditions of this variance, if granted.

- 1) The site plans should be revised to include the location and size of a driveway, if present, and the existing and proposed impervious surface on the lot.
- 2) The size of the proposed deck should be reduced in size to minimize impacts to steep slopes within the Buffer.
- 3) Mitigation, at a ratio of 2:1, should be required for disturbances within the Buffer.


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Ramona Plociennik
Variance 2001-0518, Kates
February 2, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 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
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February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0530, Dennis Stagi

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two additions to an existing dwelling within the 100-foot Buffer of the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The lot is currently developed with a house, several patios, and a driveway.

Provided this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed. The applicant has based their calculations of impervious surface and forested area on a lot size of 7,000 square feet. County records indicate the lot is 7,230 square feet; this office will use the County record of the lot size. Based on the information provided by the applicant, the total area of the proposed additions is recorded as 175 square feet on the survey plat and 282 square feet on the Critical Area Worksheet. We understand that no additional impervious surface will result from this project, since the additions will be located on existing impervious areas, therefore mitigation will not be required.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 42-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0515, Eric and Ann Swanson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing dwelling within the Critical Area. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, driveway, and pier.

Based on the information provided, we would not oppose this variance. We understand that no existing vegetation will be removed as a result of the proposed construction. No mitigation is required within the Critical Area.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 35-02

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Judge John C. North, II
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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 5, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0516, Mark and Leslie Anstey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a detached garage, and related retaining wall, which will impact steep slopes within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and driveway.

Based on the information provided, we request additional information to evaluate this project. The applicant is seeking a building permit to construct a concrete patio (approximately 1,471 square feet in area) and to replace an existing deck on the property. These activities do not require a variance. However, it appears that the location of the proposed concrete patio may be a suitable alternative site for the proposed garage. Relocating the garage to the east side of the existing house would greatly reduce disturbances to steep slopes. Therefore, we recommend that the variance for the garage and the building permit for the concrete patio and deck be evaluated concurrently, to accommodate both proposals with minimal disturbance to the Critical Area.

For the purposes of determining mitigation requirements, we request clarification of the limits of disturbance for activities associated with this variance and the building permit for the concrete patio and deck replacement. The limits of disturbance, and additional impervious surface associated with the new retaining wall and driveway expansion, were not included on the Critical Area narrative or on the site plans.

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Ramona Plociennik
Variance 2001-0516, Mark and Leslie Anstey
February 5, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Ben Cohey, Catherine Purple Cherry Architects, P.C.

AA 36-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 4, 2002
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0457-V, David Gould

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a covered porch attached to the existing dwelling within the 100-foot Buffer of a Buffer Exempt Area (BEA). The property is designated LDA and is currently developed with a house, decks, driveway, garage, and pier.

A copy of the revised sit plan was forwarded to this office on January 29, 2002. Based on the revised site plan, an additional 942 square feet of impervious surface will be removed from the site. This will result in a net reduction of impervious surface on the lot of 42 square feet. If granted, we recommend the following be made conditions of this variance.

- 1) The portion of the gravel drive to be removed should be established in vegetation. This area can be utilized for some of the required mitigation, following the Critical Area guidelines for Buffer mitigation plantings.
- 2) Mitigation should be required at ratios of 2:1 for disturbances within the Buffer and 1:1 for disturbances outside the Buffer.
- 3) Mitigation plantings should be first directed to non-vegetated portions 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,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 662-01 (revised)

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Judge John C. North, II
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Ren Serey
Executive Director

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January 31, 2002

Gail Webb Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision, Jeffrey and Thelma Duston

Dear Ms. Owings:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 4.073 acre parcel into two lots. The property is designated a Limited Development Area (LDA) and is currently developed with a house, well, and driveway.

Based on the information provided, we would need more information to evaluate this proposal.

- 1) Based on our evaluation of Department of Natural Resource GIS data, nontidal wetlands are present over virtually the entire area of Lot 1. No wetlands were identified on the subdivision plat. We recommend that a wetland delineation be conducted by the U.S. Army Corps of Engineers, the Maryland Department of the Environment, or a private consultant, to determine the extent of wetlands on Parcel 126.
- 2) Will Lot 1 require on site septic? The siting of a septic system on Lot 1 may be difficult due to the presence of extensive wetlands.
- 3) Lot 1 appears to be fully vegetated. Therefore, mitigation requirements would be extensive for development of this lot, and mitigation alternatives would need to be considered.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: KC 52-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-3093

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Judge John C. North, II
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Ren Serey
Executive Director

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January 30, 2002

Roxanna Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2787, Christine Rogers

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to construct a single-family dwelling, garage, driveway, and services within the 100-foot Buffer of the Critical Area. The property is designated LDA and is currently undeveloped and mostly forested.

Provided the lot is properly grandfathered, we would not oppose construction of a dwelling on the property. We recommend the following be made conditions of this variance, if granted.

- 1) Given that a significant portion of the lot contains steep slopes, we recommend that the proposed structures be reconfigured to reduce disturbance to steep slopes. For example, the two-story house might be located over part of the garage. This would greatly reduce the amount of excavation and clearing required on steep slopes.
- 2) The footers for the deck should be excavated by hand to avoid disturbance to steep slopes.
- 3) We recommend that the rooftop runoff be conveyed to a combination riprap and vegetated area to provide improved water quality and prevent erosion of steep slopes.
- 4) Mitigation, at a ratio of 3:1 for disturbances within the Buffer and 1:1 for disturbances outside the Buffer, should be required. It appears that mitigation opportunities are limited on the property, therefore mitigation alternatives should be addressed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this permit. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: CA 21-02

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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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January 28, 2002

Roxanna Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2788, Griffin & Burr

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a permit to redevelop the property with a larger house, garage, porches and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a house and driveway.

Provided the lot is properly grandfathered, we would not oppose construction of a dwelling on the property. However, it is the opinion of Commission staff that the current site plan does not demonstrate minimization of impacts to the Critical Area. The site plans do not include calculations of the amount of grading proposed, the total disturbance within the Critical Area, and storm water management measures. Given the severe topography of the property, and adjacent lots, storm water management options will be limited on the site and could result in additional impacts. These additional impacts would require a variance.

We recommend the following changes be made to the current redevelopment plan for this property.

- 1) Clearing proposed in the vicinity of the dwelling should be minimized to reduce the amount of grading, impacts to steep slopes, and mitigation requirements. As proposed, 33 percent of existing forest will be cleared (approximately 5, 176 square feet).
- 2) To reduce impacts to the Critical Area, the proposed structures should be concentrated in areas with slopes of less than 25 percent. This can be accomplished by relocating the proposed addition and porch to the western side of the existing dwelling. The proposed location of these structures will result in significant impacts, including grading and clearing of slopes greater than 25 percent.
- 3) Any storm water structures or best management practices that would require additional clearing, grading, or impacts to steep slopes, should be shown on the site plans.

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Ms. Roxanna Whitt
Variance 02-2788, Griffin & Burr
January 28, 2002
Page 2

- 4) Mitigation, at a ratio of 1:1, should be required for disturbances on steep slopes within the Critical Area, including clearing, grading, and additional impervious surface. It appears that mitigation opportunities on the property are limited, and therefore, mitigation alternatives should be addressed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 22-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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January 25, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0449, Sean McCormack

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to redevelop the lot with a new house, garage, decks, driveway, and services, with less setbacks and Buffer then required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA), and is currently developed with a house, shed, and driveway.

Provided this lot is properly grandfathered, we do not oppose redevelopment of the lot with a new dwelling and services. However, several issues should be addressed.

- 1) The site plans provided do not show the location of the proposed sidewalks and the limits of disturbance for clearing and grading on the lot.
- 2) We calculated the total proposed impervious surface to be approximately 3,503.5 square feet, excluding the sidewalks.

We recommend the following revisions to the current site plans to minimize impacts to the Buffer and steep slopes.

- 1) The two proposed double level decks are substantial in size, only 7 percent smaller than the new house. We recommend that the decks be reduced in total area by approximately 30 percent to reduce impacts to the Critical Area.
- 2) The new house will be located only 4 feet from the top of 36 percent slopes within the 100-foot Buffer. It appears that there is ample space on the lot to reconfigure the proposed structures, which would greatly increase the setback from steep slopes and reduce impervious area in the Buffer.
- 3) Mitigation, at a ratio of 2:1 within the Buffer and 1:1 outside the Buffer, should be required for disturbances. Mitigation plantings should be directed first to non-vegetated areas of the Buffer.

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Anne Arundel County
Office of Planning and Code Enforcement
January 25, 2002
Page 2

- 4) The lot should be established in 15 percent forest cover after redevelopment. Mitigation plantings can be utilized to meet this requirement.

Thank you for the opportunity to provide comments on this variance application. 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 15-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 18, 2002

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance File 2826, McDaniel Yacht Basin

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit redevelopment of an existing structure within the 110-foot Buffer with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently a highly developed marina facility with numerous buildings and services.

Provided this lot is properly grandfathered, this office does not oppose this redevelopment proposal. However, several outstanding issues remain regarding the current site plans and the scope of the redevelopment project.

- 1) In letters of November 9, 2001 (to Cecil County, Office of Planning and Zoning) and November 19, 2001 (to Clifton L. Bakhsh, Jr., Inc.), this office requested additional information about this project, which has not been provided. This request for additional information was reiterated at a site visit on January 8, 2002 by Commission staff.
- 2) The current site plans do not include the following elements necessary to accurately evaluate the proposed redevelopment:
 - a) the 110-foot Buffer,
 - b) the entire project area, as defined by the limit of disturbance on the site plans, which should include the existing structure to be removed,
 - c) the location of the existing structure to be removed,
 - d) proposed restoration plans for the site of the removed structure (impervious area to be removed, planting areas, etc.),
 - e) impervious surface calculations, both existing and proposed (impervious surface must be calculated based on the total area of Parcel 111),
 - f) the total area of disturbance to non-impervious areas within the redevelopment site, as defined by the limit of disturbance on the site plans (including any proposed vegetation clearing, grading, and new impervious surface), and

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Joe Johnson
Variance File 2826, McDaniel Yacht Basin
January 18, 2002
Page 2

- g) storm water management for 20 percent of the impervious area within the redevelopment site (since impervious surfaces will not be reduced by 20 percent).
- 3) A description of the intended use of the new structure should also be included on the site plans or in a letter from the property owner.

We recommend the following be made conditions of the variance, if granted.

- 1) This office requests the opportunity to review and evaluate the revised site plans and final storm water management plans.
- 2) Mitigation, at a ratio of 3:1 within the Buffer and 1:1 outside the Buffer, should be required for all disturbances to non-impervious areas within the redevelopment site.
- 3) For mitigation and areas where restoration is proposed, we recommend that native plants be utilized, wherever possible, to provide additional water quality benefits within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: John O'Connell, Clifton L. Bakhsh, Jr., Inc.
Thomas Trainer, McDaniel Yacht Basin, Inc.

CE 706-01

Chesapeake Beach

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 18, 2002

Bill Watson
Town of Chesapeake Beach
Office of the Mayor and Town Council
8200 Bayside Road
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Beewood II Subdivision and Variance 2001-7, Lot 1, Beewood II

Dear Mr. Watson:

Thank you for providing information about this subdivision and variance application. Our records do indicate that Commission staff had reviewed the original Beewood II subdivision application and provided comments to the Town on January 20, 1993 and August 22, 1994. It appears that the four existing lots and residue parcel within the Beewood II subdivision may have been of record prior to April 1, 1988 and, thus, retain their grandfathered status under the local Critical Area Program. We request documentation of this matter from the Town, since our records concerning the status of these lots are incomplete.

Based on the information provided in 1993, it appears that the subdivision plans were incomplete and did not accurately identify Habitat Protection Areas, and other sensitive features, present on each of the four lots within the Beewood II subdivision. We apologize for not recognizing this discrepancy at the time of our initial review of this subdivision application. However, we feel it is important that the subdivision plat be revised to accurately reflect areas, which lie within the 100-foot buffer, the expanded Buffer, and the Critical Area Boundary.

Commission staff reviewed the 1972 Tidal Wetland Maps and DNR GIS data (summarized previously in a letter of January 9, 2002 regarding the variance application for Lot 1) and have determined that the 100-foot Buffer should be properly delineated from all tidal wetlands and expanded for steep slopes present on all four lots in the Beewood II subdivision. Some of the wetlands and steep slopes lie outside the approximated boundary of the Town limits (bordering the western edge of Lots 1, 2 and 3) but within the 100-foot Buffer, and therefore, must be considered when delineating the extent of the 100-foot Buffer and expanded Buffer on these lots.

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Mr. Bill Watson
January 18, 2002
Page 2

We recommend that the Town meet with Commission staff to review the current subdivision plat on record and make the necessary revisions. Once the revisions are completed, the property owners should be notified and provide with copies of the revised plat. The property owners should also be provided with information regarding the requirements of the local Critical Area Program, and the local variance process, pertaining to future development of their property.

Please contact this office at (410) 260-3475, if you have any questions or require additional information.

Sincerely,



Julie V. LaBranche
Natural resources Planner

cc: CA 320-94

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 16, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-01, James and Dorothy Doyle

Dear Ms. Owings:

Thank you for providing information on the above referenced variance. The applicant is requesting to exceed impervious surface requirements to construct a below ground swimming pool. The property is designated LDA and is currently developed with a house, garage, porches, and driveway.

Based on the information provided, we would not support this variance until several conditions were addressed. The proposed swimming will contribute 382 square feet of additional impervious surface on the lot. Does this include additional decking and/or a walkway? The proposed impervious surface area on the lot (3,987 square feet or 16.7 percent of the lot) would exceed the maximum allowable impervious surface (15 percent) under the local Critical Area Program. Given that the lot is 15 percent impervious currently, we recommend that an equivalent area of existing impervious surface be removed to compensate for the addition of the swimming pool. For example, portions of the driveway may be reduced in size and planted with native vegetation. This would also meet some, or all, of the mitigation requirement for the additional impervious surface.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: KC 19-02

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January 15, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0485, David and Jean Down

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to replace an existing dwelling within the Critical Area. The property is designated LDA and is currently developed with a house, driveway, and pier.

Provided this lot is properly grandfathered, we do not oppose this variance. However, several issues should be addressed. The 100-foot Buffer is not shown on the site plans provided. Although a small portion of the proposed house is located within the Buffer (as interpreted from the 1972 Tidal Wetland maps), the lot is located within a Buffer Exemption Area and, therefore, replacement of existing impervious surface is allowed. In fact, the proposed redevelopment of this lot will reduce impervious surface in the Buffer. It appears that the only new disturbances on the lot are for construction of a new septic system and a shed, assuming that the driveway shown on the site plans is existing. We calculate the additional disturbance to the Critical Area to be approximately 2,656 square feet (2,404 square feet in the Buffer and 252 square feet in the Critical Area). Mitigation, at a ratio of 2:1 within the Buffer and 1:1 outside the Buffer, should be provided for the 2,656 square feet of disturbance. Since mitigation opportunities are limited on the lot, alternatives should be considered.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 699-01

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Judge John C. North, II
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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 14, 2002

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building and Grading Permit, AP 20970, Timothy O'Neal

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit application. The applicant is requesting a permit to construct a single-family dwelling, garage, and driveway within the Critical Area. The property is designated LDA and is currently undeveloped, with the exception of a gravel access road.

Based on the information provided, we would not oppose construction of a dwelling on the property. However, we recommend that the amount of clearing proposed in the vicinity of the dwelling be minimized. No justification was provided to support the need to clear such a substantial area of existing forest. Mitigation, at a ratio of 1:1, is required for disturbances within the Critical Area (14,567 square feet), including clearing, grading, and impervious surface. It appears that mitigation opportunities are limited on the property, therefore, mitigation alternatives may need to be addressed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this permit. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 689-01

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Ren Serey
Executive Director

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January 9, 2002

Bill Watson
Town of Chesapeake Beach
Office of the Mayor and Town Council
8200 Bayside Road
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Variance 2001-7, Lot 1, Beewood II

Dear Mr. Watson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the Critical Area. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, we would not oppose a variance to construct a dwelling on the property. However, several issues should be addressed.

- 1) It appears that this lot is part of a grandfathered subdivision that was reconfigured after the local Critical Area Program was adopted. According to our records, this reconfiguration was not submitted to the Commission for review and comment. Please provide a copy of the subdivision plat to this office. It is likely that some revisions to the plan will be necessary to ensure that the Buffer and expanded Buffer are correctly recorded.
- 2) The 100-foot Buffer is not shown on the site plans. Our interpretation of the 1972 Tidal Wetland Maps and DNR GIS data indicates that the tidal wetland/upland boundary may either border or extend into the "Beewood II" property. Based on this interpretation, it appears that all or a portion of the lot may be within the 100-foot Buffer. Given the presence of steep slopes adjacent to the tidal wetlands, the 100-foot Buffer should be expanded using the criteria set forth in the local Critical Area Program.
- 3) Buffer disturbances, including grading and forest clearing, should be quantified for the purposes of establishing mitigation requirements. We understand that the amount of forest clearing is equal to the amount of disturbance (7,405 square feet). Given that most or all of the lot may be within the expanded Buffer, the Commission recommends a mitigation rate of three to one for all disturbances to the Buffer (0.51 acres).

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Mr. Bill Watson
Variance 2001-7, Lot 1, Beewood II
January 9, 2002

- 4) Commission staff does not support the use of fee-in-lieu for reforestation because the Town has not established an appropriate system for collecting, tracking, and spending these funds. The establishment of a fee-in-lieu program should be coordinated with Commission staff. We recommend that a mitigation site be identified as part of the variance approval process for development of this lot.
- 5) In order to minimize impacts to steep slopes, we recommend that the house be redesigned to incorporate a 2-story floor plan and the garage be relocated slightly northward. This will reduce impacts to steep slopes and impervious surface coverage on the lot.
- 6) We understand that some forest clearing is necessary to develop the property. Are there any opportunities to reforest some areas after construction? Also, the width of the driveway may be reduced to further minimize the amount of forest clearing and Buffer impacts.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CB 2001-7



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

January 8, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2780, Nivera

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling, garage, deck and driveway within the Critical Area. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, we would not oppose a variance to construct a dwelling on the property. However, the current site plan indicates that greater than 30 percent of the existing forest will be removed, requiring 3:1 mitigation. It appears that mitigation opportunities are limited on the property; therefore, mitigation alternatives would need to be addressed. We recommend that the garage and driveway be reduced in size to minimize forest clearing and minimize the need for mitigation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 692-01

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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January 7, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2778, Jeffrey Greene

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the Critical Area. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, we would not oppose a variance to construct a dwelling on the property. However, in order to reduce the amount of forest clearing and grading of steep slopes required for the current site plan, we recommend that the house be redesigned to incorporate a two-story floor plan. Mitigation, at a ratio of 1:1, should be required for disturbances within the Critical Area. It appears that mitigation opportunities on the property are limited. Therefore, mitigation alternatives would need to be addressed. The recommended plan changes would help to reduce mitigation requirements and minimize the overall impacts to the Critical Area.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 690-01

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Judge John C. North, II
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Ren Serey
Executive Director

STATE OF MARYLAND
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January 7, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision 01-146, David Bramble

Dear Ms. Owings:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 96-acre parcel into two lots. The property is designated RCA and is currently developed with a house, garage, pavilion, and driveway. Portions of the parcel are in agricultural use.

Provided this lot is properly grandfathered, this office does not oppose this subdivision, however, several conditions should be addressed. The 100-foot Buffer and Critical Area boundary are not accurately shown on the site plans. The riparian forest existing on both Lots 1 and 2 should be evaluated for Forest Interior Dwelling Bird (FID) potential. In addition, the lots should be configured such that redevelopment of the property can be accommodated without a variance and without impacting habitat protection areas.

We recommend the following information be provided before subdivision approval.

- 1) The 100-foot Buffer and Critical Area boundary must be accurately delineated on the existing parcel.
- 2) A FIDS survey by the Department of Natural Resources should be conducted on the property and a copy of their evaluation provided to this office.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: KC 694-01

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 7, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2779, Paul and Patty Edwards

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a below ground swimming within the Critical Area. The property is designated LDA and is currently developed with a house, shed and driveway.

From the information provided, we are unable to determine whether the proposed swimming pool is located within the buffer for the wetlands, stream and steep slopes present on the property. We would not support this variance if the structure impacts these protected areas. It appears that, with the additional impervious surface, the lot will exceed the 15 percent impervious surface limit for lots of less than one acre in size (total of 16.7 percent). We recommend that the pool and/or the pool decking be reduced in size to comply with the impervious surface requirements for this lot. Mitigation plantings, at a ratio of 1:1 for disturbances within the Critical Area, should be directed to non-vegetated areas of the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 691-01

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Perryville

Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 7, 2002

Eric Morsicato
Town of Perryville
P.O. Box 773
Perryville, Maryland 21903-0513

Re: Variance request for Ikea Distribution Center

Dear Mr. Morsicato:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to redevelop the property, which will impact portions of the expanded Buffer. The property contains IDA, LDA and RCA designations and was previously developed for commercial and industrial use.

Based on the information provided, we would not oppose this variance. Commission staff have worked with representatives from Frederick Ward Associates, Inc. to determine the extent of impacts to Habitat Protection Areas on the site and the need for a variance to redevelop the property. The letter of December 18, 2001 and site plans provided by Robert Jones accurately summarize these impacts (0.78 acres), resulting from the alignment of the main access road for the Ikea distribution center. These impacts include disturbance to a tributary of Mill Creek and the expanded Buffer. This office would like to review the comprehensive mitigation plan for this project, when completed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: PE 705-01

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Staff Correspondence Vol. I: Owens

2002

5-251-2815

Mary-Reader

MEMORANDUM - PROJECT REVIEW

DATE: October 8, 2002

TO:	Mary Owens, Critical Area Commission	Dave Gailey, Forestry
	Neal Herrick, F&PS	Don Cosden, Fisheries
	Bryan King, Wildlife	Kathy McCarthy, Heritage
	Ross Kimmel, F&PS	Robin Melton, F&PS
	Kevin Smith, Wetlands Restoration	Beth Cole, MHT

FROM: Mark R. Spencer and Barbara Grey, Resource Planning, E-4

SUBJECT: Review and Comment on Proposed Planning Alternatives for Chapmans Forest
2002-DNR-229

Resource Planning has been directed by the OOS to accelerate the planning schedule for Chapmans Forest with a completion date by early January and subsequent submittal for a Preferred Alternative to the OOS for review and approval. The previous schedule called for the project to conclude by March 2003. Therefore, we need your comments now on the following proposed alternatives, which are provided in the context of general recommendations for future uses and activities that could occur on the property, along with their respective locations. During the course of this project, you have received all the previous assessment information about the property from other ID team members and the Chapmans' work groups.

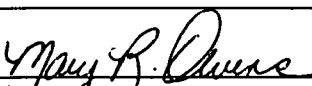
After the public meetings, which will be schedule in early December, the Preferred Alternative will be derived from Alternatives I – III. For example, Alternative II, Mt. Aventine-Area 2 may be one component of the Preferred Alternative, and future proposed uses and activities from Area 1 (AT&T ROW-refer to maps) might be selected from Alternative I (walking path only etc.). Regardless of the Preferred Alternative at this conceptual level, all future proposed site designs and improvements are predicated on DNR's project review process – RP would continue to coordinate review efforts as funding becomes available for design and construction. However, your comments at this point in time should consider, not only potential impacts or mitigation measures that may be necessary to address the proposed actions, but also best management practices, cost and feasibility of the proposed use or development, management and operational recommendations, Critical Area concerns regarding the location of improvements; and natural resource restoration opportunities. This information is essential for both the evaluation of the proposed alternatives and to the Land Unit Plan currently being drafted.

Please review the enclosed information, and send Barbara Grey your comments relative to your program by no later than **Tuesday, November 1, 2002** or you may e-mail your comments to bgrey@dnr.state.md.us. If you have any questions, please call her at 260-8408.

Check one:

Comments are attached

No Comments because of the following reason(s): _____



 Signature
 Critical Area Commission
 Program/Agency

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

MEMORANDUM

DATE: November 1, 2002

TO: Mark Spencer and Barbara Grey, Resource Planning

FROM: *ms*
Mary Owens, Critical Area Commission

SUBJECT: 2002-DNR-229, Proposed Planning Alternatives for Chapman's
Forest
(9-02 DNR)

Thank you for providing information on the proposed planning alternatives for Chapman's Forest. As outlined in your memo, it is my understanding that as funding becomes available for the design and construction of individual components of the project, there will be an opportunity to review and comment on these specific proposals. As you know, Critical Area Commission review and approval of each project will be required.

Historically, the Commission has reviewed and approved Master Plans for various parks and publicly owned lands as they are prepared and finalized by the Department. Once the Preferred Alternative is derived and the Land Unit Plan drafted, the Plan must be presented to the Commission for approval. This will facilitate and expedite Commission review and approval of specific projects in the coming years.

I have reviewed the information provided, and I have the following comments:

AREA 1

Alternatives I, II, and III:

Area 1 includes land within the 100-foot Buffer and expanded Buffer. Clearing of existing vegetation and grading within the 100-foot Buffer should be avoided and if unavoidable should be minimized. Parking areas, restrooms, and other non-water dependent uses should be located outside the Buffer. Reasonable accommodations for public access to the water may be permitted in the Buffer. Picnic tables may be located

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in the Buffer as long as no permanent improvements (i.e. a slab) are constructed or natural vegetation is removed.

The regulations limiting impervious surface area, limiting forest clearing, and requiring stormwater quality management as specified in COMAR 27.02.05 will be applicable. Mitigation will be required for any clearing or removal of vegetation. It is my understanding that this area may include Forest Interior Dwelling Species (FIDS) habitat. Any development activities in this area will need to address the provisions in the Commission's guidance document entitled, "Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" dated June, 2000.

AREA 2

Alternatives I, II, and III:

Area 2 includes land within the 100-foot Buffer and expanded Buffer. Clearing of existing vegetation and grading within the 100-foot Buffer should be avoided and if unavoidable should be minimized. Parking areas, restrooms, and other non-water dependent uses should be located outside the Buffer. Reasonable accommodations for public access to the water may be permitted in the Buffer. Picnic tables may be located in the Buffer as long as no permanent improvements (i.e. a slab) are constructed or natural vegetation is removed.

The regulations limiting impervious surface area, limiting forest clearing, and requiring stormwater quality management as specified in COMAR 27.02.05 will be applicable. Mitigation will be required for any clearing or removal of vegetation. It is my understanding that this area may include Forest Interior Dwelling Species (FIDS) habitat. Any development activities in this area will need to address the provisions in the Commission's guidance document entitled, "Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" dated June, 2000.

Alternatives II and III:

Any expansion or intensification of the equestrian operation will need to comply with the provisions of COMAR 27.02.05.07, and the expansion may require the implementation of a soil conservation and water quality plan approved by the local soil conservation district.

AREA 3

Alternatives I, II, and III:

Preservation and limited passive recreational use of this area is strongly encouraged.

AREA 4

Alternatives I, II, and III:

Area 4 includes land within the 100-foot Buffer and expanded Buffer. Clearing of existing vegetation and grading within the 100-foot Buffer should be avoided and if unavoidable should be minimized. Parking areas, restrooms, and other non-water dependent uses should be located outside the Buffer. Reasonable accommodations for public access to the water may be permitted in the Buffer. Picnic tables may be located in the Buffer as long as no permanent improvements (i.e. a slab) are constructed or natural vegetation is removed.

The regulations limiting impervious surface area, limiting forest clearing, and requiring stormwater quality management as specified in COMAR 27.02.05 will be applicable. Mitigation will be required for any clearing or removal of vegetation. It is my understanding that this area may include Forest Interior Dwelling Species (FIDS) habitat. Any development activities in this area will need to address the provisions in the Commission's guidance document entitled, "Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" dated June, 2000.

Alternative III

Any expansion of the Long Shadows Complex should be designed to avoid any impacts to the 100-foot Buffer and expanded Buffer.

AREA 5

Alternatives I, II, and III:

This portion of the property is located outside the Critical Area; therefore, I have no specific comments.

AREA 6

Alternatives I, II, and III:

This portion of the property is located outside the Critical Area; therefore, I have no specific comments.

AREA 7

Alternatives I, II, and III:

This portion of the property is located outside the Critical Area; therefore, I have no specific comments.

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401
(410) 260-3460

MEMORANDUM

DATE: September 24, 2002

TO: Christine Holmberg, Resource Planning

FROM: Mary Owens, Critical Area Commission

SUBJECT: 2002-DNR-189, Jonas Green Park Improvements

Thank you for providing preliminary information on the referenced project at Jonas Green Park. It is my understanding that this project involves the construction of a visitor's center, parking lot, 1,200 linear feet of riverwalk, 180 linear feet of stone sill with marsh planting, and 586 linear feet of stone revetment. The project also appears to include various elevated promenades, stairs, driveways and access improvements. The purpose of the project is to intensify and enhance the recreational functions of the park.

1. It is not clear from the information submitted whether the property will be transferred to the County prior to the request for Commission approval or after the request for approval. Clarification is needed.
2. The 100-foot Critical Area Buffer is not shown on the plans, but it appears that part of the visitors' center, and various parts of other site improvements will be located within the Buffer. In general, new development activities are prohibited within the 100-foot Buffer unless they are water-dependent, or provide public access to the water. The proposed visitors' center, parking lot, and driveways are not considered water-dependent activities.
3. Improvements such as walkways or elevated promenades that provide public access to the water may be permitted in the Buffer; however, impacts should be minimized. If walkways are located completely within the Buffer and parallel the shoreline, the Commission normally does not consider impacts to be minimized. Projects that involve multiple path systems that provide access to the same general area of the site are also not generally determined to represent minimal Buffer impacts. Redesign of the walkway to get portions of it outside of the Buffer will be necessary. The proposed promenade and stairs appear to involve impacts to the Buffer beyond what is normally associated with reasonable public access.
4. This property is not considered an area of intense development. (It is designated RCA on the County's Critical Area Maps, although the property is owned by the State.) In

accordance with COMAR 27.02.05.03, impervious surface area is limited to 15% of the site, clearing is limited to no more than 20% of existing forest or developed woodland, and afforestation is required to establish 15% forest cover on the site. It does not appear that compliance with these provisions has been addressed. If existing imp[ervious surface area exceeds 15% of the site, then current levels of impervious surface may be maintained but not exceeded.

5. Information about stormwater management has not been provided.
6. The information about shore erosion control shown on the plans does not appear to reflect the information provided in the Joint Permit Application. It is not clear whether a structural erosion control measure is proposed along the existing sandy beach area. This area does not seem to be rapidly eroding, so a nonstructural measure, such as beach nourishment should be used. The extensive grading of the vegetated north bank seems excessive; it seems that a sill could be installed and marsh created without regrading the entire area.
7. It appears that the proposed riverwalk around the point may be determining the type and extent of the shore erosion control measures. It is unlikely that the Commission would support extensive grading or the use of structural erosion control measures specifically for the purpose of developing a riverwalk on this site.
8. Open water areas of the site are known historic waterfowl concentration areas. Construction of any water-dependent facilities, including shore erosion control measures, should not occur during the November 15 to April 30 wintering period. Larry Hindman, Waterfowl Project Manager for DNR, can provide technical assistance and can be reached at (410) 827-8162.
9. If the proposed development cannot be redesigned to fully comply with the Critical Area Criteria, the Department of Natural Resources may seek conditional approval from the Commission. In order to qualify for consideration by the Commission for conditional approval, the Department must demonstrate that the project has the following characteristics:
 - a. That there exist special features of a site or there are special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;
 - b. That the project or program otherwise provides substantial public benefits to the Critical Area Program;
 - c. That the project or program is otherwise in conformance with the Critical Area Criteria;

In addition, the request for conditional approval shall contain the following:

- a) 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;
 - b) - A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the criteria set forth in COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands.
 - c) Measures proposed to mitigate any adverse effects of the project or program on the Criteria set forth in COMAR 27.02.05.
10. Mitigation will be required for all disturbance in the 100-foot Buffer and expanded Buffer.
11. Has the Department solicited public comment on this proposal? Several years ago, the Commission reviewed and approved plans for the nearby Veterans Memorial Park. Surrounding residents were extremely interested in that project and would likely want to comment on this project as well.
12. **Critical Area Commission review and approval of this project will be required.** A site plan, drawn to scale, and depicting the applicable information set forth in the attached "Chesapeake Bay Critical Area Commission Project Application Checklist" will be required.

cc: Ms. Elinor Gawel
Mr. John Scarborough
Mr. Jack Keene

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 23, 2002

Mr. Eric Stetser
Spatial Systems Associates
6345 Woodside Court
Columbia, Maryland 21046

**RE: Master Contract DBM-2027-TSP
RFP No. KOOR2200392
Critical Area Mapping**

Eric
Dear Mr. Stetser:

I have completed my review of the maps that I picked up from your office on August 28, 2002. In general, I think that we are getting close to wrapping things up. I have enclosed marked up maps for Chesapeake Beach, Rock Hall, and Vienna. Some comments regarding boundaries and the location and names of streets may only be provided on the set of Critical Area Maps but would apply to the Habitat Protection Area maps as well. I should be able to send you Snow Hill this week. I have also included marked up maps for Princess Anne as well as the base Critical Area Map and two 1972 State Wetlands Maps (SO 52, SO 63) that I reference in my comments on the maps. (I will need those three maps back.)

I think most of the significant issues have been addressed, and perhaps most of the following comments will be addressed on the version of the maps that I received on September 16, 2002. I have not yet reviewed that set, but I wanted to get this letter off to you now, so I would not further delay the final edits:

1. Open water areas must be shaded blue and should not have a Critical Area overlay shading or tidal wetlands shading.
2. The Critical Area boundary should be a series of smooth arcs. The original mapping was done by hand using a compass, so the boundary is basically a series of smooth curves. Areas with obvious angles need to be digitized using more points to accurately reflect the boundary on the paper maps. If the pattern of the line is creating a problem, the line can be changed to a solid line.

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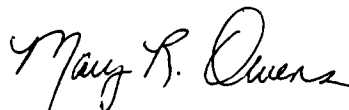
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Mr. Stetser
September 23, 2002
Page 2

3. In instances where the Critical Area designation boundary follows a street, the designation should not divide the street. The street should be included in the more intense classification. (For RCA/LDA split, the street should be designated LDA. For LDA/IDA split, the street should be IDA).
4. The colors used for tidal and nontidal wetlands needs to be made consistent on all maps. The pale "spring green" for nontidal wetlands, and the olive green used for tidal wetlands works well and provides adequate contrast, but is not carried through consistently on all map sets.
5. Buffer Exemption Areas (BEAs) should be 100 feet wide extending from the shoreline, edge of wetlands, or edge of stream and going landward. (In most cases, the maps will be marked up to reflect this, but there might be a few places that were missed.)
6. On the Habitat Protection Area maps for Rock Hall, the non-tidal wetlands are not shown. See Attachment (1). There also appear to be some alignment problems. The NWI indicator appears to be missing from both tidal and nontidal wetlands.
7. On the Habitat Protection Area maps for Chesapeake Beach, the non-tidal wetlands are not shown. See Attachments (2) and (3). The NWI indicator appears to be missing from both tidal and nontidal wetlands.

Thank you for the opportunity to comment on the maps from August 28, 2002. I will be looking at the latest set of maps, and I hope to have comments or marked up maps completed in the next two weeks. I will contact you when I have finished my review, and we can decide the best way to get the remaining issues resolved (i.e. a meeting, mail, pick-up, etc.). If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Veronica Moulis, CAC
Ken Miller, DNR
Tracey Greene, MDP
Mary Ann Skilling, MDP

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 18, 2002

Ms. Lon Hogue
Michael Vergason Landscape Architects
4517 Sixteenth Street North
Arlington, VA 22207

RE: Mitigation Plan and Planting Plans for St. Mary's College
35-02 St. John's Archaeological Exhibit - New Entrance Road
26-02 Somerset Hall Expansion and Renovation
30-02 New Student Residence

Dear Ms. Hogue:

Thank you for providing landscaping plans for the St. John's Archaeological Exhibit - New Entrance Road Project. I have reviewed the plans and have the following comments:

1. Project 35-02 St. John's Archaeological Exhibit - New Entrance Road is located completely within the Critical Area in an area of intense development. On State lands classified as areas of intense development, there is no specific minimum afforestation requirement; however, the Critical Area Criteria specify that, "If practicable, permeable areas shall be established in vegetation..." This project does involve impacts to the 100-foot Buffer, and 14,562 square feet of mitigation plantings are required. The planting proposed adjacent to Wherrits Pond fully satisfies the Buffer mitigation requirement and meets the intent of establishing permeable areas in vegetation as required by the Criteria. The plan also provides for planting around the new entrance road. The landscaping plan around the new entrance road includes 104 canopy trees, 28 understory trees, and 1647 shrubs. Mitigation credit as detailed in the table below equals 94,850 square feet or 2.18 acres. This credit can be used to satisfy the planting requirements for the Somerset Hall Expansion and Renovation Project and the New Student Residence Project.

Plant Type	Quantity	Credit	Total
Canopy Trees	104	100 SF	10,400 SF
Understory Trees	28	75 SF	2,100 SF
Shrubs	1,647	50 SF	82,350 SF
TOTAL			94,850 SF = 2.18 ACRES

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2. Project 26-02 Somerset Hall Expansion and Renovation is located partially within the Critical Area and partially outside the Critical Area. College staff has coordinated with the staffs of the Department of Natural Resources Forest Service and the Critical Area Commission and proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 6.22 acres, so 0.93 acres of planting is required. Based on the calculations in the table, the area of planting provided exceeds the afforestation amount required for this project and may also be used for meeting the requirement for the New Student Residence.

3. Project 30-02 New Student Residence is located partially within the Critical Area and partially outside the Critical Area. Like the Somerset Hall Expansion and Renovation Project, College staff proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 7.3 acres, so 1.09 acres of planting is required. The landscaping plan around the new entrance road provides 2.18 acres of planting with 0.93 acres used to meet the planting requirement for Somerset Hall. This leaves 1.26 acres to satisfy the 1.09-acre planting requirement for the New Student Residence Project.

The planting plan as submitted satisfies the planting requirements for the three projects: St. John's Archaeological Exhibit - New Entrance Road, Somerset Hall Expansion and Renovation, and New Student Residence. It is my understanding that there may be a reduction in the quantity of plants proposed in the area of the new entrance road. This type of change will affect the credit for planting and additional plantings on another site may be required. Please submit any revisions to the plan to the Critical Area Commission, so staff can ensure that the overall planting requirements are met.

Thank you for working with us so closely as we implement an innovative approach to coordinating the requirements of the Forest Conservation Act and the Critical Area Program. I look forward to seeing the successful implementation of the planting plan. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Marian Honecny, DNR Forest Service
Mr. Chip Jackson, St. Mary's College
Ms. Meaghan Longcor, St. Mary's College
Ms. Wanda Cole
Files: St. Mary's College 35-02, 26-02, 30-02

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 13, 2002

Mr. Daniel S. Branigan
St. Mary's College of Maryland
Physical Plant
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

Dear Mr. ~~Branigan~~ ^{San}:

Thank you for submitting the Critical Area Buffer Management Plan for the removal of phragmites in the area of the intersection of Route 5 and the Admissions Building Driveway. The plan for eradication and natural regeneration meets the requirements of the Critical Area Act and Criteria, and you may proceed with the work.

As you are probably aware, the College is proposing to install some plantings in this general area as mitigation for Buffer impacts associated with the construction of the new entrance road. I am not sure of the timing or schedule for this project, but it is recommended that you coordinate your application of chemical herbicides with the contractor installing the plantings for the entrance road, so that any new plantings will not be affected.

Thank you for the opportunity to review this project. If you have any questions, please contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Charles Jackson

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

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September 5, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Beckford Subdivision, 02-244, SO 478-02

Dear Mr. Lawton:

Thank you for providing information on the above-referenced subdivision for our review and comment.

- *100-foot Buffer* – We conducted a site visit on August 8, 2002. We went to the site in large part to determine if the watercourse shown on the site plan was indeed a ditch or a stream requiring a 100-foot Buffer. The site visit confirmed that the watercourse is only acting as a ditch/ephemeral channel, probably carrying water only during and immediately following a rain event. Under the Critical Area regulations, this watercourse does not require a Buffer. Only intermittent and perennial streams require a 100-foot Buffer. To make this determination, I used guidance that the Army Corps of Engineers developed to make a distinction between ephemeral and other stream classifications. Under these guidelines intermittent and perennial streams have a groundwater connection. Although this watercourse did have a well-defined channel, there was no apparent groundwater connection and the soils did not exhibit hydric conditions. Even though it has been an especially dry year, hydric soils would have been present if the streambed was waterlogged during the growing season in the recent past. Therefore there is no tributary stream that requires a 100-foot Buffer on this property under the Critical Area regulations.
- *Impervious surfaces* -The existing and proposed impervious surface needs to be calculated for the Critical Area portion of the site. Since the property is designated as a Limited Development Area there is a limit on the amount of impervious surfaces of 15% that can be placed on the property. The site plan indicates that 21.04 acres of the

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Mr. Lawton
Septemer 5, 2002
Page Two

subdivision is within the Critical Area. This means that the impervious surfaces on the site are limited to 3.16 acres. This needs to include houses, roads, and driveways and ideally should allow for homeowners to construct sheds and other structures without going over the impervious surface limits and needing a variance. The site plan indicates that there will be 3.00 acres of permanent disturbance, so I am assuming that this would include all of the new houses/roads, etc. It also needs to include the existing house/roads/shed. This needs to be clarified.

- *Plant and Wildlife Habitat* – As you know, the Department of Natural Resources' Wildlife and Heritage division has identified three rare plants in the vicinity of the subdivision. It is unlikely that these plants are located in the area of the proposed construction since they are wetland plants; however, the project should be reviewed by the Regional Ecologist and any comments he may have taken into consideration.
- *Forest Coverage* – Any forest cut for development must be replaced on a 1:1 basis. In addition, there must be at least 15% of the Critical Area portion of the site that is forested once the subdivision occurs. This can include any replacement forest that is necessary due to cutting for development.

According to the Environmental Assessment that was prepared for the project, approximately 3.72 acres is currently forested. The site plan states that 3.35 acres of forest is being retained. This indicates that 0.37 acres of forest is being cut. The Tree Planting Plan indicated that 2.85 acres will be planted in Loblolly Pine and that volunteer regeneration of hardwoods will be encouraged and invasive species controlled. Based on this information it appears that the reforestation/afforestation requirements are being met.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,



M. Claudia Jones
Science Advisor

MCJ/jjd

cc: Mr. Scott Smith
Ms. Tracey Greene Gordy
Ms. Regina Esslinger

Mary-Reader

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 12, 2002

Mr. Charles Jackson
Office of Facilities
St. Mary's College
18952 Fisher Road
St. Mary's City, Maryland 20686-3001

RE: Somerset Hall Expansion and Renovation

Dear Mr. Jackson:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Somerset Hall Expansion and Renovation Project. On August 7, 2002, the Critical Area Commission voted to approve the project. Based on information discussed at the meeting, it is the understanding of the Commission that the stormwater management design will be approved by the Maryland Department of the Environment prior to the start of construction, and that a landscape plan will be developed and submitted to the Commission to satisfy the 15% afforestation requirement agreed upon by the Commission and the Department of Natural Resources Forest Service.

As always I want to thank you for your assistance in preparing the materials for review by the Commission. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Max Kantzer, A. Morton Thomas and Associates, Inc.

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Mary - Reader

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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August 12, 2002

Mr. John O'Rourke
The Sotterley Foundation, Inc.
P.O. Box 67
Hollywood, Maryland 20636

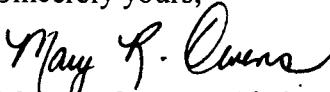
RE: Water Access Improvements at Sotterley

Dear Mr. ~~O'Rourke~~ ^{John}:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Water Access Improvements at Sotterley Project. On August 7, 2002, the Critical Area Commission voted to approve the project. Based on information discussed at the meeting, it is the understanding of the Commission that a pier permit will be issued by the Maryland Department of the Environment prior to the start of construction on the pier. The Commission also recommended that the road to the pier be graded to create some low earthen sills across it in order to prevent stormwater from washing out the road during storm events. I will follow up with Andy Hanas to ensure that these measures are incorporated into the construction drawings.

I want to thank you for assisting me in the preparation of the materials for the Commission meeting. I enjoyed working with you, and I look forward to working with you on future projects at Sotterley. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,


Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Andy Hanas, DNR
Ms. Christine Holmberg, DNR

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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August 12, 2002

Ms. Kathy Sears
Greenwell Foundation, Inc.
25420 Rosedale Manor Lane
P.O. Box 911
Hollywood, Maryland 20636

RE: Memorial Garden at Greenwell State Park

Kathy
Dear Ms. ~~Sears~~:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Memorial Garden Project at Greenwell State Park. On August 7, 2002, the Critical Area Commission voted to approve all four phases of the project. The Commission commended both the Department of Natural Resources and the Greenwell Foundation for the design and development of a project that will both improve the appearance of and access to the Francis Knott Lodge and will enhance the water quality and habitat functions of the 100-foot Buffer with native trees, shrubs, and perennials.

I want to thank you for assisting me in the preparation of the materials for the Commission meeting. I enjoyed working with you, and I look forward to working with you on future projects at Greenwell State Park. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Christine Holmberg, DNR

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Mary Rander



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 16, 2002

Mr. Eric Stetser
Spatial Systems Associates
1450 S. Rolling Road
Baltimore, Maryland 21227

**RE: Master Contract DBM-2027-TSP
RFP No. KOOR2200392
Critical Area Mapping**

Dear Mr. Stetser:

I have reviewed the Critical Area maps for Chesapeake Beach, North Beach, and Leonardtown. In general, it appears that they are close to completion, and they should work well for the towns. I have some general comments about the maps overall which I am providing to you in advance so that we can discuss them when we meet on Friday. I will also provide you with marked up copies of the three towns that I have reviewed and Rock Hall, which was reviewed by Julie LaBranche, when we meet.

The following recommendations are my general comments which are applicable to the maps for all twelve towns:

1. Open water areas must be shaded blue and should not have a Critical Area overlay shading. This is a standard convention on all of the newer maps prepared for the Commission that has made the maps easier to read, especially when they are used for presentations.
2. The town boundaries need to be adjusted to match the parcel boundaries and the edge of the Critical Area designation shading. There should be a clearly defined, single edge at the town boundary.
3. Water bodies should be labeled.
4. On some streets parcel boundaries or the lines delineating the street cover the street names. Street names should be centered on the street where possible or at least located where they are readable.

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5. The town boundaries should be deleted at the shoreline, and the shoreline should be a solid and slightly heavier line.
6. The Critical Area boundary should be a series of smooth arcs. The original mapping was done by hand using a compass, so the boundary is basically a series of smooth curves. Areas with obvious angles need to be digitized using more points to accurately reflect the boundary on the paper maps.
7. The shading for the Critical Area designations should be cropped to line up with the shoreline and parcel boundaries.
8. The shading for LDA and IDA needs to be a darker color or the patterns need to be heavier. These maps will be used for presentations by the towns and they need to be easily readable from a distance.
9. The lines dividing RCA, LDA, and IDA need to be darker and slightly heavier.
10. Environmental features and Habitat Protection Areas should be extended 500 feet outside of the town boundary or to the edge of the sheet (whichever is closer) and cropped.
11. The designation for the Habitat Protection Area polygons needs to be changed. The new maps have generally used ducks to indicate "Waterfowl Staging and Concentration Areas", fish to indicate "Anadromous Fish Propagation Waters", etc. If it is necessary to show a polygon boundary, then a line of a certain type or color can be used to show the boundary. The current pattern is too busy and does not line up with the shoreline or parcel boundaries, making it confusing.
12. There should be a color difference between tidal and nontidal wetlands. The current color and pattern is good for tidal wetlands; a slightly lighter green and the same pattern should be used for nontidal wetlands.
13. On the Critical Area maps, the line indicating the 100-foot Buffer is confusing when the Buffer is delineated from tidal wetlands rather than the shoreline. The boundary of tidal wetlands needs to be included on this map, so that it is clear from what edge the Buffer is being delineated.
14. The tidal wetland boundaries should generally match the boundaries shown on the 1972 State Tidal Wetlands Maps as specified on page 14 of Addendum 1 of the Task Order Request for Proposals. It appears that in some areas, there are some large discrepancies that will need to be addressed. The Critical Area Act specifically references the State wetlands maps as the basis for defining the Critical Area; therefore, the Commission is bound by law to use those maps. In mapping the counties, it has been possible to resolve most of the discrepancies by a combination of shifting the layer to "fit better" or in some cases simply digitizing the portions of the wetland from the 1972 maps.

15. The 100-foot Buffer line should be a dashed line, possibly in a color other than red. The Buffer line is being placed on the maps primarily for guidance because it must be delineated in the field; therefore, it is preferable for the line to be slightly less distinctive. Where the Buffer is delineated from the edge of tidal wetlands, the edge of wetlands needs to be clearly defined.

Thank you for the opportunity to comment on the maps. I look forward to meeting with you to resolve these issues when we meet on Friday, July 19 at 9:00 a.m. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Veronica Moulis, CAC
Ken Miller, DNR
Tracey Greene, MDP
Mary Ann Skilling, MDP



Mary - Reader

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 16, 2002

Mr. Douglas Clark Hollman
Attorney At Law
60 West Street, Suite 220
Annapolis, Maryland 21401

RE: Myrtle Point – St. Mary's County

I am writing in response to your letter regarding the Potomac River Association's concerns about a reclassification of the Myrtle Point Property and whether it is subject to the Critical Area law. It is my understanding that the Association contends that the conditional PUD status of the property lapsed in 1988, and the property is not grandfathered from existing zoning and the requirements of the Critical Area law.

First, it is important to understand that in St. Mary's County, the Critical Area regulations are implemented through the application of overlay zones. Properties within the Critical Area are subject to the provisions of the zoning district and the provisions of the Critical Area overlay zone. In the case where the Critical Area overlay zone involves stricter requirements than the underlying zoning district, then the Critical Area requirements are applied. This situation is particularly relevant in areas that have an RCA Critical Area overlay because the overlay dictates the permitted land uses and density which are generally stricter than the underlying zoning. This situation was identified as potentially problematic for all local jurisdictions when the Critical Area Act was passed, and provisions for grandfathering were included in the Critical Area Criteria. All local governments developed grandfathering provisions in accordance with the Criteria and incorporated them into their Critical Area Programs.

When St. Mary's County developed their Critical Area Program, there were several PUDs that had been conceptually approved and rezoned, but were essentially undeveloped. The County requested, and the Commission approved, special grandfathering provisions for these properties. The Myrtle Point Property is one of the PUDs that was designated RCA but was considered to be grandfathered with respect to density. What this means is that if the property were permitted to be developed, the PUD zoning that allows 2.83 dwelling units per acre would dictate the intensity and type of development permitted on the property as long as all conditions imposed by the County Commissioners in the 1983 Resolution of Rezoning are met and all requirements (except density) for RCA in the Critical Area are met. The property has always been, and

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Mr. Hollman
July 16, 2002
Page 2

continues to be, subject to the Critical Area law and the Critical Area provisions of the St. Mary's County Zoning Ordinance.

The Association also expresses concern that the property should have reverted to its former R-1 zoning because no approved constructed improvements had been commenced within five years of the approval of the resolution. Generally the Commission does not get involved with determinations regarding the phasing of construction or whether a project is substantially complete. The Critical Area Commission conducted no independent analysis regarding the conditions of rezoning or the commencement of constructed improvements. To have done so or to undertake such an investigation now would involve considerable resources. The Commission has relied instead on the County's interpretation and enforcement of County requirements, and has assumed, I think properly, a role of general oversight.

In 1995, this issue was raised by Senator Dyson, and the Commission contacted Mr. Jon Grimm, Director of the St. Mary's County department of Planning and Zoning. Mr. Grimm's position was that the County zoning classification, and therefore the Critical Area grandfathering status remained valid. He did say, however, that if the County Commissioners were to make a finding to the contrary, the PDR density would revert to the Critical Area overlay maximum of one dwelling unit per 20 acres. Commission Chairman, John C. North, II, informed Senator Dyson, that he did not believe that further inquiry was warranted.

Although the County has recently completed a comprehensive rezoning of the entire County, the zoning and Critical Area classification of Myrtle Point has not changed. In discussions with the County in the last several months, they have informed us that the PDR zoning has not been changed because there is no reason to do so. In accordance with Exhibit B of the deed (attached) for the property dated February 3, 1997, the use of the property is limited to "... park land used exclusively for public recreation, Patuxent River access, open space and wildlife protection and enhancement, and/or conservation and interpretation of historical, cultural and natural resources of the Property ..." This provision clearly precludes the use of the property for residential development, regardless of its grandfathered status or its zoning designation of PDR.

During discussions with County staff about the comprehensive rezoning and the status of the property, it appears that a reversion to an R-1 zoning would not be feasible because this zoning classification no longer exists in the County. County staff also informed us that the PDR zoning may actually provide for better opportunities for public input and public comment than other zoning classifications because the development plans for PUDs must be reviewed and approved by both the Planning Commission and the County Commissioners.

Initial planning efforts for the property several years ago involved substantial input from the public and several public meetings. Commission staff attended several of these meetings and worked closely with County staff on the concept plans. At that time, the concept plans were determined to involve "major development" as outlined in COMAR 27.02.04 and would require

Mr. Hollman
July 16, 2002
Page 3

approval by the Critical Area Commission. The plans were never finalized, so the Commission has not reviewed or approved any plans for the property.

I hope this information alleviates the Association's concerns about future development of this property in a manner that would be inconsistent with the purpose for which it was acquired or the Critical Area regulations. The Commission will be involved in the review of any development of the property and is aware of the deed restrictions on the property. Every effort will be made to ensure that the project fully complies with the Critical Area law. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Judge John C. North, II
Chairman



Mary-Randa

Ren Serey
Executive Director

**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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July 1, 2002

Ms. Marie Rameika
Town of Church Hill
P.O. Box 85
Church Hill, Maryland 21623

**RE: Church Hill Fire Company, CH-BA-032/02V
CH 384-02**

Dear Ms. Rameika:

Thank you for providing information on the referenced request for a variance. It is my understanding that the applicant is requesting a variance to exceed the impervious surface limit for the site in order to construct an addition to the existing firehouse. The property consists of two existing grandfathered lots. One lot is developed with the existing firehouse and the other lot was formerly developed with a single-family dwelling and will be the site of the addition. For purposes of this project, the two parcels are being combined as one parcel of .84 acres.

This office does not oppose the variance request to exceed the impervious surface limit on this parcel. The property is currently developed with an impervious surface area covering 62% of the site. The proposed addition is 3,740 square feet in area and will increase the impervious coverage to 72%. The proposed expansion seems reasonable, and it appears that there are no feasible alternatives. It is recommended that mitigation in the form of plantings be required at three times the area of the new impervious surface. Stormwater management should also be addressed to ensure that the increase in volume does not cause adverse environmental impacts.

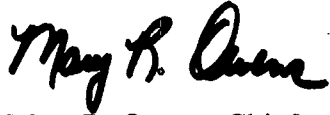
It is strongly recommended that the Fire Company request growth allocation from Queen Anne's County to change the Critical Area designation of the site from LDA to IDA. There are no impervious surface limits in IDAs, and this designation is more appropriate for sites like this one that greatly exceed the impervious surface limit.

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Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mary R. Owens". The signature is written in a cursive style with a large initial "M".

Mary R. Owens, Chief
Program Implementation Division

Mary Reader 25-02

MEMORANDUM - PROJECT REVIEW

DATE: May 23, 2002

To: ✓ Mary Owens, Critical Area Commission Donnie Hammet, F&PS
Kate Meade, Environmental Review Lori Byrne, Heritage
Neal Herrick, F&PS

From: Christine Holmberg, Associate Planner, Resource Planning, E-4

RE: 2002-DNR-165 Memorial Garden near Knott Lodge at Greenwell State Park

The following is a request to construct and plant a Memorial Garden at Greenwell State Park near the Francis Knott Lodge facility. The project is proposed for 4 phases. Phase 1 is a path leading from the right side of the lodge to the closest pathway, the pathway, and the main garden circle. The second phase is the patio area adjacent to the lodge, and an entrance to the lodge at that location. Phase 3 is the other path leading from the lodge towards the garden circle. Phase 4 is the outer path loop.

The funding for Phase 1 is being donated, and the proposed planting date is July 27, 2002. The other phases will be implemented as funding becomes available.

Please send your comments to Christine Holmberg by **no later than Wednesday, July 17th 2002 via e-mail at cholmberg@dnr.state.md.us**

If you have any questions, you also may reach me at x8468. Thank you.

Check one:

Comments are attached No Comments

Mary R. Owens
Signature or Type in Your Name

CAC
Program\Agency

Telephone: (410)260-3980

Address 1804 West Street, Suite 100 Zip: 21901
Annapolis MD

RECEIVED

JUN 24 2002

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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MEMORANDUM

DATE: July 17, 2002

TO: Christine Holmberg, Resource Planning

FROM: *mo* Mary Owens, Critical Area Commission

SUBJECT: **2002-DNR-165, Memorial Garden Near Knott Lodge at Greenwell State Park**

Thank you for providing a site plan for the referenced project at Greenwell State Park. It is my understanding that this project involves the construction of 1800 linear feet of five foot wide ADA accessible pathway with three seating areas, a 1200 square foot terrace adjacent to the Knott Lodge, three 115 square foot seating areas, and extensive planting of native trees, shrubs, and herbaceous perennials. The purpose of the project is to provide access to the existing sidewalks and parking areas from existing "dead-end" ramps at the Francis Knott Lodge, to provide access to the high bluff areas adjacent to the water located behind the Francis Knott House for those with disabilities, and to provide a garden of native plants in close proximity to an area of high usage at Greenwell State Park. I have reviewed the information, and I have the following comments:

1. It appears that this project is located entirely within the 100-foot Critical Area Buffer and expanded Buffer. In general impacts to the Buffer associated with public access to the water may be permitted; however, impacts should be minimized. It appears that the three circular seating areas could be reduced in size, and the winding path from the circular flagstone walk to the new ramp could be eliminated. It is not clear whether the new pathway will provide reasonable connections to a pedestrian network on-site or to other areas of the property. There is an existing ADA accessible pathway system, within the 100-foot Buffer, located adjacent to the revetment, that provides excellent access to the water and to much of the shoreline of the property.
2. It is not clear how this project relates to DNR Project 103 – ADA Accessible Paths and Interpretive Stations Near the Francis Knott Lodge reviewed in April 2002. This project also involves pathways and seating areas within the 100-foot Buffer and expanded Buffer. It seems that there may be some duplication in the purpose of these projects. In

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evaluating the minimization of Buffer impacts associated with both of these projects, it is important to consider there is an existing ADA accessible pathway adjacent to the shoreline that provides access to much of the park.

3. Mitigation will be required at two-to-one for all disturbance in the 100-foot Buffer and expanded Buffer. Impacts to the Buffer shall be accurately calculated based on the limits of disturbance for the terrace, all pathways and ramps. The plan should indicate the number of each tree and shrub species that will be installed to meet the mitigation requirements.
4. The planting list submitted appears to be appropriate for the site; however, it is recommended that the non-native *Helianthemum nummularium* (sunrose) be replaced with either *Hypericum prolificum* (shrubby St. John's wort) or *Asclepias incarnata* (swamp milkweed).
5. **Critical Area Commission review and approval of this project will be required.** A site plan, drawn to scale, and depicting the applicable information set forth in the attached "Chesapeake Bay Critical Area Commission Project Application Checklist" will be required. This project can be placed on the agenda for the Commission meeting scheduled for August 7, 2002 in Baltimore as long as the requested information is received by July 23, 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

June 11, 2002

Ms. Meaghan Longcor
Office of Facilities
St. Mary's College
18952 Fisher Road
St. Mary's City, Maryland 20686-3001

**RE: Buffer Management Area Designation
St. Mary's College Waterfront**

Dear Ms. Longcor:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced Critical Area Map change. On June 5, 2002, the Critical Area Commission voted to approve the Buffer Management Area designation for the St. Mary's College Waterfront in accordance with the drawing presented at the Commission meeting.

The designation of this area as a Buffer Management Area should be included on future submittals for projects located at the "Waterfront." I look forward to working with you over the next few months as the design for the new boathouse is finalized. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Bill Kirwin, Muse Architects

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
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MEMORANDUM

DATE: June 11, 2002
TO: Christine Holmberg, Resource Planning
FROM: Mary Owens, Critical Area Commission
SUBJECT: **2002-DNR-142, Synagro Biosolid Application Request at the Patuxent River NRMA**

Thank you for providing general information on the referenced project at the Patuxent River NRMA located at 2510 Smokey Road in Huntingtown, Maryland. I have reviewed the information, and I have the following preliminary comments:

1. Permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities, are not permitted in the Critical Area. Agricultural or horticultural use of sludge under appropriate approvals, when applied by an approved method at approved application rates, may be permitted in the Critical Area, **except in the 100-foot Buffer**. The Buffer should be delineated (from tidal waters, tidal wetlands, and streams) and clearly flagged in the field if application is proposed in the vicinity of these areas.
2. The Department of Natural Resources shall assure that best management practices for the control of nutrients, animal wastes, pesticides, and sediment runoff be used to protect the productivity of the land and enhance water quality. These practices shall minimize contamination of surface and ground water and, further, shall minimize adverse effects on plant, fish, and wildlife resources.

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May Reada

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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MEMORANDUM

DATE: April 5, 2002
TO: Mark Spencer, Resource Planning
FROM: *mo* Mary Owens, Critical Area Commission
SUBJECT: 2001-DNR-138, Proposed Improvements at Sotterley

Thank you for providing preliminary information on the proposed projects at the DNR property that is leased to the Sotterley Foundation. I have reviewed the information, and I have the following preliminary comments:

Timber Pier

It appears that the removal of three dilapidated timber piers and the construction of a new "L-shaped" timber pier, 8 feet wide and 100 feet long would be consistent with the Critical Area Act and Criteria. It is my understanding that the new pier will be designed to enhance public access to the water and to provide additional educational opportunities along the waterfront. The replacement of the three existing piers with a single point of access to the water is generally encouraged by the Critical Area Criteria.

Pier Access Road

It is my understanding that this component of the project involves improvements to a portion of an existing gravel road that extends through the Buffer to the waterfront. The project is necessary to accommodate emergency vehicles and patrons with disabilities. The improvements will not involve additional impervious surface areas as all work is proposed on the existing gravel areas. Because this project is located in the 100-foot Buffer and involves some areas with steep and potentially unstable slopes, grading and clearing of natural vegetation should be minimized. Stormwater management measures may be necessary to prevent untreated run-off from flowing into Sotterley Creek. Any clearing associated with this part of the project will need to be mitigated at two-to-one. New grading or clearing in the Buffer may require conditional approval by the Critical Area Commission. This type of approval, which is similar to a variance, involves describing the special features of the site that prevent the project from being implemented in full compliance with the Critical Area Criteria and identifying the substantial public benefits to the Critical Area Program provided by the project.

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of Natural Resources should obtain authorization from the Maryland Department of the Environment for the pier and erosion control measures prior to seeking approval from the Critical Area Commission.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to contact me at (410) 260-3480.

Boat/Learning Pavilion

This component of the project involves the construction of a pavilion to provide protection from the weather to groups using the Sotterley site for recreational and educational programs. The pavilion will be located outside of the 100-foot Buffer (and expanded Buffer), is not located on slopes 15% or greater, and will not require any grading or clearing of existing vegetation. Stormwater will be treated by allowing infiltration into the surrounding open field areas.

Shore Erosion Control Measures

Portions of the shoreline in the area of the Brink Cottage are significantly eroding due to the presence of highly erodible soils and steep banks in the project area. Currently, DNR staff is proposing an imbricated stone treatment at the toe of the bank. This low profile structural measure will be designed to minimize filling, grading and the removal of natural vegetation. The possibility of using non-structural measures on the Sotterley Creek shoreline will be analyzed during the preliminary design of the project, but may involve more shoreline impacts than the proposed structural measure. Any clearing associated with this part of the project will need to be mitigated at one-to-one.

Parking Area

This component of the project involves the construction of a 1,500 square foot gravel parking lot to provide parking and a turn-around area for buses bringing visitors to the Brink Cottage and the proposed pier and pavilion. The parking area will be located in a relatively flat, open field. No clearing and only minimal grading are proposed. Stormwater will be treated by allowing infiltration into the surrounding open field areas.

Waterside, Historic Core, and Directional Signage

A total of 15 exhibit panels are proposed to be installed on the project site. The exhibit panels should be located so that they can be installed and easily accessed by the public without disturbing natural vegetation.

Archaeology

It is my understanding that this component of the project involves a Phase I Underwater Archaeological Investigation in the area where the new pier is proposed to be located. No permanent impacts to land or water areas within the Critical Area are associated with this investigation.

The timber pier, pier access road, boat/learning pavilion, shore erosion control, and parking area will require review and approval by the Critical Area Commission at their regular monthly meeting. The next meeting is scheduled for May 1, 2002. It is my understanding that because grant funds are to be provided by the National Park Service for some parts of the project, that the pier access road, boat/learning pavilion, and parking area may come to the Commission for review in May and that the pier and shore erosion control may be reviewed separately later on this summer when the design is more complete. The Sotterley Foundation and the Department

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Chairman



Ren Serey
Executive Director

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March 12, 2002

Ms. Meaghan Longcor
St. Mary's College of Maryland
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686

RE: Windsurfer Storage Structure

Meaghan
Dear Ms. Longcourt:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Windsurfer Storage Structure Project. On March 6, 2002, the Commission voted to approve the project. The Project Evaluation Subcommittee raised a question as to whether the removal of any trees or shrubs would be necessary. I informed them that no vegetation removal was proposed, but if any trees or shrubs were removed, appropriate one-to-one mitigation would be provided. Please let me know if any removal of vegetation is necessary.

Thank you for your assistance in providing the information necessary for the Commission to review this project. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens
Mary R. Owens, Chief
Program Implementation Division

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Mary-Reader



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Chairman

Ren Serey
Executive Director

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March 5, 2002

Mr. Bill Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

RE: Mitigation Planting in Chesapeake Beach

Dear Mr. Watson:

I am writing in response to your letter dated January 22, 2002 regarding the identification of mitigation planting sites in the Town of Chesapeake Beach. At this time, my primary concern is to satisfy the mitigation requirement for the "Walkway Improvements in Chesapeake Beach Project" which was approved by the Commission in February 1998. This project involves 41,320 square feet of planted mitigation for impacts to the 100-foot Buffer associated with this project.

Ideally all of, or at least a portion of, the mitigation plantings should be located within 100 feet of tidal wetlands, tidal waters, or tributary streams (the Buffer); however, it is my understanding that the sites in the Buffer that were originally proposed are no longer acceptable to the Town. At this late date, in order to get the mitigation accomplished, Commission staff has determined that mitigation outside the 100-foot Buffer may be acceptable as long as the plantings result in similar water quality and habitat benefits. It is likely that future projects with impacts within the 100-foot Buffer will require all or a portion of the mitigation to be located within the Buffer.

I have reviewed your mitigation proposal and the associated drawings, and I have the following comments:

1. The landscape plantings at Kellam's Recreation Complex will be acceptable as mitigation for this project. The 46 willow oaks will receive a credit of 400 square feet per tree resulting in 18,400 square feet of mitigation credit.
2. The Fishing Creek Landings Marina site will not be used as a mitigation site for this project.

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Mr. Watson
March 5, 2002
Page 2

3. The Bayview Hills Boat Storage Area will not be used as a mitigation site for this project.
4. The Bayview Hills Streetscaping Project is proposed to be used as mitigation for this project. After reviewing the plans, I was able to determine that the plantings shown in Phase II, Section I would be located in the Critical Area if this area had not been excluded under the provisions of § 8-1807(b)2 of the Natural Resources Article of the Annotated Code of Maryland. If all of the non-native species were replaced with native species, then these plantings would be acceptable as mitigation. The 53 trees will receive a credit of 400 square feet per tree as long as the species are listed on Calvert County's "Species Recommended for Planting in the Critical Area" as large trees. This will total 21,200 square feet of mitigation credit. The 17 Red-Osier dogwood and 6 Northern bayberry shrubs (which should be 3 gallon size) will receive a credit of 100 square feet per shrub for a total of 2300 square feet. Based on my calculations, the plantings at Bayview Hills and at Kellam's Recreational Complex will total 41,900 square feet of mitigation and will satisfy the mitigation requirement for the Walkway Improvements Project.
5. I have reviewed the drawings for Phase I, Section I and for Phase 3, and it appears that these areas would also be located in the Critical Area if Bayview Hills had not been excluded. It is possible that the landscaping in these phases of the project could be "banked" for future use to meet mitigation requirements by the Town if all of the species were native species. Currently, the landscape plans indicate that these species will be primarily ornamental, non-native species. In order to "bank" these plantings for future use, a revised landscape plan using native species and including the square footage mitigation credit for the plantings should be submitted to the Critical Area Commission. The plans should be submitted with a cover letter clearly describing the Town's intention to receive mitigation credit for the plantings and to "bank" these credits for future mitigation requirements. If the Town wants to receive 100-foot Buffer mitigation credit for some or all of these plantings, then the revised landscape plan must show a 100-foot buffer delineated from the edge of tidal wetlands.
6. The Richfield Station site will be used for mitigation for the Horizons on the Bay Project.

Thank you for providing additional information about the mitigation sites. Please notify the Commission in writing when all of the mitigation plantings for the Walkway Improvements Project have been installed, so that an inspection can be performed, and the file can be closed.

Mr. Watson
March 5, 2002
Page 3

I appreciate your cooperation in satisfying this outstanding mitigation requirement, and I look forward to working with you on the other sites. If you have any questions, please feel free to call me at (410) 260-3480 or Julie LaBranche at (410) 260-3475.

Sincerely yours,

Mary R. Owens
Mary R. Owens, Chief
Program Implementation Division

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 7, 2002

Mr. Stephen Sybert
Connor Environmental Services
and Engineering Assessments, Inc.
Bare Hills Business Center
1421 Clarkview Drive, Suite 100
Baltimore, Maryland 21209-2188

RE: Cambridge Park East Apartments

Dear Mr. Sybert:

Thank you for providing a sketch of the location of the Cambridge Park East Apartments Project. This project is not located within 1,000 feet of tidal waters or tidal wetlands; therefore it is not regulated by the Chesapeake Bay Critical Area Act as implemented by the City of Cambridge. As we discussed on the phone, much of the City of Cambridge is excluded from the Critical Area through the provisions of Subsection 8-1807(b)1 of the Natural Resources Article of the Annotated Code of Maryland. These provisions permitted local governments to exclude parts of a developed urban area where imposition of a Critical Area Program would not substantially improve protection of water quality or habitat.

The Critical Area Act and regulations as implemented by local governments are used to satisfy the requirements of the Coastal Zone Management Program in Maryland.

If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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January 29, 2002

Mr. Anthony Di Giacomo
Office of Planning and Zoning
129 E Main Street, Room 300
Elkton, Maryland 21921

Re: Variance File 2826, McDaniel Yacht Basin

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance application. This letter is in response to the revised site plans for the McDaniel Yacht Basin redevelopment project, portions of which were faxed to this office on January 28, 2002 by Clifton Bakhsh, Jr., Inc. At this time, Commission staff have not reviewed the entire set of revised site plans.

The following is a summary of the proposed redevelopment project, based on the new information provided.

- 1) The revised site plans now indicate the location of the entire redevelopment area, existing and proposed structures, restoration and mitigation plans, impervious surface calculations, area of disturbance, storm water management methods, and a justification for the proposed relocation of the building.
- 2) New impervious area and grading for the new building will result in approximately 470 square feet of disturbance within the 110-foot Buffer. Expansion of existing gravel parking areas will result in approximately 73 square feet of additional impervious surface outside the 110-foot Buffer.
- 3) Mitigation, using native plantings, will be provided for all disturbances within the Critical Area, totaling approximately 1,483 square feet. Mitigation plantings will be established on the site of the existing office building (358 square feet) and as a vegetated buffer strip between the new building and the existing bulkhead (1,125 square feet).

As stated in our letter of January 18, 2002, we recommend the following be made conditions of the variance, if granted:

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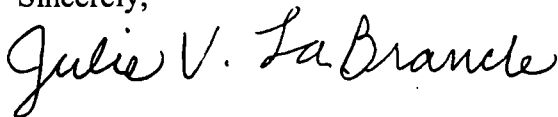
Mr. Di Giacomo
January 29, 2002
Page Two

- 1) This office requests the opportunity to review and evaluate the revised site plans.
- 2) Mitigation, at a ratio of 3:1 within the Buffer and 1:1 outside the Buffer, should be required for all disturbances to non-impervious areas within the redevelopment site.
- 3) For mitigation purposes, and areas where restoration is proposed, we recommend that native plants be utilized wherever possible, to provide additional water quality benefits within the Buffer. The plantings at the site of the existing office building should be suited for the high water table that exists within the 100-year flood plain elevation on the site.

We have one additional comment regarding this site. As a result of this redevelopment project, the total impervious surface area on Parcel 111 of the McDaniel Yacht Basin will be decreased by approximately 2,260 square feet. However, after redevelopment, the impervious surface area on Parcel 111 will total approximately 56 percent. It should be noted that future redevelopment of the site may necessitate an additional variance for impervious surface compliance within the LDA.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: CE 706-01



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Executive Director

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January 29, 2002

Mr. Rolf Schou
Castle Rock Builders
112 Spring Valley Drive
Annapolis, Maryland 21403

RE: 605 Creek View Avenue (Lot 4)
AN 487-99

Rolf
Dear Mr. Schou:

Thank you for providing a planting plan showing the mitigation required by the Board of Appeals for the referenced variance. As you know mitigation is required at three-to-one for the 1,036 square feet of new Buffer impacts. A total of 3,108 square feet of mitigation is required.

I have reviewed the plan, and I believe that it generally meets the mitigation requirement; however, at least three of the sweet bay magnolias should be replaced with tree species. Flowering dogwood, eastern redbud, American holly, or red maple are acceptable and might work well on this site. I would also recommend that at least half of the clethra, located between the dwelling and the water, be replaced with inkberry in order to provide additional structural diversity near the water's edge. The property owner should be encouraged to supplement these plantings with additional herbaceous plants.

Thank you for working with this office to develop a plan that satisfies the mitigation requirement on the site where the impact is located. I greatly appreciate your cooperation as we worked out the details. If you have any questions, please feel free to give me a call at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

cc: Bob Masters, Masters Gardens, Inc.
Derk Geratz, City of Annapolis

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JB-Leader file



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January 28, 2002

Ms. Patricia M. Farr
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: Growth Allocation Application Document

Pat

Dear Ms. Farr:

Thank you for providing information on Baltimore County's updated growth allocation application document. It is my understanding that the application document is part of the administrative process used by the County to establish submittal requirements for growth allocation projects. The application document also summarizes the evaluation objectives that are used by County staff and the Growth Allocation Review Committee. It is my understanding that revisions to these types of documents are generally made at the staff level and do not require approval by the County Council.

After reviewing the information you have provided and discussing this matter with you two weeks ago, it appears that the revisions to the application document are primarily administrative and serve primarily to make the application document consistent with amendments to the County Code that were made by the County and subsequently approved by the Commission in 1996. Commission staff believes that because the revisions to the application document involve an administrative procedure and do not directly change the County Code, Critical Area Program, or Critical Area Maps, formal review and approval by the Critical Area Commission is not required.

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Ms. Farr
January 28, 2002
Page 2

Thank you for providing information on these revisions. Please provide a copy of the final printed version, so that Commission staff can replace the outdated application document in our library.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. David Carroll, Baltimore County
Ms. Wanda Cole, Critical Area Commission



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Chairman

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January 25, 2002

Ms. Theresa Dent
Department of Planning and Zoning
P.O. Box 653
Leonardtown, Maryland 20650

**RE: Anthony Ventre Variance Application, IBEZ#00-0456
SM 49-02**

J. Dent
~~Dear Ms. Dent:~~

Thank you for providing information on the referenced request for a variance. It is my understanding that the applicant is requesting an administrative variance to demolish and reconstruct a single family dwelling within the 100-foot Buffer of the Potomac River. The proposed dwelling is slightly larger than the dwelling that will be demolished, so there will be a net increase of impervious surface area within the Buffer of 247 square feet.

The property is severely constrained by the 100-foot Buffer and the location of the existing septic area. The septic area precludes locating the dwelling outside the Buffer. This office does not oppose the variance request for impacts to the Buffer associated with this project, as the applicant's proposal involves a single-family dwelling, and there appear to be no alternative locations for the dwelling outside of the Buffer. Commission staff supports County staff recommendations involving the relocation of the shed and the implementation of a Critical Area planting agreement.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

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January 16, 2002

Mr. Eric Blitz
Webb and Blitz, L.L.C.
Suite 506, Heaver Plaza
1301 York Road
Lutherville, Maryland 21093

RE: Chesapeake Beach Mapping Mistake
Kellam's Field Recreational Complex

Dear Mr. Blitz:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced Critical Area Map change. On January 9, 2002, the Critical Area Commission concurred with Chairman North's determination that the change to the Town's Critical Area maps be approved as a refinement to the Town's Critical Area Program. The Commission and Chairman North supported the Town Council's determination that a mistake was made in the original mapping and that the portion of Kellam's Field Recreational Complex designated as RCA should have been designated IDA.

This map change shall be reflected on the Town's Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised map to the Commission when it is available. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Cc: The Honorable Gerald Donovan, Town of Chesapeake Beach
Mr. Bill Watson, The Developer's Advocate

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January 15, 2002

Mr. Tom Magenau
South County Properties
P.O. Box 9
Churchton, Maryland 20733-0009

**RE: 20 Acre Density Requirement
Magenau Property on Deale Beach Road**

Dear Mr. Magenau:

I am writing in response to your request for clarification regarding the proposed extension of the Critical Area boundary on your property on Deale Beach Road. As you know, we have been working on this proposal for more than a year and in October 2001, the issue was presented to the Program Subcommittee of the Critical Area Commission for preliminary review and comment. Ms. Elinor Gawel from the Anne Arundel County Office of Planning and Code Enforcement attended the meeting.

Commission staff presented a proposal involving the extension of the Critical Area boundary to include portions of Parcels 75, 241, 197 and 452. The extension would result in approximately 15 acres being added to the Critical Area. This acreage plus the existing Critical Area acreage would total more than 40 acres allowing the development of two dwelling units. The Commission's policy acknowledges the concept that the extension of the Critical Area boundary may result in additional residential development. The policy includes guidelines for minimizing impact from the number and movement of people in the Critical Area. The policy states that, "The dwelling units allowed by extending the Critical Area acreage are [to be] built in the extended area, not in the original Critical Area, unless the extended area has greater habitat and water quality value (e.g., a Natural Heritage Area, sensitive wetlands) than the original Critical Area."

At the meeting the Program Subcommittee discussed and generally supported the concept that the dwellings would be located close to the road in order to minimize wetland impacts, forest clearing, and impacts to FIDS. The memo prepared for the Commission Subcommittee states, "The dwellings are proposed to be located in the original Critical Area close to Deale Beach Road for the following reasons: 1) to minimize clearing associated with the development of lots in the interior of the parcel, 2) to gain access to a gravity sewer line, and 3) to create and maintain contiguous forest in the interior of the site, resulting in a more viable wildlife corridor."

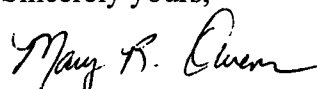
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During the discussion of your plans for the property, you informed the Program Subcommittee that you intended to have the land located in the proposed extension area rezoned to "Open Space." The Program Subcommittee was generally supportive of this concept because they believed it could provide greater environmental protection of the area. It was discussed that the extended area would be added as RCA which functions as an overlay zone in Anne Arundel County; therefore, from a Critical Area standpoint, the "Open Space" zoning would not affect the use of the "extension area" to meet the 20 acre density requirement.

In summary, although the full Critical Area Commission has not formally approved the proposed extension, the Program Subcommittee was generally supportive of the concept as outlined in the attached memo dated October 3, 2001 and the attached letter from Commission staff to you dated October 5, 2001. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Elinor Gawel

Enclosures

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

January 4, 2002

Ms. Sue Veith
St. Mary's County Department of Planning & Zoning
PO Box 653
Leonardtown, MD 20650-0653

Re: December 2001 Draft Chapter 38.2 of the St. Mary's County Zoning Ordinance

Dear Sue,

Thank you for the opportunity to review the latest draft of the Saint Mary's County Comprehensive Review. Staff has completed a brief review in an effort to meet the County Commissioners' anticipated approval date. It is possible that there may be additional comments when the document is reviewed more fully.

Some of the following comments have been provided to you in previous correspondence and have not yet been addressed. All of these comments will need to be addressed prior to the comprehensive review being presented to the Critical Area Commission for approval. In instances where specific language is included, it is likely that the Commission will require the specific language changes as conditions of their approval.

General Comments

1. The County has not yet revised the Critical Area maps to reflect the proposed extension of the Critical Area of the Shannon Farms PUD. Please provide information on the status of this change.
2. The latest draft does not address RCA uses. The Commission has generally required that local governments address RCA uses during the comprehensive review process. Commission staff has worked with you to develop a comprehensive list that is integrated with the County's current list of permitted uses. This list must be part of the comprehensive review. Please refer to the Commission's letter dated October 11, 2001 for the current comments on the latest list of RCA uses.

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3. Previous drafts have included provisions regarding Transferrable Development Rights (TDRs); however, this section appears to be deleted from the current draft. Staff have several concerns about these provisions, so if they are to be included in the comprehensive review, it is likely that additional comments will be forthcoming.

Section 38.2.3. Lots of Record and Grandfathering

Paragraph b. on page 1 should be revised to read, "... may be improved with one single family dwelling **if a dwelling is not already placed there**, notwithstanding that such development ..."

Section 38.2.4. Initial Mapping Rules

Paragraph b. on page 2 does not reflect the land use characteristics used in the original mapping for Limited Development Areas and Resource Conservation Areas. These characteristics must be in the ordinance or an appendix.

Section 38.2.7. Variances

In paragraph b. on page 6, it appears that the title should be changed because administrative variances are not limited to projects located within the Buffer.

Section 38.2.9. Overlay Zoning Designations: Use and Development Regulations

1. In paragraph b(3)(i)iii on page 14, "impervious surface area trading" that would normally require a variance should only be permitted for existing impervious areas that occur on nonconforming, grandfathered lots **and** were authorized by a permit.
2. In paragraph c(4) on page 16, the statement regarding the use of private tidal wetlands for RCA density calculations needs to be clarified. It should read "...used for density calculations **as long as the density on the upland portion does not exceed one dwelling unit per 8 acres. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetland maps.**" As written, the language dictates a minimum lot size, which is not the intent of the Critical Area Act and may contribute to adverse impacts to wetlands associated with development.
3. In paragraph d(4) on page 18, it is not clear where multi-family residential development projects would fit in. Commission staff has reviewed several condominium and townhouse projects in Buffer Management Areas and there have been concerns about the significant Buffer impacts associated with these projects. The stricter provisions developed for commercial, industrial, and institutional projects should apply to these projects as well.

Section 38.2.10. Forest and Woodland Protection Program

Paragraph c(1)(a)v on page 20 appears to allow the creation of new agricultural lands by allowing clearing within the 100-foot Buffer of perennial and intermittent streams. A statement must be provided that is consistent with COMAR 27.01.09.01.C (4) (e), which prohibits the clearing of natural vegetation in the Buffer for agricultural activities.

Section 38.2.11. Surface Mining Element

1. This section (pages 25 and 26) contains incorrect COMAR citations that must be revised.
2. In paragraph b. on page 25, the size standard, "... which exceed 1 acre..." should be deleted. Surface mining operations are mineral extraction activities that are regulated by Maryland Department of the Environment when the area of disturbance is greater than one acre. Borrow pits, which are also mineral extraction activities, are often smaller than one acre. While these smaller mineral extraction activities would be permitted in the Critical Area, they would still be subject to the Critical Area habitat protection requirements.

Section 38.2.13. Sensitive Areas Protection Element

1. In paragraph h(3) on page 32, it is not clear that perennial and intermittent streams must be protected by a 100-foot Buffer, and therefore variances would be required for any disturbance. It should also be clarified that clearing within the 100-foot Buffer of perennial and intermittent streams is prohibited without a variance.
2. Paragraph i(2) on page 32 needs to be clarified further. The sentence should be ended after "resolve disputes" and another sentence started, beginning with "A 100-foot Buffer shall be delineated from the edge of tidal wetlands and expanded for steep slopes,..."
3. Paragraph k(5)(a) on page 36 states that disturbance to steep slopes can be approved without a variance if the applicant can demonstrate that the disturbance is a best management practice and is the only effective way to maintain or improve the stability of the slope. Unless the disturbance involves an existing grandfathered lot, a variance is required, and this paragraph must be amended.
4. In paragraph k(5)(d) on page 36, it should be stated that in cases where both cliff setbacks and expansion of the Buffer for steep slopes apply, the stricter standard shall be implemented.
5. In paragraph l(2)(b) on page 38, the first sentence should read, "A 100-foot Critical Area Buffer **shall be** established from the mean high water line of tidal waters ..." The Commission has found that this language makes it clear and enforceable that where supplemental planting is necessary, it can be effectively required.

6. Paragraph l(2)d(ii) on page 39 is unclear regarding when a Buffer without natural vegetation may be retained in its natural state. Generally an unvegetated Buffer may remain so, only when the property is an existing grandfathered lot, and no change in use is proposed. The Criteria specify that local jurisdictions shall establish a Buffer from shorelines, streams, and wetlands, and the Criteria also define the term as both an existing naturally vegetated area **or an area established in vegetation and managed** to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances. The language, as written, is inconsistent with the Criteria.
7. Paragraph l(2)d(ii) on page 39 should include the following language: "Where agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in this ordinance."
8. Paragraph l(2)d(ii) on page 39 must clearly state that clearing of existing natural vegetation in the Buffer is not allowed.

Section 38.2.14. Water-Dependent Facilities

In section b(1)(b) on page 45, the ordinance allows the expansion of existing buildings within the Buffer without a variance if they meet certain standards. It should be clearly stated that the development activity must be water-dependent; otherwise a variance will be required.

Section 38.21. Definitions

On page 65, in the definition for "Steep Slope", the word "over" should be deleted.

Thank you for your attention to these items and your participation in this process. If you have any questions, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens
Natural Resources Planner

cc: Wanda Cole

May Reader



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 2, 2002

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: Terry Felty, VAR 2078
DC 688-01**

Dear Mr. Dodd:

Thank you for providing information on the referenced request for a variance. It is my understanding that the applicant is requesting an "after-the-fact" variance for a deck that was constructed within the 100-foot Buffer of Back Creek. The property has been designated as a Buffer Exemption Area, and the structure is an existing grandfathered dwelling on an existing grandfathered lot. The applicant is also proposing a boundary line adjustment because the deck was constructed over the current property line.

This office does not oppose the variance request for impacts to the Buffer associated with this project, as the deck appears to be a reasonable expansion of living space. This office also does not oppose the boundary line adjustment as long as the new configuration, which will remove land from "Parcel C" and add it to "Parcel A", does not create a nonconforming situation with respect to impervious surface area by reducing the area of "Parcel C."

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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January 2, 2002

Mr. Eric Blitz
Webb & Blitz, L.L.C.
Suite 506, Heaver Plaza
1301 York Road
Lutherville, Maryland 21093

**RE: Chesapeake Beach Mapping Mistake
Kellam's Field Recreational Complex**

Evi
Dear Mr. ~~Blitz~~:

Thank you for providing information on the referenced change to the Town of Chesapeake Beach Critical Area Maps. It is my understanding that the Town Council has determined that a mistake was made in the original Critical Area mapping, and that the Kellam's Field Area that is mapped RCA should have been mapped IDA. The information provided in your submittal and in our subsequent telephone conversations has been determined to be a complete submittal. Judge North will make a refinement determination, and this matter will be presented to the Critical Area Commission at their meeting on January 9, 2002. It would be helpful if you or another representative from the Town could attend the meeting in case the Commission has any specific questions about the Town's original mapping process. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Bill Watson
The Honorable Gerald Donovan

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