

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

January 2, 2003

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

RE: Administrative Subdivision – Rosser Property
File #04-02-12-0006-C

Dear Mr. Keeley:

This office has received information on the above referenced subdivision. The applicant proposes to revise lot lines between three lots to create two buildable lots. The properties are designated LDA and are Buffer Exempt. Provided that no non-conformities are created by this subdivision and that development of the proposed Lot 2 is fully consistent with all LDA development standards, this office has no comments on this administrative subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC718-02

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

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

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January 6, 2003

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

RE: Mainbrace – Relocation of lot lines/Division of Open Space
File #05-02-12-0016©

Dear Mr. Cohoon:

This office has received information on the above referenced proposal. The applicant proposes to add 0.647 acres to an existing lot by relocating lot lines. This proposal would also split an existing "open space lot" into two lots.

The proposed change to this subdivision is occurring outside of the Critical Area but it has potential impacts on Critical Area resources. The change will split the existing open space into two and will eliminate the narrow wildlife corridor previously provided. Given the potential FID habitat as well as the presence of the Delmarva Fox squirrel, this is contrary to the Habitat Protection requirements of the County's Critical Area Program. Also, it is not clear that the Commission's previous comments have been addressed. Specifically, our previous comments asked if reforestation for clearing on Lots 1, 4, and 5 (totaling 0.804 acres) had been provided on site or if a fee was paid in lieu of clearing. Also, how much clearing has occurred on the recently created lots 6 and 7? While the note on Sheet 2 states that trees must be replaced at a one to one ratio, it does not provide any further detail. Because the forest areas have been identified as potential forest interior dwelling bird (FID) habitat, reforestation details should be provided to ensure that reforestation occurs in a location that creates FID habitat or expands an existing area of FID habitat.

Thank you for the opportunity to comment on this subdivision. Please include this letter in your file and submit it as part of the record for this subdivision application. If you have any questions or concerns, please feel free to contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC468-99

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January 6, 2003

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

RE: Variance Case No. 2002-0477-V, John Barnett

Dear Ms. Plociennik:

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

This office often does not oppose dwelling additions of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. While detailed topographical information is lacking on the site plan, it appears that any addition to the dwelling would require a variance. The addition is reasonable in size and no vegetation will be removed. We do not oppose the variance for the addition but we recommend that the footers for the additional deck be hand dug and that the use of heavy equipment be limited to previously disturbed areas. Any vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA724-02

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January 6, 2003

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

RE: Variance Case No. 2002-0468-V, Real Estate General, Ltd.

Dear Ms. Plociennik:

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

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. Due to the location of the non-tidal wetlands, it appears that any development on this lot would require a variance. The dwelling is modest in size and is proposed at the minimum side yard building restriction line. We do not oppose the variance requested provided that reforestation is provided at the appropriate ratio. Also, future property owners should be notified of the restrictions on future development (such as a shed, etc.) on this lot.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA233-00

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January 7, 2003

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

RE: Administrative Subdivision – Norman Point
File #05-02-11-0009 - Revision #1

Dear Mr. Keeley:

This office has received information on the above referenced subdivision. The applicant proposes to adjust lot lines and "swap" 89 square feet between Lot 15 and the open space parcel. The lot is developed with a single-family dwelling and it is our understanding that the reason for the swap is to ensure a 30-foot rear yard setback on Lot 15. The entire lot is located within the Critical Area and is designated as LDA. Due to the lack of impacts on any Critical Area resources, this office has no comment on this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC1-03

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January 8, 2003

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

RE: Variance Case No. 2002-0504-V, Reba Williams

Dear Ms. Plociennik:

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

The subject property is very limited in size and it appears that the existing dwelling is non-conforming with regard to setbacks. We have no comment on the setback variance. However, the impervious surface calculations should be double checked to ensure that an impervious surface variance is not needed. The site plan shows a proposed "porous gravel parking area" along with front and back porches, which will all increase the amount of impervious surface on this lot. It is unclear that all of these proposed increases were included in the applicant's calculations.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA13-03

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January 8, 2003

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

RE: Variance Case No. 2002-0510-V, Daniel and Gloria Besis

Dear Ms. Plociennik:

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

Because no Habitat Protection Areas will be impacted and because impervious surfaces are not an issue (with the promised removal of existing), this office has no comment on this setback variance. Areas where impervious cover is removed should be re-vegetated to ensure perviousness.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA16-03

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January 9, 2003

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

VIA FACSIMILE

RE: Variance Case No. 2002-0474-V, James Creamer

Dear Ms. Diffenderfer:

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

The proposed dwelling is sited only 45 feet from the shoreline. On undeveloped lots within Buffer Exemption Areas, location and design of structures must maximize the distance between the shoreline and the structure and constitute the least practicable disturbance of steep slopes and other natural features (Article 28, §1A-109(c)(3)). With the dwelling located only ten feet from the top of an extremely steep slope, there is little opportunity for runoff to infiltrate. Also, the soils along the shoreline are identified as EsE or "Evesboro and Galestown loamy sands." The County soil survey states that this type of soil has severe limitations for any uses and that permanent plant cover is needed to prevent washing or blowing of the sandy material. With the dwelling sited so close to the top of slope, it is likely that the limits of disturbance will impact the slope. Recognizing that the lot is pie-shaped with a very narrow width, we recommend that the dwelling be located no closer than 25 feet from the top of the slope. This will help minimize impacts to the Buffer and also provide an area that can be planted and allow for infiltration of runoff. Mitigation should be provided at a 2:1 ratio for new impervious within the 100-foot Buffer and at a 1:1 ratio for new impervious outside of the Buffer in accordance with the County Zoning Ordinance.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA29-03

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January 9, 2003

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

RE: Variance Case No. 2002-0497-V, Anne Arundel County DPW
(Glen Burnie Convenience Center Upgrade)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a building and driveway with less setbacks than required. The subject property is designated LDA and it is currently developed with a solid waste/recycling "convenience center."

This office has no comment on this setback variance. However, because it is a local government project, a consistency report must be provided to the Critical Area Commission. A site plan that shows all required Buffers and other features will be needed. Also, stormwater management must be addressed. Please forward pertinent information to Elinor Gawel of the County's Environmental Planning staff.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Elinor Gawel
Lisa Hoerger
AA8-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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January 10, 2003

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

RE: Major Site Plan, File # MASP 04-02-12-0012(C)
The Tides at Kent Narrows - Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

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

1. In regard to stormwater management, there are a number of concerns with the 10% calculations as submitted. First, for clarification purposes, the calculations should include a note that indicates that the drainage area for which stormwater management is provided includes an area outside of the applicant's property. (This will prevent confusion when comparing the notes on the site plan showing 0.958 acres for the IDA portion of the property while the figure used in the calculations is 1.15 acres.)
2. The BMP selection table gives a 25% removal credit for routing the south pond drainage through the north pond. Pollutant removal credit is no longer given for BMP in a series. Experience and pollutant removal performance monitoring data has revealed that most of the pollutant removal takes place when the first flush of runoff passes into the first BMP and that additional benefits from secondary treatment are nominal. Because applicants are now required to treat the first inch of runoff, most of the treatment will occur in the primary BMP and benefits of additional BMPs in a series would be insignificant. The load removed is 0.11 pounds less than the removal requirement. Stormwater management design should address the requirement on site.
3. Notwithstanding the above, given the lack of any change in elevation between the south and north ponds, it appears that runoff from the south pond would go to the north pond in only 100-year flood events. When it does go to the north pond, there would be no treatment but rather direct conveyance over the emergency spillway. Please clarify if this is not a correct assumption.

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Ms. Tanya Krista-Maenhardt

January 10, 2003

Page 2

4. Note number 12 on the title sheet states, "Tidal and nontidal wetlands shown hereon have been delineated and field located in 1994 for the creation of the administrative subdivision of the lands of J. William Sause Trust." We have previously provided aerial photos, one taken in July 1985 and the other in 1999, that show a much more irregular boundary between the private wetlands and open water. In addition, both of these photos show that the canal is not completely open but instead is more or less closed off from the waters of Kent Narrows. Similarly, the non-tidal wetlands as shown on site plan are completely different from those shown on the site plan in the jurisdictional determination letter and the letter of authorization from MDE. This should be corrected. The site plan should accurately depict current on-site conditions.
5. Please provide additional information on the proposed subdivision that would allow the project to have the 10 proposed slips shown on the site plan. The subdivision must be completed prior to any approval of a final site plan if it includes the slips. MDE will not issue a permit for a community pier with more slips than allowed by the Critical Area regulations. Also, the applicant should determine the feasibility of establishing a 10-slip pier at this location. The aerial photos previously provided show substantial shoaling in the area.
6. Commission staff met out on the site with the applicant's engineer (Tom Davis), representatives of MDE and the Corps, and County staff. At that time, the applicant was exploring the idea of dredging the canal. MDE and the Corps indicated that the canal contained a unique combination of both fresh water and estuarine species of fish and submerged aquatic vegetation. It appears that no direct disturbance of the canal is proposed, yet all stormwater will ultimately outfall in this canal. We recommend that the applicant again consult with MDE to determine if this can be permitted and what potential impacts it will have on the species living there. The site plan contains a note that says, "provide rip-rap as needed" with an arrow pointing to the canal. Authorization from MDE will likely be required.
7. The landscape plan shows no plantings within the non-tidal wetlands at the head of the canal. This area is currently mowed on a regular basis. Instead, the non-tidal area should be allowed to revegetate or should be reestablished in wetland vegetation.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Stan Causey, MDE

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January 10, 2003

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

RE: Major Site Plan, File # MASP 04-02-12-0012(C)
The Tides at Kent Narrows - Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

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

1. In regard to stormwater management, there are a number of concerns with the 10% calculations as submitted. First, for clarification purposes, the calculations should include a note that indicates that the drainage area for which stormwater management is provided includes an area outside of the applicant's property. (This will prevent confusion when comparing the notes on the site plan showing 0.958 acres for the IDA portion of the property while the figure used in the calculations is 1.15 acres.)
2. The BMP selection table gives a 25% removal credit for routing the south pond drainage through the north pond. Pollutant removal credit is no longer given for BMP in a series. Experience and pollutant removal performance monitoring data has revealed that most of the pollutant removal takes place when the first flush of runoff passes into the first BMP and that additional benefits from secondary treatment are nominal. Because applicants are now required to treat the first inch of runoff, most of the treatment will occur in the primary BMP and benefits of additional BMPs in a series would be insignificant. The load removed is 0.11 pounds less than the removal requirement. Stormwater management design should address the requirement on site.
3. Notwithstanding the above, given the lack of any change in elevation between the south and north ponds, it appears that runoff from the south pond would go to the north pond in only 100-year flood events. When it does go to the north pond, there would be no treatment but rather direct conveyance over the emergency spillway. Please clarify if this is not a correct assumption.

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Ms. Tanya Krista-Maenhardt

January 10, 2003

Page 2

4. Note number 12 on the title sheet states, "Tidal and nontidal wetlands shown hereon have been delineated and field located in 1994 for the creation of the administrative subdivision of the lands of J. William Sause Trust." We have previously provided aerial photos, one taken in July 1985 and the other in 1999, that show a much more irregular boundary between the private wetlands and open water. In addition, both of these photos show that the canal is not completely open but instead is more or less closed off from the waters of Kent Narrows. Similarly, the non-tidal wetlands as shown on site plan are completely different from those shown on the site plan in the jurisdictional determination letter and the letter of authorization from MDE. This should be corrected. The site plan should accurately depict current on-site conditions.
5. Please provide additional information on the proposed subdivision that would allow the project to have the 10 proposed slips shown on the site plan. The subdivision must be completed prior to any approval of a final site plan if it includes the slips. MDE will not issue a permit for a community pier with more slips than allowed by the Critical Area regulations. Also, the applicant should determine the feasibility of establishing a 10-slip pier at this location. The aerial photos previously provided show substantial shoaling in the area.
6. Commission staff met out on the site with the applicant's engineer (Tom Davis), representatives of MDE and the Corps, and County staff. At that time, the applicant was exploring the idea of dredging the canal. MDE and the Corps indicated that the canal contained a unique combination of both fresh water and estuarine species of fish and submerged aquatic vegetation. It appears that no direct disturbance of the canal is proposed, yet all stormwater will ultimately outfall in this canal. We recommend that the applicant again consult with MDE to determine if this can be permitted and what potential impacts it will have on the species living there. The site plan contains a note that says, "provide rip-rap as needed" with an arrow pointing to the canal. Authorization from MDE will likely be required.
7. The landscape plan shows no plantings within the non-tidal wetlands at the head of the canal. This area is currently mowed on a regular basis. Instead, the non-tidal area should be allowed to revegetate or should be reestablished in wetland vegetation.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Stan Causey, MDE

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January 10, 2003

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

RE: Minor Subdivision – Evans Avenue, LLC
#05-03-01-0001-C

Dear Ms. Collison:

This office has received information on the above referenced subdivision. The applicant proposes to subdivide an approximately 0.5 acre parcel into two lots. The Critical Area portion of the property is designated LDA and it is currently developed with a dwelling, shed and driveway. There does not appear to be any Habitat Protection Areas on the site.

Provided that future development on both lots is consistent with the impervious area calculations on the plat and provided that afforestation occurs as indicated, this office has no concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC20-03

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January 16, 2003

Mr. Milton L. McCarthy
McCarthy & Associates, Inc.
14458 Old Mill Road, #201
Upper Marlboro, MD 20772

RE: Crandell Living Trust Property

Dear Mr. McCarthy:

Thank you for your letter of January 13, 2003. We have reviewed the information you provided on the historical background of the water feature that bisects the property. We have also been in contact with County staff regarding this issue. As stated previously, the determination that the water feature on this site is a stream rather than a ditch does not affect our position on the special exception or variance requests for the Crandell Cove project. The Anne Arundel County Zoning Ordinance defines tributary streams to include those streams identified or confirmed by field investigation. After visiting the site with you on Wednesday, January 8th, Commission staff concluded that the water feature on the site functions as a stream. Notwithstanding the additional information you have provided, our position remains the same, i.e., we do not oppose the issuance of a variance on this site, and we see no negative impact to your client's project from the stream determination.

Please contact me or Claudia Jones at (410) 260-3460 if you would like to discuss this matter further.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Sager A. Williams, Jr., PA
Kelly Krinetz

Branch Office: 31 Creamery Lane, Easton, MD 21601
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January 16, 2003

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

RE: Case Nos. 2002-0341-S and 2002-0342-V, Crandell Cove, Inc.

Dear Mr. Konowal:

Thank you for providing information on the above referenced special exception and variance requests. The applicant is requesting a special exception to permit a nursing home in an R1 district and a variance to permit buildings, driveway and associated facilities with less setbacks and Buffer than required. The property has a split designation of LDA/RCA and it is our understanding that it was previously farmed.

This office has no comment on the zoning special exception. With regard to the variance request, any development on the property would require a variance due to expansion of the Buffer over the entire site for hydric soils and non-tidal wetlands. The matter at hand is minimization of impacts. Direct impacts to non-tidal wetlands are limited to the area of the entrance roads. Impervious coverage and forest clearing are within the permitted limits for LDAs. If the use of the property for a nursing home is approved, we do not oppose the variance requested. However, we would like to make several recommendations.

1. The applicant should ensure that the limits of disturbance (LOD) as shown on the most recent plans are realistic, especially in regard to stormwater management. (It is our understanding that design of the stormwater facilities is in its earliest stages.) Any future expansion of the LOD should entail further review by County and State agencies.
2. While the clearing proposed is within the limits permitted, it is still within the expanded Buffer. We recommend mitigation at a 3:1 ratio for all proposed clearing. The applicant should work with the County forester to develop a reforestation plan that includes planting the non-forested portions of the site with native species and also restoring and enhancing the existing forested areas by removing invasive species and planting some native understory. Areas along the stream that divides the site and the Buffer to Deep Cove Creek should be priorities.

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Mr. Rob Konowal
January 16, 2003
Page 2

3. The sitting area sited within the 100-foot Buffer to Deep Cove Creek should be eliminated or moved outside of the 100-foot Buffer. If it is not moved outside of the 100-foot Buffer, it appears that an additional variance would be necessary to construct an accessory structure with less Buffer than required. This office would not support such a variance request. Also, it does not appear that the proposed pier is consistent with MDE pier regulations. Typically, they approve platforms with an area of no more than 200 square feet.
4. The Critical Area report discusses two species of concern known to occur in the vicinity of the site. It is our understanding that these species are probably not on the site due to the lack of suitable habitat. However, we recommend that the County require documentation from the Maryland Department of Natural Resources confirming this conclusion.
5. If the ten-foot wide path is to be used only for golf carts, the applicant should consider narrowing its width to five feet with pull-offs to allow for passing. This would reduce impacts in the Buffer.
6. Lastly, we recommend that the remainder of the property be placed under a conservation easement to ensure long-term protection of the resources on site.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Sager A. Williams, Jr., P.A.
Kelly Krinetz
AA540-02

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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January 9, 2003

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

RE: Variance Case No. 2002-0497-V, Anne Arundel County DPW
(Glen Burnie Convenience Center Upgrade)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a building and driveway with less setbacks than required. The subject property is designated LDA and it is currently developed with a solid waste/recycling "convenience center."

This office has no comment on this setback variance. However, because it is a local government project, a consistency report must be provided to the Critical Area Commission. A site plan that shows all required Buffers and other features will be needed. Also, stormwater management must be addressed. Please forward pertinent information to Elinor Gawel of the County's Environmental Planning staff.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Elinor Gawel
Lisa Hoerger
AA8-03

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

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January 17, 2003

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

RE: Aspen Institute, Expansion of Facilities within the Resource Conservation Area

Dear Ms. Krista-Maenhardt:

It is our understanding that the Aspen Institute proposes to expand its facilities in Queen Anne's County. The properties involved are wholly or partially located within the Critical Area, with a Resource Conservation Area designation. It is our understanding that the Aspen Institute existed on the property as an institutional use prior to the passage of the Critical Area Law in 1985. Despite the existence of this institutional use, the properties were designated as Resource Conservation Area (RCA) when the County mapped its Critical Area. An RCA is defined as an area characterized by nature-dominated environments (i.e., wetlands, forests, abandoned fields) and resource utilization activities (i.e., agriculture, forestry, fishery activities or aquaculture). In identifying the development standards in Resource Conservation Areas, Title 14 of the County Code, under the subtitle of "Uses not permitted or strictly limited" states that,

"Intensification or expansion of existing industrial, commercial and institutional facilities and uses may be permitted in the RCA by the Planning Commission. A variance, in accordance with Part VII of this subtitle must be granted if such expansion or intensification involves a use which the Planning Commission determines does not conform with the provisions of the Queen Anne's County Critical Area Program and this subtitle. (§14-139(b)(iv))"

Based on the above section, the Planning Commission must determine if the institutional use (i.e., conference center) is consistent with the RCA uses provisions of the County's Critical Area Program. Section 14-139(b)(v) lists those nonresidential uses that may be permitted in the RCA. Based on a review of the County's RCA uses list, it appears that the Planning Commission must conclude that the use involved does not conform with the provisions of the County's Program (i.e., the conference center is not one of the permitted uses) and therefore the applicant must apply for a

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Ms. Tanya Krista-Maenhardt
January 17, 2003
Page 2

variance. As you are aware, the standards for granting a Critical Area variance include the standard of "unwarranted hardship." Given that there are alternative procedures that would allow the expansion of the Aspen Institute without a variance, the standard of unwarranted hardship would not be met.

The alternative procedures include the application of growth allocation to change the developed portions of the property from RCA to LDA. Alternatively, the County can explore the possibility that there was a mistake when the properties, in their entirety, were designated as RCA. If the developed portions of the properties were redesignated LDA, the Aspen Institute would no longer be considered a non-conforming use in the RCA. Expansion could occur in accordance with the underlying zoning district and the development standards for the LDA. It appears that either of these alternatives would provide the opportunity for the Aspen Institute to expand as proposed.

In summary, this office cannot support the expansion of the Aspen Institute within the Resource Conservation Area. It does not appear that the Planning Commission could make the necessary findings of consistency with the County's Critical Area Program and in particular, the list of uses that are permitted in the RCA. Commission staff is available to assist the applicant in exploring the options mentioned above.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Joseph A. Stevens, Esq.
Marianne D. Mason, Esq.
Ren Serey
Mary Owens

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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January 17, 2003

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

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

Dear Mr. McIntyre:

Thank you for providing the additional information we requested on this project. We have reviewed the information provided. It does not appear that the project will impact any Habitat Protection Areas or cause any non-conformities in regard to Critical Area development standards. With the one to one mitigation for the forest clearing within the Critical Area portion of the project, it appears that the proposal is fully consistent with the County's Critical Area Program.

Thank you for the opportunity to review and comment on this project. If there are significant revisions to the project as proposed, please contact me to determine the need for any further review by this office.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC701-02

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Chairman



Ren Serey
Executive Director

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January 21, 2003

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

RE: Major Site Plan – Bay Tree Storage
MASP #05-02-11-0001© - Revision #1

Dear Ms. Collison:

Thank you for providing revision #1 of the above referenced final site plan. The applicant is proposing to construct a storage warehouse and associated parking on one of the commercial lots within the Grasonville Station subdivision. The area within the Critical Area is designated IDA. It is our understanding that the existing pond will receive and treat all runoff from the proposed project in accordance with the calculations prepared for the Grasonville Station commercial subdivision. We have no further Critical Area concerns in regard to this project.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC673-02

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January 21, 2003

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

RE: Variance Case No. 2002-0505-V, Curtis Sarratt

Dear Ms. Miley:

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

Provided that there is no net increase in impervious coverage, this office has no comment on this setback variance. However, with redevelopment, at least 15% of the lot must be afforested in accordance with the County Zoning Ordinance.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA14-03

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January 21, 2003

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

RE: Variance Case No. 2002-0501-V, Leo & Cheryl Staurulakis

Dear Ms. Plociennik:

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

This office often does not oppose attached decks of reasonable size provided that impacts are minimized and the variance requested is the minimum to provide relief. Based on the site plan provided, it appears that there may be existing decks and that the current proposal is actually an addition to the existing. It appears that the proposed decks will intrude 6 feet further into the Buffer. Provided that the decks are built to be pervious and that the footers are hand dug with minimal disturbance, this office does not oppose the variance requested. We recommend mitigation for disturbance within the Buffer at a 3:1 ratio with the Buffer being the priority location for plantings.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA12-03

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VIA FACSIMILE

January 21, 2003

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

RE: Variance Case No. 2002-0486-V, Parker/Hyatt

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure in the front yard with less Buffer than required. The subject property is designated LDA, is Buffer-Exempt and it is currently developed with a dwelling, pier, driveway and an existing two-story "bathhouse."

Based on the pictures provided, it appears that the existing bathhouse is in a state of disrepair. Given that the impervious surface already exists, this office does not oppose a variance that would permit re-building the structure. However, the existing footprint should be maintained. No heavy equipment should be utilized in either the demolition of the existing structure or re-building the new one. Any ground surfaces disturbed in the course of construction should be re-vegetated to ensure perviousness. Also, we recommend that the area surrounding the shed be vegetated with foundation plantings to ensure infiltration.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA6-03

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January 24, 2003

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

RE: Variance Case No. 2002-0448-V, Scott Peterson

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicant is requesting a use variance to permit a residential use and structure in an open space district. The subject property is designated RCA and is currently undeveloped.

This office has no comment in regard to the use issue. However, if the use is approved, we have the following recommendations regarding the minimization of impacts:

1. We recommend that the dwelling be moved at least 15 feet to the northwest. As proposed, there is a seven-foot margin between the edge of the structure and the Buffer. Given the size of the structure and the steep slopes in close proximity, the limits of disturbance are unrealistic as proposed. Any intrusion into the expanded Buffer requires a variance. This office could not support such a variance request. Moving the dwelling back at least an additional 15 feet would help protect the expanded Buffer. We also recommend marking the expanded Buffer in the vicinity of the proposed dwelling with blaze orange safety fence to help deter accidental intrusion.
2. The temporary stockpile area should be moved to a location that is already cleared. Unnecessary removal of vegetation should be avoided.
3. Mitigation for the proposed clearing should be provided on site. Priority locations should be those areas currently unvegetated and any areas where invasive species are removed.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

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January 24, 2003

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

RE: Variance Case No. 2002-0525-V, Marco Decesaris

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit additions to an accessory structure with less setbacks than required. The subject property is designated IDA and is currently developed with a dwelling, detached garage and driveway.

Because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule must be addressed. Also, mitigation should be provided for any new impervious surface at a 1:1 ratio in accordance with the County's Buffer Exemption Area rules.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA185-00

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Ren Serey
Executive Director

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January 27, 2003

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


RE: Large Lot Minor Subdivision – Wathen Property
File #04-02-11-0022-C – Revision #1

Dear Mr. Keeley:

Thank you for providing the revised plan for the above referenced subdivision. The applicant proposes to subdivide an existing developed 1.177-acre residential lot into two lots. The applicant continues to show only a fifty-foot Buffer on the proposed lot. This office disagrees with the conclusion reached by the applicant's consultant in his letter of January 8, 2003. The intent and purpose of Buffer Exemption Areas is to provide relief to property owners who, due to the size of a lot or location of existing structures, could not construct anything on their property without a variance. The provisions governing development (i.e., placement of structures, etc.) in Buffer Exemption Areas apply only to lots of record as of December 1, 1985. We acknowledge that the County's definition of "development" includes subdivision. However, if Lot 2 were created, it would not be a lot of record as of December 1, 1985. The BEA criteria for placement of structures, impervious surfaces, and Buffer mitigation would not apply to Lot 2. By default, it appears that development of Lot 2 would have to meet all the provisions for development in the LDA, including the full 100-foot Buffer.

As proposed, this office cannot support approval of this subdivision. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Marianne D. Mason, Assistant Attorney General
QC708-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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January 24, 2003

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

RE: Variance Case No. 2002-0512-V, Christopher and Debra Murphy

Dear Ms. Plociennik:

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

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

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA73-03

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Ren Serey
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January 24, 2003

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

RE: Variance Case No. 2002-0511-V, Daniel and Audette Wood


Dear Ms. Plociennik:

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

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

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA72-03

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

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January 24, 2003

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

RE: Variance Case No. 2002-0521-V, Frederick and Shirley Goodson

Dear Ms. Plociennik:

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

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

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA78-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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January 24, 2003

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

RE: Variance Case No. 2002-0530-V, Deborah Hauswald

Dear Ms. Plociennik:

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

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

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA81-03

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Ren Serey
Executive Director

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January 27, 2003

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

RE: Variance Case No. 2002-0523-V, Bruce McWhirter.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The subject property is designated RCA and is currently being developed.

Provided that all conditions of the previous variance approval are met, this office does not oppose the extension in time for completion of the project. If any aspects of the project have changed the limits of disturbance or impacts to the Buffer and steep slopes, a new variance should be sought.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA528-00

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



Ren Serey
Executive Director

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

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

January 27, 2003

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

RE: Variance Case No. 2002-0561-V, Robert Moore

Dear Ms. Plociennik:

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

Because the proposed addition is being placed over the existing first floor of the dwelling with no increase in impervious surface, this office has no comment on this setback variance. Any vegetation within the Buffer removed in the course of construction should be replaced at a 3:1 ratio. Vegetation removed outside of the Buffer should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA57-03

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January 27, 2003

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

RE: Variance Case No. 2002-0553-V, George Tsakinakas

Dear Ms. Plociennik:

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

Because there are no impacts to any Habitat Protection Areas, this office has no comment on this setback variance. However, because the property is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA52-03

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Executive Director

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January 27, 2003

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

RE: Variance Case No. 2002-0536-V, Diane Sullivan

Dear Ms. Plociennik:

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

Because there are no impacts to Habitat Protection Areas and because the proposed addition is being placed over existing impervious, this office has no comment on this setback variance. Any vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA45-03

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January 27, 2003

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

RE: Variance Case No. 2002-0550-V, Gerard Lear


Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required and a variance to permit an accessory structure in the front yard with less setbacks than required. The subject property is designated LDA and is currently developed with a dwelling, shed and gravel parking area.

Because there are no impacts to Habitat Protection Areas and because there is no net increase in impervious cover, this office has no comment on this setback variance. Any vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA50-03

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January 27, 2003

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

RE: Variance Case No. 2002-0551-V, Michael Higham, Jr.

Dear Ms. Plociennik:

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

Because the proposed dwelling is to be reconstructed on the exact same footprint as the existing, this office has no comment on this setback variance. However, because the property is designated IDA, the 10% pollutant reduction rule must be addressed. Given the extensive impervious cover and the lack of available space for planting, we recommend that a residential stormwater best management practice be used on this lot to address water quality. Redevelopment should result in an overall environmental benefit.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA51-03

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Ren Serey
Executive Director

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January 27, 2003

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

**RE: Safeway Food Store – Major Site Plan (Final)
MASP # 04-02-11-0005© - Revision #1**

Dear Ms. Scozzari:

Thank you for providing the most recent plans and supporting documentation for the major site plan referenced above. The applicant is proposing to construct a food store, retail space, a gas station and a connection to an adjacent shopping center. The site is designated IDA and is currently an agricultural field with a small residential structure.

Because the site is designated IDA, the Critical Area issue of concern is the 10% pollutant reduction requirement. Commission staff has reviewed the stormwater calculations provided. The 10% calculations indicate that post development impervious cover (in both drainage areas) will total 8.13 acres. This calculates to a total pollutant removal requirement of 12.32 pounds of Phosphorus. Two pocket ponds are proposed to address this requirement. The calculations contain errors in regard to "Fraction of Drainage Area Served" and calculating the load removed. Because two sets of calculations were done (i.e., one for each drainage area), the post-development load entering the pond already reflected the fraction of the site being served. Therefore, the total load removed by both ponds equates to a total of 8.32 pounds. Four pounds of the removal requirement remains. Corrected calculations should be provided. The applicant should provide additional details on either offsets to address the remaining four pounds (i.e., treatment of offsite runoff, construction of a BMP where none currently exists, etc.) or the particulars of the fees-in-lieu and how the County would use any money collected.

Also, the proposed landscaping contains a majority of non-native species. We recommend that the applicant consider native alternatives for many of the proposed trees and shrubs. Examples include Eastern Redbud and Beach Plum (instead of Yoshino Cherry and Okame Cherry), White Pine and American Holly (instead of Austrian Pine), Hackberry (instead of Zelkova), and Strawberry Bush (a native *Euonymus*).

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Ms. Nancy Scozzari
January 27, 2003
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC662-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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January 30, 2003

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

RE: Case Nos. 2002-0569-S, 2002-0570 through 0572 – V, Richard Ainsworth
(Cypress Cove Assisted Living Facility)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced requests. The applicant is requesting a special exception to permit a nursing home facility in an R2 district, and a number of variances to permit a nursing home with less lot area, less Buffer and setbacks and with disturbance to steep slopes. Variances are also being requested for a commercial pier closer to the center of the creek and with less parking and sanitary facilities than required and for a walkway for access to a pier with less setbacks and Buffer than required. The property is designated LDA. It is our understanding that the project has been started but that previously granted variances have expired.

We have no comment on the special exception request. In regard to the variances, it appears that the applicant has started the project in accordance with the previous variance approvals. We do not oppose the new variances (because they are essentially an extension of those previously granted), but we do have several concerns in regard to the site plan provided with the new application. The footprint of the building and parking has changed since the original approval. As indicated by the numerous variances being sought, the project is essentially too large for the buildable area on this site. While the overall impervious cover appears to remain at 15%, the building has increased in size and somehow the driveway was made smaller (how this was done is not readily apparent). Impervious surfaces are strictly limited to 15% and this office would not support any additional variances for this project. Also, the limits of disturbance as shown on the site plan do not appear to be realistic (four feet between the building and the Buffer). All proposed disturbance in the Buffer requires a variance and the site plan should be amended if necessary. We recommend mitigation at a 3:1 ratio for all disturbance within the Buffer. Lastly, one of the site plans provided shows a large deck at the top of the walkway to the pier but the other site plan does not. Again, the site plan should be amended if necessary.

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Ms. Ramona Plociennik

January 30, 2003

Page 2

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

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: AA59-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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January 31, 2003

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

RE: Case Nos. 2002-0466-S, 2002-0467-V, Anne Arundel County
(Broadneck Water Reclamation Facility)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced requests. The applicant is requesting a special exception to permit the modification of a previously approved special exception for a water reclamation facility and variances to permit a modification to an existing water reclamation facility with less Buffer than required and with greater impervious coverage than allowed. The property has a split designation of LDA and RCA (as well as area outside of the Critical Area) and it is currently developed with an existing water reclamation facility.

We have no comment on the special exception request. In regard to the variances, due to the location of the existing holding pond and the facility buildings, it appears that there are no alternative locations for expansion of the existing pond. While expansion of the pond will impact the Buffer, it will also protect the Bay from sewage overflow in emergency situations. We do not oppose the variances requested. We recommend mitigation at a 3:1 ratio for all trees removed in the Buffer and at a 1:1 ratio for tree clearing outside of the Buffer. (The site plan identifies clearing in one area by acreage impacted and clearing in another area by number of trees removed. It was therefore difficult to assess if the reforestation that is shown on the site plan will meet the recommendation listed above.)

Also, please note, the Critical Area Criteria requires this project (i.e., as a local project that is inconsistent with the local Critical Area Program) to obtain conditional approval from the Critical Area Commission. The applicant should contact Elinor Gawel (410-222-7441) of the County's Natural and Cultural Resource Management Office for assistance in pursuing conditional approval from the Commission.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Elinor Gawel
AA44-03

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Ren Serey
Executive Director

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January 31, 2003

Mr. Kevin Shearon
McCrone, Inc.
207 N. Liberty Street
Suite 100
Centreville, MD 21617

RE: Four Seasons – Stormwater Review

Dear Mr. Shearon:

Thank you for meeting with Mary Owens and me on January 29, 2003. Below is a bulleted summary of our discussion and a description of the next steps in review.

- The 10% calculations provided include giving quality credit for BMPs in a series when grass swales are used to convey runoff to the ponds. Credit is no longer given for BMP in a series. Instead, the primary treatment facility should be designed to treat the first inch of runoff from the drainage area. After reviewing the calculations for Drainage Areas 1 through 12A (those that we had detailed plans for) without the credit for the grass swales, there is a deficit in the load removed of approximately eight pounds of Phosphorus.
- You indicated that design of some of the ponds could be revisited to address this deficit. Options include changing some of the pocket ponds into multiple ponds (taking advantage of the higher pollutant removal rates for multiple ponds.)
- I asked about the proposed dry swale to address runoff in Drainage Area 3. You indicated that changes had already been made to eliminate the dry swale. The removal requirement for Area 3 would be addressed elsewhere on site.
- The large outfall "swale" located within the Buffer in the vicinity of Cloverfields (Drainage Area 9) was questioned. You indicated that while all runoff from the drainage area would be directed to the pond, the outfall has been redesigned and relocated to pipe it across the site to the Chester River. Disturbance in the RCA/300-foot Shore buffer has been eliminated.

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Mr. Kevin Shearon
January 31, 2003
Page 2

- As shown on the most recent subdivision submittal, the first phase of the project now includes the Bell property. Stormwater management (including grading and sediment and erosion control) plans for the Bell property will be provided to our office for review. In addition, the revised plans for the main section of the property (Drainage Areas 1 through 12A) will be provided when they are available.

After our meeting, I reviewed the conditions placed on the award of growth allocation by the Critical Area Commission in regard to stormwater management. They are listed as conditions 24(f) and 24(g) in County Resolution No. 01-13. The first states that "Best Management Practices for stormwater shall be located outside of the 100-year floodplain or shall be designed in such a way that a flood event would not inundate the ponds or detention structures causing pollutants to be flushed out unless staff determines after a review of detailed stormwater engineering plans that a superior water quality or habitat benefit can be achieved through other techniques." The second requires that "At least half of the site shall incorporate Best Management Practices for stormwater that provide habitat benefits in addition to water quality benefits. Best Management Practices that provide habitat benefits include bioretention, shallow marsh, extended detention, wetlands, and pond/wetland systems." The site plan and 10% calculations identify wet ponds throughout the site. Some of these may need to be redesigned in regard to providing habitat benefits to ensure compliance with the condition listed above.

Thank you again for taking the time to meet with us. Please forward the additional and revised information when it becomes available. If you have any concerns or questions regarding the summary points above, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon, P& Z
Eva Kirchner, DPW
Four Seasons File

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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January 31, 2003

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

RE: Administrative Subdivision, File # 04-03-01-0008-C
Chesapeake Bay Business Park

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to move three sets of lot lines and transfer acreage between existing lots. Two of the changes are entirely outside of the Critical Area. The third is in the Critical Area and it involves transferring two acres from existing Lot 6 to Parcel 111. The subdivision appears consistent with the County's Critical Area Program. However, we strongly recommend that the LDA/RCA demarcation line be added to the plat. Based on a review of the maps in our office, it appears that the LDA ended at the straight line that was the northwestern boundary of the Chesapeake Bay Business Park. The remainder of Parcel 111 is designated RCA.

Thank you for the opportunity to comment on this subdivision. When a revised plat is provided, please forward it to this office for our files. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC91-03

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February 4, 2003

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

RE: Case No. 2002-0528-V, Curtis Fisher

Dear Ms. Plociennik:

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

This office does not oppose redevelopment of this lot provided impacts are minimized and the variance requested is the minimum to provide relief. There are obvious constraints on site. We recommend that the applicant take advantage of the existing footprint (of both the dwelling and driveway) to minimize new impacts to the steep slopes. The garage seems to be the feature causing the most new impacts to steep slopes. If possible, the garage could be moved towards the street (subject to health department approval). Alternatives include removing the garage from the proposal or changing it to a one-car garage rather than two. (The neighborhood contains an entire range of house sizes and styles, with many not having a garage at all.) There appears to be some opportunity to further minimize impacts. If approved, the areas where existing structures are removed should be stabilized and vegetated. Also, we recommend the footers for the proposed deck be installed by hand. Mitigation should be provided for the new impervious cover at a 2:1 ratio in accordance with the County's Buffer Exemption Area rules.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA80-03

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February 4, 2003

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

RE: Case No. 2002-0516-V, Lot 33 Joint Venture

Dear Ms. Miley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling and associated facility with less setbacks and Buffer than required and with disturbance to steep slopes. The application incorrectly identifies the property as LDA. The site is actually designated RCA and it is currently undeveloped.

Provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested must be the minimum to provide relief. The site is severely impacted by steep slopes but there does appear to be a level area in the middle of the site. The house and garage design and layout do not take advantage of the level area. Specifically, the proposed driveway extends all the way around the back of the house to the garage on the far side. This does not minimize impacts. Relocating the garage to the side closest to the driveway and shifting the house back (while maintaining the 20-foot setback from the septic system) would reduce impacts to the steep slopes. Also, there appears to be excessive grading along the driveway and around the dwelling towards the well. Disturbance to the site must be further minimized. As proposed, over 38% of the property will be cleared, as well as an additional 12,200 square feet of open space. This does not minimize impacts. The applicant should explore alternatives including retaining walls to minimize excess disturbance. This property is in a large wooded area and canopy closure should remain over the driveway.

Also, one alternative may be to approach the homeowners association to inquire whether or not they would consider a "trade" of the driveway pipestem. There appears to be an area with less severe slopes to the right of the proposed driveway in the community open space. Relocating the property lines would have a significant effect in minimizing impacts. The applicant may also investigate the possibility of using dry wells for the septic system rather than drainfields. Dry wells typically take up less space and there may be more flexibility for redesigning the proposal.

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Ms. Pam Miley
February 4, 2003
Page 2

Lastly, the plat of the subdivision includes a note that states, "To comply with Critical Area Requirements an amendment shall be made to the Covenants (Section VII, Article 21) addressing steep slope disturbance and buffer restrictions." A copy of the plat is enclosed. We recommend that the applicant provide a copy of this section of the covenants to ensure the proposal is consistent.

As proposed, this office cannot support the variance requested. We recommend that the applicant redesign according to the constraints of the site.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA75-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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February 10, 2003

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

RE: Case No. 2002-0541-V, Lorraine W. Colletta

Dear Ms. Plociennik:

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

This office often does not oppose attached decks of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. In this case, it appears the applicant has already constructed the deck without the necessary approval. The same applicant sought an after-the-fact variance in 1999 for a detached deck within the Buffer. The Board of Appeals granted the variance (Case No. BA 89-99V), finding that the deck was necessary to permit the view of the water and access for the applicant's elderly mother. The reasons given by the applicant in this case are similar, i.e., "allow access through doors for elderly." The applicant apparently recently constructed a large two-story addition over an old concrete patio with sliding doors leading nowhere. After proceeding through the variance process in 1999, the applicant should have been aware of the limitations on construction within the Buffer. Unwarranted hardship does not exist in this case. If any approval is granted, we recommend that the detached deck or the detached concrete patio be removed. Also, because the lot is designated IDA, the 10% pollutant reduction rule must be addressed, along with the mitigation due (at a 2:1 ratio) for disturbance within the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA112-03

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

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



Ren Serey
Executive Director

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

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

February 10, 2003

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

RE: Case No. 2002-0557-V, James Francis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure (pool & deck) in the front yard of a waterfront lot with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a house, detached garage and driveway. It also contains a pool, which is proposed to be replaced. Information was not provided in regard to when the pool was originally built.

The applicant proposes to remove an existing pool and deck and replace it in-kind. Ideally the new pool would be placed elsewhere on the property, outside of the Buffer. The area of the existing pool could then be restored with vegetation. The property appears large enough to accommodate a pool elsewhere.

Notwithstanding the above, the application states that replacement of the existing pool and deck will not involve any removal of vegetation. From the information provided, it is difficult to assess how the new pool would be constructed. Use of heavy equipment should be avoided within the Buffer. Any areas disturbed in the course of construction should be stabilized immediately. We recommend that the deck area be made of pervious decking if possible. We also recommend mitigation at a 2:1 ratio for the area of pool and decking within the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA54-03

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February 10, 2003

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

RE: Case No. 2002-0573-V, Andrew Hines

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure in the front yard of a waterfront lot and with disturbance to steep slopes. The property is designated RCA and is currently developed with a two houses, driveways, and numerous accessory structures.

The applicant proposes to remove an existing shed and replace it with a new barn. The new structure will be placed partially over an existing impervious surface. Given that there are two existing driveways, ideally the barn would be placed entirely over existing impervious surface without impacting any forest vegetation. Due to the steep slopes surrounding the existing house, it appears that there are limited alternatives for placement of the barn. Provided that there is very limited use of heavy equipment (for both demolition of the existing shed as well as construction of the new barn), this office does not oppose the variance requested. However, we recommend that the area of the existing shed be revegetated to prevent erosion and that mitigation for forest clearing be provided at a 1:1 ratio.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA60-03

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 14, 2003

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

RE: Case Nos. 2002-0450-V and 2002-0591-S, Bittersweet Community Association

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance and special exception requests. The applicant is requesting a variance to permit the modification of a community pier with less setbacks than required and a special exception to permit the modification of a previously approved special exception. The property is designated LDA and is currently developed with a community pier at the shoreline.

Based on the information provided, it appears that the proposed project, while temporarily disturbing the Buffer, will provide environmental benefits through restoration of riparian and near-shore habitats. Provided that the applicant acquires the necessary MDE and County permits, this office supports these requests.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA106-03

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Ren Serey
Executive Director

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February 14, 2003

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

RE: Variance Case No. 2003-0001-V, Mary Cantin

Dear Ms. Plociennik:

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

Because impervious surfaces are not an issue (proposed impervious is less than the 1500 square feet permitted) and because there is no impact to any Habitat Protection Areas, this office has no comment on this setback variance request. However, the 15% afforestation requirement should be addressed.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA108-03

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

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February 14, 2003

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

RE: Variance Case No. 2003-0006-V, Brian Raynor

Dear Ms. Plociennik:

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

The accessory structure that is the subject of this request appears to already exist. It seems that the proposal is limited to expanding the second story of the detached garage with dormers and an outside door. Because there is no increase in impervious cover and because there is no impact to any Habitat Protection Areas, this office has no comment on this setback variance request. Information regarding woodland or forest cover was not provided. The County should ensure that the 15% afforestation threshold is met and that any vegetation removed in the course of construction is replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA109-03

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February 24, 2003

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

RE: Variance Case No. 2002-0590-V, Martin Loeschke

Dear Ms. Plociennik:

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

This office often does not oppose variance for additions of reasonable size, provided impacts are minimized and the variance requested is the minimum to provide relief. The proposed enclosure of the existing screen porch will create no additional impervious cover or ground disturbance. The proposed sunroom is modest in size and intrudes only 6 feet further into the expanded Buffer than the existing porch. We do not oppose the variance requested. However, mitigation should be provided at a 2:1 ratio for the new impervious cover within the Buffer. Also, because the property is designated IDA, the 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement. Based on the photos provided, it appears that there is opportunity for plantings to be placed within the Buffer.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA105-03

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Ren Serey
Executive Director

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February 24, 2003

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

RE: Riverside Medical Park – Phase II

Dear Mr. Hedger:

Thank you for providing the revised plans and 10% calculations for the above referenced project. Commission staff has reviewed the information provided and we have the following comments:

1. The 10% calculations now properly account for the existing parking spaces on the subject property. However, the 10% pollutant reduction requirement has not been met. The applicant has used an efficiency rating of 0.75 for the proposed bioretention facility. While we appreciate the additional data (which we will forward to MDE), the efficiency ratings are assigned by the Maryland Department of the Environment. The new State stormwater regulations (which were required to be adopted by all local jurisdictions by July 1, 2001) assign an efficiency of only 0.50 to bioretention facilities. The load removed by the proposed facilities leaves a requirement of 0.55 pounds. Commission staff recommends that the applicant examine the open area at the entrance to the parking lot (to use as a small bioretention area) or, alternatively, to investigate the possibility of using the areas under the proposed decks for infiltration. Other offsets (including fees-in-lieu if the City has a fee-in-lieu program) may be considered, but the details should be established prior to the grant of any permits.
2. The City of Salisbury's Critical Area program sets up specific mitigation requirements in Buffer Exemption Areas. Particularly, the area between the development and the shoreline must be fully vegetated and an area twice the extent of the impervious surface created within the Buffer must be planted in a Buffer Offset Area or some other location. Again, the details of how the applicant meets this requirement must be established prior to the grant of any permits.

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Mr. Matt Hedger
February 24, 2003
Page 2

3. As stated in our previous comments, many of the proposed plantings are not native to this region. There are numerous native alternatives for the non-natives. The non-native species include the Babylon Weeping Willow, Serbian Spruce, Cranberry Cottoneaster, Paulii Euonymus, Mugo Pine, and Pampass Grass (These do not appear in the MDE Stormwater Manual). We recommend that the applicant re-examine the landscaping plan with natives in mind.
4. The site plan states that the details of the pier appear on Drawing 6. However, such details are missing. This information should be provided. According to Mr. Joe Kincaid of the Maryland Department of the Environment, he issued the permit with a specific note that indicated the "T" at the end of the pier cannot exceed 6 feet by 33 feet. As drawn, the pier appears slightly larger than this amount. We recommend that a note be added that states the maximum size of the "T" is 6 feet by 33 feet. Also, please note, the access to the pier crosses the swale that brings substantial drainage to the proposed bioretention area.
5. The sediment and erosion control plans show two stockpiles within the 30-foot setback. We recommend that the stockpiles be moved to the far side of the site, away from the water.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: SA636-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 24, 2003

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

RE: Williams Landing Office & Apartment Complex

Dear Mr. Hedger:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a complex of offices and apartments on a property located within the Critical Area. The property is designated IDA, is Buffer Exempt and is currently undeveloped. Commission staff has reviewed the information provided and we have the following comments:

1. There are a number of errors in the 10 % calculations. The post development impervious amount does not match note 14 on Drawing D-3 (1.03 acres vs. 1.18 acres). The multiplier used in calculating the post-development load should have been 0.26 rather than 1.08. Also, the removal efficiencies used in calculating the load removed do not correspond with the removal efficiencies listed in the MDE manual. Enclosed, please find corrected, though unfinished, 10% calculations. Additional information is needed from the applicant to determine the total load removed.
2. No disturbance is proposed within the 30-foot setback. In accordance with the City's Critical Area ordinance, the area between the development and the shoreline must be fully vegetated and an area twice the extent of the impervious surface created within the Buffer must be planted in a Buffer Offset Area or some other location.
3. In regard to the landscape plan (L-1), additional vegetation should be planted in the 30-foot setback to comply with the requirement discussed in comment 2 above. Also, in regard to the planting schedule, a number of non-native species are proposed. The native species include the dogwood, witch hazel and the swamp azalea. All others are non-native and of those, the Japanese Barberry and English Ivy are considered invasive species. We recommend that the applicant revisit the plant list with native species in mind.

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Mr. Matt Hedger
February 24, 2003
Page 2

Thank you for the opportunity to review and comment on these plans. Please forward corrected 10% calculations and any revised plans to this office for our files. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: SA116-03

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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February 24, 2003

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

RE: Administrative Subdivision – Schulz Associates
#05-03-02-0010-C

Dear Ms. Collison:

This office has received information on the above referenced subdivision. The applicant proposes to relocate a lot line to transfer 0.354 acres from one property to another. The properties involved are designated IDA and are currently developed with restaurants and associated parking. There does not appear to be any Habitat Protection Areas on the site.

Provided that future development on both properties is consistent with the development standards for an IDA, this office has no concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC138-03

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Ren Serey
Executive Director

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February 24, 2003

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

RE: Administrative Subdivision – Blue Heron Golf Course/County Commissioners
#04-03-02-0009-C

Dear Ms. Scozzari:

This office has received information on the above referenced subdivision. The applicant proposes to remove a property line and combine two properties into one. One property is designated LDA and the other is designated RCA. Both are developed with a golf course.

Provided that future development on the property is consistent with the applicable development standards, this office has no concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC243-01

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Ren Serey
Executive Director

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February 24, 2003

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

RE: Large Lot Minor Subdivision – Michael and Laura McLaughlin
#05-03-02-0007-C

Dear Ms. Collison:

This office has received information on the above referenced subdivision. The applicant proposes to subdivide an approximately 1.054 acre parcel into two lots. The property is designated LDA and it is currently developed with a dwelling, shed and driveway. There does not appear to be any Habitat Protection Areas on the site.

Provided that future development on all three lots is consistent with the impervious area calculations on the plat and provided that the existing woodland is protected as indicated, this office has no concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC139-03

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Ren Serey
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 25, 2003

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

RE: SSP#04-02-12-0015©, **The Cloisters on Kent Island – Revision #1**

Dear Ms. Scozzari:

Thank you for providing the first revision to the above referenced sketch to our office for review. The proposal involves the construction of a 291-unit age restricted residential subdivision. The property is 104.99 acres in size, with 16.56 acres within the Critical Area designated RCA. We have reviewed the information provided and we have the following comments:

1. Within the Critical Area, the intermittent tributary stream in the southeast portion of the property now has a 100-foot Buffer. However, as indicated in previous comments, the drainageway that leads from the non-tidal wetlands south to the Kent Manor Inn property should be investigated to determine if it is a stream (and if so, what kind of stream) or a regulated ditch of some kind. An intermittent or perennial stream would require a full 100-foot Buffer rather than the 25-foot Buffer that is shown on the plans now. Please note that the Corps of Engineers does not make this distinction in a standard jurisdictional determination. Commission staff is available to visit the site with the applicant and County staff if that would be useful.
2. The trail, as proposed, minimally impacts the Buffer to the stream. The response letter states that "any trail sections which encroach the stream buffer will remain impervious." Was this meant to say, "will remain pervious?"
3. This office supports the proposal to meet the afforestation requirements within the Critical Area portions of the site. A mix of native species should be used.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC739-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
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1804 West Street, Suite 100, Annapolis, Maryland 21401

February 27, 2003

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

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

RE: Major Site Plan, File # MASP 04-02-12-0012(C) REVISION #1
The Tides at Kent Narrows - Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

Thank you for providing Revision #1 of the above referenced major site plan. The applicant is proposing a 15-unit condominium project, associated parking, travel ways and a community pier on a 3.439 acre parcel. The parcel has all three Critical Area designations. The proposal includes the condominiums and stormwater management on the IDA portion and a path through the LDA and RCA to a community pier containing 10 slips. Commission staff has reviewed the information provided and we have the following comments:

1. In regard to stormwater management, the 10% calculations show a pollutant removal requirement of 0.8 pounds. The pocket ponds and dry swale combine to treat runoff from the entire site. However, also shown as a BMP is a "Filter Strip." Such a filter strip is not shown on the site plan. In order to get credit for a filter strip, runoff must be directed through it. Without the credit for the filter strip, there is a deficiency of .09 pounds of Phosphorus.
2. We recommend that the applicant again consult with MDE to determine if the stormwater outfall can be permitted and what potential impacts it will have on the species living there. The site plan contains a note that says, "provide rip-rap as needed" with an arrow pointing to the canal. Such an outfall is a direct impact to tidal wetlands. It was not part of the authorization already received from the Corps/MDE to impact the non-tidal wetlands on site. Additional authorization from MDE will likely be required.
3. Commission staff has discussed the idea of an administrative subdivision for the purpose of adding shoreline to allow 10 slips. Without seeing a proposed plat, it is difficult to assess whether this would be acceptable or not. We recommend that the applicant provide some sketches as to how this would be accomplished. Commission staff is also willing to meet with the County and the applicant to discuss this idea.

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Ms. Tanya Krista-Maenhardt
February 27, 2003
Page 2

4. The landscape schedule contains only three non-native species: Crape Myrtle, Japanese Holly and Maiden Grass. Some non-natives may be desirable for aesthetic reasons (e.g. evergreen foundation plantings) but Maiden Grass is identified as an invasive, exotic species in the Mid-Atlantic region. We recommend that the applicant replace Maiden Grass with one of the many grasses listed in the MDE Stormwater Manual.

Thank you for the opportunity to comment on this site plan. When additional or revised information becomes available, please forward it to this office for further review. If you would like to set up a meeting or if you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Stan Causey, MDE



**STATE OF MARYLAND
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February 27, 2003

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

RE: Kent Narrows Properties, LLC (formerly C & T Land, Inc) Hotel and Commercial
Retail/Office, Concept Plan – CP#05-03-02-0005(c)

Dear Ms. Scozzari:

This office has received the latest plans for the proposed hotel and office building on a 3.234-acre parcel in the Kent Narrows area. I have reviewed the information provided and also visited the site. Many of our concerns previously conveyed remain.

1. Commission staff visited the site in January 2002. At that time, much of the site was being used for boat storage and the bulkhead was in the process of being repaired. Significant piles of broken up concrete were scattered on the site. The site plan indicates that 0.7 acres of the site is currently covered by impervious surface, with 0.5 acres within the 100-foot Buffer. No documentation has been provided. Enclosed, please find an aerial photo of the site from 1992. Based on rough measurements, the impervious cover in 1992 totaled 0.5 acres with 0.25 acres in the 100-foot Buffer.
2. Stormwater management will be required to be addressed on site. The current layout does not appear to provide a designated area for a stormwater management facility. This should be addressed as early in the site plan process as possible because it may affect the eventual size of the hotel and parking lot.
3. It is not clear why the building restriction line along the water changes from 50 feet to 15 feet. This should be explained. Also, without information on where impervious surface exists, it is not possible to assess compliance with the criteria for Buffer Exemption Areas as set out in §14-153(d)(1)&(2) of the County Code. We recommend a minimum 25-foot "bufferyard" within the setback to provide some water quality benefits in developed situations such as this one. Also, covering the 15-foot setback with a 12-foot walkway does not provide any water quality or habitat benefits. Again, the size of the hotel and layout of the site may be affected.

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Ms. Nancy Scozzari
November 12, 2002
Page 2

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

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC8-02

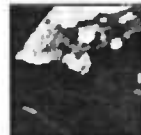
MERLIN Online Map - C & T Land Property

Base Maps

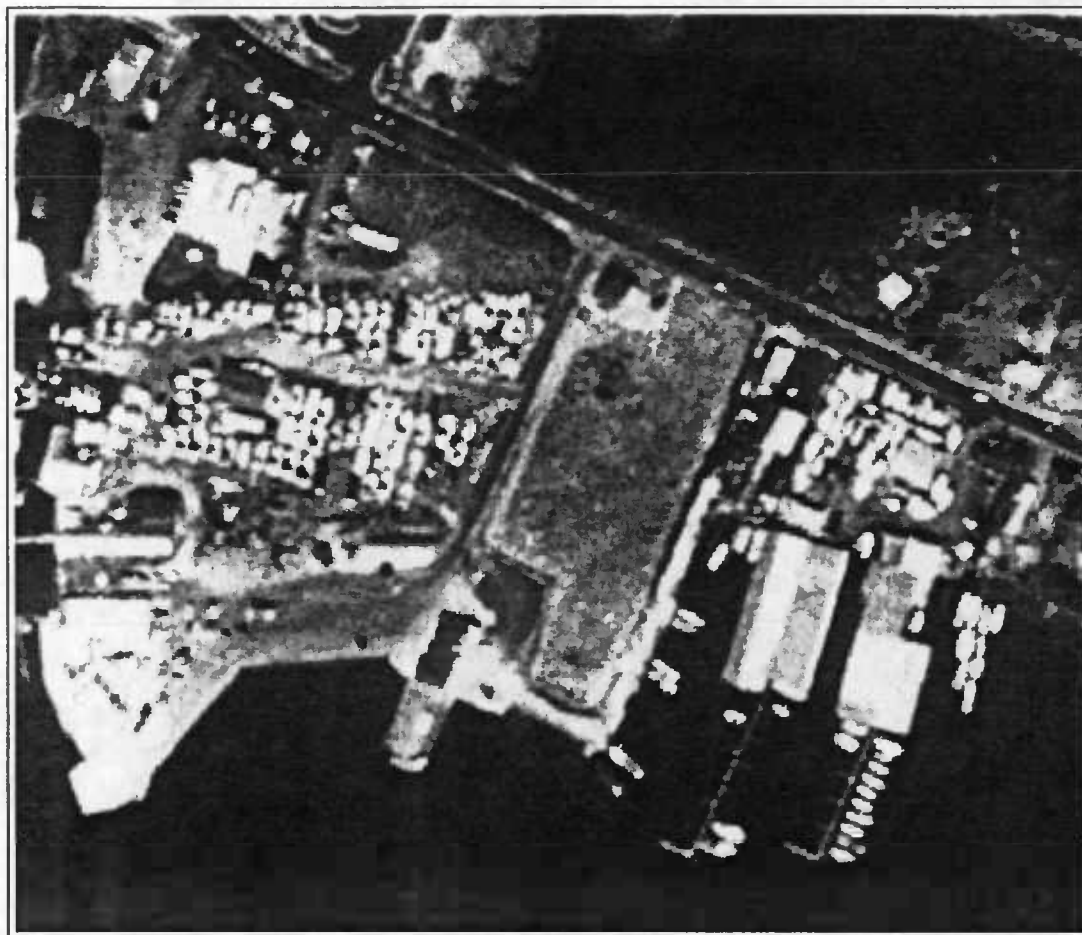
3.75' Quarter Quad Grid



Queenstown NW 3.75' CIR 04/06/1992



Queenstown Quad 7.5' Topo



N 144589.06m E 465766.56m



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

March 3, 2003

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

RE: Major Site Plan – Edward Enterprises, LLC
MASP #04-03-02-0013©

Dear Mr. Cohoon:

This office has received information on the above referenced major site plan. The applicant proposes to construct 3,408 square feet of retail space, two commercial apartments, associated parking and travelways. The property is designated IDA and is currently developed with an auto repair business. Commission staff has reviewed the information provided and we have the following comments:

1. Since stormwater is the only Critical Area requirement in the IDA, additional information must be provided on the stormwater management pond and how it will address the 10% pollutant reduction requirement. Capacity of the pond, size of the drainage area and cumulative development within the drainage area must be taken into account. Please note that the applicant has stated that the pond was created in 1988. This was before the Critical Area Program was implemented in Queen Anne's County and the 10% requirement may not have been taken into account.
2. The 10% calculations should be completed and provided for review.
3. Some type of certification of the existing pond should be provided to ensure it is functioning properly and in compliance with today's standards.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC153-03

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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

March 4, 2003

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

RE: Major Site Plan – A & M Marine Services, Inc.
MASP #05-03-02-0011©

Dear Mr. Cohoon:

This office has received information on the above referenced major site plan. The applicant proposes to construct a new boat repair and storage building on an existing commercial property that is already used for marine-related services. The property is designated IDA and is currently developed with a number of structures including a house and some sheds. Commission staff has reviewed the information provided and we have the following comments:

1. Since stormwater is the primary Critical Area requirement in the IDA, additional information must be provided on the stormwater management pond and how it will address the 10% pollutant reduction requirement. If the pond was constructed recently (date?) and it was sized to handle the additional impervious now proposed, it may satisfy the 10% pollutant reduction requirement. However, calculations should be provided which use pre-development numbers (prior to pond construction) and the proposed post-development scenario. If the pollutant removal requirement is met, then the existing pond will be adequate provided it is functioning properly.
2. The calculations provided use an incorrect constant. If pre-development impervious is greater than 20%, then 1.08 mg/l must be used in the calculations. This changes the removal requirement. However, the fact that the pond exists and is already treating the pre-development load must be taken into account. Again, additional information on the stormwater pond should be provided.
3. Some type of certification of the existing pond should be provided to ensure it is functioning properly and in compliance with today's standards.
4. Please note that the impervious numbers are not consistent between the site plan, Critical Area report, 10% calculations, and application form.

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Mr. Steve Cohoon
March 4, 2003
Page 2

5. We recommend mitigation at a 3:1 ratio for the unauthorized clearing. Also, two non-native species are on the landscape schedule. Particularly, *Euonymus alatus* is a non-native species that is considered extremely invasive. We recommend native species to replace the *Euonymus* and *Juniperus chinensis*. Possible alternatives include spicebush, mapleleaf viburnum, and highbush blueberry.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC161-03

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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February 24, 2003

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

RE: Resolution 03-5, Buffer Management Area Plan and Maps

Dear Commissioner Bloxom:

This office has received information on Resolution 03-5, the adoption of a Buffer Management Area Plan and Maps for the County's Atlantic Coastal Bays Critical Area. We have accepted the Plan and associated Maps as a complete submittal. They will be handled as an amendment to the County's Coastal Bays Critical Area Program. A Panel of Commission members has been appointed to hold a public hearing. The hearing is scheduled for 6:00 pm on Wednesday, February 26, 2003. County staff has assisted in reserving the County Commissioner's meeting room for the hearing.

Following the hearing, the Panel will meet the morning of the next Commission meeting (March 5, 2003) to reach agreement on a recommendation to forward to the full Commission. The full Commission will then vote on the amendment when it convenes in the afternoon. The meeting will take place in Crownsville, at the Department of Housing and Community Development. An agenda for the day has been forwarded to County staff.

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

Sincerely,

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

LeeArne Chandler
Natural Resources Planner

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

Branch Office: 31 Creamery Lane, Easton, MD 21601
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**STATE OF MARYLAND
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March 7, 2003

Mr. Robert Naumann
Whitman, Requardt and Associates, LLP
801 South Caroline Street
Baltimore, MD 21831

RE: Wetipquin Road Bridge, No. WI-4781 over Wetipquin Creek, Wicomico County, MD
WR & A WO#31474-06

Dear Mr. Naumann:

This office has received your letter of February 18, 2003 in regard to the above referenced project. Because the Wicomico County Department of Public Works will be conducting the project, the project will be considered as local agency project of local significance regulated under COMAR 27.02.02. Simply put, the project must be consistent with the Wicomico County Critical Area Program and must be certified as being consistent by the Wicomico County Department of Planning, Zoning & Community Development. The Wicomico County Critical Area Program requires the following information for site plans:

1. Area or vicinity map (such as provided with your letter).
2. Existing and proposed topography at two or five foot contour intervals. Source of contours should be stated on the plan.
3. Specific identification of all soils with a slope of 15% or greater.
4. Soil types
5. Location of natural features such as streams, drainage patterns and existing natural vegetation.
6. Existing conditions site plan, including natural and manmade features.
7. Floodplain boundaries.
8. Delineation of tidal and non-tidal wetlands.
9. Applicable Buffers to tidal and non-tidal wetlands.
10. Critical Area boundary and land use designation.
11. Limits of disturbance.
12. Existing and proposed impervious coverage.
13. Stormwater management and sediment and erosion control plans.
14. Identification of any Habitat Protections Areas (e.g., threatened or endangered species, etc.)

Mr. Robert Naumann

March 7, 2003

Page 2

At least two copies of the information above should be forwarded to Matt Hedger, the County's Critical Area planner at the Department of Planning, Zoning & Community Development. A copy will then be forwarded to the Critical Area Commission with a consistency report. Mr. Hedger's phone number is (410) 548-4860 and his address is PO Box 870, Salisbury, MD 21803-0870.

I hope this information is useful to you as you continue planning for this project. If you have any questions, please feel free to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Chandler". The signature is written in black ink and extends across the width of the text area.

Lee Anne Chandler
Natural Resources Planner

cc: Matt Hedger

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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March 6, 2003

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

RE: Conditional Use Application #CU-020006, Lee Faucett

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting conditional use approval to operate a bed and breakfast in an existing residence. The property is designated LDA.

Provided that any improvements (e.g., an expanded parking lot) associated with the bed and breakfast are consistent with the development rules in the LDA, this office has no comment on this application.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC164-03

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Chairman



Ren Serey
Executive Director

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March 7, 2003

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

RE: Variance Case No. 2003-0014-V, David Andril

Dear Ms. Plociennik:

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

This office defers to the Maryland Department of the Environment and the County on pier issues and we therefore have no comment on this request. Any variance approval should be made conditional on receipt of all permits from MDE and the Army Corps of Engineers.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA125-03

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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March 6, 2003

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

RE: Case Nos. 2003-0045-S and 2003-0046-V, Elm Street Development

Dear Ms. Plociennik:

Thank you for providing information on the above referenced cases. The applicant is requesting a special exception to permit the modification of a previously approved special exception for a planned unit development and a variance to permit a townhouse development with less setbacks than required. The property is designated LDA, is not waterfront, and is currently developed with a church.

Provided that all LDA requirements are addressed on the small portion of the property that is within the Critical Area, this office has no comment on the setback or special exception requests. Stormwater management requirements should be addressed on-site, given the extensive impervious coverage proposed.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA135-03

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Ren Serey
Executive Director

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March 7, 2003

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

RE: Variance Case No. 2003-0017-V, Russell Good

Dear Ms. Plociennik:

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

Because it appears that no Habitat Protection Areas will be impacted nor will impervious coverage increase, this office has no comment on this setback variance. Any vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA171-00

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

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Judge John C. North, II
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Ren Serey
Executive Director

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March 7, 2003

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

RE: Variance Case No. 2003-0011-V, Eugene Davis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single-family dwelling and driveway.

Because it appears that no Habitat Protection Areas will be impacted nor will impervious coverage increase, this office has no comment on this setback variance. Any vegetation removed in the course of construction should be replaced in kind and mitigation should be provided at a 1:1 ratio for the new impervious outside of the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA124-03

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 7, 2003

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

RE: Variance Case No. 2003-0021-V, Claudia Vieth

Dear Ms. Plociennik:

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

First, we have no comment on the setback variance. **However, an additional variance is necessary to exceed the permitted amount of impervious coverage.** The development on this lot already far exceeds the amount of coverage permitted. To avoid the need for the impervious coverage variance, there must be no net increase in impervious on this lot. This office could not support a variance to the impervious limits. The lot is already heavily developed and there would be no unwarranted hardship. We recommend that at least 647 square feet of impervious be removed. This could be easily accomplished through removal of a portion of the wide driveway. If there is no net increase in impervious and if the setback variance is approved, vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA128-03

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Chairman



Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS

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March 7, 2003

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

RE: Approval with Conditions of the Buffer Management Area Plan and Maps

Dear Commissioner Bloxom:

At its meeting of March 5, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the proposed Buffer Management Area Plan and Maps with conditions. The vote for approval was unanimous.

The Commission commended the County for its responsiveness to the requirements put forth by the Atlantic Coastal Bays Protection Act. The approval contained a number of conditions which are set out as follows: (additions to text in **bold**, deletions in ~~strikeout~~)

1. In Section VI, part C., the third sentence should read, "The Department shall require variance approval when the cumulative total of all new **and existing** accessory structures within the Buffer exceeds 10 square feet for each foot of Buffer depth or when new accessory structures or impervious surfaces are proposed closer to the mean high water line or edge of tidal wetlands than the minimum required setback set forth herein."
2. Revise Section VI, part C(1), to read, "Notwithstanding the provision contained in C above, **in Colonial Village, a** recorded subdivision having architectural controls..."
3. Revise Section VIII, part B (4), to read, "Any natural or planted vegetation removed within the Buffer is replaced onsite within the Buffer on ~~an equal~~ **a three to one** basis with native vegetation.
4. Revise Section IX, part B(2), to read, "For the construction of a single-family dwelling **or additions thereto**, the property owner shall submit a proposed landscaping plan. Said plan shall indicate the variety, height and caliper of all existing trees, both those to be retained and those to be removed, and proposed planting materials. **The Department shall review the landscape plan to ensure that**

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the mitigation, including any applicable fees, is sufficient to offset impacts to habitat and water quality resulting from the development activity. The cost of new planting materials to be utilized shall be equivalent to 1.5% of the cost of construction ~~for that portion of the dwelling and any associated impervious area~~ **multiplied by the percentage of the overall project that is** ~~are~~ located within the Buffer. Planting materials shall not include grass seed or sod, irrigations systems, mulch or the installation of any planting materials. If the dwelling and associated impervious area are wholly located within the Buffer, the minimum expenditure shall be \$3,000.00 **(except for additions)**. If the dwelling and associated impervious area are partially located within the Buffer, the minimum expenditure shall be a percentage of the aforementioned minimum expenditure of \$3,000.00, said percentage to be of an amount equal to that percentage of the dwelling and associated impervious area which are located within the Buffer.”

5. In Section IX, part B(2)(a), revise the provision to read, **“In the IDA, existing trees outside of the Buffer** retained after construction which are in excess of 15 feet tall and eight inches in caliper at breast height **and in excess of the 15% forest cover requirement** shall result in a credit of \$250.00 per tree **up to a maximum of \$1500.00 or six trees** toward the expenditures required above.”
6. In Section IX, after part B(2)(a), insert **“(3) For accessory structures associated with single-family dwellings as well as pervious decks, walkways, and steps, the property owner shall plant vegetation in an area two times the extent of the footprint of the development activity within the Buffer. Plantings shall be done on-site, preferably on the waterward side of the proposed structure, in accordance with the credit system set forth in Table 1. Required plantings shall consist primarily of species native to Worcester County.”** Re-number existing parts B(3) and B(4).
7. Revise Section IX, part B (1) to read, **“For commercial, industrial, institutional and multi-family projects, plant vegetation of an area two times the extent of the impervious area created within the Buffer. In those areas where development occurs closer than 25 feet from the water, plant vegetation of an area three times the extent of the impervious surface created closer than 25 feet from the water and an area two times the extent of the impervious surface created between 25 and 100 feet from the water.”** Also, In Section IX, part B(3) as amended above, after the first sentence, insert, **“In those instances where development occurs closer than 25 feet from the water, the property owner shall plant vegetation in an area three times the extent of the development activity closer than 25 feet from the water and an area two times the extent of the development activity between 25 and 100 feet from the water .”**

The Honorable John E. Bloxom

March 7, 2003

Page 3

8. In the Appendices, under Group A, revise the paragraph at the end where it defines the Group's BMA setback to read, "For any structure or impervious surface on a property located within the Group A Buffer Management Area, the minimum setback from the mean high water line of tidal waters or from the edge of tidal wetlands or tributary streams shall be 15 feet **except the communities of Holiday Harbor, the Frank Savage subdivision, Country Club Estates, St. Martins by the Bay and Captain's Knoll where the minimum setback from the mean high water line of tidal waters or from the edge of tidal wetlands or tributary streams shall be 25 feet.**"

Please forward two copies of the final Buffer Management Area Plan to our office when it becomes available. If you have any questions or concerns regarding these conditions or other issues, please contact me or Ren Serey, the Commission's Executive Director, at (410) 260-3460.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Ed Tudor, Director of Development Review & Permitting
Sandy Coyman, Director of Comprehensive Planning
Coastal Bays Critical Area Advisory Committee

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

March 7, 2003

The Honorable Benjamin F. Cassell, President
Queen Anne's County Board of County Commissioners
107 North Liberty Street
Centreville, Maryland 21617

RE: Blue Heron Golf Course Improvements – Project of Local Significance

Dear Commissioner Cassell:

This office has received the County Commissioners' letter of February 6, 2003 in regard to the improvements proposed at the Blue Heron Golf Course. We understand that the improvements are located in the Resource Conservation Area (RCA) due to a safety concern raised by the State Highway Administration. While the structural components of a golf course are typically not permitted within the RCA, the County's Critical Area ordinance allows the County Commissioners to certify it as a project of local significance, eliminating the need for growth allocation. For the reasons listed in your letter, this office concurs with the County Commissioners' determination.

Thank you for the opportunity to review this project. If any aspects of the project change or if there are any questions, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon, Planning & Zoning
Nancy Scozzari, Planning & Zoning

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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

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March 17, 2003

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

RE: Approval of Request for an Extension to Determine Growth Allocation Consumption

Dear Commissioner Bloxom:

At its meeting of March 5, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the County's request for a 60-day extension in time to determine the amount of growth allocation consumed by projects approved since June 1, 2002. Please forward the requested information by May 1st, 2003.

If you have any questions or concerns, or if Commission staff can be of any assistance, please contact me or Ren Serey, the Commission's Executive Director, at (410) 260-3460.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Ed Tudor, Director of Development Review & Permitting
Sandy Coyman, Director of Comprehensive Planning

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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March 18, 2003

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

RE: Riverside Medical Park – Phase II

Dear Mr. Hedger:

Thank you for providing the most recent revised plans and 10% calculations for the above referenced project. Commission staff has reviewed the information provided. The 10% calculations correctly reflect the efficiency rates assigned by MDE. We understand that the outstanding pollutant removal requirement of 0.55 pounds is proposed to be offset through a payment of a fee. The fee is based on the amount of tree planting that would be required, if tree planting were possible. As we discussed on the phone, the amount of the fee (approximately \$350) does not adequately offset what it would cost to construct a stormwater facility to handle the pollutant removal requirement. While probably not possible in terms of this project, Commission staff strongly suggest that a meeting be held between us, County Critical Area staff and the City's Public Works personnel to discuss this issue and perhaps set a fee schedule that directly relates to the costs of stormwater management. Fees-in-lieu should be adequate to provide equivalent stormwater benefits through retrofits or other regional efforts. This seems especially important now, given the increased development activity within the City in recent months.

Thank you for the opportunity to review and comment on these plans. Commission staff has no further concerns regarding this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: SA636-02

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March 18, 2003

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

RE: Pepsi-Cola Bottling Company Warehouse Expansion

Dear Mr. Hedger:

Thank you for providing information on the above referenced project. The applicant proposes to construct a new warehouse and parking on a number of small parcels that are adjacent to their existing facility. The property is designated IDA and the primary Critical Area concern is stormwater management and the 10% pollutant reduction requirement. Commission staff has reviewed the information provided. The 10% calculations correctly show that the proposed reduction in impervious surface on the site addresses the 10% requirement. The applicant should ensure that those areas where impervious surface is removed be restored and re-vegetated to ensure perviousness. Commission staff has no further concerns regarding this project.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: SA195-03

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Ren Serey
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February 24, 2003

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

RE: Large Lot Minor Subdivision – Gary and Sharon Bryan
#05-03-03-0007-C

Dear Ms. Sakhamuri:

This office has received information on the above referenced subdivision. The applicant proposes to subdivide an approximately 0.488 acre parcel into two lots. The property is designated LDA and it is currently developed with a dwelling, shed and driveway. There does not appear to be any Habitat Protection Areas on the site.

Provided that future development on Lot 6B is consistent with the impervious area allowance as indicated on the plat and provided that at least 15% of the site is forested, this office has no concerns regarding this subdivision. It is not clear from the information provided that the forest conservation area is already forested as there is an existing shed in the middle of it. This should be clarified and the County should ensure that the area be planted if needed.

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

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Chandler".

Lee Anne Chandler
Natural Resources Planner

cc: QC191-03

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Ren Serey
Executive Director

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March 18, 2003

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

RE: Conditional Use Case No. CU-020014, Harold Meissner

Dear Ms. Maxwell:

Thank you for providing information on the above conditional use request. The applicant is requesting a conditional use approval to extend a pier more than 150 feet from shore. This office defers to the Maryland Department of the Environment on pier issues. All conditions of the MDE permit should be made a part of any local approval granted for this request.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC167-03

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

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March 18, 2003

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

RE: Administrative Subdivision, File # 04-03-01-0008-C
Chesapeake Bay Business Park – Revision #1

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to move three sets of lot lines and transfer acreage between existing lots. Two of the changes are entirely outside of the Critical Area. The third is in the Critical Area and it involves transferring two acres from existing Lot 6 to Parcel 111. The subdivision appears consistent with the County's Critical Area Program. The LDA/RCA demarcation line has been added to the plat as suggested. We have no further concerns regarding this subdivision

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC91-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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March 20, 2003

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

VIA FACSIMILE

RE: Variance Case No. 2002-0580-V – Susan and Donald DiLonardo

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. In 2001, the applicant received a variance to re-build an existing dwelling with additional decking. The current request would allow enclosing and putting a roof over a large portion of the deck.

The subject property is designated LDA. Impervious cover already far exceeds the permitted amount. The previous variance application indicated that there would be no increase in impervious cover with the re-development of the site. The current proposal would increase impervious cover. However, the site plan also includes an area marked as an "impervious coverage easement" that would offset the additional impervious. To our knowledge, there is no such thing as an impervious coverage easement. This office could not support such an easement placed on community property for numerous reasons. The applicant would have no control over the area if, for example, the road was widened in the future. Also, given the extensive roads throughout the community, the community space itself probably already exceeds 15%. Tracking such easements would be impossible. An impervious surface variance is necessary in addition to the setback variance for the porch. We recommend denial of the variance requested.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA251-01

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Ren Serey
Executive Director

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March 20, 2003

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

VIA FACSIMILE

RE: Variance Case No. 2003-0066-V – Belvoir Farms Homeowners Association

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a driveway with disturbance to steep slopes. The property is designated RCA and is undeveloped community open space. The request is associated with Case No. 2002-0516-V submitted under the name "Lot 33 Joint Venture."

We do not oppose this variance provided that all other alternatives have been explored. Please refer to the comments we submitted for 2002-0516-V for our recommendations regarding minimization of impacts.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA75-03

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Ren Serey
Executive Director

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March 20, 2003

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #369

Dear Ms. Weisner:

Thank you for providing information on the above referenced rezoning case. The applicants are requesting that approximately 0.55 acres be rezoned from R-2 Suburban Residential to B-2 General Business. The property is within the Critical Area designated as an Intensely Development Area (IDA).

Because the property is already designated IDA where commercial uses are permitted, we have no comment on this request. As you know, the 10% pollutant reduction requirement will have to be addressed when the site is proposed for development.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WC205-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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March 24, 2003

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

RE: Variance Case No. 2003-0033-V, CSX Realty Development, LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit grading and disturbance with less Buffer than required. The property apparently was used in the past for illegal disposal of hazardous wastes. It is approximately 3 acres in size, with an RCA designation.

While not stated in the application, it seems likely that the applicant is working closely with the Maryland Department of the Environment (MDE) in coordinating the cleanup of this site. This should be confirmed to ensure MDE is aware of the project. Given the contaminated soils in close proximity to the waters of Marley Creek and Solleys Cove, it appears that grading and disturbance of the Buffer is necessary to remediate the site. In reviewing the site plan, it appears that the sediment and erosion control/stormwater structures (including the two catch basins and the berm) are actually more substantial than the soil excavation portion of the project. However, if MDE has deemed them all necessary and provided that all structures are removed from the site, this office does not oppose the variance requested. The site should be restored to its previous topography. Also, we recommend that the site be reforested with at least three times the area of trees removed.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA133-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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March 24, 2003

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

RE: Variance Case No. V-030013, Downey Land Development, LLC

Dear Ms. Maxwell:

Thank you for providing information on the above variance request. The applicant is requesting a variance to permit greater than 600 cubic yards of fill within the floodplain, to exceed the permitted height and to allow attached garages to be greater than 900 square feet in area within the floodplain. The subject property has split Critical Area designations of IDA, LDA and RCA. The fill is proposed in the IDA portion of the property.

We have no comment on height variance. In regard to the fill variance and the variance to exceed the permitted size of the garage, this office recognizes that this property has numerous development constraints. Allowing the community garage beneath the buildings helps to reduce the footprint of the development, which in turn reduces impacts. We recommend that fill be permitted to ensure that all stormwater from the site drains toward the proposed stormwater management devices. However, we recommend that it be the absolute minimum necessary to allow development of the site. It is our understanding that the applicant has been told that the property will flood during heavy rain events coinciding with high tides. The fill should not be permitted to redirect flooding to adjacent roads and properties such that flooding becomes worse than it already may be under those circumstances.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC209-03

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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March 24, 2003

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

RE: Major Site plan #MASP 04-03-03-0014©, Blue Heron Golf Course

Dear Ms. Scozzari:

Thank you for providing information on the above referenced major site plan. A clubhouse, pavilion, entrance drive and parking lot are proposed in association with expansion of the existing Blue Heron Golf Course. In addition, the septic fields for these improvements are located across the street on another parcel. The County Commissioners have designated this as a project of local significance that does not require growth allocation.

Commission staff has reviewed the information provided. Specific stormwater management information has not been included. However, this office defers to the County Department of Public Works to ensure stormwater quality is adequately addressed. In regard to the landscape plan, we recommend that the Rugosa rose be replaced with a native rose, such as *Rosa carolina* or other native shrub. Provided that stormwater management is adequately addressed and that native species are used, this office has no further Critical Area concerns regarding this site plan.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC243-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
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March 24, 2003

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

RE: Variance Case No. V-030012, Bay Tree Storage, LLC

Dear Ms. Maxwell:

Thank you for providing information on the above variance request. The applicant is requesting a variance to permit greater than 600 cubic yards of fill within the floodplain. The subject property is designated IDA.

The applicant proposes to place 2800 cubic yards of fill within the floodplain. This office has previously reviewed the site plan and the growth allocation request for this property. We are not taking a position on the variance. However, this request may be the first of a number of floodplain variance requests in this commercial subdivision. At some point, the cumulative impacts must be considered. Also, please note that the floodplain boundary does not appear on the site plan.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC203-03

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Ren Serey
Executive Director

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March 24, 2003

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

RE: SSP#04-02-12-0015©, **The Cloisters on Kent Island – Revision #2**

Dear Ms. Scozzari:

Thank you for providing the latest revision to the above referenced sketch to our office for review. The proposal involves the construction of a 291-unit age restricted residential subdivision. The property is 104.99 acres in size, with 16.56 acres within the Critical Area designated RCA. Little activity is occurring within the Critical Area portion of the site. We understand that the trails, especially the areas within the stream Buffers, will be pervious. Also, native species will be used for afforestation. Based, on these factors, we have no further concerns regarding this sketch plan.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC738-02

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Ren Serey
Executive Director

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March 24, 2003

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

RE: Major Site Plan #MASP 05-02-02-0009© - REVISION #3
Offshore Performance, LLC


Dear Ms. Collison:

Thank you for providing Revision #3 of the above referenced site plan. The site is currently developed with a dwelling and accessory structures. The applicant is proposing to construct an 8000 square foot boat repair building with outdoor boat storage. The site is 1.04 acres in size, designated IDA and Buffer Exempt.

1. Commission staff has noted that sand filters have been added to the stormwater design. The sand filters provide primary treatment for the roof or 21.76 % of the overall proposed impervious. The pocket pond therefore does not provide primary treatment for 100% of the site but rather 78.24% of the site. Under the new regulations, the Maryland Department of the Environment does not accept best management practices (BMPs) in a series because the benefits of the secondary BMP are negligible. Therefore, credit cannot be given for the second BMP in terms of meeting the 10% requirement. There remains a deficit of 0.12 pounds of Phosphorus removal. It appears that other alternatives remain available. Impervious cover could be further reduced or untreated stormwater on another property could be addressed.
2. If it is determined that there are no other alternatives for providing the pollutant removal required, Commission staff is available to meet with County staff to discuss other offset options.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Cc: QC82-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
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**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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March 24, 2003

VIA FACSIMILE

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

RE: Variance Case No. 2002-0586-V, William & Jeannie Carpenter

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a retaining wall with less Buffer than required and with disturbance to steep slopes. The property is designated RCA and is developed with a large house, driveway, six car garage, walkways and shed.

The information provided was lacking explanation as to why the retaining wall is necessary. This should be clarified. We do not oppose the variance requested provided that it is necessary to prevent erosion or further impact to the non-tidal wetlands. The slope should be revegetated with native species, not creeping juniper. Suggested species include blueberry, inkberry, mountain laurel, and witch hazel. Also, the County should ensure that there is no increase in impervious cover (removing seven inches along the length of the driveway seems improbable). The trees and shrubs removed should be relocated to an area within the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA101-03

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Ren Serey
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March 25, 2003

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

RE: Case No. 2003-0069-V, Jeffrey Maynard


Dear Ms. Plociennik:

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

Because it appears that no Habitat Protection Areas will be impacted and impervious surfaces are not an issue, this office has no comment on this setback variance request. Afforestation should occur as it is shown on the site plan.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA163-99

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

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March 25, 2003

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

RE: Case Nos. 2003-0037-V and 2003-0038-V, Vallario and Belfiore

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance requests. The applicants are requesting variances to permit a joint use pier with less setbacks than required. The properties are designated RCA and are developed with single-family dwellings.

This office defers to the Maryland Department of the Environment and the County on pier and piling issues. Any variance approval should be conditional upon receipt of the necessary MDE permits. Provided that all work is done from the water and that disturbance in the Buffer is limited to the access ramp, this office does not oppose this request.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA177-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 25, 2003

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

RE: Case No. 2003-0039-V, Steven Dickson

Dear Ms. Plociennik:

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

This office defers to the Maryland Department of the Environment and the County on pier and piling issues. Any variance approval should be conditional upon receipt of the necessary MDE permits.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA178-03

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Ren Serey
Executive Director

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March 28, 2003

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

RE: Safeway Food Store – Major Site Plan (Final)
MASP # 04-02-11-0005© - Revision #2

Dear Ms. Scozzari:

Thank you for providing the most recent plans and supporting documentation for the major site plan referenced above. The applicant is proposing to construct a food store, retail space, a gas station and a connection to an adjacent shopping center. The site is designated IDA and is currently an agricultural field with a small residential structure.

Because the site is designated IDA, the Critical Area issue of concern is the 10% pollutant reduction requirement. Commission staff has reviewed the revised stormwater calculations provided as well as the site plan showing the sand filters. We recognize that the sand filters will help reduce the pollutants entering the pond but as indicated previously, credit cannot be given for BMPs in a series. Regardless, there remains a pollutant reduction requirement of approximately four pounds. We recommend that the applicant address the removal deficiency by retrofitting the existing Safeway site with a stormwater BMP or identifying some other offset. In regard to using fees-in-lieu, this office defers to the position of the County Department of Public Works.

The proposed landscaping contains a majority of non-native species. We recommend that the applicant consider native alternatives for many of the proposed trees and shrubs. Attractive examples include Eastern Redbud and Beach Plum (instead of Yoshino Cherry and Okame Cherry), White Pine and American Holly (instead of Austrian Pine), Hackberry (instead of Zelkova), and Strawberry Bush (a native *Euonymus*).

Thank you for the opportunity to comment on this site plan. Please submit any further revisions to our office for review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC662-00

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



Ren Serey
Executive Director

**STATE OF MARYLAND
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March 27, 2003

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

RE: MASP#05-03-03-0006©, 7-Eleven Store, Winchester Creek, LLC

Dear Ms. Scozzari:

This office has received information on the above referenced major site plan. The applicant proposes to construct a 3,050 square foot 7-Eleven store with fuel pumps on a portion of an approximately 5-acre waterfront parcel. The parcel is proposed to be subdivided into three lots, with the 7-Eleven located on a 1.02 acre lot. The parcel is currently designated as Buffer Exempt and is designated IDA with an underlying Urban Commercial zoning classification. Commission staff has reviewed the information provided and we have the following comments:

1. This office continues to be concerned about the allowance of subdivision within Buffer Exemption Areas where the resultant lots retain their Buffer Exempt status. This issue has been raised on numerous occasions previously. It is a priority issue that needs to be addressed during the Comprehensive Review of the County's Critical Area Program and Ordinance. The Comprehensive Review was due in 2000. Where subdivisions are permitted in Buffer Exemption Areas by other jurisdictions, the project must result in an overall environmental benefit via enhanced mitigation or other measures.
2. The applicant has requested a reduction in the Buffer to 50 feet and has asserted that the intrusion in the Buffer is the minimum necessary. The Planning Director must find that there is no feasible alternative to developing in the Buffer. Given that the parcel is not subdivided but instead actually a 5-acre parcel with substantial area outside of the 100-foot Buffer, such a finding does not seem possible. The project could be redesigned to completely avoid the 100-foot Buffer.
3. Similarly, the applicant has not identified the proposed use of the third lot, to the north of the proposed Motel 6 lot. It seems that the Motel 6 could be shifted northward such that the 7-Eleven could also be shifted to avoid the Buffer. Again, a finding that the intrusion is the least necessary does not seem possible.

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Ms. Nancy Scozzari
March 27, 2003
Page 2

4. The justification for Buffer intrusion refers to the existing impervious cover associated with the boat ramp on the parent parcel (on Lot 1, the Motel 6 site after subdivision). The justification and mitigation for Buffer intrusion should be focused on Lot 2. There is no existing impervious surface in the Buffer on Lot 2. There is not adequate space remaining after development to permit mitigation for the new impervious cover on site.
5. The floodplain line taken from the FEMA map does not appear to conform to site conditions.
6. In regard to the landscaping plan, we have noted that most of the proposed species are native. However, the winged Euonymus is of particular concern because it is a documented invasive species in the mid-Atlantic region. We strongly recommend that it be replaced with a native alternative. Also, as stated above offsite mitigation is proposed for the new impervious cover within the 100-foot Buffer. Please note that the County mitigation requirements for development within BEAs also includes a requirement that the extent of the parcel shoreward of the new development or redevelopment shall be required to be established and maintained in natural vegetation. This is in addition to the 2:1 mitigation for new impervious surfaces.
7. In regard to stormwater management, the drainage area map does not match the proposed conditions as to what areas are being treated by the proposed ponds. Also, there are some errors in the 10% calculations. First, in the equations calculating pre- and post-development pollutant loads, the "C" variable should be 1.08 since pre-development impervious cover exceeds 20%. Due to the required change in this variable, the proposed BMP does not meet the pollutant removal requirement. Stormwater should be revisited and revised calculations should be provided for review.

Thank you for the opportunity to comment on this site plan. Please forward revised plans to this office for further review when they become available. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC188-03

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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March 27, 2003

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

RE: MASP#05-03-03-0005©, MOTEL 6, RPM Investments, LLC

Dear Ms. Scozzari:

This office has received information on the above referenced major site plan. The applicant proposes to construct a 63-room Motel 6 on a portion of an approximately 5-acre waterfront parcel. The parcel is proposed to be subdivided into three lots, with the motel located on the largest lot. The proposed lot is 3.032 acres in size and it currently contains some areas of driveway. It is currently designated as Buffer Exempt and is designated IDA with an underlying Urban Commercial zoning classification. Commission staff has reviewed the information provided and we have the following comments:

1. This office continues to be concerned about the allowance of subdivision within Buffer Exemption Areas where the resultant lots retain their Buffer Exempt status. This issue has been raised on numerous occasions previously. It is a priority issue that needs to be addressed during the Comprehensive Review of the County's Critical Area Program and Ordinance. The Comprehensive Review was due in 2000. Where subdivisions are permitted in Buffer Exemption Areas by other jurisdictions, the project must result in an overall environmental benefit via enhanced mitigation or other measures.
2. The applicant has requested a reduction in the Buffer to 50 feet and has asserted that the intrusion in the Buffer is the minimum necessary. The Planning Director must find that there is no feasible alternative to developing in the Buffer. Given that the parcel is not subdivided but instead actually a 5-acre parcel with substantial area outside of the 100-foot Buffer, such a finding does not seem possible. The Motel 6 and associated parking could be placed on the site without any impact to the Buffer.
3. Similarly, the applicant has not identified the proposed use of the third lot, to the north of the proposed Motel 6 lot. It seems that parking or stormwater management could be moved to the north, allowing the motel to be shifted further away from the

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water. Again, a finding that the intrusion is the least necessary does not seem possible.

4. The justification for Buffer intrusion (paragraph 1) states that a decrease in impervious surface is proposed within the 0 to 100-foot Buffer on the site. This is not correct. As indicated on the site plan, there is a net increase of 0.111 acres in the 100-foot Buffer. Also, while the existing impervious cover is located zero (0) feet from mean high water, it should be noted that this impervious cover is an existing boat ramp, a water-dependent use that is permitted in the Buffer regardless of Buffer Exemption status. A water-dependent structure should not be used as justification for allowing non-water-dependent structures within the Buffer.
5. While new impervious areas are not proposed within the 50-foot Buffer, there is grading proposed within this area. The limits of disturbance should not intrude into the 50-foot Buffer.
6. In regard to the landscaping plan, we have noted that most of the proposed species are native. However, in terms of numbers of plants, the non-natives dominate. The winged Euonymus is of particular concern because it is a documented invasive species in the mid-Atlantic region. We strongly recommend that it be replaced with a native alternative. Also, it appears that 30 whips are proposed to mitigation for the additional impervious surface within the Buffer for this lot as well as for the 7-11 site. Please note that the County mitigation requirements for development within BEAs also includes a requirement that the extent of the parcel shoreward of the new development or redevelopment shall be required to be established and maintained in natural vegetation. This is in addition to the 2:1 mitigation for new impervious surfaces. We recommend that the Buffer be established in multi-layered forest vegetation to meet both of these requirements.
7. In regard to stormwater management, the drainage area map does not match the proposed conditions as to what areas are being treated by the proposed ponds. Also, there are some errors in the 10% calculations. First, in the equations calculating pre- and post-development pollutant loads, the "C" variable should be 1.08 since pre-development impervious cover exceeds 20%. Also, in identifying the BMP, the BMP type listed is "multiple pond." In accordance with the MDE manual, a multiple pond has a minimum drainage area of 25 acres. This site does not meet that threshold. The BMPs are actually pocket ponds (as indicated in the narrative statements) that are connected. These ponds have a removal efficiency of 50%. The 10% calculations should be corrected and resubmitted.

Ms. Nancy Scozzari
March 27, 2003
Page 3

Thank you for the opportunity to comment on this site plan. Please forward revised plans to this office for further review when they become available. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC187-03

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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March 25, 2002

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

RE: Consistency Report – Fisher Park Project

Dear Ms. Gordy:

Thank you for providing the consistency report for the proposed establishment of Fisher Park. As you have noted, the proposed site is located within the Town's Critical Area and is designated IDA. The project consists of replacing an area of asphalt parking lot with brick paving and raised planting beds, as well as placement of a picnic table.

Given the existing use and condition of the site, installation of this pocket park will provide a benefit to water quality through both the proposed plantings as well as eliminating the parking spaces and the pollutants that typically come from such areas. Also, the scale of the project is extremely small. Given these factors, this office concurs in the finding that the project is consistent with the Town's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: SN213-03

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Chairman



Ren Serey
Executive Director

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March 28, 2003

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

RE: Case No. 2003-0041-V, Donald Ordakowski

Dear Ms. Plociennik:

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

The proposed pool is located only 105 feet from the existing bulkhead. While the pool site itself appears level, steep slopes will be disturbed during construction of the pool. Optimally, the desire for a pool would have been taken into consideration when the house was designed and located on the site. It appears that a house and a pool could have been constructed without any variances. We recommend that the pool and hot tub be relocated to avoid disturbance of the steep slopes. It appears that the pool could be relocated to the eastern side of the dwelling provided that health department distance requirements can be met. Other options include making the pool smaller in size in order to minimize impacts. If any approval is granted, we recommend mitigation at a 2:1 ratio to offset the additional impervious surface on this site

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

Sincerely,

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

LeeArne Chandler
Natural Resources Planner

cc: AA179-03

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Ren Serey
Executive Director

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March 28, 2003

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

RE: Case No. 2003-0048-V, Barbara Crosby


Dear Ms. Plociennik:

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

While the application states that there are no Critical Area variances requested but rather only zoning variances, the proposed improvements on the property are significant. We recommend that all work proposed on the waterfront side of the dwelling be done manually without any heavy equipment traversing the Buffer. The stormwater management facility should be sized to handle all of the existing and proposed impervious cover. Also, while only one tree is being removed, there is a 15% afforestation requirement for properties within the LDA. At least 6,384 square feet of the site must be in forest or developed woodland cover. Mitigation for the new impervious surface is required at a 2:1 ratio. These plantings should be done on site, with the Buffer as a priority location.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA182-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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March 28, 2003

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

RE: Case No. 2003-0056-V, Stephen & June Salanik


Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting an after-the-fact variance to permit an accessory structure in the front yard and with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a dwelling, driveway, patio and shed.

The application states that the shed replaced an old shed that had collapsed. It is not clear from the information provided whether the new shed is further into the expanded Buffer than the previous one. If the shed had been replaced on exactly the same footprint, it is likely that this office would not have opposed a more timely request. Optimally, the shed should be moved away from the top of the steep slopes and should match the footprint of the previous shed. We recommend that any approval to allow the shed to remain be conditioned upon mitigation at a 3:1 ratio for the new impervious cover within the expanded Buffer.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA183-03

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Ren Serey
Executive Director

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March 28, 2003

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

RE: Subdivision – 13 Lots at the former Shantytown Site

Dear Mr. Lackie:

Thank you for providing the above referenced subdivision to this office for review. The applicant proposes to subdivide a 4.46 acre property into 13 single-family residential lots. The site currently contains numerous buildings and a gravel parking lot up to the edge of the bulkhead. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA) and is within Buffer Management Area (BMA) Group C. Commission staff has reviewed the information provided and we have the following comments:

1. The applicant should refer to §NR 3-109 of the County Code for a description of the application requirements under the Atlantic Coastal Bays Critical Area provisions. A Coastal Bays Critical Area report is required along with the subdivision plat. Please forward this information to our office when it is submitted.
2. Within the IDA, the primary Critical Area concern is stormwater management and the requirement to provide at least a 10% reduction in pollutant load coming from the site. The applicant should provide specific information as to how the 10% requirement will be addressed. Information regarding quantities of existing and proposed impervious surface is necessary to complete the calculations.
3. An additional requirement within the IDA is that at least 15% of the development site must be in forest or developed woodland cover. Notes should be provided which indicate how this requirement is being met. Also, the Forest Conservation Law statement should be removed from the plat.
4. The designation of the site as a Buffer Management Area, Group C reduces the required Buffer from 100 feet to 25 feet. However, mitigation for development within the Buffer is still required. Section IX of the County's Buffer Management Area regulations specifies the mitigation requirements for development within BMAs.

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Once the property is subdivided and individual lots are proposed for development, the builder/property owner will be responsible for meeting the mitigation requirements outlined in Section IX, B (2) of the BMA regulations. It may be appropriate for the County to require a plat note that describes this requirement.

5. If any of the required planting is proposed off-site, information should be provided regarding the existing site conditions, property ownership, and means of protecting the planted area from future development.
6. Section IX of the BMA regulations describes the provisions governing subdivision within BMAs. It allows subdivision only if the subdivision of the parcel or parcels will result in an overall environmental benefit. It also requires the Critical Area Commission to review and approve applications for subdivision in BMAs. A narrative statement and description of how the subdivision will be an overall environmental benefit would be helpful in the Commission's review.
7. Clarification is needed in regard to the ownership of the tidal wetlands shown on the plat. Tidal wetlands which are affected by the daily ebb and flow of the tide are usually considered State tidal wetlands which, like open water, cannot be incorporated into any lot. Exceptions are made when a property is described in a land patent or King's grant. Evidence should be provided to clarify the ownership of the tidal wetlands to determine if Lots 1, 2, and 13 and the open space need to be revised.
8. Staff notes that the open space is shown on the plat as Outlot A. A recent Court of Appeals decision (*Nancy R. Stansbury v. Randy Q. Jones, et al.*, September Term, 2002) has essentially provided an avenue for any piece of land with lot lines around it to eventually be developed (even if it was not meant for development at the time of subdivision). A copy of the decision has been forward to Ed Tudor for review and interpretation in terms of Worcester County's subdivision requirements. Notwithstanding his review of the case, Commission staff reviewed Outlot A as a potentially buildable lot. It appears clear that a variance would be needed to develop Outlot A and we strongly recommend that it be placed under a legally binding conservation easement in perpetuity that would prevent its development in the future. Also, designating it as something other than a lot, (e.g., "Community Open space to satisfy Section ? of the Worcester County subdivision regulations) may provide some protection.
9. If any of the required planting is proposed off-site, information should be provided regarding the existing site conditions, property ownership, and means of protecting planted areas from future development.

Mr. Keith Lackie
March 28, 2003
Page 3

Thank you for the opportunity to comment. Please forward the information requested above to our office when it is submitted. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC212-03

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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March 28, 2003

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

RE: Site Plan Review - Proposed Townhouses at the former Shantytown Site

Dear Mr. Lackie:

Thank you for providing the above referenced site plan to this office for review. The proposal includes the construction of 29 townhouses, a service road, pool and parking area on a 2.89-acre property. The site currently contains a number of buildings and a gravel parking lot up to the edge of the bulkhead. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA) and is within Buffer Management Area (BMA) Group C. Commission staff has reviewed the information provided and we have the following comments:

1. The applicant should refer to §NR 3-109 of the County Code for a description of the application requirements under the Atlantic Coastal Bays Critical Area provisions. A Coastal Bays Critical Area report is required along with the site plan. Please forward this information to our office when it is submitted.
2. Within the IDA, the primary Critical Area concern is stormwater management and the requirement to provide at least a 10% reduction in pollutant load coming from the site. The applicant should provide specific information as to how the 10% requirement will be addressed. Information regarding quantities of existing and proposed impervious surface is necessary to complete the calculations. Also, the entire project site must be included in the calculations. It is not clear if the 2.89 acres includes the large area of the State Highway right-of-way that will be used for the service road. This should be clarified.
3. An additional requirement within the IDA is that at least 15% of the development site must be in forest or developed woodland cover. Again, a clarification as to the site acreage is necessary to determine how much afforestation is necessary. The site plan should indicate how this requirement is being met.

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Mr. Keith Lackie
March 28, 2003
Page 2

4. The designation of the site as a Buffer Management Area, Group C reduces the required Buffer from 100 feet to 25 feet. However, because there is impervious surface up to the bulkhead, the 25-foot BMA setback does not apply (i.e., new structures can be placed on existing impervious surfaces within the Buffer without a variance). However, mitigation for development within the Buffer is still required. Section IX of the County's Buffer Management Area regulations specifies the mitigation requirements for development within BMAs. Given the existing impervious cover on site, sub-section B (1) does not apply (i.e., it applies only when new impervious is created within the Buffer) but sub-section C (1) does apply and it requires, "a forested or landscaped bufferyard, the width of the required setback as specified by group, shall be established on the development site between the development activity and the water." It further requires a detailed site plan for the bufferyard to be submitted. Optimally, a bufferyard is meant to be a densely planted filter strip between the development and the water. On a site such as this one, where space is not available between the development and the water, the total area of the required bufferyard should be calculated based on the length of shoreline multiplied by the width of the required setback. Rough measurements from the site plan indicate the total length of shoreline to be 805 feet. When this is multiplied by the 25 foot setback, bufferyard establishment should total 20,125 square feet. A bufferyard site plan should be submitted which shows how this requirement is being met.
5. If any of the required planting is proposed off-site, information should be provided regarding the existing site conditions, property ownership, and means of protecting the planted area from future development.

Thank you for the opportunity to comment. Please forward the information requested above to our office when it is submitted. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC175-03

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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April 1, 2003

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #368

Dear Ms. Weisner:

Thank you for providing information on the above referenced rezoning case. The applicants are requesting that approximately 0.23 acres be rezoned from B-2 General Business to R-4 General Residential. The property is within the Critical Area designated as an Intensely Developed Area (IDA).

Because the property is already designated IDA where both commercial and residential uses are permitted, we have no comment on this request. As you know, the 10% pollutant reduction requirement will have to be addressed when the site is proposed for development.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WC235-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 1, 2003

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #365

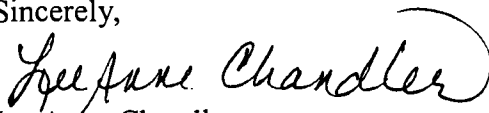
Dear Ms. Weisner:

Thank you for providing information on the above referenced rezoning case. The applicants are requesting that approximately 21.56 acres of land be rezoned from B-2 General Business and R-2 Suburban Residential to R-3 Multi-family Residential. The property is within the Critical Area designated as an Intensely Developed Area (IDA).

Because the property is already designated IDA where both commercial and residential uses are permitted, we have no comment on this request. As you know, the 10% pollutant reduction requirement will have to be addressed when the site is proposed for development.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WC238-03

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

TTY For The Deaf:
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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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April 1, 2003

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #367

Dear Ms. Weisner:

Thank you for providing information on the above referenced rezoning case. The applicants are requesting that approximately 3.43 acres of land be rezoned from B-2 General Business to R-3 Multi-family Residential. The property is within the Critical Area designated as an Intensely Developed Area (IDA).

Because the property is already designated IDA where both commercial and residential uses are permitted, we have no comment on this request. As you know, the 10% pollutant reduction requirement will have to be addressed when the site is proposed for development.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WC240-03

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

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Ren Serey
Executive Director

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

April 1, 2003

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

RE: Case No. 2003-0063-V, David Owen

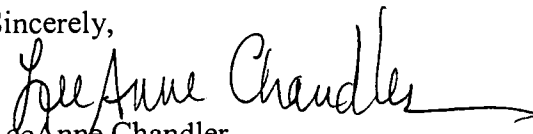
Dear Ms. Plociennik:

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

This office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA217-03

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

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Ren Serey
Executive Director

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April 1, 2003

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

RE: Case No. 2003-0061-V, Susan Haskins

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated IDA and was developed with a dwelling until a recent fire.

This office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA217-03

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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April 1, 2003

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

RE: Case No. 2003-0070-V, Mark Gaertner

Dear Ms. Plociennik:

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

Because impervious surfaces are not an issue and because all work is proposed on the road side of the dwelling, this office has no comment on this setback variance request. Any vegetation removed in the course of construction should be replaced in kind. Also, mitigation should be provided at a 2:1 ratio for new impervious within the 100-foot Buffer and at a 1:1 ratio for new impervious outside of the Buffer in accordance with the County's BEA rules.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA222-03

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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Executive Director

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April 1, 2003

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

RE: Case No. 2003-0074-V, Jeffrey Clark

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated IDA and it currently contains a single-family dwelling, driveway and shed.

Because it appears that no Habitat Protection Areas will be impacted and impervious surfaces are not an issue, this office has no comment on this setback variance request. However, because this property is designated IDA, the 10% pollutant reduction rule must be addressed. Usually on lots of this size, plantings can be used to satisfy this requirement.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA225-03

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

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Ren Serey
Executive Director

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April 1, 2003

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

RE: Case No. 2003-0073-V, Mary and Thomas Merkle

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a lot with less lot area than allowed. The property is designated LDA and it appears to be undeveloped.

The information provided with the application was not consistent in regard to the proposed number of lots or the proposed lot sizes. It is our understanding that the minimum lot size in an R-1 district is 40,000 square feet. The plat provided shows two lots, both of which meet this minimum. However, one of the lots contains over half an acre of non-tidal wetlands. Other information in the application indicates that three lots are proposed. This should be clarified. Provided that development on the lots created can be completed in full compliance with all LDA development standards, this office has no objection to the lot area variance. However, the applicant should be made aware that this office can not support Critical Area variances on newly created lots.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA224-03

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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April 4, 2003

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

RE: Critical Area Map Amendment (resulting from change to Tidal Wetlands Map)

Dear Mr. Hedger:

Due to the lack of a Critical Area Commission chairman at the April 2, 2003 Commission meeting, the map amendment submitted by Wicomico County as a Program refinement has not yet been acted on by the Commission. There are two alternatives available for processing the request. One, the County can withdraw the refinement pending the appointment of a new chairman. The Commission's Program Subcommittee has already reviewed the proposal favorably. Once a chairman is appointed, the request could be presented to the Commission for their concurrence at its next meeting. Alternatively, the County can ask Commission staff to begin processing the request as a Program amendment. This would require a panel of Commission members to hold an advertised public hearing in Wicomico County. The proposal could then be voted on by the full Commission at the first meeting following the public hearing.

Please let us know how the County wishes to proceed in processing this map amendment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

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

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Ren Serey
Executive Director

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

March 21, 2003

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

RE: Critical Area Map Amendment (resulting from change to Tidal Wetlands Map)

Dear Mr. Hedger:

This office has received information on the proposed Critical Area map amendment stemming from a change made to State wetlands map No. 31. We are accepting the refinement request as a complete submittal. If a Commission Chairman is appointed prior to the April 2, 2003 Commission meeting, Commission staff will request that the Chairman make a refinement determination within 30 days of the date of this letter. If the request is determined to be a refinement, it will be presented to the Commission for their concurrence at the April 2nd meeting. If a Chairman is not appointed, I will contact you to discuss the options available for processing the request.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

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

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Ren Serey
Executive Director

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

April 4, 2003

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

RE: Administrative Variance #03-04-01, Deborah Bridegum


Dear Ms. Swinson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit reconstruction of an existing dwelling with an expansion of the footprint further into the Buffer. The property is designated LDA and is currently developed with a single-family dwelling.

Due to the pie-shape of the lot, it does not appear that a reasonably sized dwelling could be constructed without any impacts to the Buffer. With the addition of the garage and the necessity of a new well, it does not appear that the dwelling could be expanded toward Bay Drive. The five-foot addition to the dwelling footprint does not appear to be excessive. In regard to the covered deck, it is unclear if it is proposed to be covered year-round or instead have a retractable awning or other cover to it. Optimally, the deck would be constructed to be pervious when/if the cover is removed. We recommend mitigation at a 2:1 ratio for all disturbance within the Buffer. The Buffer should be a priority location for planting.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC250-03

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

TTY For The Deaf:
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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

April 4, 2002

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

RE: Murdoch Property Redevelopment Project

Dear Mr. Hurley:

Today I received revised 10% calculations for the proposed redevelopment of the Murdoch property in Centreville. (Previously, the numbers used in the 10% calculations did not match those listed on the Buffer Management Plan.) The corrected calculations demonstrate that the proposed wet pond will provide water quality benefits in excess of the removal requirement. Also, Commission staff has reviewed the proposed Buffer Management Plan for this site. Based on our discussions, I understand that only natives are being used as Buffer mitigation while some ornamental non-natives are being used for general landscaping. On this site, this seems to provide an appropriate balance. The proposed project appears to meet all of the applicable requirements of the Town's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: CV449-02

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

April 8, 2003

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

RE: Case No. 2003-0065-V, John Alden

Dear Ms. Plociennik:

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

This office does not oppose redevelopment of this lot. We reviewed a previous variance application for construction of a dwelling and detached garage on this lot in 2000 (Case No. 2000-0323-V, Marian Kratage). The current application takes better advantage of the footprint of the existing dwelling with less new impact to steep slopes and the Buffer. We recommend mitigation at a 3:1 ratio for all new disturbance within the Buffer and expanded Buffer. The Critical Area report indicates that the site is dominated by grassy vegetation so there should be ample opportunity to plant the required mitigation on site, with the Buffer as a priority location.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA220-03

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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Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

April 9, 2003

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

RE: Major Site Plan, File # MASP 04-02-12-0012(C) REVISION #2
The Tides at Kent Narrows - Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

Thank you for providing Revision #2 of the above referenced major site plan. The applicant is proposing a 15-unit condominium project, associated parking, travel ways and a community pier on a 3.439-acre parcel. The parcel has all three Critical Area designations. The proposal includes the condominiums and stormwater management on the IDA portion and a path through the LDA and RCA to a community pier containing 10 slips. Commission staff has reviewed the information provided and we have the following comments:

1. In regard to stormwater management, the 10% calculations show a pollutant removal requirement of 0.8 pounds. The pocket ponds and dry swale combine to treat runoff from the entire site. The "filter strip" identified on the BMP drainage plan would only function as such on those occasions when the emergency spillway is active. Runoff from the site is piped under the filter strip during all other times. Without the credit for the filter strip, there is a deficiency of 0.09 pounds of Phosphorus. Since the deficiency in the pollutant removal is less than 1/10th of a pound of Phosphorus, the County may consider permitting the applicant to use plantings to offset this deficiency. The 10% guidelines recommend planting 0.5 acres of trees per pound of Phosphorus. For this project, since the site is already being planted with numerous trees, we recommend that native shrubs be planted along with the trees in the project's afforestation area. We recommend planting a minimum of 20 native shrubs.
2. A sketch of the possible re-subdivision of the property should be submitted prior to final site plan approval. A note should be added to the site plan that states that the number of slips at the community pier and location of the community pier are subject to change pending subdivision and permit review.
3. Mr. Stan Causey of MDE, the tidal wetlands permit reviewer for Queen Anne's County, has not received an amended permit application that would allow the rip-rap outfall in the tidal canal. This should be addressed and documentation should be provided for our files.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ms. Tanya Krista-Maenhardt

April 9, 2003

Page 2

Thank you for the opportunity to comment on this site plan. When additional or revised information becomes available, please forward it to this office for further review. If you would like to set up a meeting or if you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Stan Causey, MDE
QC453-01

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

April 10, 2003

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

RE: Administrative Subdivision #02-03-04-0004-C
James Kay and Gregory & Jennifer Zsebedics

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicants propose to relocate lot lines to transfer approximately 0.772 acres from one property to another. Both properties are currently developed with a single-family dwelling and sheds. We have no Critical Area concerns regarding this subdivision provided that any future development on these lots is fully consistent with the Critical Area requirements for the LDA.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC260-02

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

April 9, 2003

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

RE: Major Site Plan – Edward Enterprises, LLC
MASP #04-03-02-0013© - REVISION #1

Dear Ms. Krista-Maenhardt:

Thank you for providing revised information on the above referenced major site plan. The applicant proposes to construct 3,408 square feet of retail space, two commercial apartments, associated parking and travelways. The property is designated IDA and is currently developed with an auto repair business. Commission staff has reviewed the information provided and we have the following comments:

1. Questions regarding stormwater management still remain. In reviewing the old 10% calculations, it appears clear that the pond was designed for 10.78 acres of impervious cover within a 22.94-acre drainage area. Over the years, it is obvious that numerous buildings have been constructed within the drainage area. We need to know how much impervious exists within the drainage area now and how much additional impervious the current project will add. If impervious coverage within the drainage area has cumulatively exceeded the 10.78 acres originally planned for, additional stormwater management may be necessary.
2. While they may be irrelevant, the new 10% calculations are incorrect. As stated on a number of occasions, credit cannot be given for BMPs in a series. **The fraction of drainage area served cannot exceed 100%.** If the wet swale were proposed as the primary BMP for 41% of the site, then the wet pond would be the primary BMP for only 59% of the site.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC153-03

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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CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 9, 2003

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

RE: Major Site Plan – A & M Marine Services, Inc.
MASP #05-03-02-0011© - REVISION #1


Dear Ms. Krista-Maenhardt:

This office has received information on the above referenced major site plan. The applicant proposes to construct a new boat repair and storage building on an existing commercial property that is already used for marine-related services. The property is designated IDA and is currently developed with a number of structures including a house and some sheds. Commission staff has reviewed the information provided and we have the following comments:

1. The revised calculations indicate that the existing stormwater pond meets the 10% pollutant reduction requirement.
2. We recommend that the landscape schedule be revised to eliminate *Euonymus alatus*, a non-native species that is considered extremely invasive. This is especially important because they are proposed to be placed in close proximity to an unmaintained area where they could easily spread without control. Possible alternatives include spicebush, mapleleaf viburnum, and highbush blueberry.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC161-03

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

April 10, 2003

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

RE: Kent Narrows Properties, LLC (formerly C & T Land, Inc) Hotel and Commercial
Retail/Office, Concept Plan – CP#05-03-02-0003(c) – REVISION #1

Dear Ms. Scozzari:

This office has received the latest plans for the proposed hotel and office building on a 3.234-acre parcel in the Kent Narrows area. I have reviewed the information provided and also visited the site. Many of our concerns previously conveyed remain.

1. The existing conditions plan should reflect what was on the site in 1985.
2. The 10% calculations do not match the site plan in regard to existing and proposed impervious surface. The BMP listed in the 10% calculations does not match the other stormwater calculations. Corrected calculations which demonstrate that stormwater management can be handled on site should be provided.
3. The applicant has indicated that the WVC zoning district requires the 12-foot boardwalk. Such a requirement does not appear in the zoning ordinance. Instead, it states that the site plan cannot be approved unless the development is generally consistent with the guidelines in the Kent Narrows Development Handbook regarding architecture ... and boardwalks. It is unclear if the development handbook recognizes any of the Critical Area requirements. Given the layout of the site and the impact of the 12-foot wide boardwalk on two sides of the project, some flexibility in the guidelines should be permitted. The site must be consistent with the criteria for Buffer Exemption Areas as set out in §14-153(d)(1)&(2) of the County Code. The site must also be consistent with the mitigation requirements in BEAs as set out in §14-153(e). This includes both 2:1 mitigation for new impervious surfaces in the Buffer as well as providing natural vegetation in the area between the development and the water. Since, due to the chosen design, the area between the development and the water cannot be fully vegetated, then an equivalent area should be established elsewhere.

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Ms. Nancy Scozzari
April 10, 2003
Page 2

4. The area proposed for the fire lane cannot be credited towards the mitigation due for impacts to the Buffer. Other narrow areas where planting is unrealistic should also be eliminated from the area counting towards mitigation. (The area remaining between the development and the water has to be vegetated anyway.) The applicant should provide information on the offsite mitigation area as soon as possible.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC8-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 10, 2003

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

RE: Variance Case No. V-030015, Safeway, Inc.

Dear Ms. Maxwell:

Thank you for providing information on the above variance request. The applicant is requesting a variance to permit greater than 600 cubic yards of fill within the floodplain. The subject property is designated IDA.

The applicant proposes to place 11,000 cubic yards of fill within the floodplain. This office has participated in the site plan review process for this property. We still have some stormwater management concerns and all requirements have not yet been addressed. In regard to this variance, the amount of fill seems excessive. We recommend that the applicant be required to provide evidence that adjacent properties will not be negatively impacted by the proposed fill.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC249-03

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Ren Serey
Executive Director

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April 21, 2003

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

RE: Case No. 2003-0042-V, Wallace Lewis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting after-the-fact variances to permit an accessory structure in the required front yard and a retaining wall with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is developed with a single dwelling and numerous accessory structures.

This variance request is the result of numerous efforts by the County to rectify a violation. The retaining walls and "shed" (though the attached pictures show it as a "tiki bar" type structure) were constructed without any permits. Only the replacement bulkhead was properly permitted. In addition, it appears that there is a deck at the top of the slope. It is unclear if permits were acquired to construct this deck. Attachment A is a color copy of two photos of the property sent to us by a concerned citizen in May 2002. Extensive retaining walls, decking, the tiki bar and possible deck at the top of the slope are evident in the photos. Attachments B and C are color copies of photos provided by the property owner to the Maryland Department of the Environment in support of their request for a permit to replace the bulkhead. The date on the photos is May 17, 2000. These photos show that the slope, while supported by a single retaining wall, was previously vegetated and other than narrow steps, there were no other structures in the Buffer.

In regard to the request for the "shed", this office opposes the variance requested and recommends that the shed be removed immediately. As stated above, the property is developed with a dwelling and numerous other accessory structures. Non-water dependent structures are prohibited within the Buffer. There is no unwarranted hardship. More than reasonable use and enjoyment of the property can be accomplished without this structure in the Buffer. New non-water dependent structures are not permitted in the Buffer anywhere in the County. The applicant created the need for this variance by constructing it without any permits. Allowing the

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Ms. Ramona Plociennik
April 21, 2003
Page 2

tiki bar to remain would not be consistent with the spirit and intent of the Critical Area Program. We recommend denial of the variance and restoration of the area disturbed. Also, please note, the site plan and accompanying information does not appear to be accurate in regard to the size of the structure and the resultant increase in impervious surfaces.

The retaining wall request is not as simple. Because the existing vegetation has been removed and the work has already completely disturbed the slope, removal of the wall may cause more impacts than leaving it where it is. However, the area between the two walls, as well as the area between the bottom wall and the bulkhead, should be completely vegetated with native species including shrubs and small trees where they will not interfere with the integrity of the bulkhead. Finally, we strongly recommend that the deck on top of the slope be investigated to find out if permits were acquired prior to its construction. If necessary, an additional variance should be pursued.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

att.

cc: AA180-03

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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April 23, 2003

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

RE: Major Site Plan #MASP 05-02-02-0009©, Offshore Performance, LLC
10% Rule Compliance

Dear Ms. Collison:

As you are aware, there is a 0.12-pound deficiency in the proposed stormwater management for the Offshore Performance project. Commission staff has been in contact with Eva Kerchner of the County's Department of Public Works regarding the possibility of using tree and shrub planting to offset this small deficiency. Because the deficiency is less than half a pound and because the usable area of the site is limited in size and by the Buffer, we would accept plantings provided that they can be equated with the amount of Phosphorus to be removed.

The "Applicant's Guide for 10% Rule Compliance" lists riparian reforestation as an offset option when on-site compliance is not feasible. Specifically, it calls for 0.5 acres of tree planting per pound of removal requirement. Commission staff searched for information on tree and shrub planting rates. The U.S. Department of Agriculture/Natural Resource Conservation Service published the Maryland Conservation Practice Standard for Conservation Cover (Code 327). This standard states that when improving water quality or reducing soil erosion is the primary purpose of the planting, the goal is to establish 300 to 400 trees and/or shrubs per acre after two years. For 10% pollutant reduction purposes, planting for one pound of removal requirement (i.e., ½ acre) would range from 158 to 210 containerized plants. A mix of only native, non-invasive species would be acceptable.

For the Offshore Performance project, a total of 25 trees and/or shrubs would be required to offset the 0.12 pounds that are remaining. Since only trees are proposed to be planted within the Buffer on this site, we recommend a mix of 25 containerized 3-gallon native shrubs be planted amongst the trees in the Buffer. These shrubs would be in addition to any other required mitigation or landscaping. (On a more typical site, we would recommend that an entirely new area be planted since the Buffer is required to be established in natural vegetation anyway.) We also recommend that the area be mulched to enhance infiltration and also to help control competing vegetation.

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Ms. Lisa Collison
April 23, 2003
Page 2

Thank you for the opportunity to provide comments. If you have any questions or concerns or if you would like additional background information on the planting rates suggested, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Eva Kerchner, DPW
Rick Davis, McCrone, Inc.
QC82-02

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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April 29, 2003

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

RE: Consistency Report – Shed at Public Works Property

Dear Ms. Gordy:

Thank you for providing the consistency report for the proposed relocation of a storage shed to a property owned by the Town's Department of Public Works. As you have noted, the proposed site is located within the Town's Critical Area and is designated IDA. The project consists of placing the 12' by 16' shed on the property to house materials currently stored outside. There are no apparent impacts to Habitat Protection Areas and stormwater management is not required. Given these factors, this office concurs in the finding that the project is consistent with the Town's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: SN304-03

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May 1, 2003

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

RE: Hugh Cropper Office Building – Major Site Plan review

Dear Mr. Lackie:

Thank you for providing the above referenced major site plan to this office for review. The applicant proposes to construct an office building on a portion of a parcel in West Ocean City. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA). Commission staff has reviewed the information provided and we have the following comments:

1. Information regarding existing and proposed parcel/lot size should be provided on the site plan. This information is necessary to calculate afforestation requirements as well as required stormwater management. The extent of the limits of disturbance should also be provided.
2. The applicant should refer to §NR 3-109 of the County Code for a description of the application requirements under the Atlantic Coastal Bays Critical Area provisions. A Coastal Bays Critical Area report is required along with the site plan. Please forward this information to our office when it is submitted.
3. Within the IDA, the primary Critical Area concern is stormwater management and the requirement to provide at least a 10% reduction in pollutant load coming from the site. The applicant should complete the 10% calculations and also specific information as to how the 10% requirement will be addressed. Information regarding quantities of existing and proposed impervious surface is necessary to complete the calculations.
4. An additional requirement within the IDA is that at least 15% of the development site must be in forest or developed woodland cover. Notes should be provided which indicate how this requirement is being met. Based on our discussion of credits for chosen trees, shrubs, etc., it appears that 2,250 square feet of plantings are shown on

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Mr. Keith Lackie
May 1, 2003
Page 2

the landscape plan. There appears to be ample space to increase the plantings if necessary (i.e., depending on the lot size).

5. If any of the required planting is proposed off-site, information should be provided regarding the existing site conditions, property ownership, and means of protecting the planted area from future development.

Thank you for the opportunity to comment. Please forward the information requested above to our office when it is submitted. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC301-03



Ren Serey
Executive Director

**STATE OF MARYLAND
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May 1, 2003

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

RE: Seaside Village PCD – Major Site Plan review

Dear Mr. Lackie:

Thank you for providing the above referenced major site plan to this office for review. The applicant proposes to create a planned commercial development containing a restaurant, bank, three other commercial buildings and associated parking on a 5.01-acre parcel. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA). Commission staff has reviewed the information provided and we have the following comments:

1. The applicant should refer to §NR 3-109 of the County Code for a description of the application requirements under the Atlantic Coastal Bays Critical Area provisions. A Coastal Bays Critical Area report is required along with the site plan. Please forward this information to our office when it is submitted.
2. Within the IDA, the primary Critical Area concern is stormwater management and the requirement to provide at least a 10% reduction in pollutant load coming from the site. The applicant should complete the 10% calculations and also specific information as to how the 10% requirement will be addressed. Information regarding quantities of existing and proposed impervious surface is necessary to complete the calculations.
3. In regard to stormwater management, since drainage from the commercial portion of the Seaside Village PUD will be directed through the residential portion, it may be useful to require a comprehensive stormwater plan for the entire site. While more work would be involved initially, it seems that it would work in the applicant's favor over the long run.
4. If the rain garden islands are to be considered a part of the stormwater management scheme, they should be constructed in accordance with the specifications found in the

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Mr. Keith Lackie
May 1, 2003
Page 2

MDE Stormwater Manual for bioretention areas (as modified for the coastal region of Worcester County). Appropriate vegetative cover should be provided to ensure maximum uptake of pollutants. Density of plantings in these small islands is a concern as the landscape plan shows only one shrub per island. Also, information regarding the soils should be provided in order to determine the need for an underdrain.

5. An additional requirement within the IDA is that at least 15% of the development site must be in forest or developed woodland cover. Notes should be provided which indicate how this requirement is being met. Based on our discussion of credits for chosen trees, shrubs, etc., it appears that an additional 15,635 square feet of plantings are necessary. It seems that substantial foundation plantings can be added, along with increased plantings within the rain garden islands.
6. If any of the required planting is proposed off-site, information should be provided regarding the existing site conditions, property ownership, and means of protecting the planted area from future development.

Thank you for the opportunity to comment. Please forward the information requested above to our office when it is submitted. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC302-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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May 2, 2003

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

RE: Minor Site Plan #05-03-04-0006-C
Robert & Kara Snyder

Dear Mr. Keeley:

Thank you for providing information on the above referenced site plan. The applicants propose to construct a two-story building containing office space with a second floor apartment on a 0.5-acre lot. The property is designated IDA, Buffer exempt and is currently undeveloped. Commission staff has reviewed the information provided and we have the following comments:

1. A small pocket pond is proposed for stormwater management. A review of the 10% calculations indicated that the pond is sufficient to meet the 10% requirement. However, based on the site plan, there does not appear to be adequate pre-treatment of the runoff entering the pond from the parking lot. While sheetflow over a grass filter strip provides some pre-treatment, the parking lot is less than 10 feet from the edge of the pond. Guidance in the MDE Stormwater Manual (albeit for sheetflow into a bioretention area) states that a 20-foot filter strip should be provided after a stone diaphragm (see for example Figure 3.17 of the MDE manual). We recommend that adequate space be provided between the parking lot and the pond to ensure adequate pre-treatment occurs. It appears that the parking area could easily be redesigned to provide this space.
2. The MDE manual also recommends that stormwater facilities be vegetated wherever possible. The landscape plan does not show any plants for the pond.
3. Three whips do not provide adequate vegetation within the Buffer. We recommend that the afforestation area within the Buffer be enhanced with shrubs and herbaceous materials as well as the whips.

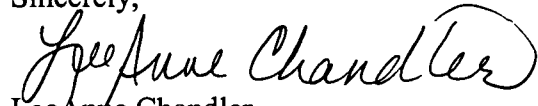
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Mr. Mark Keeley
May 2, 2003
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC260-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 1, 2003

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

RE: Variance Case No. V-040007, Sterling Properties Associates

Dear Ms. Maxwell:

Thank you for providing information on the above variance request. The applicant is requesting a variance from the required 50-foot setback from tidal waters to permit construction of a pavilion on a commercial marina property. The site is designated IDA and is currently developed with a marina, associated parking, a pool and a bathhouse.

This office cannot support the variance requested. There is ample opportunity to relocate the pavilion out of the Buffer, on top of existing impervious surface. The subject property contains excessive impervious surfaces as it is (without any apparent stormwater management). It appears that the proposed location of the pavilion is one of the few green, pervious areas on the site. The pavilion can be placed on a small portion of the adjacent parking lot. The parking spaces can be replaced elsewhere on the site. Please note that the parking requirements as they appear on the plans are not consistent with the parking standards in §18-1-112 of the County Code. Instead of one space per slip at a marina, the requirement is actually one space per two slips. Similarly, an outdoor pool requires one space per 75 square feet of water area, plus one space per employee. The property's existing parking far exceeds the required amount. No new impervious surfaces should be permitted within the Buffer. Section 18-1-132 (c) of the County Code lists the development requirements for commercial marinas. It states, "Use of impervious ground surfacing shall be minimized wherever possible." It is clearly possible to minimize impervious surface in this case by locating the pavilion outside of the Buffer on the existing parking lot.

There are no special conditions or circumstances that are peculiar to this property. Reasonable use of the property already occurs and denial of the requested variance would not be an unwarranted hardship. There are ample opportunities to place the pavilion elsewhere on the property without a variance. Enforcement of the Buffer provisions will not deprive

Ms. Cathy Maxwell
May 1, 2003
Page 2

the applicant of rights commonly enjoyed by other properties in the Critical Area of Queen Anne's County. Non-water dependent structures are not permitted within the Buffer. Granting of the variance would give the applicant a special privilege that would be denied to others developing within the Critical Area. Excessive impervious surface without any stormwater management already exists on this property. Approving additional impervious cover within the Buffer would be contrary to the stated goals of the Critical Area Law, specifically protecting water quality and fish, plant and wildlife habitat.

In summary, the application lacks any justification for the requested variance. There is no unwarranted hardship in this case and there are clear alternatives such that a variance would not be necessary. We recommend that this request be denied.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC299-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 2, 2003

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

RE: Minor Site Plan #05-03-04-0006-C
Robert & Kara Snyder

Dear Mr. Keeley:

Thank you for providing information on the above referenced site plan. The applicants propose to construct a two-story building containing office space with a second floor apartment on a 0.5-acre lot. The property is designated IDA, Buffer exempt and is currently undeveloped. Commission staff has reviewed the information provided and we have the following comments:

1. A small pocket pond is proposed for stormwater management. A review of the 10% calculations indicated that the pond is sufficient to meet the 10% requirement. However, based on the site plan, there does not appear to be adequate pre-treatment of the runoff entering the pond from the parking lot. While sheetflow over a grass filter strip provides some pre-treatment, the parking lot is less than 10 feet from the edge of the pond. Guidance in the MDE Stormwater Manual (albeit for sheetflow into a bioretention area) states that a 20-foot filter strip should be provided after a stone diaphragm (see for example Figure 3.17 of the MDE manual). We recommend that adequate space be provided between the parking lot and the pond to ensure adequate pre-treatment occurs. It appears that the parking area could easily be redesigned to provide this space.
2. The MDE manual also recommends that stormwater facilities be vegetated wherever possible. The landscape plan does not show any plants for the pond.
3. Three whips do not provide adequate vegetation within the Buffer. We recommend that the afforestation area within the Buffer be enhanced with shrubs and herbaceous materials as well as the whips.

Mr. Mark Keeley
May 2, 2003
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC260-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 5, 2003

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

RE: Regenhardt Variance, Town of Queenstown

Dear Mr. Hurley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an addition and deck within the Buffer. The property is designated LDA and is currently developed with a single-family dwelling and driveway.

Based on a review of the site plan, it appears that the existing dwelling is partially within the Buffer. It appears that any addition to the back of the house has the potential to impact the Buffer. With the redesign of the deck, the addition appears to be a reasonable expansion of living space that will also preserve the front façade of the dwelling. We do not oppose the variance requested provided that mitigation is addressed as indicated in the Buffer Management Plan. We also encourage the applicant to minimize use of heavy equipment wherever possible. For example, the deck footers should be installed by hand.

Thank you for the opportunity to comment. Please forward these comments to the Town of Queenstown Appeals Board and include them in the official record. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QT298-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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May 5, 2003

VIA FACSIMILE

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

RE: Case No. 2003-0065-V, John Alden – REVISED PLANS

Dear Ms. West:

This office has received the revised plans associated with the above referenced variance request. The revisions do not affect our position on this request. Please refer to our original letter for our mitigation recommendations.

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

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: AA220-03

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To <i>Mike Drum</i>	From <i>Lee Anne</i>	
Co.	Co.	
Dept.	Phone #	
Fax # <i>410 280 1952</i>	Fax #	



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 5, 2003

VIA FACSIMILE

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

RE: Case No. 2003-0065-V, John Alden – REVISED PLANS

Dear Ms. West:

This office has received the revised plans associated with the above referenced variance request. The revisions do not affect our position on this request. Please refer to our original letter for our mitigation recommendations.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA220-03



Martin G. Madden
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
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May 6, 2003

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

RE: Subdivision – 13 Lots at the former Shantytown Site – Revised Plans

Dear Mr. Lackie:

This office has received the revised plans (dated 4/13/03) for the above referenced subdivision. The applicant proposes to subdivide a 4.46-acre property into 13 single-family residential lots. The site currently contains numerous buildings and a gravel parking lot up to the edge of the bulkhead. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA) and is within Buffer Management Area (BMA) Group C. Commission staff has reviewed the information provided and we have the following comments:

1. The Critical Area report contains no documentation of the presence or absence of any Habitat Protection Areas in the vicinity of the site. The Maryland Department of Natural Resources' Natural Heritage Program should be contacted for this information. (While the presence of HPAs on the site is doubtful, there may be nearby habitats (for example, a colonial nesting water bird site) that may require a time of year restriction on construction.)
2. Within the IDA, the primary Critical Area concern is stormwater management and the requirement to provide at least a 10% reduction in pollutant load coming from the site. The 10% calculations indicate that the reduction in impervious surfaces addresses the 10% pollutant reduction requirement. However, we do support the proposed grassed swales to capture and convey runoff from the proposed road. We also encourage on-site stormwater management (such as rain gardens) to address runoff from the individual lots.
3. An additional requirement within the IDA is that at least 15% of the development site must be in forest or developed woodland cover. It is our understanding that the County is permitting the applicant to combine this project with the townhouse project in terms of meeting this requirement. The question remains as to gross site area the 15% should be applied to. As shown on the landscape plan, the 15% IDA

Mr. Keith Lackie
May 6, 2003
Page 2

afforestation requirement is based on the area of uplands only. Since the wetlands are being used to generate density (for the townhouses) and are also being made part of private lots, it seems that the area of such wetlands should also be included when calculating the afforestation requirement.

4. Notwithstanding the above, Commission staff supports the proposed landscape easement to satisfy the 15% afforestation requirement. Please note that the landscape plan should be revised to reflect the credit system that will be used (i.e., tree = 200 square feet, etc.) rather than the 100 stems per acre that was originally considered.
5. The Critical Area report states that the tidal wetlands are private rather than State-owned due to their elevation compared to the elevation of mean high water. The mean high water elevation should be determined from the nearest NOAA benchmark. The method used to determine mean high water should be specifically stated.
6. The existing conditions plan shows a concrete barrier around the edge of tidal wetlands. It is not clear if this concrete barrier will remain or if it will be removed or replaced. This should be clarified.

Thank you for the opportunity to comment. Please forward the information requested above to our office when it is submitted. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC212-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2003

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

RE: Site Plan Review – Proposed Townhouses at the former Shantytown Site

Dear Mr. Lackie:

This office has received the revised plans (dated 4/16/03) for the above referenced project. The proposal includes the construction of 29 townhouses, a service road, pool and parking area on a 2.89-acre property. The site currently contains a number of buildings and a gravel parking lot up to the edge of the bulkhead. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA) and is within Buffer Management Area (BMA) Group C. Commission staff has reviewed the information provided and we have the following comments:

1. The Critical Area report contains no documentation of the presence or absence of any Habitat Protection Areas in the vicinity of the site. The Maryland Department of Natural Resources' Natural Heritage Program should be contacted for this information. (While the presence of HPAs on the site is doubtful, there may be nearby habitats (for example, a colonial nesting water bird site) that may require a time of year restriction on construction.)
2. Within the IDA, the primary Critical Area concern is stormwater management and the requirement to provide at least a 10% reduction in pollutant load coming from the site. The 10% calculations indicate that the reduction in impervious surfaces addresses the 10% pollutant reduction requirement. However, it is not clear if the fire turnaround area is being considered pervious or impervious. This should be clarified. Usually "turf blocks" are considered partially pervious and given credit as documented in the manufacturer's specifications.
3. An additional requirement within the IDA is that at least 15% of the development site must be in forest or developed woodland cover. It is our understanding that the County is permitting the applicant to combine this project with the subdivision in terms of meeting this requirement. The question remains as to gross site area the 15%

Mr. Keith Lackie
May 6, 2003
Page 2

should be applied to. Apparently, part of a nearby parcel (parcel 227) is proposed to satisfy open space requirements for the townhouse project. Only 0.4 out of 3.02 acres of the parcel is not wetlands. As shown on the landscape plan, the 15% IDA afforestation requirement is based on the area of uplands only. Since the wetlands are being used to generate density, it seems that the area of such wetlands should be included when calculating the afforestation requirement.

4. Based on our discussions and a review of the landscape plan, it appears that the 15% afforestation requirement is being addressed primarily on the subdivision portion of the overall project. Other landscape requirements are being addressed on nearby parcel 227. The depiction of parcel 227 shows a parking lot, gazebo and boardwalk over tidal and non-tidal wetlands. There is cross-hatching across a large portion of the parcel without a label. More accurate information should be provided. For example, the tidal wetlands are either State wetlands (such as a tidal creek) or private wetlands. It is also not clear if the structures shown are existing or proposed. Further review is needed in regard to parcel 227.
5. There is no information in regard to how the requirement for a bufferyard will be addressed as required in Section IX (C)(1) of the County Buffer Management Area regulations. This should be clarified.

Thank you for the opportunity to comment. Please forward the information requested above to our office when it is submitted. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WC175-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2003

Ms. Eva Kerchner
Queen Anne's Dept. of Public Works
PO Box 56
Centreville, MD 21617

RE: Plantings for 10% Rule Compliance

Dear Ms. Kerchner:

This letter is meant to document the recent correspondence we have exchanged in regard to allowing plantings to offset 10% removal requirements, when an on-site facility cannot fully meet those requirements. We have agreed that plantings can only be used in certain circumstances and only for 10% purposes (not for the standard stormwater requirements). Plantings should only be used to make up the difference between what pollutant load the BMP addresses and the removal requirement established by the 10% calculations. We have further agreed that plantings can be used to address no more than 0.5 pounds of Phosphorus removal.

Enclosed with this letter are some materials Commission staff used as the basis for our recommendations on planting rates. The published 10% guidebooks provide a list of offsets, including riparian reforestation where a half-acre would address one pound of removal requirement. However, the guidebooks do not recommend a planting rate nor do they equate a certain number of trees to pounds of Phosphorus. Maryland's USDA/Natural Resource Conservation Service has published a practice standard for conservation cover (Code 327). When the purpose of tree and shrub planting is to improve water quality, the establishment goal is 300 to 400 trees and/or shrubs per acre after two years. Depending on the type of planting stock (bare root vs. containerized) the recommended planting rates vary. Given the low survivability rate for bare root seedlings, containerized trees and shrubs should be planted at a rate of 210 plants per pound of Phosphorus removal (or 105 plants for the maximum of 0.5 pounds). A mix of only native non-invasive species would be accepted. In most situations, an entirely new area should be planted rather than supplemental planting in the Buffer, because the Buffer is required to be established in natural vegetation anyway. The plantings for 10% offset purposes should be identified appropriately on the plans and should be in addition to any required mitigation, afforestation or landscaping. Standard guarantees would be required.

Please let me know if the paragraph above does not accurately reflect what we have discussed. I can be reached at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 8, 2003

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

RE: Critical Area Map Amendment (resulting from change to Tidal Wetlands Map)


Dear Mr. Hedger:

At its meeting of May 7, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays reviewed the proposed Critical Area map amendment submitted by Wicomico County. The Commission concurred with the Chairman's determination that the change could be handled as a refinement. The Chairman has approved the map amendment as a refinement to the County's Program

In accordance with Natural Resources Article §8-1809(p)(4), the County must incorporate the refinement (i.e., finalize the map amendment) within 120 days of receipt of this notice. Please forward a copy of the new Critical Area map to our office when it is available.

Thank you for your patience and assistance in processing this request. If you have any questions, please feel free to contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 8, 2003

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

RE: Administrative Variance Case No. 03-04-02, Douglas Morris

Dear Ms. Swinson:

Thank you for providing information on the above variance request. The applicant is requesting a variance to permit a septic system within the Buffer. The subject property is designated LDA and is Buffer Exempt. It is currently developed with a single family dwelling and a number of accessory structures.

It is my understanding that the applicant is proposing to put an addition on his dwelling. The addition requires the septic system to be brought up to today's standards. I have spoken at length to Mr. John Wheeler of the County's Health Department. He indicated that due to poor soils on site, there were no alternative locations for the septic system. The sandy soils, located near the Bay, provide the best option for placement of the septic mound. At this location, the septic effluent drains through the sand in the septic mound, into the natural sandy soils and then into groundwater. Mr. Wheeler indicated that this system will improve the current situation, where septic effluent enters the groundwater with little to no treatment.

Ideally, the septic mound would be placed at least out of the 50 foot Buffer, if not the full 100-foot Buffer. Unfortunately, this site does not appear to make that possible. We do not oppose the variance requested provided that mitigation is provided for disturbance in the Buffer. Also, we recommend against allowing the old deck to be replaced on top of the septic reserve area. In order for the system to properly function, a full vegetative cover should be established. Also, the application states that nine trees are proposed to be removed. If this is more than 20% of the trees on site, they should be replaced at a 1 to 1.5 ratio. If this is more than 30% of the trees on site, they should be replaced at a 3 to 1 ratio. This should be clarified.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC330-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 8, 2003

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

RE: Variance Case No. V-040009, Jeffrey R. Scott


Dear Ms. Maxwell:

Thank you for providing information on the above variance request. The applicant is requesting a variance to reduce the side yard setback to permit construction of an addition and to replace a screened porch. The subject property is designated LDA and is currently developed with a single family dwelling.

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

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC332-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 9, 2003

Mr. Jesse C. Houston, Director
Town of Ocean City, Planning & Community Development
PO Box 158
Ocean City, MD 21843-0158


RE: Approval of Request for an Extension to Resubmit Critical Area Program

Dear Mr. Houston:

At its meeting of May 7, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Town's request for an extension in time to resubmit a revised Critical Area Program. As requested by the Town, the Commission granted the extension to July 2, 2003.

Commission staff looks forward to meeting with you to resolve the remaining issues in the next few weeks. If you have any questions or concerns, please contact me or Ren Serey, the Commission's Executive Director, at (410) 260-3460.

Sincerely,


LeeAnne Chandler
Natural Resources Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 12, 2003

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

RE: Major Site Plan #MASP 05-02-02-0009©, Offshore Performance, LLC
Revision #5

Dear Ms. Collison:

Thank you for providing the latest revision of the above referenced site plan to our office for review. The applicant proposes to construct a boat repair facility and associated storage/parking on a 1.04-acre property. Commission staff has reviewed the latest revision. As recommended in previous comments, the applicants now propose planting 25 shrubs within the Buffer to offset the deficiency of the stormwater facility in meeting the 10% requirement. Given the small deficiency, this option seems well suited for this site. This office has no further concerns regarding this project.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC82-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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May 15, 2003

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

RE: Critical Area Map Amendment – Impact to County’s Growth Allocation

Dear Mr. Hedger:

My letter of May 8th that notified the County that the Commission had approved the proposed map amendment neglected to mention the impact of the amendment on the County’s Growth Allocation. The map amendment removes 51.3 acres of Resource Conservation Area from the Critical Area. Since the amount of growth allocation is 5% of the total RCA in the County, this reduction in RCA results in a 2.56-acre reduction in the County’s Growth Allocation reserve. Please make a note of this reduction in the County’s growth allocation records. Based on our records, the County’s new growth allocation reserve is 701.42 acres.

If you have any questions or if there is a discrepancy between our records and the County’s, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 15, 2003

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

RE: Impervious Surface Issues at Queenstown Harbor


Dear Commissioner Miller:

This office has been contacted by a number of concerned residents about the impervious surface problems at Queenstown Harbor. It is our understanding that there has been a long standing violation that has been left unresolved pending various attempts at addressing the long term impervious surface issues at this development. We have received correspondence that discusses the possible use of growth allocation as a means to address the current violation and to avoid future impervious problems. However, to date, the Commission has not received any formal request from the Town in this regard.

Please provide an update as to the status of the violation and notify us of the Town's decision regarding the use of growth allocation. This information would enable us to respond to the concerned citizens appropriately.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Mr. Roby Hurley



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 18, 2003

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

RE: Major Site Plan #MASP04-02-12-0012(C) – REVISION #3
The Tides Condominiums, Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

Thank you for providing Revision #3 of the above referenced site plan to our office for review. The applicant proposes to construct two condominium buildings, containing a total of 15 units, along with necessary parking and stormwater facilities. The area of development is designated IDA. Commission staff has reviewed the information provided. The deficiency in the stormwater facility for meeting the 10% pollutant reduction requirement (a total of 0.09 lbs.) has been addressed via on-site plantings. Also, it appears that the proposed community pier with 10 slips has been removed from the proposal. Based on these factors, this office has no further Critical Area concerns on this project.

If you have any questions or if there are further changes to the project as it appears on Revision #3, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: . QC453-01



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 27, 2003

Ms. Elizabeth A. Wirick
255 Hammarlee Road
Glen Burnie, MD 21060

RE: Case No. 2002-0541-V, Lorraine Colletta


Dear Ms. Wirick:

Thank you for your letter of May 19, 2003 regarding the above referenced variance case. As you are aware, the Administrative Hearing Officer denied the variance requested for the deck and balcony on March 11, 2003. The thirty-day time period in which an appeal may be filed with the County Board of Appeals has expired.

Upon receipt of your letter, Commission staff contacted Mr. Robert Winchester of the County Department of Inspections and Permits. He, in turn, contacted the appropriate person at Building Inspections. The Building Inspection staff agreed that upon expiration of the appeal period, the case should have immediately been referred to the Office of Law. Once the Building Inspection office was notified late last week, the case was referred to the Office of Law without further delay. It is our understanding that the Office of Law will issue the legal order to remove the deck.

Thank you for bringing this matter to our attention. If you need further assistance, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Mr. Robert Winchester, Anne Arundel County
AA112-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 23, 2003

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

RE: Major Site Plan – Edward Enterprises, LLC
MASP #04-03-02-0013© - REVISION #2


Dear Ms. Krista-Maenhardt:

Thank you for providing Revision #2 of the above referenced major site plan. The applicant proposes to construct 3,408 square feet of retail space, two commercial apartments, associated parking and travelways. The property is designated IDA and is currently developed with an auto repair business. Commission staff has reviewed the information provided and we have the following comments:

1. The applicant has indicated that the current project will bring the total impervious cover draining to the stormwater pond up to 8.58 acres. This is less than the 10.78 acres of impervious that the pond was designed for so the existing pond (at a 60% efficiency) is adequate to meet the 10% rule.
2. The site plan shows the new parking lot on the east side of the lot draining to a "storm drain proposed by others." It appears that this storm drain also receives runoff from Thompson Creek Road and the property beyond. It should be verified that the 8.58 acres includes the portion of Thompson Creek Road and the area beyond it that will be draining to the regional pond. Otherwise, revised information should be provided.

Thank you for the opportunity to comment. If the information listed above is verified, this office has no further concerns in regard to this project. If you have any questions, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC153-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 28, 2003

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

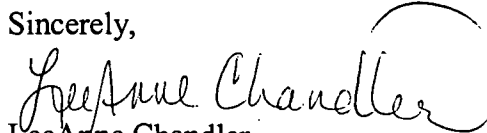
RE: Administrative Subdivision #04-03-05-0005-C, Downey Land Development

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a lot line to transfer property between two existing lots. A strip of land along the existing road right-of-way totaling 0.155 acres will be transferred to the property proposed for development as "The Tides" condominiums. Based on a review of the information provided, there does not appear to be any Critical Area issues of concern.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC367-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 28, 2003

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

RE: Administrative Subdivision #02-03-05-0003-C, Evelyn Hughes

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a lot line to transfer property between two existing developed lots. Apparently the dwelling and well on one property were placed in the wrong location. Transfer of the property will eliminate the non-conformity. Because there are no new non-conformities created by the subdivision, this office has no comments on this proposal.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC365-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 28, 2003

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

VIA FACSIMILE

RE: Revised Landscaping Proposals – Narrows Pointe

Dear Ms. Krista-Maenhardt:

This office has received information from Aqua-Niche, an environmental consulting firm, proposing to revise the landscaping plans for the Narrows Pointe development. The revised plans include both the Buffer plantings as well as the plantings for the stormwater management ponds. Based on a review of the information provided, this office supports the proposed revisions. There will be greater diversity in the proposed species and certain inappropriate species previously proposed (such as eelgrass in the stormwater ponds) will be eliminated. We do recommend that the County require the standard guarantees from the developer to ensure that the plantings are completed as proposed.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC594-00



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 30, 2003

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

RE: MASP#05-03-03-0006©, 7-Eleven Store, Winchester Creek, LLC – Revision #1

Dear Ms. Scozzari:

This office has received information on the above referenced major site plan. The applicant proposes to construct a 3,050 square foot 7-Eleven store with fuel pumps on a portion of an approximately 5-acre waterfront parcel. The parcel is proposed to be subdivided into three lots, with the 7-Eleven located on a 1.02 acre lot. The parcel is currently designated as Buffer Exempt and is designated IDA with an underlying Urban Commercial zoning classification. Commission staff has reviewed the information provided and we have the following comments:


1. The County's ordinance appears not to specify what factors should be taken into consideration when evaluating whether a project provides the "least intrusion necessary" into a Buffer Exempt Area. For this project, it appears that the applicant has proposed no net increase in impervious cover over what existed on the site in 1989. However, as we discussed, some of that impervious cover was removed a number of years ago by a previous property owner and questions have been raised as to whether the impervious cover is "grandfathered." The grandfathering section of the County's ordinance requires conformance to the ordinance if a use is abandoned for more than a year. The grandfathering of long absent impervious surfaces has significant implications in regard to the amount of mitigation required as well as in the 10% pollutant reduction requirements. Buffer Exemption status was established due to conditions existing when the County adopted its Critical Area Program. However, while "Buffer Exemption Areas are not subject to the requirements for establishing a minimum 100 foot vegetated Buffer, they are **instead subject to other requirements in order to assure that the present and future uses of these sites contribute to water quality enhancement and fish, plant, and wildlife conservation**" (taken from page 43 of the Queen Anne's County Critical Area Program with emphasis added). Credit should not be given for what a different property owner may have done 10 years ago. This issue and the related mitigation and 10% requirements need to be resolved.

Ms. Nancy Scozzari
May 30, 2003
Page 2

2. As we have discussed, there is a provision in the BEA section that establishes a 15% impervious cover limit, even in the IDA (see §14-153(d)(5)). The application of this provision should be clarified.
3. Please forward information on the results of the proposed re-zoning of the third lot when a decision is made. If the re-zoning is not approved, there appears to be significant uncertainty as to the future use of Lot 3. As discussed in our meeting, the impacts to the Buffer cannot be evaluated for least intrusion necessary without considering what will happen on Lot 3.
4. When available, please forward a copy of the Planning Director's findings that the intrusion in the Buffer is the minimum necessary. The Planning Director must find that there is no feasible alternative to developing in the Buffer.
5. The landscape plan indicates that 14 trees will be planted on the Motel 6 site to offset the additional impervious cover within the 100-foot Buffer on this site. However, the new Motel 6 landscape plan does not include these trees. This should be addressed and clarified.
6. We recommend that a greater number and variety of species be used to landscape in and around the stormwater management pond.
7. The revised 10% calculations combine the Motel 6 with the 7-Eleven site. These calculations may need to be revised, pending discussion pertaining to comment #1 above.
8. Please note that on sheet 7 of 8, the 7-Eleven store is labeled as a continece store rather than a convenience store.

Thank you for the opportunity to comment on this site plan. Please forward revised plans to this office for further review when they become available. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC188-03



Martin G. Madden
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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May 30, 2003

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

RE: Kent Narrows Properties, LLC (formerly C & T Land, Inc) Hotel and Commercial
Retail/Office, Concept Plan – CP#05-03-02-0003(c) – REVISION #2

Dear Ms. Scozzari:

This office has received the latest plans for the proposed hotel and office building on a 3.234-acre parcel in the Kent Narrows area. I have reviewed the information provided and also visited the site. Many of our concerns previously conveyed remain.

1. There have been a number of questions raised recently by County citizens regarding the County's interpretation of its Critical Area ordinance. In particular, questions have been raised in regard to grandfathering impervious surfaces that were removed greater than a year prior (see §14-122 of the County Code) as well as the provision in the BEA section which establishes a 15% impervious cover limit, even in the IDA (see §14-153(d)(5)). There should be consistency in how the County reviews various projects. The grandfathering of long absent impervious surfaces has significant implications in regard to the amount of mitigation required as well as in the 10% pollutant reduction requirements. For this project, it is not appropriate to look back at the 1972 State wetlands map or even a 1984 aerial photo to establish "existing conditions." Buffer Exemption status was established due to conditions existing when the County adopted its Critical Area Program. However, while "Buffer Exemption Areas are not subject to the requirements for establishing a minimum 100 foot vegetated Buffer, they are **instead subject to other requirements in order to assure that the present and future uses of these sites contribute to water quality enhancement and fish, plant, and wildlife conservation**" (taken from page 43 of the Queen Anne's County Critical Area Program with emphasis added). Credit should not be given for what a different property owner may have done 10 to 15 years ago. This issue and the related mitigation and 10% requirements need to be resolved.
2. Calculations which demonstrate that the 10% pollutant reduction requirement can be addressed on site should be provided.

Ms. Nancy Scozzari

May 30, 2003

Page 2

3. The applicant has indicated that the WVC zoning district requires the 12-foot boardwalk. Such a requirement does not appear in the zoning ordinance. Instead, it states that the site plan cannot be approved unless the development is generally consistent with the guidelines in the Kent Narrows Development Handbook regarding architecture ... and boardwalks. It is unclear if the development handbook recognizes any of the Critical Area requirements for development within Buffer Exemption Areas. Given the layout of the site and the impact of the 12-foot wide boardwalk on two sides of the project, some flexibility in the guidelines should be permitted. This seems especially true since the pedestrian trail entering the site is proposed to be just six feet in width.
4. The site must be consistent with the criteria for Buffer Exemption Areas as set out in §14-153(d)(1)&(2) of the County Code. The site must also be consistent with the mitigation requirements in BEAs as set out in §14-153(e). This includes both 2:1 mitigation for new impervious surfaces in the Buffer as well as providing natural vegetation in the area between the development and the water. Please note that concrete pavers as well as grassed traffic bearing pavers are not 100% pervious. The manufacturers specifications should be used to establish the perviousness of each and the impervious amount should be included in the total to be mitigated.
5. The area proposed for the fire lane cannot be credited towards the mitigation due for impacts to the Buffer. The applicant states that "natural grasses" will be used to vegetate the area. Turf grass or manicured lawn does not qualify as a "natural grass." We recommend that other narrow areas where planting is unrealistic also be eliminated from the area counting towards mitigation. (The area remaining between the development and the water has to be vegetated anyway.) The applicant should provide information on the offsite mitigation area as soon as possible.
6. Please forward a copy of the Planning Director's findings regarding ensuring the least intrusion necessary in the Buffer Exempt Area for this project. It should be noted that the majority of the impervious surfaces on the site in the past were associated with water-dependent facilities that require location within the Buffer.

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

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC8-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 30, 2003

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

RE: MASP#05-03-03-0005©, MOTEL 6, RPM Investments, LLC – Revision #1

Dear Ms. Scozzari:

This office has received Revision #1 of the above referenced major site plan. The applicant proposes to construct a 63-room Motel 6 on a portion of an approximately 5-acre waterfront parcel. The parcel is proposed to be subdivided into three lots, with the motel located on the largest lot. The proposed lot is 3.032 acres in size and it currently contains some areas of driveway. It is currently designated as Buffer Exempt and is designated IDA with an underlying Urban Commercial zoning classification. Commission staff has reviewed the information provided and we have the following comments:

1. The County's ordinance appears not to specify what factors should be taken into consideration when evaluating whether a project provides the "least intrusion necessary" into a Buffer Exempt Area. For this project, it appears that the applicant has proposed no net increase in impervious cover over what existed on the site in 1989. However, as we discussed, some of that impervious cover was removed a number of years ago by a previous property owner and questions have been raised as to whether the impervious cover is "grandfathered." The grandfathering section of the County's ordinance requires conformance to the ordinance if a use is abandoned for more than a year. The grandfathering of long absent impervious surfaces has significant implications in regard to the amount of mitigation required as well as in the 10% pollutant reduction requirements. Buffer Exemption status was established due to conditions existing when the County adopted its Critical Area Program. However, while "Buffer Exemption Areas are not subject to the requirements for establishing a minimum 100 foot vegetated Buffer, they are **instead subject to other requirements in order to assure that the present and future uses of these sites contribute to water quality enhancement and fish, plant, and wildlife conservation**" (taken from page 43 of the Queen Anne's County Critical Area Program with emphasis added). Credit should not be given for what a different property owner may have done 10 years ago. This issue and the related mitigation and 10% requirements need to be resolved.

Ms. Nancy Scozzari
May 30, 2003
Page 2

2. As we have discussed, there is a provision in the BEA section that establishes a 15% impervious cover limit, even in the IDA (see §14-153(d)(5)). The application of this provision should be clarified.
3. Please forward information on the results of the proposed re-zoning of the third lot when a decision is made. If the re-zoning is not approved, there appears to be significant uncertainty as to the future use of Lot 3. As discussed in our meeting, the impacts to the Buffer cannot be evaluated for least intrusion necessary without considering what will happen on Lot 3.
4. When available, please forward a copy of the Planning Director's findings that the intrusion in the Buffer is the minimum necessary. The Planning Director must find that there is no feasible alternative to developing in the Buffer.
5. We recommend that the applicant be required to specify what improvements or changes are proposed for the existing pier. Winchester Creek is shallow and contains submerged aquatic vegetation. The need and intent with regard to dredging should be established. The site plan should contain appropriate enforceable notes pertaining to plans for the pier and the protection of the aquatic resources.
6. The site plan should specify whether the tidal wetlands on the property are private tidal wetlands or State tidal wetlands, as well as an explanation on how it was determined. For example, the determination can often be made based on elevation as compared to a NOAA benchmark, vegetation type, or a combination of both. Also, the environmental report states that the landward limits of non-tidal wetlands on the property were field delineated, surveyed and plotted on the site plan. However, non-tidal wetlands do not appear on the plan. This should be clarified.
7. A combination of trees and shrubs are proposed to meet the 50% shore buffer afforestation requirement of Title 18. Please note that in Title 14, the County mitigation requirements for development within BEAs calls for the extent of the parcel shoreward of the new development or redevelopment to be established and maintained in natural vegetation (see §14-153(e)). The stricter requirement applies and the entire 50-foot Buffer should be fully vegetated. We recommend that a mix of trees, shrubs and herbaceous materials be used to meet this requirement. We do not support site plan approval without the establishment of an adequate Buffer.
8. The revised 10% calculations combine the Motel 6 with the 7-Eleven site. These calculations may need to be revised, pending discussion pertaining to comment #1 above.

Ms. Nancy Scozzari
May 30, 2003
Page 3

Thank you for the opportunity to comment on this site plan. Please forward revised plans to this office for further review when they become available. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and extends to the right with a long horizontal flourish.

LeeAnne Chandler
Natural Resources Planner

cc: QC187-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 2, 2003

Ms. Stacey Weisner
Worcester Co. Development Review & Permitting
One West Market St. – Room 1201
Snow Hill, MD 21863

RE: Seaside Village PCD – Comments for Technical Review Committee Meeting of 6/4/2003

Dear Ms. Weisner:

Thank you for providing information on the major site plan referenced above. The applicant proposes the construction of five buildings (one restaurant, one bank and three retail buildings), associated parking and other related facilities on a five-acre parcel designated as an Intensely Developed Area. The site is currently undeveloped. Commission staff has reviewed the information provided and we have the following comments:

1. The Critical Area report and the site plan (sheet S-1) indicate that the proposed development will cover 70% of the site with impervious surfaces. However, the 10% calculations are based on only 53% impervious cover. The difference in these numbers should be explained and/or corrected as necessary. Also, the report and sheet S-1 show the total site area to be 5.01 acres while the 10% calculations use 5.03 acres. These numbers should be consistent.
2. If in fact the site is proposed to have 70% cover, the 10% calculations need to be revised. Also, at the end of the calculations, the engineer has written, "Required = 2.52 # TP/yr" which is actually the pre-development pollutant load. The removal requirement is actually 3.39 # TP/yr as indicated in Step 4.
3. In regard to the proposed stormwater management, this office defers to the County stormwater reviewers in regard to design and sizing of the facilities. We do suggest however, that the "raingardens" in the parking lots be planted with more than just one tree per island (for example, some herbaceous groundcover could be added).
4. Sheet S-1 shows the soils on-site as Woodstown and Mattapex (Wda and MpA) while sheet 6 of 7 of the Engineer's plans show the soils as Made Land (Ma). These should be consistent.

Ms. Stacey Weisner
June 2, 2003
Page 2

5. The landscape plan (Sheet L-1) shows the stormwater swales vegetated with a mix of herbaceous species including asters, purple coneflowers and black-eyed susans. Credit at 2 square feet per plant is called for by the County's Program. The planting in this case is through spreading of a seed mixture that surely will not have a 100% success rate. We recommend that credit be given at 2 square feet per plant only if containerized plants are used. Perhaps the County could give some credit for the seeded area (for example 0.5 square foot per square foot of seeding) but this may mean that post-planting inspections could involve counting all the plants that germinate. We recommend that the landscape plan be revisited as it does not appear to meet the 15% requirement.
6. Documentation should be provided in regard to the absence of any Habitat Protection Areas that could be affected by the proposed development.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WC302-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 2003

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

RE: Minor Site Plan #05-03-04-0006-C – REVISION #1
Robert & Kara Snyder

Dear Mr. Keeley:

Thank you for providing Revision #1 of the above referenced site plan. The applicants propose to construct a two-story building containing office space with a second floor apartment on a 0.5-acre lot. The property is designated IDA, Buffer exempt and is currently undeveloped. Commission staff has reviewed the information provided. A small pocket pond is proposed for stormwater management. A review of the 10% calculations indicates that the pond is sufficient to meet the 10% requirement. The site plan now has a number of arrows indicating drainage direction more clearly. Also, a number of shrubs are proposed in and around the pond. Provided that the County's Department of Public Works is satisfied, this office has no further concerns regarding stormwater management or this project in general.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Cc: QC293-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 6, 2003

Mr. Sandy Coyman, Director
Worcester Co. – Dept of Comprehensive Planning
One West Market St., Suite 1302
Snow Hill, MD 21863-1249

RE: Mapping Error on Map 9, Parcel 356, Lots 1 through 12 and Parcel 162

Dear Mr. Coyman:

Thank you for providing information on the mapping error referenced above. Commission staff has reviewed the information provided along with the maps that were approved by the Critical Area Commission in November 2002. The properties in question were designated LDA when the maps were submitted to the Commission for approval. It was only upon the reprinting of the maps (after applying a corrected designation for the Riverview mobile home park) that the properties appeared as RCA. Because the maps approved by the Commission showed the subject properties as LDA, changing their designations back to LDA does not need approval from the Commission or any further action from this office. Please send us a corrected Map 9 when it is available.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Program file WCA-1



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2003

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

VIA FACSIMILE

RE: BA 14-03V, Scott & Annette Zepko (2002-0415-V)

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure (swimming pool) in the front yard in an MA-2 zoning district. The property is designated LDA and is currently developed with a single-family dwelling, driveway, hot tub and shed. According to the County, the pool in the front yard does not need a Critical Area Buffer variance because it is Buffer Exempt and is located further from the water than the corner of the existing house. Since the subject request is related to a zoning restriction rather than the requirements of the County's Critical Area Program, this office has no comment on the locational variance for the pool in the front yard. If approved, appropriate mitigation at a 2:1 ratio should be required for the new impervious surface within 100 feet of the water.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA631-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 13, 2003

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

RE: Administrative Variance Case No. 03-04-03, John J. Capozzi

Dear Ms. Swinson:

Thank you for providing information on the above variance request. The applicant is requesting a variance to construct an addition to an existing house within the Buffer. The subject property is designated LDA and is currently developed with a single-family dwelling and driveway.

It appears that this lot has shoreline on three sides of the existing dwelling. Ideally, the addition would be placed on the street side of the dwelling and therefore not require a variance. However, we recognize that the corner of the existing dwelling is approximately 51 feet from the shoreline at its closest point. The new impervious surface will be located 65 feet from the water. While the existing dwelling is large, the addition is not an unreasonable size. We do not oppose the variance requested, provided that mitigation for the structures in the Buffer is required. Optimally, the new trees will be placed in the Buffer between the new addition and the water.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC369-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2003

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

RE: Administrative Subdivision #05-03-06-0005-C, Maurice & Blanche Dasheill

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate several lot lines to provide road frontage to an existing lot by creating a private road. Three existing parcels are involved and no new lots are being created. The reason for the subdivision is to eliminate existing non-conformities. No new development is proposed. Future development of Parcel 438 must be consistent with the County's Critical Area Program. The only issue of concern is the creation of a lot with two existing private piers. According to §18-1-062(b), one private pier is permitted on a lot that is within an NC district that does not have a community pier. While not a Critical Area issue, it seems that two piers on one lot would be a new non-conformity due to the proposed subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC414-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2003

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

RE: Minor Subdivision, File #05-02-04-0023, Rosario & Janet Marinucci
Amendment to open space and relocation of private road

Dear Ms. Krista-Maenhardt:

Thank you for providing the plans for the above referenced minor subdivision. The applicant proposes to relocate a private road and amend the open space on a recently approved subdivision. Based on a review of the information provided, it appears that these changes will not affect Critical Area resources. We have no comment on this subdivision.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC254-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

RE: Major Site Plan – A & M Marine Services, Inc.
MASP #05-03-02-0011© - Revision #2

Dear Ms. Collison:

Thank you for providing the most recent revision of the above referenced site plan to our office for review. The applicant proposes to construct a new boat repair and storage building on an existing commercial property that is already used for marine-related services. The property is designated IDA and is currently developed with a number of structures including a house and some sheds. The revised plans show additional plantings as mitigation for the previous clearing violation.

We have no further Critical Area concerns related to this project.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC161-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 23, 2003

Mr. Jesse C. Houston, Director
Town of Ocean City, Planning & Community Development
PO Box 158
Ocean City, MD 21843-0158

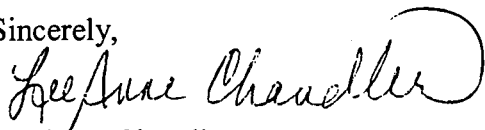
RE: Town of Ocean City's Revised Critical Area Program

Dear Mr. Houston:

This office received the Town's revised Critical Area Program on June 17, 2003. The panel, which previously held a public hearing on the Town's Program, will be discussing the revised Program and will determine what recommendation to make to the full Commission at 11:30 a.m. on July 2, 2003 at the Commission's usual meeting location. The Commission will vote on the Program during its afternoon meeting at approximately 2:30 p.m.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 2003

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

RE: Shantytown Residential Subdivision – Comments for Planning Commission Meeting of 6/5/2003

Dear Mr. Lackie:

Thank you for providing the most recent plans for the above referenced subdivision. The applicant proposes to subdivide a 4.46-acre property into 13 single-family residential lots. The site currently contains numerous buildings and a gravel parking lot up to the edge of the bulkhead. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA) and is within Buffer Management Area Group C. Commission staff has reviewed the information provided and we have the following outstanding comments:

1. Please forward a copy of the letter from the Heritage Program that responds to Mr. See's letter of May 9, 2003. Final approval should be held until a response is received to ensure any forthcoming recommendations can be followed.
2. Our previous comments raised some questions in regard to the 15% afforestation requirement and the gross site area on which it will be based on. As we discussed, the revised landscaping plan was inadvertently left out of the package sent to us for review. Unfortunately, due to the monthly Critical Area Commission meeting tomorrow, I will not be able to provide comments on the revised landscaping plan in time for the meeting on Thursday. If possible, we would like the opportunity to provide comments on the revised landscaping plan prior to final Planning Commission approval.
3. Note #15 on sheet 1 of 5 should be corrected. The pocket of wetlands within the Open Space was determined to be private tidal wetlands based on an elevation analysis using the closest NOAA benchmark. (Mr. Kincaid's conclusion, although correct, was based solely on a review of the map. It has since been determined that an on-site vegetative analysis and an elevation survey are necessary to conclusively determine if wetlands are private or State.) It is our understanding that the applicant

Mr. Keith Lackie

June 3, 2003

Page 2

will be providing the County with a survey plan which indicates the survey points and the line between private and State tidal wetlands. (It is my understanding that the applicant does own enough private tidal wetlands to generate the desired density of the overall project.) The plan is supposed to have a stamp or signature from Mr. Doldon Moore (the State Wetland Administrator with the Board of Public Works) indicating that the line has been verified.

4. It is not clear if the existing concrete barrier around the pocket of tidal wetlands will remain or not. Regardless, we recommend that the plat contain notes specific to Lots 1, 2 and 13 specifying that certain activities within the private tidal wetlands are prohibited. In discussing this issue with staff from the Maryland Department of the Environment, they suggested that deed restrictions similar to those for the protection of non-tidal wetlands (when they are incorporated into private lots) be placed on those lots that include the private tidal wetlands. Attached is a sample of special conditions placed on a permit for a subdivision. The same language could be used if references to "or buffer areas" were deleted, along with the reference to the Clean Water Act and the Nontidal Wetlands Protection Act. Alternatively, simplified language could be used which states that activities within the private wetlands are prohibited except as expressly permitted by MDE. Such restrictions should appear on the deed and individual lot plats for Lots 1,2 and 13 of this subdivision.

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

Sincerely,



LeeAnne Chandler

Natural Resources Planner

Enc.

cc: Mr. Doldon Moore, State Board of Public Works
WC212-03



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 3, 2003

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

**RE: Site Plan Review – Proposed Townhouses at the former Shantytown Site
Comments for Planning Commission Meeting of 6/5/2003**

Dear Mr. Lackie:

This office has received the revised plans (dated 4/16/03) for the above referenced project. The proposal includes the construction of 29 townhouses, a service road, pool and parking area on a 2.89-acre property. The site currently contains a number of buildings and a gravel parking lot up to the edge of the bulkhead. Under the County's Coastal Bays Critical Area Program, the site is designated as an Intensely Developed Area (IDA) and is within Buffer Management Area (BMA) Group C. Commission staff has reviewed the information provided and we have the following comments:

1. Please forward a copy of the letter from the Heritage Program that responds to Mr. See's letter of May 9, 2003. Final approval should be held until a response is received to ensure any forthcoming recommendations can be followed.
2. Our previous comments raised some questions in regard to the 15% afforestation requirement and the gross site area on which it will be based on. As we discussed, the revised landscaping plan was inadvertently left out of the package sent to us for review. Unfortunately, due to the monthly Critical Area Commission meeting tomorrow, I will not be able to provide comments on the revised landscaping plan in time for the meeting on Thursday. If possible, we would like the opportunity to provide comments on the revised landscaping plan prior to final Planning Commission approval.
3. There is no information in regard to how the requirement for a bufferyard will be addressed as required in Section IX (C)(1) of the County Buffer Management Area regulations. This should be clarified.

Mr. Keith Lackie

May 6, 2003

Page 2

4. The density calculations on the cover sheet of the site plan have been removed. This may be due to some outstanding questions on the use of wetlands on Parcel 227 to generate density. It has been determined that an on-site vegetative analysis and an elevation survey are necessary to conclusively determine if wetlands are private or State.) It is our understanding that the applicant will be providing the County with a survey plan which indicates the survey points and the line between private and State tidal wetlands. (It is my understanding that the applicant does own enough private tidal wetlands to generate the desired density of the overall project. However, the exact acreage has not been specified.) The plan is supposed to have a stamp or signature from Mr. Doldon Moore (the State Wetland Administrator with the Board of Public Works) indicating that the line has been verified.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC175-03

SPECIAL CONDITIONS (Deed Restrictions)

The applicant, a lot owner, or any subsequent landowner shall not subdivide this property described as Lots 1-79, Whispering Woods Subdivision, West Ocean City, Maryland, and may not conduct at any time, any of the restricted activities described below.

Except as expressly authorized pursuant to any permits or letters of authorization previously obtained from and issued by the U.S. Army Corps of Engineers and/or Maryland Department of the Environment (or their successors or assigns), neither the permittee, nor any subsequent owner or owners of the Property, or any portion thereof, shall undertake or cause to be undertaken, any of the following within or upon the wetland or buffer areas:

- a. Construct or place buildings, sheds, walkways, roads, signs or other structures on or above the ground within the wetland or buffer areas;
- b. Dump or place trash, brush, mulch, soil, or other fill material within the wetland or buffer areas, or otherwise use the ground within the wetland or buffer areas for disposal or storage of such materials;
- c. Excavate, dredge, or remove loam, peat, gravel, soil, rock, plant materials, or other material substance within the wetland or buffer areas;
- d. Remove or destroy trees, shrubs, or other vegetation, or any other material substance within the wetland or buffer areas in violation of Section 404 of the Clean Water Act and/or the applicable provisions of the Maryland Nontidal Wetlands Protection Act, or
- e. Engage in any activities on the wetland or buffer areas that would violate any governmental regulation concerning drainage, flood control, water conservation, erosion control, soil stabilization, or plant, fish or wildlife habitat preservation.

Alteration of vegetation or other substances within the wetland or buffer areas as required for routine maintenance of the wetland or buffer areas consistent with State and federal laws is permissible.

The above deed restrictions must appear on the deed and individual lot plats for these lots currently known as, Lots 1-79, Whispering Woods Subdivision, West Ocean City, Maryland and must be recorded for all future sales of this property.

Failure to include these deed restrictions on the deeds for the above property and to record these deed restrictions on the record plats, will invalidate this permit



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 25, 2003

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

RE: Conditional Use Case No. CU-060015, John Fish

Dear Ms. Maxwell:

Thank you for providing information on the above conditional use request. The applicant is requesting conditional use approval to allow conversion of an existing residence to a medical office. The subject property is designated IDA and is currently developed with a single-family dwelling, driveway and pool.

Provided that the 10% pollutant removal requirement is addressed during the site plan review process, this office has no concerns regarding this conditional use request.

Thank you for the opportunity to review this request. Please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC461-03

Staff Correspondence Vol. 1: Hoerger

2003

S1832-154-2



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: John Milne
MS 03-050

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create three lots on parcel 96. The Critical Area report indicates 42 single-family homes are proposed for parcel 199; however, the site plan submitted shows no development on parcel 199, so I assume that will be submitted at a later date. I have outlined our comments below for the proposal for parcel 96.

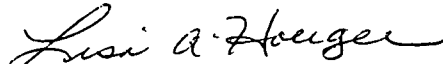
1. The Critical Area report indicates parcel 96 will support one dwelling and a stormwater management area. This is inconsistent with what is shown on the site plan.
2. The jurisdictional determination should be completed prior to final lot recordation to ensure the limit of disturbance associated with each proposed dwelling does not encroach into a wetland or its associated buffer.
3. There is a symbol on this plan that may indicate a stream. Please have the applicant clarify this issue since the application of a 100-foot Buffer would require a reconfiguration of lots 2 and 3.
4. The site plan indicates the soils are Elkton silt loam and tidal marsh. Since both of these soil classifications are considered hydric, has the applicant demonstrated to the County that the development of these three lots will not negatively impact nearby aquatic environments?

Ms. Krinetz
July 1, 2003
Page Two

5. Will public sewer serve these lots? If not, where will the proposed septic reserve areas be located? They should be located outside of any Habitat Protection Areas since these are new lots.
6. Has a permit been secured from the Maryland Department of the Environment for the clearing proposed in the nontidal wetland?
7. We recommend the applicant provide the required reforestation on-site. It appears there may be an area available for planting in the vicinity of lot 3.
8. We recommend a note be added to the plat to alert future lot owners of the total allowable impervious area for each lot.
9. Since each lot adjoins nontidal wetlands, how will the applicant ensure future homeowners will not encroach into these areas? We have recommended in other cases that a fence or signs be erected to delineate the edge of the wetland buffer from the uplands.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 472-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 27, 2003

Mr. Frank Ward
Anne Arundel County Permit Application Center
MS 6001
2664 Riva Road
Annapolis, Maryland 21401

Re: Jonas Green State Park Project

Dear Mr. Ward:

The staff of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays is reviewing the Jonas Green State Park project. We are aware the Department of Natural Resources (DNR) and the State Highway Administration currently own the property and that the DNR portion of the property will be deeded over to Anne Arundel County once the project is completed. In that regard, the County has become the lead agency in seeking the required permits. Nonetheless, the Commission will view this project under its regulations that govern State agencies on State-owned lands and will require a conditional approval due to proposed impacts to the 100-foot Buffer and steep slopes.

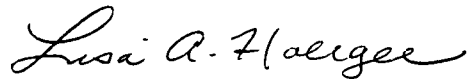
Since the Maryland Department of the Environment reviews only those projects whereby the applicant is either a State or Federal agency, we understand the County has agreed to perform the sediment and erosion control measures and the stormwater review will be also be performed by either Public Works or Recreation and Parks.

Prior to review and approval by the Commission these reviews and permits must be completed or in their final review stages with no substantial changes, otherwise approval by the Commission may be delayed.

Mr. Ward
June 27, 2003
Page Two

If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ron Etzel, Department of Public Works
John Keene, Department of Recreation and Parks
Andy Hanas, Department of Natural Resources
Chris Goettge, The Faux Group, Inc.
Gary Williams, Andrews Miller & Associates, Inc.

COPIES
sent to
Mary Kay

June 20, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Colledge Family Limited Partnership -S 964

Dear Ms. Verdery:

I have received the proposed intrafamily transfer request for review and comment. I have outlined our comments below.

1. A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be received prior to final plat recordation.
2. From the information provided, it appears the property is owned by a limited partnership, which cannot create intrafamily transfer lots. The Natural Resources article is clear in this regard when it states that intrafamily transfer lots can only be transferred from a family member to a family member, and a limited partnership is not a listed family member. See below.

“Bona fide intrafamily transfer” means a transfer to a member of the owner’s immediate family of a portion of the owner’s property for the purpose of establishing a residence for that family member. “Immediate family” means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

Natural Resources Article §8-1808.2 (a) 2-3

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 423-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Martin Point Family Farms, LLC - S 966

Dear Ms. Verdery:

I have received the proposed subdivision request for the Martin Point Family Farms, LLC. I have outlined our comments below.

1. The site plan shows the septic area outside the Critical Area. How much clearing is anticipated inside the Critical Area to accommodate the septic line from its proposed location to the dwelling?
2. Since the area of this proposed lot will be converting from an agricultural use to a residential use, the 100-foot Buffer must be reestablished in native Buffer vegetation.
3. A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be received prior to final plat recordation.
4. The Development Rights calculations appear incorrect. The site plan shows five existing dwellings on lot 1, not three.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: 424-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

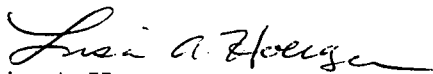
Re: Bay Vista
L 920

Dear Ms. Verdery:

I have received the proposed lot line revision for the above-referenced subdivision. It is my understanding these lots were recorded subsequent to the adoption of the Talbot County Critical Area program; therefore, these lots are limited to 15% impervious cover. In that regard, the allowable impervious surface listed on the plan does not appear correct. If lot 19 will be 14,898 square feet after the lot line revision, then 15% cover would total 2,234.70 square feet. In the case of lot 21, 15% of 20,482 square feet will be 3,072.30 square feet. Please have the applicant correct these numbers.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: 422-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Kingston Landing Boat Ramp Project

Dear Ms. Verdery:

The Commission has received a Public Notice from the U.S. Army Corps of Engineers and the Maryland Department of the Environment which describes the Kingston Landing Boat Ramp project. If permits are received from these agencies, this project should be forwarded to the Commission for review and approval.

If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: David Bates
03-WL-1235

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to emplace 1,965 feet of stone revetment within a maximum of 10 feet channelward of the mean high water. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

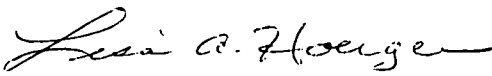
Re: Knapps Narrows Marina, Inc.
03-WL-1128

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to maintenance dredge the existing boat docking area. The Public Notice indicates the dredged material will be dewatered on-site at an upland containment area. This area should be outside of any Habitat Protection Areas, including but not limited to the 100-foot Buffer to tidal waters and tidal wetlands.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File

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

MEMORANDUM

To: Commission Members

From: Ren Serey, Mary Owens, Lisa Hoerger

Date: June 19, 2003

Subject: Dwellings as Accessory Uses in the Resource Conservation Area

The Program Subcommittee has been discussing the issue of dwellings as accessory structures in the Resource Conservation Area (RCA) for the past few months. These discussions were prompted by the action taken with Talbot County last fall and in reaction to two other local Critical Area programs that permit dwellings as accessory uses but do not count them against the density of a parcel or lot.

In 1993 the Commission created a policy for local governments called, "The Calculation of Density in the Resource Conservation Area". The intention of this policy was to inform local governments that certain uses, regardless of whether they might otherwise be considered accessory structures, would need to be counted towards the density of a lot or parcel. The Commission adopted the Building Officials and Code Administrators Code (BOCA) definition of dwelling unit as the standard by which a use would be classified as a dwelling unit. That definition is below.

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

-BOCA 1993, Section 310.2

Despite this policy, Anne Arundel, Calvert, and Talbot counties have continued to permit various accessory uses in the RCA without counting them towards the density of the lot or parcel. Each county has viewed these uses as various accessory uses and each jurisdiction does provide some parameters for these uses, which are described below. The Program Subcommittee has confirmed their position that guest houses, tenant houses, accessory apartments, domestic quarters, caretaker's residences, etc. are dwelling units and that their designation by a local government as an "accessory use" does not render them "density neutral" with respect to the one dwelling unit per 20 acres in the RCA.

The general consensus of the Subcommittee is to seek clarification from the General Assembly in defining a dwelling unit for the purpose of counting density in the RCA.

The issue has been raised with the Chairman of the Critical Area Oversight Committee, and he has requested a more extensive briefing on the issue by Chairman Madden and Commission staff on July 9, 2003. Commission staff would like to provide the Oversight Committee with the Commission's ideas on the issue as a prelude to working with the Oversight Committee on potential legislation. The following ideas have been discussed by the Subcommittee and by Commission staff as issues that will be pertinent to the discussion with the Oversight Committee.

Guest House, Accessory Apartment, Domestic Quarters, Caretakers Residence

Typical General Requirements

The jurisdictions that consider certain types of dwellings to be accessory uses and therefore not subject to density restrictions generally require the "dwelling" to meet certain requirements. The following list is a compilation of the requirements from Anne Arundel, Calvert and Talbot counties:

- Cannot be leased, rented, sold, let, sublet
- Limited to one kitchen
- Size limits varies from 800 square feet to 1500 square feet
- Only one per parcel
- Must be attached to another accessory structure or within 100 feet of the principal dwelling
- Only for a domestic employee or guest
- Limited to a six-month stay

Special Exceptions

When the Program Subcommittee discussed this issue last month, there was general support of the concept of using the "special exception process" to ensure that the construction of guest houses, accessory apartments, etc. meets the requirements of the local Critical Area Program as well as the spirit and intent of the Program. Because special exceptions must be sent to the Critical Area Commission for comment, it gives the Commission the ability to ensure that any requirements and limitations in local ordinances are being applied, and that the variance process is not used to accommodate these structures in the Buffer or on steep slopes. The following list of conditions could become standards for the local approval of a special exception for this type of dwelling, based on the various restrictions above:

- Limited to 1500 square feet or less (maybe we want to make this smaller)
- Cannot be leased, rented, sold or sublet (this might not work for Calvert's apartments)
- Limit impervious surface area (this might not be needed since the existing impervious surface limits would apply – I put this on the list because Barbara mentioned it)

Growth Allocation

Another option that the Program Subcommittee discussed was the idea of using growth allocation for these types of dwellings in the RCA. It was also discussed that this could be done in conjunction with the special exception process. One specific benefit of this approach is that by changing the RCA designation to LDA, the issue of exceeding the one dwelling unit per 20-acre density no longer exists because the additional dwelling would not be located in the RCA.

- The deduction envelope would include the area of the septic, footprint and driveway (should we just say one acre or some number because accessory structures like garages, sheds, pools, etc. could be added later).
- Since this would be considered a special class of growth allocation, the Commission's current growth allocation policy would need to be revised because the current deduction guidelines could not apply.
- Each county could set aside an amount of growth allocation just for this type of deduction.
- A county would also have the ability to simply not permit growth allocation to be used for this purpose if they did not want to permit these uses in the RCA.

Maryland Environmental Trust (MET) Easement Language

Since the last Program Subcommittee meeting, Commission staff met with MET's legal counsel to discuss how MET has viewed accessory structures that are dwellings. MET maintains the view that accessory structures shall only be used for the purpose of a single-family dwelling unit. MET distinguishes between primary dwellings and accessory structures by placing limitations on the following:

- Size of the accessory residences;
- Number of accessory residences;
- Prohibiting subdivision from the principal residence; and
- Prohibiting accessory structures (like sheds, garages, pools) that benefit accessory residences.
- Maintaining a certain distance to the principal residence.

Finally, MET uses the following language in their easement documents concerning accessory residences:

Accessory residence(s), {OPTION: provided that it (they) may not without the approval of Grantees exceed a gross floor area of 2000 square feet, calculated by first multiplying the exterior footprint of the portions of the structure with multiple stories by the number of stories with windows and then adding the exterior footprint of any portions of the structure with one story, including, but not limited to, porches and garages, but excluding unenclosed decks, basements and attics"} (the term "accessory residence(s)" includes, but is not limited to, guest houses, tenant houses, farm manager houses, mobile homes, seasonal cabins and all other structures used as residences that are not primary residences).



Martin G. Madden
Chairman

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Executive Director

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June 18, 2003

Ms. Elinor Gawel
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Draft Legislation Concerning the County's Chesapeake Bay Critical Area Program

Dear Ms. Gawel:

Recently you requested our office provide comments on the draft County Council Bill concerning changes to the Critical Area program. This bill will update and amend the County's Critical Area program through the various implementing ordinances. I have outlined our staff comments below. The Critical Area Commission will not review this bill until the County Council has approved it. The Commission's Program Subcommittee will undertake a review at that time.

Article 28 ZONING – Title 1 General Provisions

1-119 (a)(3) Why is the County proposing this change for structures? Regardless of the height limit, the structures identified in this sentence (driveway, fence, at-grade parking lot) will still need a Critical Area review to ensure that impervious surfaces are within the allowable limits and that these structures do not impact a Habitat Protection Area, like the 100-foot Buffer. How will the County ensure this review for structures less than eight inches above grade?

1A-103 Accessory structures and community parks are being added to the uses permitted in the County's Resource Conservation Area (RCA). As we have discussed with staff in previous meetings, the Commission members may have concerns about uses that are allowed under accessory structures (i.e. domestic quarters) since certain uses may affect the density on a parcel in the RCA, which is restricted to one dwelling unit per twenty

Ms. Gawel
June 18, 2003
Page Two

acres. Community parks likely will be of concern also because the Commission has not approved active recreation areas in other local Critical Area programs as an RCA use without deducting growth allocation.

1A-108 (h)(3)(i)(3)(II) This section states, "Comply with the Forest Conservation requirements of Article 21 and Article 26 of this code." Does this mean the provisions of the Forest Conservation Act or the provisions of the County's Critical Area reforestation and afforestation requirements? The Forest Conservation Act is not applicable in the Critical Area.

1A-109 Buffer Exemption Area Program - The mapping standards are being removed from this section. The mapping standards need to be part of the County's Program. Are they being deleted or are they proposed to be located in a different section or document?

1A-109 (c)(1)(i) Buffer Exemption Area Program - We note that the County has decided to allow certain types of accessory structures closer to the shoreline. The Commission has approved similar of language in other local programs; however, that language has been accompanied by limitations and mitigation for these structures that are waterward of the existing principal structure. For example, the Commission approved recent revisions of local programs included limits of 500 square feet within 50 feet of the water and 1,000 square feet total in the Buffer, with appropriate mitigation.

Article 28 Title 11. Rezoning, Special Exceptions, and Variances

(c)(1) This provision mentions "natural features" as a basis that can be used for determining that a mapping mistake was made. We have discussed this provision with County staff within the last year. County staff agreed to provide a list of standards required of applicants for correction of a mapping mistake so that it was clear what types of evidence would be required to prove that natural features are the basis for the mistake. The required evidence and documentation needs to be described in the Code.

General Comments

1. The County should be including a provision in the Buffer Exemption Area (BEA) language in the ordinance that directs all newly mapped BEAs be sent to the Critical Area Commission for review and approval.

Ms. Gawel
June 18, 2003
Page Three

2. The County has indicated that the Program Document is being amended to remove all language that conflicts with the ordinances. The Program Document is considered part of the County's Critical Area Program, and amendments to it must be reviewed and approved by the Commission.
3. In those instances where the ordinance language refers to a Forest Management Plan, it is not clear who is responsible for preparing and approving these plans. Please clarify this.
4. It has come to our attention that the current bond language does not allow the County to move forfeited bond money into the County's Reforestation Fund. We recommend that a forfeit clause be added to the bond language so it can be placed in the County's Reforestation Fund and used to provide the required planting.
5. It seems that the administration and enforcement of the Critical Area program in the Town of Highland Beach has become confused over the years, despite the Memorandum of Understanding that was initiated between the County and the Town; therefore, we recommend a meeting between the County and Town to settle these issues. It is likely that a new Memorandum of Understanding will be necessary.
6. We understand from discussion with County staff and the law office that the County has had difficulty enforcing the restrictions placed on lots created through the intrafamily transfer provision. Apparently the County Code prohibits County staff from carrying out certain necessary actions required by the State's Critical Area law. It is essential that the County Critical Area program is in compliance with State law. Therefore, appropriate deed restrictions must be placed on lots created through the intrafamily transfer provision so that it is clear that future sale of the lots is not permitted unless the owner demonstrates that a change in circumstances has occurred.
7. The Commission has requested an update on the status of the County's Reforestation Fund. Specifically, the Commission will be interested in how many acres have been cleared and how many acres have been planted in the Critical Area. The Commission will also be interested in the fees collected and the fees spent.

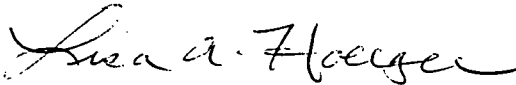
8. We have seen numerous variance requests for decks and patios inside the 100-foot Buffer on non-grandfathered lots that could have accommodated such uses outside the Buffer. We recommend the County require a setback from the 100-foot Buffer, for new construction on newly created lots to avoid these situations.
9. Last summer, the County instituted a process whereby the Administrative Hearing Officer would stamp plans approved by his office to ensure that the permit reviewers in the Planning and Zoning Department were reviewing the approved plans. Is this process occurring, and if so, how is it working?
10. At the time of subdivision approval, the community called Water's Edge (formerly Woods Landing II) was proposing 14.9% impervious cover. Over the past year, it has come to our attention that numerous homeowners have added additional impervious areas and the result is that the overall subdivision is now not in compliance with the County's subdivision approval and the County's impervious surface limitation of 15% impervious cover. Mr. John Peacock has been helpful in explaining how the County intends to rectify this situation. Nevertheless, the Commission will expect a formal resolution. How is the County addressing the impervious surface issue in this community? What measures has the County identified in cooperation with the community to bring the site into compliance?
11. Will the County be proposing any new Buffer Exemption Areas (BEAs)? If so, when can we expect the maps and the justification for each BEA? Commission staff will need to perform site visits so it would be helpful to have a list as soon as possible.
12. Has the County updated its Habitat Protection Area resource maps and inventory? It is our understanding that the Department of Natural Resources, Heritage and Biodiversity Division has updated its inventory for Anne Arundel County. Please provide us with the status of the County's maps and inventory.
13. We understand the County is in the process of conducting a study of how many undeveloped, grandfathered lots exist as part of a larger County-wide planning study. Once the study is completed, the Commission will be interested in the results, particularly with regard to the number of grandfathered lots in the Critical Area. The Commission likely will require a formal distinction between outlots, residue parcels, and reserve parcels with regard to their grandfathered status and potential for future development, subdivision and reconfiguration.

Ms. Gawel
June 18, 2003
Page Five

14. It has come to our attention that mitigation for new impervious surface in the 100-foot Buffer on lots that are considered Buffer Exempt may not be occurring at a 2:1 ratio. We have seen a recent case where it appears the bond set aside for planting may not adequately cover the new impervious area in the Buffer at a 2:1 ratio. I have attached that example for your review and comment.
15. The Commission will request the County to present the changes the County has instituted with regard to its enforcement efforts since last summer. Specifically, the Commission will want to see what type of restoration activity has occurred on various properties that we reviewed last summer. Commission staff will provide a list to Mr. Winchester for follow-up information. The Commission will also request information on fines collected and their use.

Thank you for the time spent on this process. If you have any questions concerning the above-referenced comments, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Robert Walker, Land Use and Environment Officer
Joseph Rutter, Planning and Zoning Officer
Barbara Samorajczyk, Anne Arundel Representative to Critical Area Commission
Martin G. Madden, Chairman
Ren Serey, Executive Director
Mary Owens, Chief, Program Implementation
Regina Esslinger, Chief, Project Review

AA375-03

Page: 1 Document Name: untitled

DATE: 04/21/2003
TIME: 15:14:08

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
CREATE APPLICATION REQUEST

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

APPLICATION TYPE	VARIANCE							
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT	TYPE	
2003-0153-V	7001-0045-6900	69	10	0085	4	5096.0	R	
APPLICANT NAME	POMERLEAU, JOHNNY						APPLICATION DATE	04/21/2003
CLASS RESTRN	STANDARD	SETBUF	TYPE	APPLICATION FEE		150.00		
ANALYST	KAS	STATUS	OPEN	DECISION		COURT		
OWNER NAME/ADDRESS/PHONE	POMERLEAU, JOHNNY Y 4921 THOMAS DR						PROPERTY DESCRIPTION	
							IMPSLTS 4 5 BK 50 SC C 4921 THOMAS DR AVALON SHORES	
SHADYSIDE	MD 20764	TELEPHONE						
PROPERTY LOCATION	45 FEET OF FRONTAGE ON E SIDE OF THOMAS DRIVE 600 FEET S OF STEAMBOAT ROAD IN SHADY SIDE							
TAX DIST	7	COUNCIL DIST	7	ZONING R5				
WATERFRONT	Y	CORNER LOT	N	CRITICAL AREA: IDA N LDA Y RCA N				
MAPS:	200	ALEX		DEED: LIBER 11105 FOLIO 691				

Page: 1 Document Name: untitled

DATE: 04/21/2003
TIME: 15:16:44

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
CREATE DESCRIPTION AND RECOMMENDATION DATA

PROGRAM ID: PNZ021C
SCREEN ID: PNZMS21

CASE NUMBER	2003-0153-V	APPLICATION TYPE	VARIANCE
DESCRIPTION	VARIANCE TO PERMIT A DWELLING ADDITION (DECK) WITH LESS SETBACKS AND BUFFER THAN REQUIRED.		

RECOMMENDATIONS

* Hearing Thurs. June 26th. (Rds)

Bea? - Yes

CLEAR-MENU RECORD SUCCESSFULLY UPDATED

PF1-MST PF2-REA PF3-SIG PF6-COM PF11-FWD PF12-BCK
1 Sess-1 189.9.9.4 PA73

RECEIVED

MAY 23 2003

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

REFORESTATION/AFFORESTATION DECLARATION AND AGREEMENT,
made this ___ day of _____, 20___, by _____
_____, hereinafter referred to as "Applicant".

RECITALS

Applicant owns a certain parcel for real estate and desires to obtain approval for Permit 202156625 to make improvements on said parcel as required by County Law, which is more particularly described as follows:

Tax Map 69, Block 10, Parcel 36, Lot 4+5

Subdivision AVALON SHORES

Address 4921 THOMAS DR., SHADY SIDE 20764

As a condition precedent to receiving the aforementioned approval, Applicant is required to furnish a form of financial security to Anne Arundel County, Maryland for reforestation to comply with the stormwater management provisions of the Anne Arundel County Code, now in force or as from time-to-time amended.

NOW, THEREFORE, in consideration of these premises and in order to comply with specific provisions of the Anne Arundel County Code, Applicant agrees as follows:

1. The Applicant shall provide, plant and maintain 526 square feet of plant material in accordance with the approved planting plan attached hereto as Exhibit "A".
2. Applicant has posted security in the amount of _____ Dollars (\$ 210.40) in the form of a cash/certified check/performance bond/irrevocable letter of credit, as security for the aforementioned reforestation which has been determined at a rate of \$ 0.40 cents per square foot areal extent to be reforested as shown on the site plan/planting plan approved by the Department of Planning and Code Enforcement, a copy of which is attached hereto as Exhibit "A".
3. Applicant understands and agrees to be bound by all the terms and conditions of this Agreement as well as the stormwater management provisions of the Anne Arundel County Code now in force or as from time-to-time amended.
4. The following provisions apply to the security posted by the Applicant:
 - (a) The security will be held by the County for a period to end not less than two (2) years after completion of all reforestation/afforestation to insure proper maintenance and growth of natural forest cover after replanting. It is the responsibility of the Applicant to maintain a natural forest cover and replace the dead portions thereof; and in the even Applicant fails to do so, the County may, without further notice, take such action as necessary to obtain the security posted.
 - (b) One year after completion of the living portions of single reforestation projects over 50,000 square feet in size, the Applicant

upon application to the County, and in sole discretion of the County, may obtain a partial release and/or refund of the security posted up to fifty percent (50%) of the cost of the improvements.

- 5. This Agreement shall be governed by the laws of the State of Maryland.
 - 6. This Agreement shall insure to the benefit of the parties hereto, their heirs, personal representatives, legal representatives, successors and assigns, as appropriate.
 - 7. This Agreement contains the complete and final agreement between the parties and no representations not herein contained, whether written or oral, shall apply.
- WITNESS the Hands and Seals of the Applicants on the date and year first above written.

Cindy Riggs
WITNESS

Kim-Pomerleau
APPLICANT

WITNESS

APPLICANT

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, That on this 3 day of March 2003, before me, the subscriber, Notary Public in and for the State and County, aforesaid, personally appeared Kim Pomerleau, known to be (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she/he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Cindy Riggs
Notary Public

My Commission Expires: 7/6/03

reforest.frm/pacblou

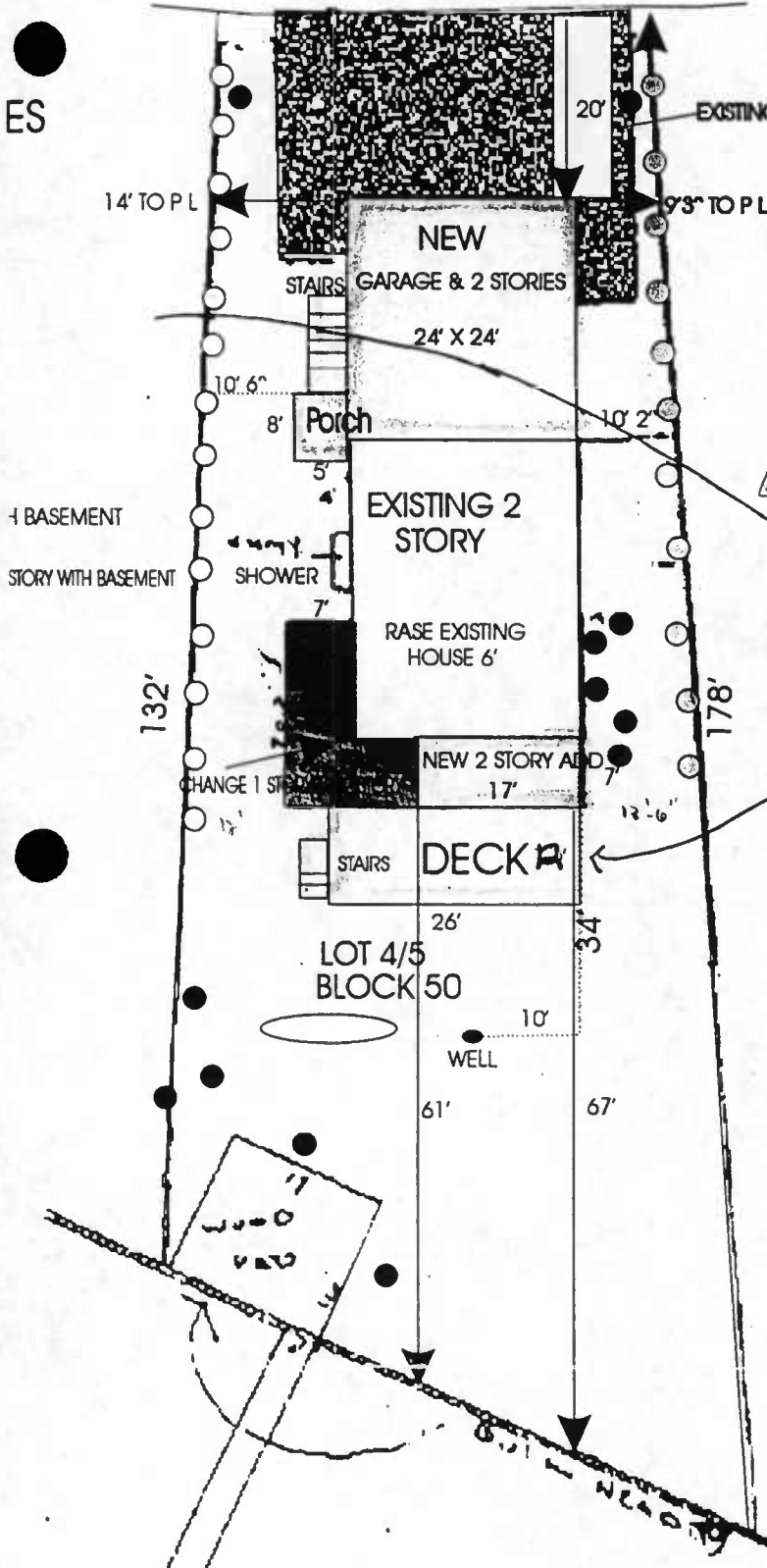
2/8/03

THOMAS DR

ES

New Structures

576 gar.
40 st.
117 add
312 deck
1047 new imp.



approx. 100-foot Buffer

proposed deck

Lot 4
WITH PROPOSED
12' x 26' DECK

pending application #
802186625

*property is BEA (Tax Map 69, Parcel 86, Lot 4)

2003-0153-V

W.E.



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 18, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Larry & Grace Haskins
Appeal #1279

Dear Ms. Verdery:

Thank you for forwarding the above-referenced appeal to this office for review and comment. The applicant proposes to construct a 220-foot pier with an "L" head, 12' x 3' catwalk, two boatlifts and three mooring piles. This office has no comment regarding the encroachment issue or the pier request provided no Habitat Protection Areas are impacted.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 438-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: James McCloud - Quaker Neck Road, Bozman - #A 002

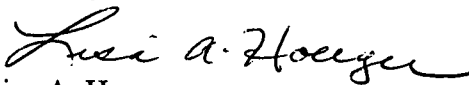
Dear Ms. Verdery:

I have received the above-referenced administrative variance request to permit multiple additions to an existing dwelling inside the 100-foot Buffer. This property was the subject of a previous variance request for a swimming pool inside the 100-foot Buffer; however, this office understands that the Board of the Appeals denied variance and subsequently the applicant located a pool outside the Buffer. The new pool is not shown on the site plan submitted with this application. If the proposed variances are granted we recommend the County require the applicant to calculate the existing and proposed impervious areas on site to ensure compliance with the impervious surface limits.

I visited this site three years ago in conjunction with the application for the swimming pool. Given the location of the existing dwelling, with little opportunities to expand outside the 100-foot Buffer, this office does not oppose the requested variance. Both proposed additions appear to be reasonably sized and the applicant has minimized impacts to the Buffer by locating accessory uses outside the Buffer. Provided the Board of Appeals finds the applicant has sufficiently met the variance standards, we recommend mitigation in the form of native Buffer plantings at a 2:1 ratio for new areas of impervious surface in the Buffer. We recommend the County require some form of stormwater management be provided for the new additions in the Buffer.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 431-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

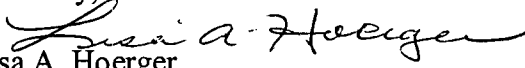
Re: John G. Schreiner – 8716 Bozman Neavitt Road, Bozman
A 003

Dear Ms. Verdery:

I have received the above-referenced administrative variance request to permit a second story addition to an existing dwelling inside the 100-foot Buffer. This office has no objection to the requested variance since the applicant has selected to build a second story addition, which minimizes any intrusion into the Buffer. This office encourages this type of expansion due to its minimal disturbance in the long term. If the Planning Officer determines this construction will result in any new, permanent disturbance to the Buffer, then we recommend 2:1 mitigation for that area of new impervious surface in the form of native Buffer plantings.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 426-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

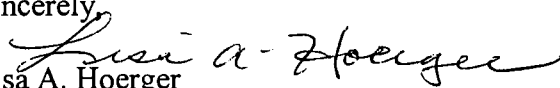
Re: Thomas Hamilton – 705 Riverview Terrace, St. Michaels
A 004

Dear Ms. Verdery:

I have received the above-referenced administrative variance request to permit two additions and decks that are either wholly or partially within the 100-foot Buffer to the Miles River. This office has no objection to the requested variances since it appears the applicant has minimized intrusion into the Buffer and the sizes of the additions are reasonable. Any new impervious areas inside the 100-foot Buffer should be mitigated at a 2:1 ratio in the form of native Buffer plantings.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 427-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Loker/Rice – 4851 Ferry Neck Road, Royal Oak
A 005

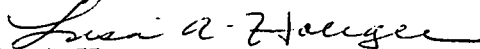
Dear Ms. Verdery:

I have received the above-referenced administrative variance request to permit an addition to an existing dwelling in the 100-foot Buffer to Foxhole Creek. This office has no objection to the requested variance given the location of the dwelling in relation to the extensive Buffer on this property. However, we recommend the following as conditions of granting the variance.

1. The applicant provides the County with the total proposed impervious areas inside and outside the 100-foot Buffer;
2. The applicant provides the County with the location of the recently planted seedlings, so the Planning Officer can determine whether these seedlings can count towards mitigation; and
3. Mitigation at a 2:1 ratio for new impervious area in the Buffer should be provided with native Buffer plantings.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 428-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Rolles Range Partners, LLC
L 918

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. Provided the request is consistent with the Talbot County Critical Area Program, this office has no further comment.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 420-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Bryan and Morris
L 917

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. Provided the request is consistent with the Talbot County Critical Area Program, this office has no further comment.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 419-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Leona Schmidt
L 919

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. Provided the request is consistent with the Talbot County Critical Area Program, this office has no further comment.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 421-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

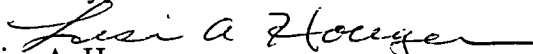
Re: Alan Holmes - 23860 Mt. Misery Road, St. Michaels
A 001

Dear Ms. Verdery:

I have received the above-referenced administrative variance request to permit an addition to an existing dwelling in the 100-foot Buffer to Bolles Creek. This office has no objection to the requested variance since it appears the applicant has minimized intrusion into the Buffer and the size of the addition is reasonable. Any new impervious area inside the 100-foot Buffer should be mitigated at a 2:1 ratio in the form of native Buffer plantings.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 425-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

June 13, 2003

Ms. Cathy Bridges
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Paul W. Eshinger Property
S 01-100, P 01-262

Dear Ms. Bridges:

Thank you for forwarding the resubmittal for the above-referenced subdivision. The applicant has addressed the issues in my last letter to your office; therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 680-01



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 11, 2003

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cedar Park Farm – S 01-066, P 02-119

Dear Mr. Shaver:

I have received the resubmittal for the above-referenced subdivision request. As you know, this office has been involved in extensive discussions with the applicants of this subdivision and your office concerning this request. I have outlined our remaining comments below, based on those discussions and on this resubmittal request.

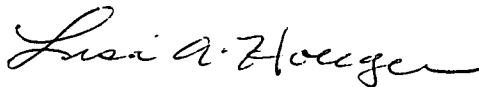
1. We note the expanded Buffer, due to steep slopes, was added to the site plan. It appears both lots have adequate room to accommodate all development activities (i.e. dwelling, septic, well, driveway, accessory structures) outside of the expanded Buffer. We recommend that the proposed dwelling on lot 2 be situated, if it is not already, to accommodate the limits of disturbance for construction and any attached porches or patios outside the expanded Buffer.
2. The issue of whether the property contains Forest Interior Dwelling Bird (FID) habitat was resolved last summer. It was confirmed by the Department of Natural Resources and Ms. Claudia Jones, the Commission's Science Advisor, that the property did support FID habitat.
3. Subsequent to the site visit and discussions with the applicants regarding the design and construction of this site, Commission staff concluded this development met the Commission's guidelines concerning the conservation of FID habitat; therefore, the applicant will be required to replace any clearing associated with the development of lots 1 and 2 on a 1:1 ratio. That mitigation needs to create new FID habitat through reforestation or natural regeneration. We have discussed some options with the applicants and the County; however, it is unclear whether that mitigation will occur on-site. Please clarify this issue with the applicants.

Mr. Shaver
June 11, 2003
Page Two

4. Please confirm the proposed clearing associated with the development of lots 1 and 2. The plat indicates the maximum allowable impervious area, but does not address the clearing numbers.
5. Since conducting a field visit last summer and in discussions with the applicants, this office is aware of the existing roads through the forest. This office had originally requested the driveways be combined; however, since two driveways exist, we see no reason that they cannot serve each lot individually since no clearing is proposed.
6. It appears the applicants will agree to amend their MALPF easement with the County to prohibit clearing on parcel 136. Is the County satisfied that said amendment will adequately protect forest cover on parcel 136? Please clarify this point for us since we are unfamiliar with the proposed MALPF easement language.

Thank you for the opportunity to comment. Please telephone me (410) 260-3478 if you have any questions or require additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Fred and Anne Franke
Ren Serey
Claudia Jones
AA 338-02



Martin G. Madden
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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June 11, 2003

Mr. Chris Soldano
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Redevelopment of Riva Trace – Baptist Church Property
Elm Street Development

Dear Mr. Soldano:

I have received a copy of the above-referenced site plan as a modification to the Planned Unit Development of Riva Trace. From the site plan submitted, it appears only .037 acres of the site is inside the Critical Area. The applicant has performed the required calculations and indicates the portion of the site in the Critical Area will have 14.6% impervious coverage due to a proposed paved alley. In that regard, we recommend a plat note indicating no further impervious surfaces are permitted in the Critical Area portion of the site.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 396-03



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 11, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Norman Churchman
Appeal # 1276

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance requests to the 100-foot Buffer and the impervious surface limitations. The applicant proposes to construct two additions to an existing single family dwelling in the 100-foot Buffer to a cove of Goldsborough Creek. I have outlined my comments below.

In regard to the variance to the 100-foot Buffer, this office does not oppose this request since this is a grandfathered lot and the location of the dwelling likely existed prior to the adoption of Talbot County's Critical Area program. However, regardless of the grandfathered status of a property, all new disturbances to the 100-foot Buffer must be mitigated with native Buffer plantings. This office recommends mitigation for the new additions.

As with all impervious surface variances, this office strongly recommends the applicant eliminate the need for this variance by removing an equal amount of impervious area on the lot so there will be no net increase in impervious area. Even with the 5,686 square feet of impervious area used by the driveway, the applicants currently have 8,000 square feet of impervious area distributed among the dwelling, accessory structures and the pool, patio and terrace. It appears there is an opportunity on this site to remove 285 square feet of impervious area to accommodate the new additions.

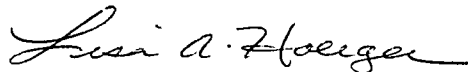
Ms. Verdery
June 11, 2003
Page Two

Provided your office and the Board of Appeals find the applicant has met the variance standards, we recommend the following as a condition of granting the variance.

1. This office recommends mitigation at a 3:1 ratio in the form of native Buffer plantings for new disturbance to the 100-foot Buffer. We recommend the mitigation plantings first be performed inside the 100-foot Buffer.
2. We recommend the County consider some form of stormwater management be installed to minimize impacts (i.e. disconnect spouts, rain garden, etc.) from the additional impervious surface in the Buffer.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 357-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Mary Leonard Trippe
03-WL-1173

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to emplace 613 feet of stone revetment within a maximum of 10 feet channelward of the mean high water and replace an exiting timber pier. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

Mr. Thomas Hamilton, Town Planner
Town of Easton
P.O. Box 520
14 S. Harrison Street
Easton, Maryland 21601

Re: Easton Village PUD Growth Allocation & Delmarva Fox Squirrel Issues

Dear Mr. Hamilton:

The Commission staff understands that the Easton Village project will be reviewed by the Town Council and County Council as a growth allocation request. In that regard, we would like to take this opportunity to remind the Town and the County that in reviewing the application for growth allocation for Easton Village, the application for growth allocation for Ratcliffe Manor Farm must also be considered. In addition, the mitigation plan for the Delmarva Fox Squirrel habitat required by either the Department of Natural Resources or the United States Fish & Wildlife Service must be finalized.

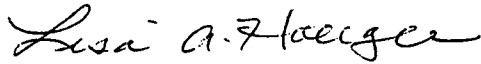
The Easton Village and Ratcliffe Manor Farm projects must be handled simultaneously, since the density for the Ratcliffe Manor subdivision was generated using acreage from what is now considered the Easton Village parcel. The Town must request the appropriate amount of growth allocation for both projects from Talbot County so that both projects will be conforming with respect to Critical Area density.

The mitigation plan for the Delmarva Fox Squirrel must be completed and finalized prior to submittal to the Critical Area Commission, assuming the Easton Point project is granted approval for growth allocation from Talbot County and the Town of Easton.

Mr. Hamilton
June 9, 2003
Page Two

If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Daniel Cowee, Planning Officer, Talbot County
Joseph Stevens, Esquire
Karen McJunkin, Elm Street Development



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 11, 2003

Ms. Lorraine Strow
State Highway Administration
Project Planning Department
707 N. Calvert Street
Baltimore, Maryland 21202

Re: MD 450 Grade Separation/CSXT Railroad – Mitigation Plan

Dear Ms. Strow:

At its meeting on June 5, 2003 the Project Subcommittee of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays granted a 60-day extension to State Highway Administration (SHA) in order to finalize the proposed mitigation for the MD 450 Grade Separation project.

The Project Subcommittee did not recognize the Filterra inlets at the WSSC Kenilworth Avenue site as an acceptable Best Management Practice since the Maryland Department of the Environment would not assign a removal efficiency to this device. Without a removal efficiency, the Critical Area Commission is unable to determine how much phosphorus is being removed from the site; therefore, the project still owes 6.85 pounds of phosphorus for removal. The subcommittee did accept the two bioretentions and the .41 acres of plantings.

Please be aware that 5.74 pounds of the remaining 6.85 pounds of phosphorus resulted from a conversion of vegetation removed into pounds of phosphorus. If SHA chooses, this portion of the removal requirement may be converted back to the 2.87 acres of mitigation required for replanting; however, SHA will need to identify and secure a site or sites to accomplish the 2.87 acres of planting within the 60-day timeframe. These sites should be in the Critical Area in the Anacostia River watershed. We would encourage SHA to partner with Prince George's County in this effort to locate appropriate planting sites.

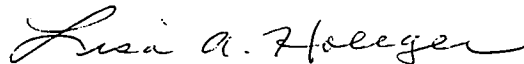
Ms. Strow
June 11, 2003
Page Two

If SHA decides to plant the 2.87 acres then the remaining removal requirement for the 10% pollutant reduction rule is 1.11 acres, which Commission staff understands may be treated by adjusting the size of one of the proposed bioretentions at the WSSC Kenilworth Avenue site.

In any case, Commission staff has been told by Prince George's County Department of Environmental Resources staff that a site exists within the City of Hyattsville that may be available for retrofit measures. We encourage SHA to explore this option with Prince George's County.

Thank you, your colleagues at SHA and your consultant team for your assistance with this project. The deadline for completion of the final mitigation package is August 6, 2003, the August meeting of the Commission. If you have any questions in the interim, please feel free to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Jason Cosler, Whitman, Requardt & Associates, LLP
Richard Thompson, Prince George's County DER



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 11, 2003

Mr. Steve Burzenski, P.E., Assistant Chief
Department of Public Works
Bureau of Engineering
2662 Riva Road
Annapolis, Maryland 21401

Re: Broadneck Water Reclamation Facility – Holding Pond Expansion

Dear Mr. Burzenski:

At its meeting on June 4, 2003 the Critical Area Commission unanimously approved a Conditional Approval for the proposed holding pond expansion at the Broadneck Water Reclamation Facility. The following conditions were required as part of the approval:

The Department of Public Works shall provide mitigation at a 3:1 ratio for all disturbances to the expanded Buffer and 1:1 mitigation for clearing outside the expanded Buffer.

I have enclosed a Plantings Agreement Form, which should be completed and returned to me with 30 days. Please indicate at the bottom of the form when the plantings will occur.

Thank you for your cooperation with this project. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Elinor Gawel, Planning and Zoning



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 5, 2003

Mr. Daniel Cowee, Planning Officer
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Zoning Ordinance Changes - Articles 11 and 12

Dear Mr. Cowee:

Thank you for meeting with Mary Owens and me to discuss the latest changes the County is proposing to Articles 11 and 12 of the County's Zoning Ordinance. We recognize these changes will address items that require immediate attention due to our September 23, 2002 letter, which sanctioned certain sections of the County's Critical Area program. It is our understanding that the changes to Articles 11 and 12 will correct language related to afforestation, forest clearing, reforestation, and Buffer clearing. We would like to provide you with some additional comments, which are outlined below.

Article 11

Page 4, (e) This section is stricter than the Natural Resources Article.

Page 5, (f) This paragraph talks about maintenance activities. Where and how are maintenance activities defined?

Page 5, (f)[1] The change should state, "...natural vegetation is replaced on an equal basis for the natural vegetation cut."

Page 8, (c) In reviewing Buffer Management Area provisions in other counties, the Commission has looked for a local limitation on the total square footage of accessory structures in the Buffer. For example, recent revisions of local programs have included limits of 500 square feet within 50 feet of the water and 1,000 square feet total in the Buffer.

Mr. Cowee
June 5, 2003
Page Two

Page 8, (g) Similarly, the Commission has looked for mitigation in a Buffer Management Area that includes establishment of a minimum filter strip in addition to the 2:1 mitigation for proposed impervious surface in the Buffer. Is that the intent of (g) [1] and [2]?

Page 8, (g) It is recommended that the County include fee-in-lieu provisions in this section to allow for appropriate mitigation on sites that may be entirely paved.

Page 9, (e) As with the provisions for the County's residential BMAs, this section should provide for a fee-in-lieu in cases where the Buffer may be paved so mitigation would not be an option.

Page 11, 4 Additional Buffer Management Areas are changes to the local program. In addition to the Planning Officer, the Critical Area Commission must also approve any new BMAs. This should be stated in the ordinance.

Article 12

Page 13, (c) The second sentence should state, "The only exceptions to this limit are structures and roads **that are** water-dependent activities **and** cannot be located outside the buffer."

Page 14, (b) The last sentence should state the Maryland Department of the Environment.

Page 17, (e)[1] The County requested we provide a definition of marsh creation. As provided earlier, we suggest the following definition: A nonstructural shore erosion control method that may or may not include low sills or breakwaters to keep the substrate in place. A marsh is a type of wetland, generally periodically inundated, usually characterized by grasses and other low growth (may include shrubs in high marsh).

Page 22, [A] The first sentence should state, "Redevelopment activities that **disturb** more than 250 square feet ..."

Page 22, In this section, if the County does not intend to develop its own 10% pollutant reduction requirement, the County should reference the Commission's guidance on the pollutant removal requirements, and add a provision for a fee-in-lieu of for those projects that cannot comply on-site or off-site.

Page 23, [h], This provision should be in its own category since it can apply not only to tributary streams but all other HPAs in the County's program.

Mr. Cowee
June 5, 2003
Page Three

Page 24, (b), Change Department of Natural Resources to Department of the Environment.

Page 26, [a - c] Change "should" to "shall" in letters a, b, and c.

Page 27, [d] Change "guidelines" to "recommendations".

Page 30, (a) We recommend the following for this section:

- 1) On a grandfathered lot, less than 7 acres, afforestation is not required.
- 2) On a new lot or a new subdivision, afforestation is only required for the portion of the property that is begin subdivided and developed.

Critical Area Forest Preservation Plan

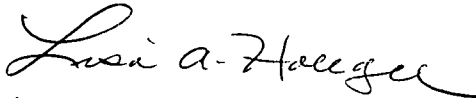
Page 2, Items 4 and 5 We recommend the County consider requiring a 3:1 ratio of all disturbance to the Buffer, since the County only requires 2:1 in Buffer Management Areas and that is for the area disturbed.

Page 2, Item 6 Change "...on an equal area basis for **all natural vegetation** cut."

We acknowledge the list of invasive species. Will the County provide a list of native species suitable for planting to property owners?

Thank you again for meeting with us to discuss these changes to Zoning Ordinance. If you have any questions about the comments outlined above, please do not hesitate to contact us at (410) 260-3460.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery
Ms. Mary Owens

CASE
WITHDRAWN
6/2/03

June 2, 2003

Mr. William Moulden, Chairman
Anne Arundel County Board of Appeals
Arundel Center
44 Calvert Street
Annapolis, Maryland 21401

Re: Board of Appeals Case #BA 82-02V - Richard & Theresa Polm

Dear Chairman Moulden:

I would like to provide comments in the above-referenced appeal case. The applicants are requesting a variance to construct a swimming pool within the expanded Buffer. The property has a Critical Area designation of Resource Conservation Area (RCA). It is currently improved with a dwelling, covered porch, stone patio, and six garage bays.

On May 19th I visited the site for the second time. The first site visit was in response to the pool request that was before the Administrative Hearing Officer. As a result of the first site visit, County staff investigated the plans for the dwelling. It was discovered that the dwelling shown on the plan originally approved by the Administrative Hearing Officer was considerably smaller than the dwelling that was constructed at the site. Since that time the applicant applied for another variance for the amended size and configuration of the dwelling. The variance was granted with the conditions that 510 square feet of impervious coverage within the expanded Buffer be removed, and no other expansion of the dwelling permitted.

Given the decision of the Administrative Hearing Officer to prohibit further expansion of the dwelling on this property, it seems to follow that constructing a swimming pool further waterward of the dwelling in the expanded Buffer, would negate the intention to limit further structures or impervious areas on this lot.

The dimensions of the pool are 20' x 40'. This translates into an additional 800 square feet of impervious area, not including a pool apron. In addition, the area of the pool was not part of the original limits of disturbance. We presume the limits of disturbance were expanded due to the construction of the larger dwelling.

Mr. Moulden
June 2, 2003
Page Two

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 2002 legislative session, the Maryland General Assembly enacted Chapters 431 and 432, re-affirming the legislature's commitment to protecting the Chesapeake Bay. The legislation provided 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.

The Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance both provide the standards which a local government must use when granting a variance. I have outlined those standards below.

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

The property is improved with a dwelling that enjoys approximately 10,000 square feet of living space, an enclosed porch, a patio, and six garage bays. Given the existing uses that already exist on the property, it appears that the applicant has reasonable and significant use of the entire property. 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. The site conditions were known to the applicant prior to the construction of the dwelling since its location was presumably situated to minimize disturbance to the expanded Buffer.

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. "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. The immediate neighbors do not enjoy the right to swimming pools in the Buffer.

Mr. Moulden
June 2, 2003
Page Three

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 request arise from any condition conforming, or nonconforming on any neighboring property.*

The variance request is based upon the applicant's desire for a swimming pool.

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.*

In general the water quality and habitat benefits that existed prior to the construction of the dwelling have already compromised the functions of the Buffer. The location of the swimming pool creates more impervious area in the Buffer, and will inhibit the potential for future vegetation in the Buffer that would provide greater water quality and habitat benefits.

Since the applicant cannot meet all five variance standards to locate a swimming pool in the Buffer, this office recommends to the Board of Appeals that the request be denied.

Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: AA 214-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 30, 2003

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Hidden Pond Stream Restoration Project

Dear Ms. Gawel:

Thank you for forwarding the above-referenced consistency report to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report and the accompanying site plan this office agrees that the project is consistent with the Anne Arundel County Critical Area Program for the reasons outlined below. The project will:

- Restore shallow water habitat for multiple species
- Restore a tidal connection
- Create a new population of Atlantic white cedar forest
- Create 1 acre of tidal marsh in the place of sediment and phragmites

Due to the reasons outlined above, this project is considered a habitat restoration project and is not considered a development activity; therefore, it will not require formal approval by the Chesapeake Bay Critical Area Commission.

The information provided indicates that all other resource agencies have reviewed the project, and that there are no rare, threatened or endangered species at the project site. This letter does not satisfy any other State or local approvals. Also, I trust the adjoining communities have been informed of the proposed restoration project.

Ms. Gawel
May 30, 2003
Page Two

Claudia Jones and I visited this site with yourself, Mr. Underwood and Mr. McMonigle yesterday. We discussed the need for the multiple finger piers. It is our understanding that the need for the piers is twofold. Presently the community has complete access to Brewers Creek via the existing bulkhead. Since this structure will be removed and replaced with a marsh creation project, the piers will redirect foot traffic away from the marsh creation and still provide access to Brewers Creek for the community. Given the unique circumstances of the existing use, the configuration of this community area and the resulting restoration project, this office concurs that the piers will help to balance the needs of the existing users of this area and protect what will become the newly restored area.

Thank you again for the opportunity to review and comment on this project. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Dennis McMonigle, A.A. Co. DPW



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 30, 2003

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Hidden Pond Stream Restoration Project

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- Restore a tidal connection
- Create a new population of Atlantic white cedar forest
- Create 1 acre of tidal marsh in the place of sediment and phragmites

Due to the reasons outlined above, this project is considered a habitat restoration project and is not considered a development activity; therefore, it will not require formal approval by the Chesapeake Bay Critical Area Commission.

The information provided indicates that all other resource agencies have reviewed the project, and that there are no rare, threatened or endangered species at the project site. This letter does not satisfy any other State or local approvals. Also, I trust the adjoining communities have been informed of the proposed restoration project.

Ms. Gawel
May 30, 2003
Page Two

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Thank you again for the opportunity to review and comment on this project. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Dennis McMonigle, A.A. Co. DPW



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 27, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6403
Annapolis, Maryland 21401

Re: Marvista
S # 01-017, P # 02-194

Dear Ms. Allen:

I have received copies of the final development plans and plat in addition to a response letter from Anarex, Inc. The applicant has addressed most of my comments in my last letter dated February 5, 2003. I have outlined my remaining comments below.

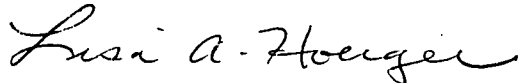
1. This office still has concerns over the proper expansion of the 100-foot Buffer on this site. It appears the applicant has expanded the Buffer in the case of slopes 15% or greater when they fall at or beyond the 100-foot line; however, the Buffer has not been expanded 50-feet from the top of steep slopes that end at or less than the 100-foot line. This expansion may affect the design in certain locations. Please have the applicant expand the Buffer in these locations.
2. Please clarify whether isolated steep slopes require a buffer. It appears there may be some isolated steep slopes that require a buffer.
3. We understand the units will be on limited common elements (LCEs); however, we believe the homeowners will choose to site amenities such as decks and patios. This is problematic for two reasons. The first reason is that there does not appear to be sufficient room on the proposed LCEs to allow for decks or other accessory structures. Also, many LCEs are close to or adjoin the edge of the Buffer or expanded Buffer; therefore, any construction beyond the edge of the units will encroach upon the Buffer.

Ms. Lori Allen
May 27, 2003
Page Two

4. The proposed impervious surface coverage is almost at 15%. This will leave no opportunity for future impervious areas within the entire community. This includes patios, sidewalks, amenities at the community recreation areas, etc. This office recommends the applicant allow for some future imperious area for these purposes; otherwise, the issue could evolve into an enforcement issue for the County as we have witnessed in other communities.
5. Is any portion of the area of impervious surface shown on sheet 8 of 20 in the Buffer existing? Is so, how much is existing and how much is new?
6. Does the applicant intend to pay a fee-in-lieu of planting or has an off-site location been identified for the required reforestation?
7. Which parking areas are the grass pavers proposed to be used? Will the County consider them impervious?

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 144-01



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 26, 2003

Ms. Chris Soldano
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Burton Property – Revised
MS 03-017

Dear Mr. Soldano;

I have received the revised plans for the above-referenced subdivision request. I also received the written response from Bay Engineering based on my previous comment letter. I have outlined my comments below.

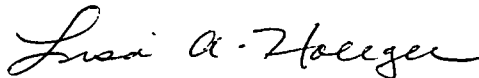
1. It appears a stream is located on proposed lot 3 of this property based on the topographic map. Please have the applicant verify this information. If a perennial or intermittent stream is on the property the Buffer should be shown.
2. What is the purpose of the off-site mitigation easement? Is it for mitigation of another project in the Critical Area?
3. Is the afforestation easement for Critical Area afforestation or is it to address the Forest Conservation Act? Please have the applicant clarify.
4. What is meant by “platted” Critical Area line? Does the County agree with the location of the Critical Area line on this plan?
5. How will development activities associated with lots 3 and 4 outside the Critical Area be confined to the non-Critical Area portion of the lots?

Mr. Soldano
May 26, 2003
Page Two

6. We recommend a note be added to the final plat and deeds that state no development activities are permitted within the RCA portions of these lots.
7. Is DNR satisfied that the proposed development will not affect the species listed in DNR's March 3, 2003 letter concerning this project? We recommend the County have the applicant provide documentation from the Department in this regard.

Thank you for the opportunity to comment. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Kathy McCarthy, DNR
AA 137-03



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

May 26, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Louis Wright Trustee, Lee Haven Farm
M-1024

Dear Ms. Verdery:

I have received the preliminary plat for review and comment. The applicant has addressed some of the comments in my last letter; however, I have comments concerning the latest plan.

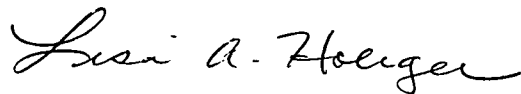
1. The Development Potential Analysis indicates that agricultural lot A has four development rights and that Lot 9 has three development rights. Since all three development rights associated with lot 9 will be used with proposed lots 6, 7, and 8, the area of lot 9 must remain unencumbered by any development activities.
2. We recommend a note be added to the final plat and deed that reference that no development activities can occur on the RC portion of lot 9. It appears the applicant is proposing to establish this portion of lot 9 in a Reservation of Development Rights Area.
3. It appears the 100-foot Buffer may require expansion due to 15% or greater slopes. Please have the applicant show the proper Buffer line on the plans.
4. What is the purpose 150-foot forest buffer shown on sheet 2 of 2? Is it for the protection of the Delmarva Fox Squirrel population? If so, how does the County propose to keep future lot owners from infringing upon this area?

Ms. Verdery
May 26, 2003
Page Two.

5. The totals shown in the Impervious Acreage Calculations Table appear incorrect.
Please have the applicant correct these figures.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 287-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Bonnie Worley
Appeal # 1268

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance to this office for review and comment. The applicant proposes to construct a single family dwelling in the 100-foot Buffer to Knapps Narrows. Provided this lot is properly grandfathered (i.e. existing, legally platted lot as of December 1, 1985) this office has no objection to the requested variance.

From the information provided, there is a discrepancy between the lot area on the site plan and the lot area reported on the application form for the Board of Appeals. In either case, the allowable impervious surface area for this lot will be 31.25% of the lot area. Also, the schematic drawing of the proposed dwelling shows at least three, at grade walkouts; however, the site plan does not show any proposed stairs, decks or patios. We recommend this be shown on the plan since it is likely the applicant will choose to install these features and it will avoid the need for a second appearance before the Board.

Provided your office and the Board of Appeals find the applicant has met the variance standards, we recommend the following as a condition of granting the variance.

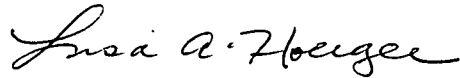
1. This office recommends mitigation at a 3:1 ratio in the form of native Buffer plantings for new disturbance to the 100-foot Buffer. We recommend the mitigation plantings first be performed inside the 100-foot Buffer.

Ms. Mary Kay Verdery
May 26, 2003
Page Two

2. We recommend the County consider some form of stormwater management be installed to minimize impacts (i.e. disconnect spouts, rain garden, etc.)

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 357-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 26, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Michael Egan
Appeal No. 1283

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant proposes to construct a 75' x 4' timber pier extension, with a 10' x 20' "L" head, three mooring piles and a boatlift, extending a maximum 295' channelward of the mean high water line of the Tred Avon River. This office has no comment regarding the special exception request to exceed the allowable length of a residential pier; however, the County shall ensure that no Habitat Protection Areas will be adversely impacted by the proposed pier.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 313-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Robert & Carolyn Miller
L 916

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. Provided the request is consistent with the Talbot County Critical Area Program, this office has no further comment.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 356-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Nelson & Mary Furman
Appeal # 1264

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance to this office for review and comment. The applicants propose to renovate and expand an existing residence 64 feet from the mean high water line. Provided this lot is properly grandfathered (i.e. existing, legally platted lot as of December 1, 1985) this office has no objection to the requested variance; however, all impacts to the 100-foot Buffer to San Domingo Creek should be minimized.

It appears the applicant proposes to add 1,414 square feet of new impervious area to the Buffer. This figure does not include the total disturbed area during construction. The applicants must demonstrate to the Board of Appeals this is the minimum disturbance necessary.

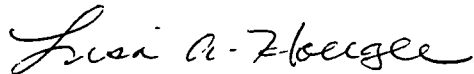
Provided your office and the Board of Appeals find the applicant has met the variance standards, we recommend the following as a condition of granting the variance.

1. This office recommends mitigation at a 3:1 ratio in the form of native Buffer plantings for new disturbance to the 100-foot Buffer. We recommend the mitigation plantings first be performed inside the 100-foot Buffer.
2. We recommend the County consider some form of stormwater management be installed to minimize impacts (i.e. disconnect spouts, rain garden, etc.).

Ms. Mary Kay Verdery
May 26, 2003
Page Two

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 362-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 21, 2003

Ms. Cathy Bridges
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Proctor's Holdings of Clary's Hope
S 03-039, P 03-075

Dear Ms. Bridges:

Thank you for forwarding the above-referenced administrative plat to this office for review and comment. It is our understanding, based on the information submitted with the previous waiver request, that this lot may not have been properly recorded prior to December 1, 1985; therefore, it is afforded no grandfathered status under the Anne Arundel County Critical Area program.

Since the lot is in a Resource Conservation Area (RCA) where density is limited to one dwelling unit per twenty acres, this office sees no justification for creating a lot that will be substandard with regard to the density requirements of the RCA.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 394-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 21, 2003

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Adamos Property - MS 03-032

Dear Mr. Shaver:

Thank you for forwarding the plat and stormwater management plans for the above-referenced subdivision request. The applicant proposes to create two additional lots from an existing parcel. I have outlined my comments below.

It appears the majority the proposed lots are partially within the Resource Conservation Area (RCA); however, it is my understanding that all development activities associated with the development of these lots will be located outside the Critical Area and RCA portion of the lots. If the County can ensure no new development activities will be in the RCA, this office does not oppose this subdivision request.

We recommend that both plat notes and deed restrictions be created that clearly state that the RCA portions of the lots shall not be used for development activities.

It appears the balance of the RCA lands on each lot is proposed to be a forest conservation easement. These areas should be marked off and planted prior to construction so the limits of the RCA are clearly established.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 330-03

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

MEMORANDUM

To: Program Subcommittee

From: Ren Serey, Mary Owens, Lisa Hoerger

Date: May 21, 2003

Subject: Discussion of Density in the RCA (Guesthouses, accessory apartments, domestic quarters)

At the April meeting of the Program Subcommittee, staff were instructed to provide some background information on several counties that permit certain uses in the RCA. The definition of a dwelling unit provided by the International Building Code, and the Building Officials and Code Administrators, International, Inc. (BOCA) is the same. We have provided the definition below.

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Staff investigated Anne Arundel, Calvert and Talbot County Critical Area programs. In each case the following questions were explored:

How does the County define a dwelling unit?

How does the County define accessory uses or structures?

How does the County define their allowable RCA use (i.e. domestic quarters, accessory apartments, guest houses)?

Anne Arundel County - Definitions

Accessory structure- a structure that customarily is incidental and subordinate to the principal use or principal structure located on the same lot as the accessory structure.

Accessory use – a use other than the principal use of a site.

Principal structure – a structure that is intended to serve the principal use of the lot on which it is located. An accessory structure that is attached to a principal structure, directly or by a breezeway, is part of the principal structure.

Principal use – the primary structure or activity for which a site is employed.

Dwelling - a structure or portion of a structure that contains at least one dwelling unit ...

Dwelling Unit – a room or rooms that are used or intended to be used by one or more individuals living together or maintaining a common household.

Domestic Quarters – The County does not define domestic quarters; however, the property owner must sign an agreement which places limits on domestic quarters. The following is a portion of the agreement:

WHEREAS, Grantees understand that by placement of the house on the property, application will be subject to the requirement that the house, the residence or any surrounding land not be conveyed without first complying with Anne Arundel County subdivision laws; and

WHEREAS, by this Agreement, Grantees acknowledge that this house will be accessory to the residence and in no way constitutes a use separate from the residence; and

WHEREAS, Grantees agree that this house will only be used for domestic employees employed at the residence by the owner or tenants of the residence and that the house shall not be leased, rented or used for any other purpose whatsoever.

NOW THEREFORE, in consideration of Anne Arundel County, Maryland, approving a building permit to construct a domestic employee house in order to comply with the Anne Arundel County Code, Grantees agree as follows:

1. Grantees may erect a house under building permit number BO2170779 solely for the purpose of housing a domestic employee or employees employed at the residence by the owner or tenants of the principal structure.
2. The house may not under any circumstance be let, sublet or in any way rented to or used by another party except as set forth in paragraph 1.
3. Approval by the County of the aforementioned building permit and subsequent erection of the house shall not constitute approval of any subdivision plan or plat by the County.
4. The house may not be used for any purpose or use not specifically set forth in this Agreement.
5. At such time as all or part of the property upon which the house is located is conveyed or is intended to be conveyed separately from the remainder of the property, Grantees shall, prior to the conveyance, comply with all subdivision regulations in effect at that time. If the land upon which the house sits is not subdivided in accordance with said subdivision regulations, the house may not under any circumstances be separately conveyed.

6. The Grantees agree to abide by all terms of this Agreement and all provisions of the Anne Arundel County Code pertaining to structures or any use or modification thereof.
7. This Agreement shall bind upon or run with the aforementioned land or property and shall bind the Grantees' successors, legal representatives, heirs, personal representatives and assigns.

Calvert County - Definitions

Accessory building or use - A use or structure on the same lot with, and of a nature customarily incidental to, a principal use or structure.

Accessory apartment - conditional in all Critical Area districts provided that:

- 1) Only one accessory apartment is created on each single-family lot.
- 2) The accessory apartment is clearly subordinate to the single-family dwelling. If the apartment is not part of the dwelling, it must be within 100 feet of the dwelling and attached to an accessory building such as a garage. In no case shall it contain more than 800 square feet.
- 3) An owner of the lot occupies at least one of the dwelling units on the premises, except of bona fide temporary absences as determined by the Zoning Officer.
- 4) At least two off-street parking spaces are available for each unit.
- 5) The owner obtains Health Department approval.
- 6) The accessory apartment shall be located within the building restriction lines required for the principal dwelling; and
- 7) Only one kitchen is permitted within the accessory apartment.

Dwelling, Single-family - A residential building on a permanent foundation, containing one dwelling unit occupied by one family; this definition does not include mobile homes or recreational vehicles.

Talbot County - Definitions

Accessory structure - a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use - a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Density - the number of dwelling units per acre within a defined and measurable area. In calculating the density of development that is permitted on a parcel located within the Rural Conservation District, the area of any private tidal wetlands located on the property may be included, subject to the following conditions:

- a. the density of development on the upland portion of the parcel shall not exceed 1 dwelling unit per 8 acres; and
- b. the area of private wetlands shall be estimated on the basis of vegetative information as designated on the state wetlands maps, or as otherwise substantiated by on-site delineation.

Dwelling, single-family – a detached residential building designed for or used as a dwelling exclusively by one (1) family as an independent housekeeping unit, excluding mobile homes.

Dwelling unit – a room, or rooms connected together constituting a separate independent housekeeping establishment for one family containing cooking and sleeping facilities.

Guest Residence (non-commercial) –

- 2 acre minimum parcel size
- 1 guest residence per parcel
- Excludes manufactured homes and mobile homes
- Shall not be occupied by the same individual for longer than 6 months
- An individual occupying a guest residence for more than 3 months shall not reoccupy the residence for one month after ceasing occupancy
- May be indefinitely occupied by an individual related by blood or marriage to the property owner
- In all zones, except RAC and RC where parcels are 20 acres or larger, no guest residence shall exceed 1,500 square feet
- No guest house shall be rented or sold separately from the principal residence



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 20, 2003

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Wilelinor Stream Valley Improvement Project

Dear Ms. Gawel:

Thank you for forwarding the above-referenced consistency report to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report and the accompanying site plan this office agrees that the project is consistent with the Anne Arundel County Critical Area Program for the reasons outlined below. The project will:

- Restore and reestablish a stable stream channel and associated floodplain
- Restore spawning habitat for fish
- Restore wetlands
- Enhance water quality and aquatic habitat
- Create a new population of Atlantic white cedar

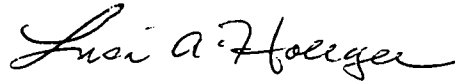
Due to the reasons outlined above, this project is considered a habitat restoration project and is not considered a development activity; therefore, it will not require formal approval by the Chesapeake Bay Critical Area Commission.

The information provided indicates that all other resource agencies have reviewed the project, and that there are no rare, threatened or endangered species at the project site. This letter does not satisfy any other State or local approvals. The adjoining community should be informed of the proposed restoration project.

Ms. Gawel
May 20, 2003
Page Two

Thank you again for the opportunity to review and comment on this project. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Dennis McMonigle, A.A. Co. DPW



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property – Resubmittal
S 02-089, P 02-191

Dear Ms. Krinetz;

I have received the resubmittal for the above-referenced subdivision request. I also received the written response from Bay Engineering based on previous comment letter. I have outlined my comments below.

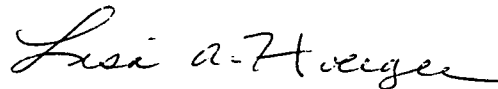
1. I received a copy of the soil study. The conclusions indicate the K value should be less than .43; however, the County's Critical Area program states the 100-foot Buffer is expanded in the case of highly erodible soils which are defined as having a K value greater than .35 and slopes greater than five percent. Is this County satisfied, based on this analysis, that expansion of the Buffer is not required?
2. It appears the 100-foot Buffer should, at a minimum, be expanded to include all areas of nontidal wetlands. There is an area near the SHA stormwater management pond where the 100-foot Buffer does not include the limits of the nontidal wetland. Please have the applicant clarify the Buffer line.
3. When will the applicant be producing the 10% pollutant reduction calculations? This needs to be completed and the appropriate best management practices (BMPs) agreed upon prior to final recordation. While the applicant has selected various BMPs, it is unclear what the removal requirement is and whether it is being met with these BMPs.

Ms. Krinetz
May 16, 2003
Page Two

4. All crosshatched areas should be clearly labeled on the plans.
5. The plat should include the area set aside as a forest conservation area, and the limits of the Buffer should be shown on the plat.
6. There appears to be a discrepancy the figures reported for the Overall Development Summary and the General Notes for the total net tract area reported for the residue parcel. Please have the applicant clarify whether the correct figure is 3.03 acres or 3.01 acres.

Thank you for the opportunity to comment. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Holder Property - Subdivision
S 86-322, P 03-165

Dear Ms. Krinetz;

I have received the Critical Area site plan and supplemental Critical Area report for the above-referenced subdivision. This office commented on a prior submission of this project in 1997. I have outlined my comments on the most recent plan below.

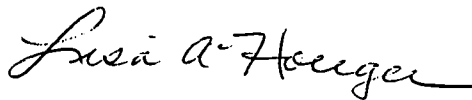
1. The plan should indicate the location of the Limited Development Area versus the Resource Conservation Area.
2. The proposed stormwater management pond cannot be located in the RCA if it is serving development in the LDA or development that is outside the Critical Area.
3. The area labeled as "active" recreation area is only permitted outside the Critical Area or, if inside the Critical Area, only in the Limited Development Area. Active recreation is not an appropriate land use in an RCA since RCAs are defined in the County's Critical Area program as wetlands, forests, abandoned fields, etc. A ball field, tennis courts or swimming pool would not be an appropriate RCA use. Only passive uses such as nature trails would be permitted in the RCA in a recreation area; therefore, the note should state "passive" recreation area.
4. The soils map indicates the parcel supports Elkton soils, which are considered hydric. Will the County require the applicant to demonstrate the proposed development activities on these soils will not impact streams, wetlands and other aquatic environments on this site? Otherwise, it seems the 100-foot Buffer would require expansion.

Ms. Krinetz
May 16, 2003
Page Two

5. The shallow wetlands proposed to treat stormwater should be clearly delineated from the edge of the proposed lots to alert future homeowners of their functions as stormwater management areas and that they shall not be disturbed.
6. Did the County and/or the Army Corps of Engineers or the Maryland Department of the Environment agree upon the limit of the tributary stream? It appears the Buffer ends midway up the stream.
7. Is there only one stream on this property? This should be verified to ensure no streams or their associated buffers are impacted by the proposed development activities.
8. Prior to final recordation, the applicant should submit to the County the reforestation plan, which outlines the species type, size and method of planting.
9. Since the back of many lots appear to coincide with the LDA/RCA line, we recommend signs or fencing be permanently erected to ensure future homeowners will not locate activities associated with the development of their lots in the RCA.
10. Will public water or public sewer serve this subdivision?

Thank you for the opportunity to comment. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 323-03

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

May 16, 2003

Ms. Lori Allen
Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Nantucket on the Severn- Final Plat and Plans
S 01-074, P 02-265

Dear Ms. Allen;

I received a set of updated final plans for the above-referenced subdivision request on Friday, May 9, 2003 from the applicant. Many of my anticipated comments of the plans we received on April 29th were addressed based on the updated plans and the meeting that was held with the developer and his engineer on Friday. I have outlined my remaining comments below.

1. I still have some concerns regarding the information contained in the area tabulations and density calculations tables that appear on sheet one of one of the final development/critical area plan. Please have the applicant ensure that these acreage and square footage figures are consistent. He seemed to be aware of the issue based on discussion with you.
2. On sheet four of eight the area in the 100-foot Buffer labeled as "active" recreation area should be changed to "passive". The applicant was aware of this issue based on discussions with you and agreed to change the labels.
3. The Buffer Management Plan was delivered on Friday. Claudia Jones, the Commission's Science Advisor, has reviewed that plan and has raised some concerns. She discussed this plan with the County's Forester, Doug Musser, and they agreed to the following:

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

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

Ms. Allen
May 16, 2003
Page Two

- To verify whether the access points through the Buffer for lots 1 and 2 will be included in the Buffer Management Plan.
- No limbing of hardwoods is permitted. Only cutting out dead wood is permitted.
- No limbing up of the holly trees, unless the trees were adjacent to an access path.

Thank you for the opportunity to comment. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: Mr. Doug Musser, County Forester
AA 491-01



Martin G. Madden
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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May 14, 2003

Mr. Dan Cowee
Talbot County Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: County Council Bill #891, Administrative Variance Procedures

Dear Mr. Cowee:

At its meeting on May 7, 2003, the Critical Area Commission concurred with the Chairman's determination that County Council Bill #891, which establishes an administrative variance procedure for the expansion of nonconforming structures in the 100-foot Buffer is a refinement to the Talbot County Critical Area Program, and it was approved.

The County is required to finalize the text changes to the local ordinances within 120 days of this notice. Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC Refinement File



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 14, 2003

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Hock Map Amendment
Shenton Map Amendment

Dear Ms. Gawel:

At its meeting on May 7, 2003, the Critical Area Commission concurred with the Chairman's determination that the Hock and Shenton Critical Area Map amendments were refinements to the Anne Arundel County Critical Area Program, and they were approved. The Hock map amendment reclassified 2.4 acres of RCA to IDA, and 4.4 acres of LDA to IDA. The Shenton map amendment reclassified 33,628 square feet of RCA to IDA. Both changes involved the correction of a mistake made in the original mapping.

Since 3.17 acres of RCA was changed to another classification the County must deduct .16 acres (5% of 3.17 acres) from the County's available growth allocation reserves.

The County is required to finalize the map changes within 120 days of this notice. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA Refinement File



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 29, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street, Courthouse
Easton, Maryland 21601

Re: Matthew Kasantin - Appeal # 1266

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance to this office for review and comment. The applicant proposes to construct a 10' x 18' addition to an existing dwelling within the 100-foot Buffer. Provided this lot is properly grandfathered (i.e. existing, legal platted lot as of December 1, 1985) this office has no objection to the requested variance.

Provided your office and the Board of Appeals find the applicant has met the variance standards, we recommend the following as a condition of granting the variance.

1. We recommend mitigation at a 3:1 ratio in the form of native Buffer plantings for new disturbance to the 100-foot Buffer. We recommend the mitigation plantings first be performed inside the 100-foot Buffer.
2. We recommend the County consider some form of stormwater management be installed to minimize impacts (i.e. disconnect spouts, rain garden, etc.) to the Buffer and receiving waterbody.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 347-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 12, 2003

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

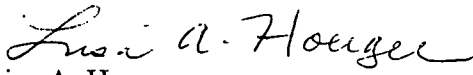
Re: Southpoint, S 00-033, P 00-051
Sketch Plan Approval

Dear Mr. Callahan:

I have received the latest sketch plan for the above-referenced subdivision. In my letters dated January 8, 2003 and March 10, 2003 the applicant has either addressed my comments or proposes to address them at final. In that regard, I have no further comments on the sketch plan, and will await the final plans to provide further comments at that time.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 103-00



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 9, 2003

Raymond L. Langston, Mayor
Town of Highland Beach
P.O. Box 4206
Annapolis, Maryland 21403

Dear Mayor Langston:

At its meeting on May 7, 2003 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the expansion of the Town Hall. The Commission granted the project a Conditional Approval with the following conditions:

- 1) The Town shall submit all plans to Anne Arundel County for review and compliance with the County's stormwater management ordinance and Critical Area program requirements other than for impervious surfaces.
- 2) The Town will work with Commission staff regarding the proposed species proposed for landscaping, and the size and type of plantings that will occur off-site at the town park.

I have attached a Plantings Agreement Form that should be completed and returned to this office within 30 days. This form is for the required reforestation area. If you have any questions about the form, please do not hesitate to contact me at (410) 260-3478.

Commission staff would like to take this opportunity to express our thanks to you, Ms. Lathan, and Mr. Aris T. Allen, Jr. for providing the Commission with all the required information, and for attending the Commission meeting. If you have any questions in the interim, please feel free to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Zora Lathan, Town Manager
Mr. Joseph Rutter, Planning and Zoning Director, A.A. County
Ms. Elinor Gawel, Environmental Planner, A.A. County



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 2, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Rock Creek Boat Club/Annesley by the Bay
REVISION DATED 4/30/03 - S # 01-069, P # 01-182

Dear Ms. Allen:

I received a revised set of plans dated April 30, 2003 and the Buffer Management Plan from the applicant's engineer this morning. It appears the issues I raised in my April 29, 2003 letter have been addressed. I have outlined my remaining comments below.

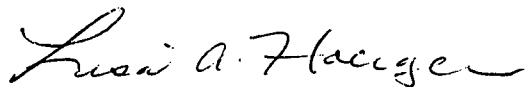
1. I noted the applicant has changed the proposed area to be planted to 3.016 acres and the existing woodlands to 8.126 acres with a combined total of 11.142 acres. While these changes were made to the plans on sheet 3 of 5 and plat 5 of 5, these changes were not made on sheet 1 of 5 and plat 1 of 5. Please have the applicant correct these changes.
2. I do not have a copy of a letter from the Department of Natural Resources, Heritage and Biodiversity Division in my files. Did the applicant receive this letter? I see it was requested in 2001. Please ensure the letter was received to ensure there are no remaining issues.
3. In reviewing the Buffer Management Plan the applicant indicates in the text that the species listed in Table 1 are species found in the location of lots 8-14; however, the title of Table 1 states the table lists plants for planting within the 100-foot Buffer. The text also refers to the Table 2 as listing the plants proposed for planting; however, the title of Table 2 suggests it lists existing vegetation. Please have the applicant clarify.

Ms. Allen
May 2, 2003
Page Two

4. In a letter dated April 4, 2002 this office provided comments to you regarding the Buffer Management Plan that was dated March 2002. We recommended that any proposed planting incorporate a mix of canopy, understory, shrub and herbaceous species. If Table 1 is supposed to provide the list of species proposed for planting, we recommend the applicant add some canopy and herbaceous species. The understory and shrub species listed appear to provide a sufficient mix of those species.

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 456-01



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 2, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Helm Properties- Site Plan Review # 357

Dear Ms. Verdery:

I have received a revised site plan for the above-referenced project. I still have the same questions and concerns as I did in my last letter dated March 17, 2003. As stated in that letter, this office has no comment regarding the proposed use at this site. I have outlined my comments below.

1. The issue regarding the Critical Area designation is still unclear. The site plan indicates the site is in an RC, while the other support documentation indicates the site is in an LI. Please have the applicant correct this discrepancy.
2. The application indicates the proposed storage building to be 27,866 square feet; however, the site plan provided indicates the size of the proposed storage building to be 18,134.2 square feet. Please have the applicant clarify this issue.
3. If the site is in the LI, hence a Critical Area designation of IDA, the applicant must provide the County with the 10% pollutant reduction calculations. The plans detail specifications for a bioretention facility; however, I cannot locate this facility on the plans. Please have the applicant submit the 10% pollutant reduction calculations.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 200-03



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 1, 2003

Ms. Lori Allen
MS 6303
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Bar Harbor, Lots 1-3 Final
S 01-030, P 02-117

Dear Ms. Allen:

I have received the above-referenced subdivision request. It is my understanding this is the final plat. Last summer this office provided comments to the County for this 13 lot subdivision. I have outlined our remaining comments below.

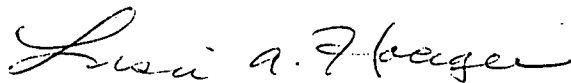
1. It appears the applicant reconfigured the lot lines so the majority of the lots are no longer extending across the forest conservation easement; however, it appears a portion of the easement will extend on the back side of the proposed lots. Absent the applicant reconfiguring the subdivision to avoid this overlap, we recommend the applicant provide signs or some type of fencing to alert future homeowners that the portion of the easement on their lots is not to be disturbed.
2. Ideally, the subdivision should be configured so that none of the forest conservation area is located on any new lots since the long-term protection of the easement on privately-owned lots will be difficult under the best circumstances. It appears the easement overlaps the lots because the applicant must maintain a minimum 70% forest cover and provide a minimum lot size of 10,000 square feet. This scenario suggests that perhaps reconfiguring the lots to avoid overlap with the easement should be attempted to avoid future enforcement issues.

Ms. Allen
May 1, 2003
Page Two

3. Has the applicant provided information from the Department of Natural Resources, Heritage and Biodiversity Division concerning the presence of any rare, threatened or endangered species?
4. Lots 1-4 have a split Critical Area designation of Intensely Developed Area (IDA) and Limited Development Area (LDA). As you know, the IDA designation requires the applicant to address the 10% pollutant reduction calculations. In the case of residential development where disturbances will be greater than or equal to 250 square feet, residential best management practices (BMPs) that most appropriately suit the site should be selected. If there are site constraints that prevent BMPs from being used, then nursery grown containerized or balled and burlap stock should be substituted.
5. There is still no specific information on the final plat regarding the existing and proposed impervious surfaces and allotments for each lot for future impervious surface needs (i.e. sheds, pools, garages, etc.). We recommend that a table be provided on the final plat indicating the allowable impervious area for each lot.

Thank you for the opportunity to comment. Please telephone me if you have additional questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 393-02



Ren Serey
Executive Director

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May 1, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Rental of Non-motorized water craft

Dear Ms. Verdery:

Thank you for providing this office with a copy of the draft legislation to allow the rental of non-motorized watercraft as a special exception in the RC and VC zoning classifications. At your request, Commission staff will provide the County with some guidance with regard to the appropriateness of this use in the RC zone, which is the Resource Conservation Area (RCA) when inside the Critical Area.

As you know, the RCA is defined by the Code of Maryland Regulations (COMAR 27.01.02.05) and the Talbot County Zoning Ordinance (Section 19.3(a)(1)(ii)) as areas characterized by natural environments (wetlands, forests, abandoned fields) and resource-utilization activities (agriculture, forestry, fisheries, or aquaculture). Both COMAR and the Zoning Ordinance also outline the policies local governments shall follow when addressing RCAs. They include the following:

1. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity;
2. Provide adequate protection of breeding, feeding, and wintering habitats for these wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species;
3. Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
4. Conserve the existing developed woodlands and forest for the water quality benefits that they provide.

Ms. Verdery
May 1, 2003
Page Two

At issue is whether this type of use should be permitted in the RCA with or without growth allocation since the use is like a commercial use because it involves customers who pay for a particular service. Generally, commercial uses are not considered an appropriate use in the RCA given the definition and policies outlined above. They usually entail large buildings and parking areas, which means there are fewer natural areas to support the conservation and preservation of these areas. In addition, commercial uses generally bring more people and activity to a particular area.

With these issues in mind, the Commission has worked with various other local governments to allow certain commercial uses in the RCA without the need for growth allocation because the Commission recognizes that there are certain commercial uses that can coexist in the RCA when appropriately conditioned for size and intensity. For example, there are certain commercial uses that are considered an accessory to a primary use of a property. The most frequent example is an accessory use on a farm in the RCA. Some farms sell produce or have tree nurseries. There are also many types of home occupations that would be permitted in the RCA if they are in grandfathered structures and will not require additional parking.

Our concern with the language as currently drafted is that the use, if permitted, may expand beyond what the County envisions as a use that is appropriate in an RCA. We recommend that if the County wishes to entertain this as a permitted use in the RCA that additional limits or requirements be added to the special exception in order to ensure the character of the RCA as outlined in COMAR and the County Zoning Ordinance is not compromised. We recommend the County consider allowing this use only as an accessory to a principal residential or other RCA use.

We also would recommend this use could be allowed under home occupations. We understand there may be a conflict with permitting this use under the County's current home occupations category since Section 19.4 (b) (3) (ii) prohibits the rental of equipment; however, portions of the home occupations language in Section 19.4 (b) (3) (i) may provide the County with some sample language to use for the proposed use.

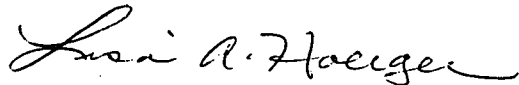
Another way to limit the size and scope of the proposed use is to limit the allowable impervious area as the County has done in its draft legislation for the comprehensive review. In the comprehensive review, the County has included a list of permitted uses in the RCA with the condition that they not exceed 15% impervious coverage or 20,000 square feet, whichever is less. The County could also specifically exclude additional uses on the property as was done with the proposal to allow vehicle and boat parking and storage.

Ms. Verdery
May 1, 2003
Page Three

To summarize Commission staff's recommendations, the language as currently drafted may require growth allocation if the County is not certain that, absent other limits of the special exception, the use will not expand beyond the character of the RCA as described in the County's Zoning Ordinance. If however, the County is comfortable that the language, as proposed, will adequately limit the scope of this use, the growth allocation may not be required. It has been our experience that with adequate conditions, such a use may be permitted in the RCA without growth allocation, as outlined above.

If you have any questions, please do not hesitate to contact our office at (410) 260-3460.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Marianne Mason
Ren Serey
Mary Owens

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

April 29, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street, Courthouse
Easton, Maryland 21601

Re: Lars & Amanda Erickson - Appeal # 1265

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance to this office for review and comment. The applicant proposes to construct a 397 square foot addition to an existing dwelling within the 100-foot Buffer to Oak Creek. Provided this lot is properly grandfathered (i.e. existing, legal platted lot as of December 1, 1985) this office has no objection to the requested variance.

Provided your office and the Board of Appeals find the applicant has met the variance standards, we recommend the following as a condition of granting the variance.

1. We recommend mitigation at a 3:1 ratio in the form of native Buffer plantings for new disturbance to the 100-foot Buffer. We recommend the mitigation plantings first be performed inside the 100-foot Buffer.
2. We recommend the County consider some form of stormwater management be installed to minimize impacts (i.e. disconnect spouts, rain garden, etc.) to the Buffer and receiving waterbody.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 303-03

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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April 29, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Rock Creek Boat Club/Annesley by the Bay
Second Review of Final Plan/Plat - S # 01-069, P # 01-182

Dear Ms. Allen:

I have received the second set of the final plans and the final plat for the above-referenced subdivision request. It appears the applicant has addressed the comments of my letter dated March 21, 2003. I have outlined my remaining comments below.

1. It appears the applicant is proposing to plant 3.05 acres inside and outside the 100-foot Buffer that will count towards the reforestation required for this project. According to our calculations, the applicant is required to reforest 7.59 acres (5.06 acres proposed for clearing x 1.5 mitigation ratio for clearing above 20% = 7.59 acres). Therefore, the applicant is responsible for an additional 4.54 acres of reforestation at an off site location or through a fee-in-lieu.
2. The 7.18 acres of existing woodland proposed for placement in a conservation easement cannot count towards the reforestation requirement mentioned in the comment above.
3. Note "H" on sheet 3 of 5 of the final development/critical area plan indicates that 2.669 acres are provided for reforestation. This is inconsistent with the 3.05 acre figure provided in the Conservation Easement Area table on plat 5 of 5. Please have the applicant reconcile these figures.

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

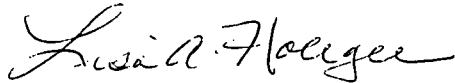
TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Ms. Allen
April 29, 2003
Page Two

4. The applicant should provide the County with the Final Buffer Management Plans prior to recordation to ensure this plan is consistent with the County Forester's requirements.
5. It appears several of the proposed dwellings are at or near the edge of the 100-foot Buffer. We recommend these dwellings be sited to allow future owners sufficient area to locate patios, decks, or additions that will not require the need for a variance to the County's 100-foot Buffer requirement. If these dwellings will have sliding doors or other forms of outdoor access it is likely future owners will desire such amenities as mentioned above; therefore, the developer has the responsibility to provide adequate space for these amenities to avoid future variance requests.

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 456-01

Martin G. Madden
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

April 24, 2003

Mr. Chris Soldano
MS 6301
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

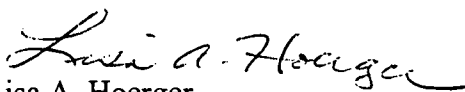
Re: Bay Ridge – River Road
Lots 14, 15, 16

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to shift an existing lot line between two parcels. Provided there will be no disturbance to any Habitat Protection Areas, except for necessary access, this office has no comment.

Please telephone me if you have any questions at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 296-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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April 21, 2003

Ms. Kelly Krinetz
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Slattery Property – REVISED COMMENTS
S 96-039, P 02-136

Dear Ms. Krinetz;

I would like to provide an addendum to my March 7, 2003 letter regarding the above-referenced subdivision request. Over the last several days, this office has spoken with the applicant's engineer and yourself concerning the status of proposed lot 5. With the addition of the 5% slope information combined with the 50-foot expanded Buffer, it appears there is less room that originally believed to support a dwelling and associated activities without a variance.

It is our understanding that if the applicant chooses to pursue the development of proposed lot 5, the County will require a variance. It is also our understanding that it is unlikely the County will support such a variance since lot 5 is not a grandfathered lot under the County's Critical Area program. I have contacted the applicant's engineer and informed him that if the County will require a variance, this office will likely not support it for the same reasons outlined above.

If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 282-02

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

April 14, 2003

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Boathouse at Easton Point, LLC - 03-WL-1070

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to provide shore erosion control and create boat slips at a commercial marina. I have outlined my comments below.

- 1) We defer to your office regarding the replacement of an existing bulkhead as the method of shore erosion control in this particular area of the Tred Avon River.
- 2) All vegetation that is removed for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species.
- 3) We see from the Public Notice description and the plans that the applicant proposes to construct a 328 square foot deck. What is not clear is whether the proposed deck will be over the water or on the landward side of the bulkhead. If the deck is above mean high water and therefore, within the 100-foot Buffer it will require a local variance. This office will not support a variance request to the local government for an accessory structure that is not otherwise considered water-dependent.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Talbot County Planning and Zoning
Tidal Wetlands File

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**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

April 11, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: John Brooks
S 962

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision to this office for review and comment. The request is to create a single lot in the RC. I have outlined our comments below.

- 1) For any parcel that will be converting from an agricultural use to a residential use, the 100-foot Buffer shall be reestablished. This means that the Buffer must be planted with native vegetation.
- 2) The proposed lot and its future development should not require the need for any variances to the County's Critical Area regulations. This office will not support variances on lots that are not grandfathered.
- 3) The County should verify the Buffer is correctly delineated. It is not clear what method was used to delineate the mean high water line shown on this plan.
- 4) A note should be added to the final plat that indicates total allowable impervious area. The total impervious area figures should include the area of the driveway on the parcel.
- 5) The note that refers to cutting and clearing of trees greater than 4' caliper should be removed. The note should instead refer the property owner to the Office of Planning and Zoning regarding any proposed cutting or clearing in the 100-foot Buffer.

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

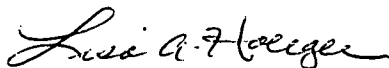
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Ms. Verdery
April 11, 2003
Page Two

- 6) The County should received comments from the Department of Natural Resources, Heritage and Biodiversity Division prior to final plat approval.
- 7) The note regarding the development rights should be checked since it appears a portion of this property may contain tidal wetlands. If these wetlands are State wetlands, this area may not be counted in the total acreage figure to calculate density or allowable impervious surface area.

Thank you for the opportunity to comment. Please telephone me if you have any questions or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 263-03

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

April 11, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Anthony Smith, Revised Plat
M-1030

Dear Ms. Verdery:

Thank you for forwarding the revised plat for the above-referenced subdivision request. It appears the applicant has changed his request from four lots to two lots. It appears the applicant addressed most of the comments in my previous letter. I have outlined my comments below.

1. It appears the impervious surface and afforestation figures are correct.
2. We recommend the afforestation requirement be met by reestablishing the 100-foot Buffer before other areas on the lots are considered.
3. As stated in my last letter, this office recommends a note be added to the plat and the deeds to alert future lot owners that the 100-foot Buffer shall be reestablished in native vegetation.
4. We recommend the note that references tree clearing in the 100-foot Buffer be reworded to state that if any cutting, mowing or removal of natural vegetation is proposed in the Buffer, then the lot owner must contact Planning and Zoning to initiate a Buffer Management Plan.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 147-03

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

TTY For The Deaf:
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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

April 11, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Arrow Cove/Epping Forest, Waiver Number 8748
S 95-083, P 00-244

Dear Ms. Krinetz:

I have received the proposed waiver requests for the above-referenced subdivision. The applicant requests waivers for sidewalks, street lights, street trees, road grades, road radius, road length, and road right-of-way widths. This office defers to the County with regard to those issues that overlap with public safety issues

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 576-00

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

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CLEARINGHOUSE REVIEW

April 02, 2003

RECEIVED
APR 4 2003
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)
Douglas DeLeaver, 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
Marketa L. Walker, Program Manager, Community Parks & Playgrounds

SUBJ: DNR Clearinghouse Review of Local POS/CPP Project #4262-16-600, Melrose Playground, City of Hyattsville, Prince George's County

Construct a soccer field, parking lot, access road and hiker/biker trail.

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.

JWH

4/9/03

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

April 8, 2003

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

Re: DNR Clearinghouse Review of Local POS Project #4262-16-600
Melrose Playground, City of Hyattsville, Prince George's County

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. It is not clear from the information provided who the applicant is for this request. Is it Prince George's County or the Maryland National Capital Park and Planning Commission (assuming this may be on MNCPPC lands)? In either case, the proposed activities will require approval by the Critical Area Commission since they will occur inside the Critical Area. The type of approval required by the Commission for State or local agencies that will be impacting HPAs (i.e. the 100-foot Buffer to an intermittent or perennial stream) in the Critical Area is called a Conditional Approval process. This process requires the agency to make specific findings including that no feasible alternative exists for the trail alignment.

The project as shown on the map provided may have impacts to the 100-foot Buffer to a stream. Both proposed parking areas, a portion of the soccer field and the proposed access bridge would impact the 100-foot Buffer to a stream. It is not clear that all options have been exhausted. Questions for the applicant might be is there another location for additional parking outside the 100-foot Buffer? Can the soccer field be oriented in the other direction to maximize the distance from the stream?

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

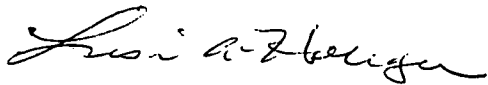
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Mr. Price
April 8, 2003
Page Two

The site is also subject to impervious surface limits and clearing limits. Absent more detailed information regarding the total site area and existing impervious and forested areas, this office can only offer that these items would need to be addressed by the applicant. The impervious surface limits for this site is 15%. Any clearing inside the 100-foot Buffer will require mitigation. Clearing outside the Buffer would also require mitigation.

If you have any questions, or if I can provide you with additional information, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Charles Montrie, MNCPPC
Ms. Sherry Conway Appel, DER
Mr. Richard Thompson, DER

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

April 8, 2003

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, 6402
Annapolis, Maryland 21401

RE: Critical Area Map Amendments (Shenton, Hock)

Dear Mr. Gawel:

Due to the lack of a Critical Area Commission chairman at the April 2, 2003 Commission meeting, the map amendments submitted by Anne Arundel County as Program refinements have not yet been acted on by the Commission. There are two alternatives available for processing the request. One, the County can withdraw the refinements pending the appointment of a new chairman. The Commission's Program Subcommittee has already reviewed both proposals favorably. Once a chairman is appointed, the request could be presented to the Commission for their concurrence at its next meeting. Alternatively, the County can ask Commission staff to begin processing the request as a Program amendment. This would require a panel of Commission members to hold an advertised public hearing in Anne Arundel County. The proposal could then be voted on by the full Commission at the first meeting following the public hearing.

Please let us know how the County wishes to proceed in processing these map amendments. If you have any questions or concerns, please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

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

April 8, 2003

Mr. Chris Soldano
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Ponder Cove, Residue Parcel 505
S 00-146, P 02-073

Dear Mr. Soldano:

I have received the final plat for the above-referenced subdivision request. It appears the note I requested to appear on the final plat was added; therefore, this office has no further comments.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 242-02

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

TTY For The Deaf:
Annapolis: (410) 974-2600 D.C. Metro: (202) 596-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 3, 2003

Mr. Russell J. Burton
Unit Coordinator
Washington Suburban Sanitary Commission
4102 Lloyd Street
Hyattsville, Maryland 20781

Re: Emergency Road Installation – Fort Washington
WCCS Contract No. CX3666E03

Dear Mr. Burton:

At its meeting on April 2, 2003 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above-referenced project in lieu of a signed Memorandum of Understanding.

Since this project would qualify as an emergency repair project as outlined in the Memorandum of Understanding, no further coordination with this office is required unless the scope of the project changes or you determine that additional clearing will be required.

In the meantime, WSSC is responsible for the tree clearing associated with the installation of the road. Since the clearing is due to an emergency situation and to repair public utilities, the mitigation ratio will be 1:1. I have attached a Plantings Agreement Form that must be returned to Commission staff within 30 days.

Thank you and your colleagues for your cooperation. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Terrance Valentine

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 3, 2003

Mr. Terrance E. Valentine
Environmental Program Unit Coordinator
14501 Sweitzer Lane
Laurel, Maryland 21070-5902

Re: Water Main Replacement Projects – Hyattsville, Colmar Manor, Bladensburg
WSSC Contracts: BR3451A02, BR3413A02, BR3369A02

Dear Mr. Valentine:

At its meeting on April 2, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the water main replacement projects for the WSSC contracts referenced above.

Since these projects would qualify as maintenance activities outlined in the Memorandum of Understanding, no further coordination with this office is required unless the scope of the projects referenced above change.

Thank you and your colleagues for your continued coordination of these projects. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

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

TTY For The Deaf:

Annapolis: (410) 271-2600 D.C. Metro: (202) 526-2150

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

April 3, 2003

Mr. Marty D. Wilson
Contract Manager
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: 36 " Sewer Lining Project- Fort Washington
WCCS Contract No. 03C12654A

Dear Mr. Wilson:

At its meeting on April 2, 2003 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above-referenced project in lieu of a signed Memorandum of Understanding.

Since this project would qualify as an emergency repair project as outlined in the Memorandum of Understanding, no further coordination with this office is required unless the scope of the project changes or you determine that clearing will be required for the bypass pipe.

Thank you and your colleagues for your cooperation. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Terrance Valentine

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 3, 2003

Ms. Lorraine Strow
State Highway Administration
Project Planning Department
707 N. Calvert Street
Baltimore, Maryland 21202

Re: MD 450 Grade Separation/CSXT Railroad

Dear Ms. Strow:

At its meeting on April 2, 2003 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the MD 450 Grade Separation project. The Commission approved the project with the following conditions:

The final mitigation package be submitted to the Commission within 60 days.

In the meantime, I will be in touch with yourself and the Prince George's County contacts to coordinate future meeting and site visits to explore the location of sites to install appropriate Best Management Practices (BMPs) and tree planting. The Commission has agreed to allow a portion of the reforestation obligation to be met with the BMPs selected for the remaining 10% pollutant reduction rule. According to my calculations, and those of your consultant team, the total remaining pounds of phosphorous required for removal is 10.35 pounds (4.60 pounds of phosphorous remaining plus 5.73 pounds added to address the 2.87 acres of forest clearing). The remaining forest mitigation required for impacts to the 100-Buffer at a 1:1 ratio is .41 acres.

Thank you, your colleagues at SHA and your consultant team for your assistance with this project. If you have any questions in the interim, please feel free to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural resources Planner

cc: Jason Cosler, Whitman, Regardt & Associates, LLP
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

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Chairman



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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

April 3, 2003

Mr. Charles J. Montrie, Jr., Planning Supervisor
Park Planning and Development Division
Maryland National Capital Park and Planning Commission
Department of Parks and Recreation
6600 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Bladensburg Waterfront Park - Pedestrian Bridge

Dear Mr. Montrie:

At its meeting on April 2, 2003 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Pedestrian Bridge project at the Bladensburg Waterfront Park. The Commission approved the project subject to the following condition:

MNCPPC resubmit the planting plan if it changes subsequent to the Army Corps of Engineers' review.

Once you receive notice from the Army Corps of Engineers regarding the proposed planting plan, please inform this office of their decision. If the plan submitted is acceptable, kindly return a copy of the plan with the Plantings Agreement Form that I have enclosed for your convenience.

Thank you, your staff and consultant team for your cooperation with the review of this project. If I can be of further assistance to you or your staff, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Michele Floam, RK&K

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

April 1, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Epping Forest, Resubdivision of Section B, Multiple Lots
S 95-083, P 00-244

Dear Ms. Krinetz:

I have received the revised final plans for the above-referenced subdivision request. The applicant proposes to create eight lots through the lot consolidation process. Although the consolidation process has reduced the number of lots on this parcel, presumably to meet the County minimum lot size requirements under the current zoning, the consolidation process does not appear to adequately address the County's current Critical Area regulations. I have outlined my comments below.

1. In my last comment letter dated December 7, 2000, I stated the proposed subdivision would likely require variances for disturbances to steep slopes and the expanded Buffer. The current reconfigured plan still shows impacts to the steep slope and Buffer areas on every lot proposed for new development. This office may not be supportive of these variance requests.
2. While we understand the applicant has eliminated lots due to the lot consolidation exercise, that process did not appear to provide adequate lot area to accommodate all new development activities outside of sensitive areas (i.e. steep slopes, buffers).
3. We recommend the applicant attempt to minimize disturbance to the Buffer by reducing the footprint of the proposed dwellings and moving them closer to Arrow Cove Lane in order to shift the septic areas further out of the Buffer.

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

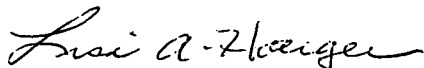
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Ms. Krinetz
April 1, 2003
Page Two

4. Will the applicant be required to secure any variances prior to final subdivision approval?
5. It appears the total allowable impervious area on each lot exceeds State law and the County code. For lots over one acre in size, total impervious surface is limited to 15%. Only lots one acre or less that are part of an approved subdivision after December 1, 1985 are permitted to have 25% impervious cover while maintaining 15% over the entire subdivision. There is no provision allowing lots over one acre to exceed 15%.
6. On Open Space "B" there are two infiltration trenches that are in the expanded Buffer. These facilities will also require a variance.
7. In the table titled, "Critical Area Impervious and Clearing Calculations" I get a total of 466,976 square feet rather than 466,926 square feet. Please have the applicant check this number.
8. The reforestation notes that refer to mitigation ratios should state that mitigation for all disturbances (all disturbance means grading, clearing and footprint) to the Buffer is 3:1 rather than 1:1.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 576-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 27, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Boyds Ridge – Goettee Property
S 99-089, S 02-028

Dear Ms. Krinetz:

I have received a courtesy copy of the final plans for the above-referenced subdivision request. After a review of the final documents I noticed two items that should be checked for accuracy. In the site tabulation charts included on plat 1 of 7 and on the Critical Area Plans Title Sheet on sheet 1 of 4 there is a discrepancy between two figures. They are the square footage reported for the 40 foot public right of way and the square footage reported for the Critical Area (LDA). Please have the applicant reconcile these numbers prior to final plat approval.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 27, 2003

Ms. Cynthia D. Simpson, Deputy Director
State Highway Administration
Office of Planning and Preliminary Engineering
707 North Calvert Street
Baltimore Maryland 21202

Re: Project No. AA 2905187 - MD 468: MD 255 to Snug Harbor Road
Phase II: MD 256 to Cedarhurst Road, Anne Arundel County

ATTN: Donald Sparklin

Dear Ms. Simpson:

Thank you for forwarding the semi final design plans for the above-referenced project. In December of 2000 this office received notice from your office that MD 468 from MD 255 to Snug Harbor Road was scheduled for safety and resurfacing; however, due to the denial of the wetlands permit and funding issues, your office requested that we table the project until further notice.

Since that time we have not received any further plans or information for that project until the most recent submittal of Phase II which appears to involve only that section of MD 468 that lies between MD 256 and Cedarhurst Road. What was the scope of Phase I? Were the limits of Phase I entirely outside the Critical Area? Please clarify this issue to ensure that no project review was overlooked by either agency.

In regard to the documents submitted for Phase II, I have outlined the following comments below.

1. Based on the Critical Area map provided, it appears a section of Phase II will cross through the Critical Area between the intersections of Deep Cove Road and Ira Lane. While the County has mapped the area as a Limited Development Area (LDA), this designation is used as a guideline by this office in determining whether the area is considered an area of intense development or an area not intensely developed as intended by the Code of Maryland Regulations at Title 27.02.05, State Agency Actions on State-Owned Lands. Commission staff has determined this area to be classified as an area of intense development; therefore, the 10% pollutant reduction calculations will need to be submitted, and any clearing will require mitigation at a 1:1 ratio.

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

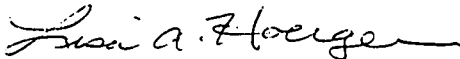
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Ms. Simpson
March 27, 2003
Page Two

2. Please verify whether any wetlands will be impacted within the Critical Area portion of this phase. It appears there may be a nontidal wetland on sheet 6 of 14. Please verify.
3. The letter from Katherine McCarthy of the Department of Natural Resources dated October 12, 2001 indicates that the field survey conducted with your agency on October 5, 2001 resulted in finding no rare, threatened or endangered species. Did this survey include the area of phase II?
4. All required permits (i.e. Army Corps of Engineers, MDE wetlands, stormwater management and sediment and erosion control) should be secured prior to submission to the Critical Area Commission for its approval.
5. The mitigation package should also be finalized prior to submission to the Critical Area Commission for approval. Please contact me for assistance with this requirement.
6. The 10% calculations are not required for this phase since Commission staff has determined the area to be an area not intensely developed.

Thank you for forwarding this project for a preliminary review. Please do not hesitate to contact me at (410) 260-3478 with any questions or concerns regarding the comments in this letter.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mark James, SHA

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

March 27, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Michael Smilow
Appeal # 1259

Dear Ms. Verdery:

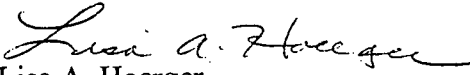
Thank you for forwarding the above-referenced variance to this office for review and comment. The applicant proposes to construct a 1,501 square foot addition to an existing dwelling within the 100-foot Buffer to Plaindealing Creek. Provided this lot is properly grandfathered (i.e. existing, legal platted lot as of December 1, 1985) this office has no objection to the requested variance.

Provided your office and the Board of Appeals find the applicant has met the variance standards, we recommend the following as a condition of granting the variance.

1. This office recommends mitigation at a 3:1 ratio in the form of native Buffer plantings for new disturbance to the 100-foot Buffer. We recommend the mitigation plantings first be performed inside the 100-foot Buffer.
2. Due to the close proximity of the proposed addition to tidal wetlands, we recommend the County consider some form of stormwater management be installed to minimize impacts (i.e. disconnect spouts, rain garden, etc.)

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 215-03

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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March 28, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Philip & Gay Mercer
Appeal #1261

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review and comment. The applicants propose to construct a 150' x 6' pier extension with a 10' x 20' "L" head, and two mooring piles for a total encroachment of 255 feet. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in Grace Creek. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 242-03

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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March 26, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Lawrence & Linda Meyer
Appeal #1260

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review and comment. The applicants propose to construct a 75' x 6' pier extension with a 10' x 20' "L" head, a 15' x 3' catwalk, three mooring piles and two boatlifts for a total encroachment of 235 feet. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in the Miles River. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 214-03

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
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March 25, 2003

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Stotz – Waiver #8708

Dear Mr. Callahan:

Thank you for forwarding the site plan associated with the above-referenced waiver request. This office has no comment regarding the waiver to the major subdivision process; however, I have outlined some remaining concerns the County and the applicant need to address prior to final subdivision approval.

1. The portion of the parcel inside the Critical Area boundary is eligible for three intrafamily lots based on the number of acres inside the Critical Area. We understand the applicant does not have three eligible family members and therefore requests that one lot be created through the intrafamily provisions. The two existing dwellings would then have lot lines drawn around them using the remaining density in the Resource Conservation Area. This appears to be consistent with the County's Critical Area program and the State Law concerning the creation of intrafamily transfer lots.
2. If the applicant proposes to create the lots at different times, it is important to note that the intrafamily transfer lot must be created first since the State Law (Natural Resources Article 8-1808.2) and the County Code (Article 28 §1A-107) require the parcel to be legally of record on March 1986. Platting the two proposed lots created by density before the intrafamily lot would change the parcel history and render the parcel ineligible for the creation of any intrafamily transfer lots. Notwithstanding any requirements in the County's subdivision code, the lots may be platted at the same time. This office sees no prohibition in the State law to creating an intrafamily lot at the same time as a lot created by density.

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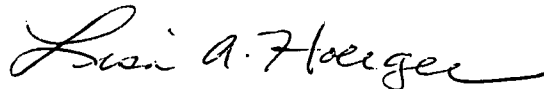
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Mr. Callahan
March 25, 2003
Page Two

3. The septic line that runs from lot 2 to the septic reserve area outside the Critical Area appears to cross the expanded Buffer for hydric soils. As with the initial application, this septic line must be routed outside the Buffer or the applicant must show the County that the soils do not require the Buffer to be expanded. Otherwise, a variance will be required and this office will not support variances for new development.

Thank you for the opportunity to comment. If you have further questions, please do not hesitate to contact this office.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 67-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 25, 2003

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

Ms. Suzanne Diffenderfer
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Elm Street Development - BA 132-02V

Dear Ms. Diffenderfer:

I would like to provide comments on the above-referenced appeal case. Over the past year and a half we have reviewed several iterations of this plan, and it appears that the latest plans, dated March 17, 2003, will require the least disturbance to the site.

In earlier comments from this office, we were concerned about the presence of two endangered plant species that occur in the nontidal wetland adjacent to the proposed driveway location. Based on a telephone conversation with Mr. Merrill Plait, it is our understanding most of the site will drain away from this area.

Provided your office is satisfied with the applicant's latest changes, and the Board of Appeals concludes the same, this office recommends the following as conditions of any approval.

1. No further changes be made to site plan dated March 17, 2003 with the exception that the proposed boardwalk shown along the road be removed since it has not been previously reviewed or approved as part of the pending subdivision approval.
2. The dwelling on lot 2, and its limits of disturbance, be located no further waterward than the existing dwelling.
3. The driveway area inside the 100-foot Buffer is restored with native trees and shrubs.

Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa Hoerger
Natural Resources Planner

cc: AA 389-02

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 20, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Rock Creek Boat Club – Final Plan/Plat
S # 01-069, P # 01-182

Dear Ms. Allen:

I have received the revised, final plan and plat for the above-referenced subdivision request. The applicant has addressed the comments of my letter dated May 3, 2002. I have outlined my remaining comments below.

1. On sheet 3 of 5 of the final development plans the total proposed impervious within this subdivision should be 117,255 square feet based on the figures provided in that column.
2. Why was the impervious surface column mentioned above removed from the plat?
3. What is meant by "ultimate woodland under easement"? Should it state proposed woodland easement?
4. What is meant by "reforestation not under easement"? If this reforestation is to meet minimum reforestation requirements, then it should be under easement.
5. One sheet 5 of 5 on the final development plans there are two walls inside the 100-foot Buffer within the proposed Recreation Area. A question mark appears beside these walls. What is the meaning of the question marks?
6. On sheet 5 of 5 of the plat, the total allowable impervious appears to be 160,331 square feet based on the figures provided in that column. If that is the case, it must be corrected since the total allowable impervious overall is limited to 160,105 square feet.

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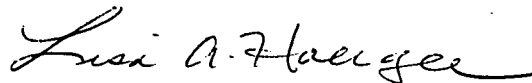
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Ms. Allen
March 20, 2003
Page Two

7. We recommend fencing or signage to alert future property owners of the limits of the 100-foot Buffer and conservation easement areas.

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 456-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 20, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Trippe Creek, LLC – Duval Farm
M 1007

Dear Ms. Verdery:

I have received the final plans for the above-referenced subdivision request. It appears the applicant addressed all the comments in my last letter to you dated August 26, 2003. I have outlined my remaining comments below.

1. Please have the applicant add "...and are protected by State law **and County law**" to the fourth Critical Area note concerning nontidal and tidal wetlands.
2. Please have the applicant include the Department of Natural Resources to the list of agencies responsible for reviewing pier construction due to the waterfowl staging area.
3. The impervious surface calculations for lot 11 appears to be slightly incorrect. I get 35,382 square feet of allowable impervious area.
4. When calculating the total overall impervious permitted on site, I get 3,188,873 square feet. It appears the applicant did not subtract out the area of State wetlands when calculating this figure as was done with the individual lot calculations.
5. The legend includes a symbol for discretionary afforestation. What is meant by discretionary?

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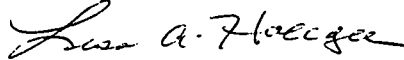
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Ms. Verdery
March 20, 2003
Page Two

6. On sheet 4 of 9 the area of the 100-foot Buffer is not shown with the crosshatching indicating the area will be reestablished in vegetation; however, on sheet 5 of 9, the crosshatching appears on the portion of lot 6 shown on that sheet. Please have the applicant correct sheet 4 if the intention is to revegetate the Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 516-01



**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

March 20, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: William Haugen & Dawn Carlson
Appeal # 1258

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance to this office for review and comment. The applicants propose to construct a 2,792 square foot home and new well within the 100-foot Buffer to Harris Creek. Provided this lot is properly grandfathered (i.e. existing, legal platted lot as of December 1, 1985) this office has no objection to the requested variance; however, I have outlined some questions and comments below for your consideration.

1. Is the Sewer Reserve Area (SRA) shown on the site plan the minimum area required by the Talbot County Health Department or is the size of this SRA generated by the size of the proposed dwelling?
2. There is a note on the site plan indicating that trees will need to be removed for the SRA. It appears there are no trees or woody vegetation in the 100-foot Buffer; therefore, this office recommends the reforestation required for clearing the area of the SRA be planted within the 100-foot Buffer and along the property lines.
3. The site plan provided does not indicate the limits of disturbance (LOD) for construction of the proposed dwelling. What is the average LOD for residential construction in your County? Ten feet? If the variance were granted, this area would need to be calculated into the area of disturbance to the Buffer.

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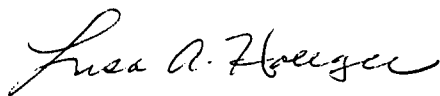
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Ms. Verdery
March 20, 2003
Page Two

4. Provided the Board of Appeals is satisfied that the applicants have minimized disturbance to the Buffer, this office recommends mitigation at a 3:1 ratio for all new disturbance to the Buffer.
5. Typical Buffer mitigation consists of native vegetation. The Buffer mitigation and reforestation required for development of this grandfathered lot may be combined.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance and notify this office in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 204-03

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

March 17, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N Washington Street, Courthouse
Easton, Maryland 21601-3178

Re: Trippe Creek, LLC - Schwaninger, M1006, Final Plan

Dear Ms. Verdery:

I have received the final plan for the Schwaninger Farm subdivision request. It appears the applicant has addressed most of the comments in my last letter dated August 26, 2002. I have outlined my remaining comments below.

1. The overall impervious area calculations appear incorrect. For example, it appears the total proposed road impervious surface equals 111,197 square feet rather than 110,834 square feet (72,416 + 38,781). The total allowable/remaining lot development impervious surface area equals 861,364 square feet rather than 861,561 square feet. Therefore, total existing, proposed and allotted impervious area equals 1,013,715 square feet rather than 1,013,549 square feet. Please have the applicant verify these numbers.
2. The Critical Area note concerning tidal and nontidal wetlands should add the following words suggested in bold; "...protected by State law **and County law.**"
3. The note concerning the waterfowl staging areas should include the Department of Natural Resources as one of the reviewing agencies since pier construction may affect the waterfowl using this site.
4. Prior to final recordation the County shall ensure that the 100-foot Buffer, or any area that may require expansion, be correctly delineated on the final plat.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: TC 511-01

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Helm Properties- Site Plan Review # 357

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plan to this office for review and comment. The applicant proposes to construct a 27,866 square foot storage building in an Intensely Developed Area (IDA). This office has no comment regarding the proposed use; however, it appears more detailed information is needed prior to local approval.

Since the site is in the IDA, the applicant must provide the County with the 10% pollutant reduction calculations. These calculations should include a proposed Best Management Practice (BMP) if there is a removal requirement generated by the calculations. The existing stormwater management pond may be able to treat any removal requirement depending on its capacity.

The limits of the 100-foot Buffer from mean high water should be delineated on the site plan. Also, the site plans provided indicate the site is in the RC zone. This is contrary to the information supplied by your office. Please verify. It is my understanding this site is in the LI; hence an IDA critical area designation applies. If not, then the applicant is limited to the amount of impervious surface on this site and afforestation may be required.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 200-03

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



Ren Serey
Executive Director

**STATE OF MARYLAND
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March 17, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Fred Zell - Contract Purchaser
M-1031

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request. It appears the applicant is proposing to create four lots in the Resource Conservation Area (RCA). I have outlined our comments below.

1. The County should ensure there is sufficient buildable area available on all proposed lots so that variances will not be required for their development. It appears these lots are of sufficient size to accommodate more than reasonably sized dwellings.
2. The allowable impervious surface for each lot should be provided on the final plan to alert future lot owners to this limitation.
3. We recommend a note be added to the plat and the deeds to alert future lot owners of the 100-foot Buffer on their property that the Buffer shall be reestablished in native vegetation.
4. Will the existing private road need to be widened as a result of the additional lots? If so, will the County require a variance for new disturbance to the Buffer in those portions of the existing driveway that are in the Buffer?
5. The information regarding tidal and nontidal wetlands has not been field verified yet. The applicant has provided information on the plan indicating whether these wetlands are private or State wetlands; however, these designations should be field verified prior to final subdivision approval since the density proposed is based on wetlands that are presumed to be private.

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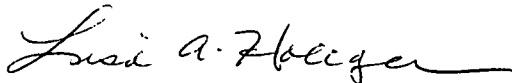
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Ms. Verdery
March 17, 2003
Page Two

6. Where is the proposed reforestation area on this site? This office recommends it be planted within the 100-foot Buffer to Back Creek since the conversion of agricultural land to residential uses requires that the Buffer be reestablished in native Buffer vegetation.
7. A letter from the Department of Natural Resources, Heritage and Biodiversity Division must be received prior to final approvals to ensure there are no habitats of threatened or endangered species on this site.

Thank you for the opportunity to comment. Please contact me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 201-03

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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March 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Christopher Kennedy- Appeal # 1270

Dear Ms. Verdery:

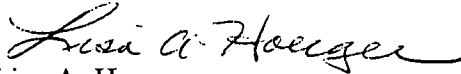
Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a porch and a deck to an existing dwelling within the 100-foot Buffer to Back Creek.

I did not visit the site; however, from the site plan provided it appears the applicant has minimized disturbance to the Buffer by selecting the side of the home that currently provides the greatest distance to Back Creek. The request is also a reasonable expansion of an existing dwelling.

This office does not oppose the requested variance provided the applicant mitigates for the area of new disturbance in the Buffer at a 3:1 ratio with native Buffer plantings. We also recommend the County consider some low impact development techniques to offset the additional stormwater runoff that will be generated by these additions. If those techniques ultimately will result in plantings, those plantings can also be counted towards the suggested 3:1 mitigation ratio for disturbances to the Buffer.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 199-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 17, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Russell Granger - Appeal # 1254

Dear Ms. Verdery:

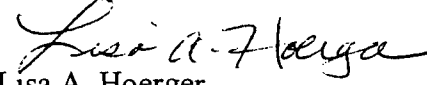
Thank you for forwarding the above-referenced variance request to this office for review. The applicant proposes to construct two additions to an existing dwelling within the 100-foot Buffer to Irish Creek and adjacent tidal wetlands.

I did not visit the site; however, from the site plan provided it appears the applicants have minimized disturbance to the Buffer and are requesting a reasonable expansion of an existing dwelling. According to the site plan provided, the rear addition will be approximately 31.2 feet from tidal wetlands. This is no closer than the existing dwelling or garage. The waterward addition is also no closer than the existing dwelling to the Irish Creek or the tidal wetlands.

This office does not oppose the requested variance provided the applicants mitigate for the area of new disturbance in the Buffer at a 3:1 ratio with native Buffer plantings. We also recommend the County consider some low impact development technique(s) be installed, particularly in the area of the rear addition given its close proximity to the tidal wetlands. We recommend that existing rainspouts be disconnected, plantings be installed in this area, or some other method be employed as the County deems feasible for this site.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 122-03

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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March 13, 2003

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Brian Czarnowski –Revised Plan
MS 02-108

Dear Mr. Soldano:

I have received a copy of the revised plan for the above-referenced subdivision request from the applicant's engineer. In a recent telephone conversation with you, I understand the County needs written comments from this office by March 28, 2003. I have outlined my comments below.

1. The applicant's engineer asked me to review the latest plan based on contours taken from a Department of Utilities drawing. The applicant is using this field run topography to establish the 100-foot Buffer on the site. This office accepts the methodology used in this case to delineate the 100-foot Buffer.
2. The notes detailing the total proposed clearing were removed. The last plan indicated more than 30% clearing for development associated with parcel 942. Was the note removed because the development of parcel 942 is unknown at this time?
3. We recommend a note be added to the final plat indicating the required reforestation ratios associated with clearing up to 20% (1:1), up to 30% (1.5:1) and over 30% (3:1).
4. The notes on the final plat should indicate that any required reforestation that can be accommodated on site should occur within the 100-foot Buffer.

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Mr. Shaver
March 13, 2003
Page Two

5. The other plat notes suggested in my last letter concerning the protection of the 100-foot Buffer should also be included on the final plan.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions or need additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 716-02

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

March 12, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Tunis G. Wilson & George H. Wilson
S 961

Dear Ms. Verdery:

I have received the plan for the above-referenced lot line revisions. Provided the resulting lot configuration will not preclude future development activities in meeting the County's Critical Area Program requirements, this office has no comments regarding this lot line revision.

We recommend the County inquire about the existing forest cover on site since this lot is within the range of the Delmarva Fox Squirrel habitat and to determine whether any afforestation or reforestation will be necessary. If any clearing is proposed for future development activities, the U.S. Fish and Wildlife Service and the Department of Natural Resources must be contacted to initiate their review.

We also recommend that note #6 which references cutting and clearing be changed to exclude "...greater than 4' caliper".

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 145-03

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(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

March 12, 2003

Anthony C. Harding
872 Holly Avenue
Edgewater, Maryland 21037

Dear Mr. Harding:

Thank you for your letter concerning the development activities that you describe in your community. In my last letter I wrote to you in July of 2002, I provided you with a contact at Anne Arundel County Planning and Zoning, and with your County Council person's name and telephone number. The reason I suggested you contact these people was to help you become more involved in the decision making processes involved in the zoning of land in your community and in the review process of specific development projects you described.

Since the last time I wrote to you, your council person has changed. The new council person is Edward R. Reilly and his telephone number is (410) 222-1401. His address is Anne Arundel County Council, 44 Calvert Street, Annapolis, Maryland 21401.

Your participation and input that you can provide your council person and County staff persons can be invaluable since you live in and experience the effects of the development activities you describe on a first hand basis. With that in mind, I will attempt to provide you with other potential resources and information.

Last summer, when you first contacted me I drove through your community to witness some of the new development you described in your letter. You mention that some of the development is taking place on wetlands. As I described to you in my last letter, the Critical Area Commission's role in the approval of new development is somewhat limited. For example, the Commission does not issue grading or building permits. We can and do provide comment letters to Anne Arundel County Department of Planning and Zoning on specific types of project applications that the County is required to forward to this office. Those applications include variances, special exception requests, subdivisions, conditional uses and rezonings. If the development of private property does not require any of the above actions, and only requires a building or grading permit, our office is not notified. Also, when land is considered legally recorded, and grandfathered (i.e. by law on record as of December 1, 1985) then those parcels or lots are entitled to a dwelling and/or the development activity otherwise permitted under the local zoning.

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The homes built across from the high school near Glebe Branch were built according to the allowable density prescribed by the zoning and in accordance with the County's Critical Area program. The townhouse units are just outside of the Critical Area; only the single house units are inside the Critical Area. You might be interested in knowing that the initial plan for the single house units was to spread them throughout the forested tract inside the Critical Area, but after some intense negotiations with the developer, Commission staff and the County staff was successful in limiting the allowable units to a significantly smaller area on this site, thereby preserving a larger, undisturbed forested tract that is permanently protected from future development due to density restrictions and an easement.

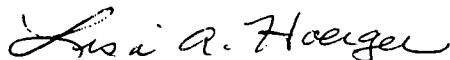
You mention the proposed expansion of Maryland Route 214 at Mayo Road. I am aware of this project and it is currently in the planning and design stage. Road expansion projects that are inside the Critical Area will require review by the Critical Area Commission. Generally, the Commission does not oppose road expansion projects, provided there will be no adverse impacts to any Habitat Protection Area (i.e. buffers to streams, threatened and endangered species). As always the public is invited to provide comments to the Commission for consideration. At present, the project is not on the Commission's agenda for consideration as the plans are still being drafted. If you have further questions regarding the status of this project you should contact the County's reviewer, Elinor Gawel at (410) 222-7441 or the person listed in the newspaper article you shared with me.

In the meantime, I have another contact for you if you should choose to pursue it. The South River Federation (SRF) is a local, nonprofit organization whose primary goal it to protect, restore and preserve the South River watershed. Members of this organization include citizens and community associations. The SRF holds its monthly meetings the second Monday of each month at the South River Park Clubhouse. I spoke with Drew Koslow, a member of this organization, about your concerns. He instructed me to give you his telephone number to get on their mailing list. You can reach Drew (410) 990-9173. If you have access to the Internet, the address is www.southernriverfederation.org.

A final up and coming program in your immediate watershed area is the River Keeper Program that is taking shape this year. When you contact Mr. Koslow he can provide you with more information; however, the program is aimed at raising awareness of sound river stewardship, which includes land development activities.

Thank you again for your letter voicing your concerns about the development activities in your community. Please consider contacting the individuals named above, as I believe they can provide you with the assistance you are seeking.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Edward R. Reilly, Anne Arundel County Council
Ms. Elinor Gawel, Anne Arundel County
Mr. Drew Koslow, Contact for the South River Federation

RECEIVED

Anthony C. Harding
872 Holly Ave. Edgewater, Md 21037
410-798-7348
ACH413@aol.com

MAR 4 2003

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 2, 2003

Chesapeake Bay Critical Area Commission 1804 west Street Annapolis Md. 21401
Attn. Lisa Hoerger

Dear Lisa

I Have written The commission before about the building of homes across from South River high School and some land on the Mayo Peninsula and I have received some correspondence back from the commission in short the commission said they sure are doing A lot of building down here ,but its not only here its all over the Chesapeake Bay and its tributaries and I don't understand why the public or the commission does not see what the people the ones that have been here for many years and the people of other communities like this one already know the building of homes on wet lands is absolutely destroying the Chesapeake Bay The Chesapeake Bay foundation is an absolute joke. The homes just built on Holly Drive were built on land that was "wet lands" the land was marsh land and once considered useless ,many years ago But was always full of wild life when we did not know what land like that was really all about for the Chesapeake Bay. The homes built across from South River High School were an absolute tragedy I could not believe my eyes when I watched truck after truck of dirt being brought in so those houses being built would not flood that land backed up to Glebe creek, and Anne Arundel County map book page 24 & 25 A7 indicates the houses were built on what is called Glebe branch. I have sent you the latest news paper article for the destruction of the Chesapeake Bay, the face lift of route 214 & 468 Muddy Creek road, this will lead to the widening of that intersection and then to the roads that will open up more housing developments, the answer to our traffic problems is not widening the roads it is stopping the building, look at route two north the closing of all those shopping centers now that land is already developed use it for housing. Please call me or arrange A meeting I would truly enjoy taking someone around and showing them the destruction of the Chesapeake Bay and if politicians and builders are not finding loop holes in the law and if there is no corruption in destroying the Chesapeake Bay and if no one will listen then the Chesapeake Bay will never be known by are grandchildren and there children. We used to have ducks in the spring time walking their young down to the water for the first time there was plenty of migrating birds and geese landing in our yards, now you can't catch crabs in Sellman or Bear neck creek because of the dirty run off and this project will defiantly effect Glebe, Sellman, and Bear Neck creeks. The travesty of Selby Heights that I wrote the commission about the muddy water flowing down our street and into the south river was A nightmare ,the land that I wrote the commission about on 214 between Selby Heights Drive and Holly road has not been developed as of yet and I am sure they will when the sewers are up graded , please help in all our communities wishes in saving one of the greatest natural wonders of the world the Chesapeake bay.

Sincerely,
Anthony C. Harding
Signature

Face-lift set for Rt. 214, Rt. 468 intersection

County to reconfigure intersection of Muddy Creek Road, Central Avenue

By E.B. FURGURSON III
Staff Writer

The county will unveil plans next week to reconfigure one of the busiest crossroads in south county — routes 214 and 468.

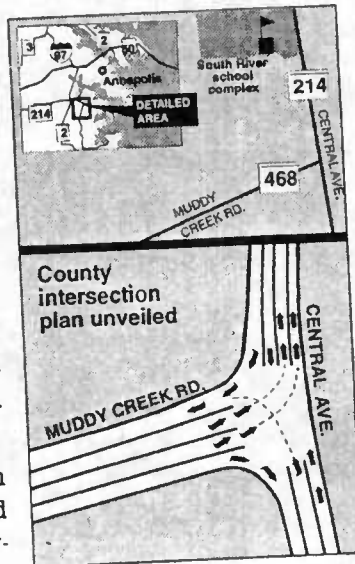
The \$2.4 million project, paid by highway impact fees and developers' fees, is designed to ease rush-hour backups that frustrate commuters.

It will create two left-turn lanes off Muddy Creek Road (Route 468) onto Central Avenue (Route 214), build a right-turn lane to southbound Muddy Creek and keep a through lane for vehicles heading in both directions on Central Avenue, according to the plan to be outlined Tuesday at a meeting at South River High School.

It will also create a left-turn lane onto 468 from westbound 214, allowing through traffic to flow and reduce backups from the Mayo Peninsula.

The approximately 10-month job should kick in by the end of the year.

County land-use spokesman Pam Jordan pointed to this project as an example of how impact fees, charged to developers whose projects af-



SOUTH COUNTY

fect public facilities, are spent.

Other developers who can't meet adequacy of facilities rules pay fees instead into a developer contribution fund. More than \$250,000 from that fund will go toward this project.

More than \$2 million in impact fees are included as well, according to the county budget.

The project design specifically addresses morning rush-hour traffic, which backs up into the Mayo Peninsula and

down Route 468 daily, county engineer Dan Anderson said.

"The evening traffic is more spread out, and is not as much of a problem," he said.

Around 28,000 cars pass through the intersection daily, according to State Highway Administration statistics.

One element of the plan might spark a commuter outcry. Eastbound Route 214 currently narrows from two lanes to one just past the South River school complex.

Current plans maintain that narrowing of the road, though it quickly widens again as the new turn lane to Route 468 develops, about 250 feet from the intersection.

"We hope to secure funds in the next budget to be able to keep the two lanes through to 468," Mr. Anderson said.

The public meeting is at 7 p.m. Tuesday in the South River High School auditorium. Call Mr. Anderson at 410-222-7566 for more information.

*pfurgurson@capital
gazette.com*

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

March 10, 2003

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Southpoint, S 00-033, P 00-051
Revised Sketch Plan

Dear Mr. Callahan:

I have received the revised sketch plan for the above-referenced subdivision. It appears the applicant has addressed the comments in my last letter dated January 8, 2003. I have two additional comments at this time.

1. It appears lot 24 has a 100-foot Buffer in the rear yard; therefore, we recommend that a note be added to the plat and in the deed to alert the future homeowner that no development activities (i.e. accessory structures, clearing) are permitted within the Buffer.
2. Since this office would not support any variances for newly created lots inside the Critical Area portion of this site we recommend that General Note #7 on sheet one of one should not be included since it suggests that a variance could be obtained to disturb steep slopes or buffers on this site.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 103-00

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

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Chairman



Ren Serey
Executive Director

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March 7, 2003

Ms. Kelly Krinetz
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Slattery Property – Revised Sketch
S 96-039, P 02-136

Dear Ms. Krinetz;

I have received the revisions to site plan for the above-referenced subdivision request. I also received a written response from Sigma Engineering based on previous comments and discussion this office had with the applicant. I have outlined my comments below.

1. Based on our discussions with the applicant concerning the slope issues and highly erodible soils on this site, the lot configuration has changed since the last submittal and all proposed lots, with the exception of lot 5, are arranged in the northern corner of the parcel.
2. The impervious surface table that appears on the final plat should indicate the total allowable impervious area for each lot so future lot owners will know the allowable limit for future uses.
3. According to the grading sheets it appears some disturbance will occur within the expanded Buffer; however, it is my understanding this disturbance is solely for the purpose of removing existing structures, driveways and foundations.
4. The limits of the expanded Buffer or the Forest Conservation Easement, whichever is more restrictive, should be visible on each lot affected to alert future lot owners of the extent of their usable back yard areas. We recommend the applicant consider a fence or signs.

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Ms. Krinetz
March 7, 2003
Page Two

5. A note should be added to the plat and deeds that explain the impervious surface limits and that no disturbance is permitted beyond the expanded Buffer or Forest Conservation Easement line.
6. Does the County concur with the applicant's method for Buffer expansion in this case?

Thank you for the opportunity to comment. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 282-02

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

March 7, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Nantucket on the Severn
S 01-074, P 02-265

Dear Ms. Allen;

I have received the final plans for the above-referenced subdivision request. I also received a written response from the applicant's engineer based on my last comment letter dated January 30, 2003. I have outlined my comments on the final plans below.

1. On Plat one of five, note #4 and subdivision note #4 on the final development plans refer to Maddaket Way and Maddaket Lane, while the other plat pages and development plans show a Scrimshaw Way and Scrimshaw Lane. Please have the applicant correct this inconsistency.
2. On Plat One of Five under General Note #5 did the applicant intend for it to state, "No portion of the houses on Lot 13..." instead of "Lot 3"?
3. On Plat Two of Five the Critical Area Note #6 states the expanded Buffer contains all nontidal wetlands. This statement seems to be incorrect since the expanded Buffer does not contain all nontidal wetlands on this site. Please have this clarified.
4. The final development plan indicates there are 623,488 square feet of RCA and 680,561 square feet of LDA which total 1,304,049 square feet in the Critical Area; however the Critical Area calculations on the plat indicate a total lot area of 1,193,017 square feet. Please have the applicant clarify this numbers.

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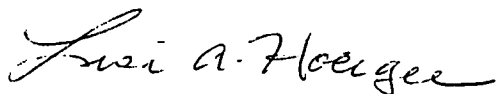
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Ms. Allen
March 7, 2003
Page Two

5. On sheet 3 of 8 of the final development plans the total proposed impervious appears to total 106,136 square feet instead of 115,536 square feet.
6. Both documents state that allowable clearing is 30%. If the applicant chooses to state allowable clearing as 30%, then the information should also alert future homeowners who exceed 20% that a mitigation ratio of 1.5:1 is required.
7. No limit of disturbance (LOD) is shown around the proposed dwelling on lot 1. From the information provided, it appears the stormwater management trench and the northwest corner of the dwelling is at or near the expanded Buffer; therefore, the LOD will likely encroach into the Buffer. This should be adjusted, if necessary, to avoid impacts to the Buffer since the variance granted by the hearing officer did not include encroachment for this dwelling.
8. The response letter indicates that signs will be placed on the lots at the time of permit to preclude disturbance to the forest conservation easements. We recommend these signs remain to alert future lot owners of the extent of their usable back yard areas.
9. The response letter indicates trenches 7 through 10 all treat stormwater management outside the RCA. This appears incorrect as trenches 9 and 10 are inside the RCA. In regard to trenches 5 and 6, provided they are treating the portion of the road in the RCA, and are not impacting any Habitat Protection Area (i.e. wetlands, buffers) this office has no further comments regarding their locations.
10. A note should be added to the plat and deeds that explain the impervious surface limits and that no disturbance is permitted beyond the expanded Buffer or Forest Conservation Easement line.

Thank you for the opportunity to comment. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 491-01

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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March 6, 2003

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

Re: POS Project # 4374-9-97
Vienna Community/Park, Dorchester County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. From the site plans provided it appears both paving projects will occur in the Limited Development Area within the Town of Vienna's Critical Area. This development activity must comply with the requirements of the Town's Critical Area program which includes limits on impervious surfaces, and should include measures to provide for adequate stormwater and sediment and erosion control.

Thank you again for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Tracey Greene Gordy, Critical Area Circuit Rider – Town of Vienna

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

March 6, 2003

Mr. Robert Anderson
Maryland Transportation Authority
303 Authority Drive
Baltimore, Maryland 21222-2200

Re: US Route 50 Widening at Bay Bridge Toll Facilities

Dear Mr. Anderson:

At its meeting on March 5, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the above-referenced road widening project as presented; therefore, construction may proceed notwithstanding other required federal, State or local permits. If the plans for this project change, please contact this office.

I have included the Plantings Agreement Form and completed most of the required information requested on the form. Please complete the highlighted portions and return this document to me within 30 days. Since you provided me with the actual planting plan yesterday, there is no need to attach another copy to this form.

I would like to thank you, Mr. Novocin and the consulting team, for your cooperation and assistance. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: DOT/MdTA 7-03

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

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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(410) 260-3460 Fax: (410) 974-5338

March 6, 2003

Mr. Terrence E. Valentine
Environmental Programs Unit Coordinator
Washington Suburban Sanitary Commission
Water and Sewer Design Section
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: Memorandum of Understanding between WSSC and CAC

Dear Mr. Valentine:

At its meeting on March 5, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Memorandum of Understanding between WSSC and the Commission.

As you know, the Commission made a minor change to the last page of Appendix B. We will correct the document and begin circulating it for signatures. Since the Commission has no Chairman at present and that is one of the signatories, Commission staff will continue to process all project requests as before, whereby most projects will likely require Commission approval.

Thank you for your assistance in drafting this document. It was a pleasure working with you. The Commission welcomes the opportunity to work with other agencies in developing MOUs when they are appropriate. As always, if you have any questions please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: WSSC -03

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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

March 6, 2003

Mr. Terrence E. Valentine
Environmental Programs Unit Coordinator
Washington Suburban Sanitary Commission
Water and Sewer Design Section
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: Water Main Replacements, North Brentwood, Contract BR3333A02
Fort Washington, Contract BR3545A03

Dear Mr. Valentine:

At its meeting on March 5, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the above-referenced water main replacement projects as presented; therefore, construction may proceed notwithstanding other required federal, State or local permits. If the plans for either of these projects change, please contact this office.

Thank you for your cooperation and assistance. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: WSSC files 57-02, 1-03

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



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March 4, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Tilghman on the Chesapeake - M 1022

Dear Ms. Verdery:

I have received the revised sketch plan for the above-referenced subdivision request. I assume most of the comments in my last letter to you dated October 25, 2002 will be addressed during final subdivision review. In addition to the questions and concerns raised in that letter, I have outlined some additional comments below.

1. It appears the configuration of Phase 4 has changed since the last sketch plan submittal. The development of proposed lots 12 and 13 will impact a nontidal wetland and its 25-foot buffer. Since these impacts would likely require a variance to the County's Critical Area program, this office recommends these lots be reconfigured to avoid disturbance to this wetland. This office will not support a variance to a Habitat Protection Area on a newly created lot.
2. I assume the impervious surface allotment for the portions of those lots inside the Critical Area will be addressed in a future submittal. The plat should include allowable impervious surface figures for those portions of lots 6-16 inside the Critical Area.
3. Since Phase 5 appears to be entirely outside of the Critical Area this office has no further comments.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd
cc: TC 235-02

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March 4, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Harry Hassan
Appeal # 1256

Dear Ms. Verdery:

I have received the above-referenced allegation of error for review and comment. The applicant appealed a decision of the Talbot County Enforcement Officer claiming he erred by enforcing the removal of a wire mesh fence within the 100-foot Buffer. Since the Critical Area Criteria in COMAR 27.01 do not specifically address fences, the Commission can only offer guidance to local governments concerning the issue of fences in the 100-foot Buffer.

The purposes of the Buffer include minimizing human impact to the shoreline and providing an area of infiltration for stormwater. The only type of development permitted in the 100-foot Buffer is water-dependent development. Not all jurisdictions require a permit for fences. The question before the local government is whether fences, or certain types of fences (i.e. split rail, wire mesh vs. brick wall, privacy), are considered water-dependent, and will allow the Buffer to provide for the stated purposes above.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd
cc: TC 150-03

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Ren Serey
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March 4, 2003

Mr. Chris Soldano
MS 6301
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Burton Property
MS 03-017

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots that are partially inside the Critical Area. It appears the two septic systems are proposed inside the Critical Area portion of these lots, while the remaining development activities will be outside the Critical Area. I have outlined our comments below.

1. Is the afforestation proposed on this site meant to address the County's Critical Area requirements of a 15% threshold? Please clarify.
2. General note #12 refers to lots 1,2, and 3. Please have this clarified.
3. The County should receive the letter from the Department of Natural Resources, Heritage and Biodiversity Division prior to final approval to ensure there are no threatened or endangered species or their habitats that may be on or near the site.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 137-03

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Ren Serey
Executive Director

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March 4, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: The Pod
S # 03-015, P # 03-026

Dear Ms. Allen:

I have received the above-referenced subdivision request. The applicant proposes to create five lots in the Limited Development Area (LDA). I have outlined my comments below.

1. The County should ensure the creation of these lots will not require the need for future variances to the County's Critical Area program.
2. Since lots 1, 2, and 3 will have conservation easements on them, the applicant and the County should ensure that there is sufficient room for future development activities of the homeowner.
3. This office recommends either signs or fencing be placed on the rear of these lots where the conservation easement begins so that disturbance will be averted.
4. A note should be added to the final plat and appear in the deeds regarding the presence of the conservation easement and that it should not be disturbed.
5. The Department of Natural Resources indicates this project site is in the vicinity of a rare listed plant species. Has an appropriate survey been performed according to the Department's rare plant survey protocol?

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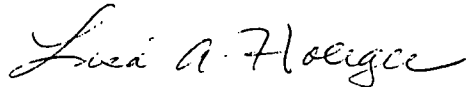
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Ms. Allen
March 4, 2003
Page Two

6. It is unclear whether the area of the private road is included in the total impervious surface calculations. Please have the applicant provide this information.
7. The total square footage that appears in the allowable impervious column on the impervious surface table appears incorrect. I get 45,982 square feet rather than 45,984 square feet. The Critical Area report states total allowable impervious cover is 45,999 square feet. Please have the applicant provide an accurate and uniform total.
8. Under General Notes, it states the zoning is RA and the site will be served by private wells and septic systems; however, the accompanying documentation states the zoning is R1 and that the site will be served by public water and sewer. Please have the applicant correct this information.

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 140-03

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

March 3, 2003

Mr. Daniel D. Santoni, Jr.
McCrone, Inc.
20 Ridgely Avenue
Annapolis, Maryland 21401

Re: Xtramart Edgewater – Pavement Removal
Job # C1010407

Dear Mr. Santoni:

Thank you for meeting with me this morning and providing the site plan and 10% pollutant reduction calculation for the above-referenced project. You requested the Commission to review and approve this plan based on a request from the stormwater reviewer. The portion of this project that is on private property is not subject to our review, but is subject to review by Anne Arundel County Department of Planning and Zoning.

This office and the Critical Area Commission already reviewed the area inside the right-of-way when the Commission approved the construction of the Maryland Route 2 project at its December 1999 meeting. The State Highway Administration provided the 10% pollutant reduction calculations at that time and the best management practices proposed were able to meet the pollutant removal requirement.

Provided this pavement removal was part of the original design plans provided by SHA, this office has no further comments, and this action does not require full review and approval by the Critical Area Commission.

Thank you again for providing us with the necessary information. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

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Ren Serey
Executive Director

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February 28, 2003

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

**RE: Villas at Deep Creek – Reclassification Request
2002-0321-C**

Dear Mr. Konowal:

I would like to comment on the above-referenced reclassification request. We have met with the applicant and understand the request is to reclassify two areas of the parcel from Resource Conservation Area (RCA) to Limited Development Area (LDA). One area is two acres and the other area is .42 acres.

In considering this mapping mistake, the County should ensure that the applicant's arguments are made on the basis of a mistake and not for convenience in developing the property. It should also be made clear to the applicant that the application is for a mistake in the original mapping and if the County agrees, it in no way constitutes a "trade" of RCA for LDA or vice-versa. Neither the Critical Area Criteria nor the County's Critical Area Program provide for trading of Critical Area designations. Instead, a finding of mistake by the Administrative Hearing Officer would constitute a remapping of the areas in question from one Critical Area classification to another.

In accordance with Maryland Case law (see for example, *Bellanca v. County Commissioners*, 86 Md. App. 219, 229-233, *cert. denied* 323 Md. 33 (1991), evidence must be strong and compelling that a zoning classification or Critical Area designation was a mistake and that the mistake was made at the time of the initial mapping.

The two-acre area on the western portion of the parcel does not appear to be a mapping mistake based on our analysis of the County's Critical Area maps and the mapping methodology outlined in the County's Critical Area Program document (attached). This office believes that if a mistake exists it lies with the County not providing a 300-foot Buffer to the tidal wetland immediately west of this two-acre area. Therefore, the existence of any LDA might be in error if one extends a 300-foot Buffer from the edge of that wetland. To merely shift the two acres of LDA to the east would preclude a 300-foot Buffer

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Mr. Rob Konowal
February 28, 2003
Page Two

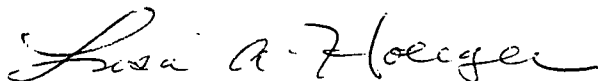
to the nontidal wetland on the eastern side of this area. It appears the County intended to provide a buffer to this wetland since a buffer is provided on the other side of this wetland to the east. This office does not support this request.

The .42-acre area on the east side of the parcel appears to constitute a mapping mistake. It seems clear based on an examination of the maps that the County missed the intended area for mapping as RCA since the stream/ravine immediately adjoining the mapped RCA is mapped as LDA. We believe this RCA was intended to protect the stream/ravine area and constitutes a mapping mistake. This office can support this request.

If the Administrative Hearing Officer reclassifies either of these areas on the subject parcel, the map amendment(s) must be submitted to the Critical Area Commission for review and approval as amendments or refinements to the County's local Critical Area Program.

Thank you for the opportunity to review this application. If you have any questions or concerns, please contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Elinor Gawel

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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February 27, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Alexandar Erkitetian
356

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plan for review and comment. The applicant proposes to designate an area for a private cemetery for family burial. Provided the area is outside of the 100-foot Buffer, this office has no further comments.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 141-03

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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February 27, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Richard Burgoyne
L-911

Dear Ms. Verdery:

I have received the plan for the above-referenced lot line revision. Provided the resulting lot configuration will not preclude future development activities in meeting the County's Critical Area Program requirements, this office has no comments regarding this lot line revision.

We recommend the County inquire about the existing forest cover on site since this lot is within the range of the Delmarva Fox Squirrel habitat and to determine whether any afforestation or reforestation will be necessary. If any clearing is proposed for future development activities, the U.S. Fish and Wildlife Service and the Department of Natural Resources must be contacted to initiate their review.

We also recommend that note #6 which references cutting and clearing be changed to exclude "...greater than 4' caliper".

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 142-03

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Ren Serey
Executive Director

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February 27, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: William Lyons
L-912

Dear Ms. Verdery:

I have received the plan for the above-referenced lot line revision. Provided the resulting lot configuration will not preclude future development activities in meeting the County's Critical Area Program requirements, this office has no comments regarding this lot line revision.

We recommend the County inquire about the existing forest cover on site since this lot is within the range of the Delmarva Fox Squirrel habitat and to determine whether any afforestation or reforestation will be necessary. If any clearing is proposed for future development activities, the U.S. Fish and Wildlife Service and the Department of Natural Resources must be contacted to initiate their review.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 143-03

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February 27, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Anthony Smith
M-1030

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request. It appears the applicant is proposing to subdivide an existing parcel into four lots. I have outlined our comments below.

1. The County should ensure there is sufficient buildable area available on all proposed lots so that variances will not be required for their development.
2. The allowable impervious surface for each lot should be provided on the final plan to alert future lot owners to this limitation. The area of the private roadway serving each lot should be included in the calculations.
3. We recommend a note be added to the plat and the deeds to alert future lot owners that may have the 100-foot Buffer on their property that the Buffer shall be reestablished in native vegetation.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 147-03

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Ren Serey
Executive Director

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February 27, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: G. Kirk White - S-935

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. It appears the majority of this lot is outside the Critical Area, and that most of this lot that is inside the Critical Area is already restricted from future development activities through the County's Reservation of Development Rights program; therefore, this office has no comment regarding this subdivision request.

The County should verify whether this area is .57 acres or .77 acres. The last plan submitted to this office in association with this property was for the subdivision of lot 1. That plan is dated September 2001 and indicates the area set aside in Reservation of Development is .77 acres.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

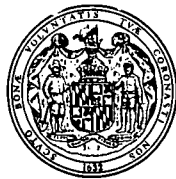
Lisa A. Hoerger
Natural Resources Planner

cc: TC 144-03

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Executive Director

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February 27, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Miles Circo
Appeal #1255

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 200' x 6' timber pier with a 10' x 20' "L" head, and one boatlift for a total encroachment of 200 feet. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in the Chesapeake Bay. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 151-03

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February 25, 2003

Ms. Tracey Greene Gordy, Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna - Extension of Market Street
REVISED Consistency Report

Dear Ms. Gordy:

Thank you for forwarding the revised consistency report for this project. It appears the revised pollutant removal requirement is .41 pounds of phosphorus. It is my understanding the Town intends to plant 20 street trees and restore 2,750 square feet of impervious area to a natural, pervious area near the site of the road expansion to address the removal requirement for this site. This proposal seems reasonable give the limitation of the right-of-way to accommodate a Best Management Practice.

Please forward information regarding the drainage area of the site and a list of the proposed species that will be planted both along the street and in the area to be reestablished in vegetation.

If you have any questions, or if I can provide you or the Town with any assistance please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: VI 30-03

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February 14, 2003

Ms. Diane R. Evans
Department of Natural Resources
EBPGM, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Town of Easton, January 2003 Draft Comprehensive Plan

Dear Ms. Evans:

I received your request for review of the above-referenced document. I reviewed the draft that is available on the Town's website. The Town's Draft Comprehensive Plan does not conflict with the plans, programs or objectives of the Commission; however, there is one item that I would like to call attention to that appeared in the Parks, Recreation and Open Space element.

On page 97 the first bulleted item mentions Seth Forest. The Town contemplates using this property as a regional park. This office is uncertain as to the exact location of this property; however, it may contain Delmarva Fox Squirrel Habitat and the use of this property as an active park may conflict with the habitat protection and restoration goals of this endangered species. The Town may wish to consult with the appropriate personnel in the Department and at the U.S. Fish and Wildlife Service.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with additional information, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

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Ren Serey
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February 13, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: William L. and Lisa L. Hall
Appeal # 1253

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants request a variance to the County's Critical Area regulations, specifically a variance to the 100-foot Buffer. Included in the variance submission is an explanation that the structure was existing; however, there is no indication of approximately when the structure was placed in this location. In examining an earlier site plan submitted for this property in conjunction with a lot line revision (plan dated 5/7/01 for case L 857), the structure that is shown in the same location as the one in question in this case is of a different configuration. This raises the question as to whether that drawing is accurate, or whether the structure has been moved or reconfigured since that time.

If the structure existed prior to the adoption of the County's Critical Area Program and is otherwise considered legal by the County Planning Office, this office has no objection to the variance request. If the structure was placed in this location since the adoption of the County's Critical Area Program, this office recommends it be located outside the 100-foot Buffer since it appears there is sufficient room to accommodate it.

Thank you for the opportunity to comment. Please include this letter as part of the record for variance. Please notify us of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 118-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

February 5, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Marvista
S # 01-017, P # 01-048

Dear Ms. Allen:

I have received copies of the final development plans and plat in addition to a response letter from Anarex, Inc. The applicant has addressed most of my comments in my last letter dated September 26, 2002. I have outlined my remaining comments below.

1. It appears the expansion of the 100-foot Buffer may not be correct according to the County's expansion methodology. Please have the applicant check the Buffer expansion areas.
2. Notwithstanding the need for a permit from the Maryland Department of the Environment, Wetland and Waterways Division, the maximum allowable number of slips is subject to the formula outlined in the Natural Resources Article at §8-1808.5 (d). The formula for the number of permitted slips is the lesser of the following: one slip for each 50 feet of shoreline in the LDA, and one slip for each 300 feet of shoreline in the RCA; or 30 slips or 50% of 92 lots, whichever is greater. Based on the information provided by the applicant regarding the feet of shoreline, it appears the lesser option would be to use the 30 slips or 50% of the dwellings which in this case is 88 dwellings; therefore, the maximum allowable slips permitted is 44 slips (50% of 88 units).

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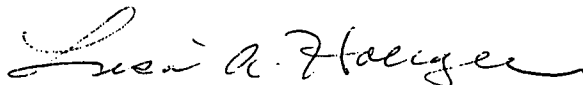
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Ms. Allen
February 5, 2003
Page Two

3. It appears there may not be sufficient room on many lots to allow for decks or other accessory structures. Unless there is a prohibition of these uses by the homeowner's association, future lot owners will not have sufficient room on the rear of their dwellings for such uses without infringing upon the Conservation Area. In some cases, lots are close to the edge of the expanded Buffer. Please have the applicant adjust these lots if the County contemplates this to be a future enforcement issue.
4. On sheet 9 of 20 there is a stormwater management pond inside the Resource Conservation Area (RCA). Stormwater management is not permitted inside the RCA since it is not serving development in the RCA; therefore, the location of the entire structure must be in the LDA.
5. Please have the applicant label any proposed Recreation Areas that may be in the RCA as passive.
6. Please verify whether the area shown on sheet 8 of 20 in the Buffer is necessary for boat launching and that it will not serve as a parking area, and please have the applicant identify the rectangle adjacent to this area.
7. It appears the applicant has transposed some acreage figures in the impervious area lists that appear in both in the Critical Area Analysis chart at the top of sheet 1 of 20 and in the Impervious Area chart at the bottom of that page. Please have the applicant correct this figures.

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 144-01

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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February 3, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
MS 6303
Annapolis, Maryland 21401

Re: The Villas at Deep Creek - S 96-039, P 02-136

Dear Ms. Allen:

Thank you for forwarding the revised sketch plan for the above-referenced project. The applicant has addressed my comments made in a letter to you dated August 2, 2002. I have outlined my remaining comments below.

1. I am aware the applicant is still pursuing a reclassification request to change the Critical Area designation of two portions of the parcel from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). Provided the mapping change is approved, then the proposed development activities on those portions of the site are permitted depending on the ultimate location of the LDA/RCA dividing line. I am assuming that the development activities associated with proposed lots 1, 2, 3, 15, 21 and 23 would be in the LDA. Any reclassification will require approval by the Critical Area Commission.
2. It appears the end of the proposed roadway may still be in the RCA. This should not be permitted.
3. The County should require the applicant to show the expanded Buffer on the entire site plan to ensure there is sufficient buildable area for certain lots and for the proposed stormwater management pond.

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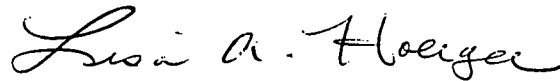
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Ms. Allen
February 3, 2003
Page Two

4. Since information regarding the status of Forest Interior Dwelling Bird (FID) habitat has not been obtained, we will refrain from commenting although it appears, based on aerial photography that the contiguous forested area may not have sufficient acreage to support FID habitat. In the meantime, we will await a letter from DNR.

Thank you again for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions, or if I can provide you with additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 422-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 30, 2003

Mr. Chris Soldano
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Ruth Nutwell - MS 03-008

Dear Mr. Soldano:

I have received the above-referenced subdivision request to create two lots from a single parcel. Based on the site plan submitted it appears the creation of the second lot should not create the need for any variances to the County's Critical Area Program. I have outlined my remaining comments below.

1. It appears there may be some clearing necessary for the construction of the proposed dwelling on proposed lot 2; therefore, replanting should occur on-site as it appears there is sufficient room to accommodate additional plantings.
2. Absent any required clearing for construction, it appears the existing forest cover is just under the required threshold of 15% cover by .02%. When a site falls short of 15% forest cover, it is our understanding the County requires applicants to plant the remaining obligation so the site has a minimum 15% coverage.
3. I have read the soils analysis report from Mr. Gary Jellick of Coastal Resources. Does Planning and Zoning require these reports to be approved by the Natural Resource Conservation Service before it is accepted? Is so, has that occurred?

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 85-03

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January 30, 2003

Ms. Elinor Gawel
Anne Arundel County
Natural and Cultural Resource Management Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Glen Burnie Convenience Center
Consistency Report

Dear Ms. Gawel:

Thank you for sending the consistency report for the Glen Burnie Convenience Center. I have reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying Critical Area report, this office agrees that the project is consistent with the Anne Arundel County Critical Area Program.

It is our understanding the proposed clearing will be replaced on a 1:1 basis on site. While the site plan indicates the area proposed for reforestation, it does not include the type of species proposed for planting or a planting schedule. Please ensure that all planting associated with the required reforestation consists of native species and is completed within a reasonable timeframe from the time of project completion.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 66-03

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Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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January 30, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva, MS 6303
Annapolis, Maryland 21401

Re: Nantucket on the Severn - S 01-074
Final Plans

Dear Ms. Allen:

I received the final plans from the applicant a few days ago. It appears the general layout has remained the same. I have outlined my remaining comments below.

1. This office is unaware of the status of the proposal to restore the Atlantic White Cedar habitat on this site. Based on the information provided, it appears this scenario is not being considered for final subdivision approval. Please clarify.
2. There are several proposed stormwater management trenches inside the RCA portion of this site. This office considers the location of these trenches as unacceptable in the RCA since the trenches treat stormwater associated with development outside of the RCA.
3. The outfall appears to be in the area of the nontidal wetland where there may be several Atlantic White Cedar trees. Please verify.
4. The total lot area in the Critical Area Calculations Table on sheet three of the final plans appears incorrect. According to my calculations, the total lot area equals 1,193,017 square feet. My calculations for overall allowable impervious area is 179,031.60 square feet, instead of 179,703 square feet. Please have the applicant check these numbers.

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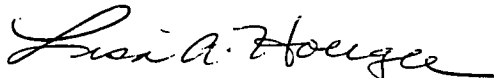
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Ms. Allen
January 30, 2003
Page Two

5. There is no symbol in the keys on the plat or the final plans concerning the crosshatching. I assume it represents the area the applicant proposes to place in a forest conservation easement. If so, a symbol should appear in the keys on the plat and final plans so that the purpose of the crosshatching is made clear.
6. We recommend that fencing or signs be placed on the lots to alert future homeowners to the boundaries of the forest conservation easements to avoid clearing or disturbance.
7. Since the lots all have some area of forest conservation easement within their boundaries, we recommend that the locations of the easements be provided to each lot owner on the deed.
8. The allowable impervious surface and clearing information per lot should also appear on the deeds.
9. In several places on the plat and final plans, the LDA is labeled as LAD. Please have the applicant correct these labels.
10. All open space areas in the RCA should be labeled as passive recreation.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: AA 491-01

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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January 24, 2003

Ms. Melissa C. Bird, AICP
Project Manager
The Louis Berger Group, Inc.
1819 H Street, NW
Washington, D.C. 20006

Re: Pre-final Plans
Bladensburg Waterfront Park Bikeway

Dear Ms. Bird:

Thank you for forwarding the above-referenced plans to this office for review. I understand that the final plans will be forthcoming within the next month, and that it is the intention of the applicant to seek approval by the Critical Area Commission at its March 2003 meeting. To the extent that staff receive a complete submittal, we can process your request according to that time frame. I have outlined below those items that are required for submittal.

1. In addition to the final plan, the applicant must submit a written justification for the location of the trail in the 100-foot Buffer to Quincy Run and the Anacostia River. You may recall I sent you an email attachment of the Code of Maryland Regulations 27.02.06.01. At a minimum, the justification must address the criteria outlined in COMAR.
2. The written request should also include specific information with regard to the type of surface proposed for the trail and the bridge, and the total area of new impervious area versus total area of disturbance (usually the L.O.D. which includes clearing).
3. Please keep in mind the importance of offering a mitigation plan for the disturbance to the 100-foot Buffer. Generally, the Commission requests that planting occur on site to offset the new areas of impervious cover created to address water quality and habitat impacts.
4. Since the marina is designated as a Buffer Exemption Area (BEA), the prescribed mitigation according to the Commission's current Buffer Exemption Area Policy is planting at a 2:1 ratio for new footprint of the trail in the Buffer and establishing a 25-foot vegetated filter strip. I have enclosed a copy of the BEA policy for your use. We can discuss the how to address these requirements.

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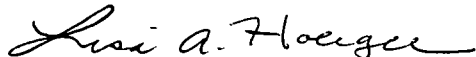
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Ms. Bird
January 24, 2003
Page Two

5. The Commission has a Guidance Paper on Public Walkways that prescribes maximum widths that are appropriate in the Critical Area. The majority of this project is in an Intensely Developed Area and a BEA. In these areas the policy states the maximum width should be 16 feet. The portion of the trail that is on the other side of Quincy Run is in a Resource Conservation Area (RCA), non BEA and the Guidance Paper states the maximum width should be six feet. If the intent is to continue the trail in the RCA portion at a ten foot width, then a justification is required.
6. Since the project site on the marina side of Quincy Run is in an area of Intense Development, the 10% Pollutant Reduction calculations must be completed and returned to this office for review. I have enclosed the 10% booklets for your use, and I will be happy to assist you with this requirement.
7. A letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division should accompany the final plans. The contact to initiate a review by that unit of DNR is Lori Byrne. Her telephone number is (410) 260-8573. A map of the project site should accompany a written request for their review. Requests are received via mail or fax.
8. Any required permits for other Federal, State or local agencies should be received prior to Commission review and approval. This includes the Army Corps of Engineers, the Maryland Department of the Environment, Prince George's County Soil Conservation Service, and Prince George's County Department of Environmental Resources. If necessary permits are not issued prior to the date of the Commission review they must be near completion with only minor comments from the permitting agency.

Thank you again for forwarding the pre-final plans. If you have any questions, or if I can provide you with assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Eileen Nivera, MNCPPC
Regina Esslinger, CAC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 16, 2003

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Goettee Property – Revised Critical Area Plan
S #1999-089, P #1999-152

Dear Ms. Krinetz:

In my last letter dated December 19, 2002 I requested the applicant forward updated reforestation numbers and a site plan when it became available since it appeared not all reforestation could be accommodated on site as was suggested by the last plan.

Since that time, the engineer resubmitted a plan to this office and met with the Commission's Science Advisor Ms. Claudia Jones and myself to discuss the reforestation issue. The area of the emergent plantings for the nontidal pond will not count towards the required reforestation of 2.76 acres.

We have reviewed and discussed the proposed areas for reforestation on site and it appears that those areas labeled as reforestation areas on the plans dated January 3, 2003 meet the intent of reforestation on the site. The remaining balance of 1.13 acres will need to be planted off site or the applicant will need to pay a fee-in-lieu of to the County's reforestation fund.

On sheet 4 of the plan dated January 14, 2003 the figures for total lot area and area within the Critical Area need to be reconciled between the two tables. When I calculate the figures I get 599,711 square feet of total lot area, and 480,726 square feet of area within the Critical Area.

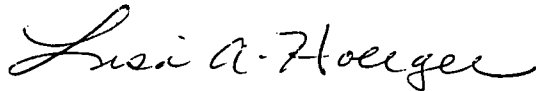
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Ms. Krinetz
January 16, 2003
Page Two

Provided the reforestation scenario is agreeable to the County, it appears this office has no further comment. Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 16, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Charles Martin
L 908

Dear Ms. Verdery:

I have received the plan for the above-referenced lot line abandonment. It is not clear why the applicant chooses to abandon the lot line; however, it appears the resulting lot will not require the need for any Critical Area variances. Therefore, this office has no comment regarding the proposal.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 42-03

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 16, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Robert Higgins/Best Storage, Local Case # 1252

Dear Ms. Verdery:

Thank you for forwarding the above-referenced request for an amendment to a special exception to complete the final phase of two additional mini storage buildings in a Village Center District (VC) zone. I have provided my comments below.

- 1) As stated in previous comments letters from this office regarding the required use of this property, the Critical Area designation afforded to VCs in Talbot County is Limited Development Area (LDA). This type of use is not inconsistent with the character of the LDA in the Critical Area.
- 2) We recommend the County carefully consider the addition of more impervious area on this site. We understand that even with the proposed additions, the property will still remain under the allowable impervious surface limitations; however, there has been previous testimony that the road and site has flooded in the past. According to the recent site plan, this site also has hydric soils. With the addition of the last two buildings and the stormwater management pond, has the flooding issue gotten better, worse or the same?
- 3) The site plan provided to this office is not specific with regard to how the additional stormwater generated by the addition of the two proposed buildings will be handled. Does the existing stormwater management pond have sufficient storage capacity to handle the proposed impervious areas?

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 34-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 16, 2003

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: David Bean
L-905

Dear Ms. Verdery:

I have received the revised plan for the above-referenced lot line revision. As with the previous plan, the revised lot configurations still appear feasible with regard to the County's Critical Area Program requirements; therefore, this office has no further comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 695-02

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Ren Serey
Executive Director

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

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January 16, 2003

Ms. Mary Kay Verdery
Talbot County Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Patricia T. Bratek & Cynthia C. Presnell
L 909, 355

Dear Ms. Verdery:

I have received the lot line abandonment request and site plan request for an existing bakery for review and comment. This office has no comment regarding the lot line abandonment request, since it will not be contrary to the County's Critical Area Program requirements. We note that the lots already exceed the allowable impervious surface coverage in an LDA; therefore, we recommend the applicant address this issue either by removing some existing impervious area or install some additional native plants on the property to aid in offsetting stormwater runoff.

In regard to the site plan, it appears the bakery expansion will not result in an expansion of the footprint, and will only involve interior changes to an existing structure; therefore, this office has no comment regarding this application.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 35-03

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Executive Director

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January 16, 2003

Ms. Tracey Greene Gordy, Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna
Extension of Market Street

Dear Ms. Gordy:

Thank you for providing this office with the site plan for the above-referenced project. Commission staff views the extension of Market Street as a public need project. From the information provided, this project appears to be consistent with the Town of Vienna's Critical Area Program.

We have reviewed the 10% calculations. The Town proposes to address the .06 pounds of phosphorous required for removal by planting a minimum of 12 street trees and removing approximately 300 feet of a nearby roadway and re-establish this area in vegetative cover. We believe this is the most feasible way to address the 10% Pollutant Reduction Requirement for this specific project given the limits of the right-of-way provided the site drains to the area proposed to be revegetated, and the species selected for planting are native. Overall, staff believes the relatively small pollutant removal requirement does not necessitate the need to construct a stormwater management facility.

Please forward this office information regarding the drainage area of the site and a list of the quantity and proposed species that will be planted both along the street and in the area to be reestablished in vegetation.

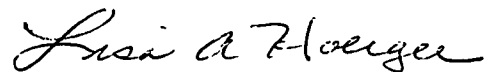
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Ms. Gordy
January 16, 2003
Page Two

If you have any questions, or if I can provide you or the Town with any assistance please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: VI 30-03



**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

January 15, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva, MS 6303
Annapolis, Maryland 21401

Re: Leslie Costello - S 01-083, P 01-227, Resubmittal

Dear Ms. Allen:

Thank you for forwarding the above-referenced project administrative plat for final comments. In my comment letter dated October 24, 2002, I requested the applicant include the proposed impervious area for lot 2 and include the conditions of the variance on the plat. It appears the applicant included the impervious area figures, but did not include the conditions of the variance. In regard to those conditions, we agree that the plat indicates the total allowable impervious area, but it does not specifically state that no further improvements are permitted. This should be clearly stated on the plat. I have outlined my remaining comments below.

1. It is my understanding this submission includes the swapping of land with the adjacent parcel which necessitates changes to the total clearing and total allowable impervious area tables on the plat. I received these changes on as separate attachment, although they did not appear on the plat. I assume these changes will be transferred from the separate attachment to the plat before it is signed.
2. In regard to the figures on the separate attachment, I calculated different totals. For example, I calculated that the total lot area equals 62,632 square feet rather than 62,592 square feet based on a lot area for lot 1 of 38,665 square feet and a lot area for lot 2 of 23,967 square feet. This would change the total allowable clearing to 12,790 square feet.
3. I also calculated that the total clearing proposed is 17,559 square feet rather than 17,519 square feet based on clearing 10,966 square feet for lot 1 and 6,593 square feet of clearing for lot 2.
4. In the impervious surface chart I calculated 9,394 square feet of allowable impervious area, and 9,299 square of proposed impervious.

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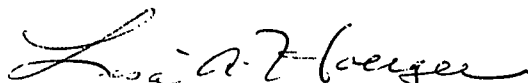
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Ms. Lori Allen
January 15, 2003
Page Two

Please have the applicant verify the figures that appear in each table and correct them before the plat is signed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 549-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

January 8, 2003

Mr. Jim Stasz
Environmental Resources Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

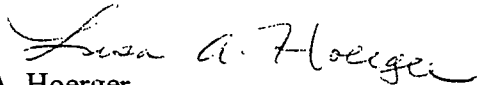
Re: Tantallon on the Potomac, Lot 34 (VC-02006)

Dear Mr. Stasz:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a single family dwelling that would infringe upon the sideyard setbacks. Since this variance request appears to be a zoning issue, this office has no comment. It regard to the site plan, it appears all Critical Area requirements of the Prince George's County Code are met.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Richard Thompson, PG Co. DER
PG 28-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 8, 2003

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Southpoint, S 00-033, P 00-051

Dear Mr. Callahan:

I have received the resubmittal of the sketch plan. I have outlined my comments below.

1. We still recommend that notes be added to the plat to alert future homeowners whose lots may extend into the Resource Conservation Area of the Critical Area that no development activities (i.e. accessory structures, clearing) are permitted on that portion of the lot. This would apply to lots 9, 10, 11, 12, 13, 15, 16, 21, 22, 26, 27, 28, 29 and 30.
2. Lots 10 and 15 both have LODs that are at or near the Critical Area boundary. There should be sufficient area remaining behind these dwellings to accommodate future accessory structures (i.e. decks, pools, sheds, etc.) to be outside the Resource Conservation Area of the Critical Area. Therefore, the dwellings on both lots should be pulled closer to the front yard building restriction lines to allow for normal backyard uses and RCA protection.
3. We recommend, as we have on other new subdivisions that are permitted to show lots with conservation easements in the rear yards, that signs or fencing be fixed at the edge of the conservation easement so that future property owners and the party who will hold the conservation easement will know the limits of these areas.
4. There is a stormdrain easement shown on sheet 6 of 11, but it disappears on sheet 5 of 11. Does the easement stop or continue?

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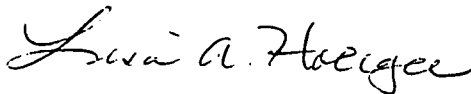
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Mr. Callahan
January 8, 2003
Page Two

5. The Critical Area Calculation table that provides the maximum clearing and impervious surface allowed for each lot is confusing. There is a note that appears above the table that indicates each lot may have up to 25% impervious coverage provided the impervious area of the overall subdivision does not exceed 15%. The figures in the table appear to show 15% allowances. This appears confusing and if it appears this way on the plat, it may confuse future homeowners.
6. The total lot area in the Critical Area does not appear correct. I calculate 1,329,029 square feet rather than 1,329,053 square feet.
7. The Critical Area note #6 on sheet 10 of 11 does not make sense. Please have the applicant rephrase this note.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 103-00

Judge John C. North, II
Chairman



Ren Sercy
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

January 7, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Nathan & Linda Blythe - Appeal # 1248

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review. The applicant proposes to construct two additions to an existing dwelling within the 100-foot Buffer to Harris Creek.

I did not visit the site; however, from the site plan provided it appears the applicants have minimized - disturbance to the Buffer and are requesting a reasonable expansion of an existing dwelling. At its closest point, the waterside addition will be approximately 46 feet from mean high water, whereas the closest point prior to construction is 55 feet from mean high water. It is my understanding that the area of the proposed addition will not involve clearing.

This office does not oppose the requested variance provided the applicants mitigate for the area of new disturbance in the Buffer at a 3:1 ratio with native Buffer plantings. We also recommend the County ensure the impervious area proposed for removal be accomplished prior to issuing permits for the new construction.

Based on our telephone conversation today, you indicated the County will also ask that the current rain spouts be disconnected from the existing pipe system that directly discharges into Harris Creek and have the rain spouts sheetflow over the yard. We support this recommendation.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 743-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 7, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Elselore Pretzler
Appeal # 1250

Dear Ms. Verdery:

I have received the allegation of error that the Talbot County Engineer erred by denying a waiver of the Talbot County Road ordinance. This office has no comment regarding this allegation of error as this is strictly a local zoning issue.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 744-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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January 7, 2003

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Albert Retowsky
MS 01-102

Dear Ms. Allen:

I have received the resubmittal for the above-referenced subdivision request. According to the County's Bog Protection Maps (map W 13) it appears this property may be in a Bog Protection Area and within a contributing drainage area to a nearby bog. This should be verified prior to final subdivision approval.

If the property is within a contributing drainage area to a bog then impervious surfaces are limited to 10% of the site rather than 15%. Article 28 states that a Bog Protection Plan must be submitted along with information required by the Office of Planning and Zoning that should appear on the plat. At a minimum, the location of the contributing drainage area should be shown on the plat with appropriate notes indicating allowable uses and restrictions.

It appears this subdivision was applied for prior to final adoption by the County Council in February of 2002; therefore, the Office of Planning and Zoning should make a determination as to the applicability of the Bog Protection regulations in the County Code.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 680-01

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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January 6, 2003

Mr. Steven H. Burzenski, P.E.
Department of Public Works
Bureau of Engineering
2662 Riva Road, MS-7301
Annapolis, Maryland 21401

Re: Broadwater Reclamation Facility – Plantings Agreement Form

Dear Mr. Burzenski:

Thank you for forwarding the completed Plantings Agreement Form for the Broadwater Reclamation Facility project. Once you have a list of the species proposed for planting, please forward a copy to this office so that we may include it in the file. This should be accomplished prior to planting to ensure the species selection is appropriate. All species should be native and suitable to the site conditions. If your office needs assistance with species selection, please contact us at any time.

After the planting is completed this fall, Commission staff will contact you to request a site visit. Thank you again for returning the completed form. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Elinor Gawel, Planning and Zoning

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

January 6, 2003

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Steve & Gail Steckler
Appeal #1247

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 122' x 5' timber pier with a 10' x 10' "L" head, on to an existing pier which is 143' x 5' for a total encroachment of 207.5 feet. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in Irish Creek. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 739-02

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

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Staff Correspondence Vol. 1: McCleary

2003

SR32-154-3

Critical Area Commission

STAFF REPORT

July 2, 2003

APPLICANT: Maryland Port Administration

PROPOSAL: Former Kurt Iron and Metal Facility
Fairfield Marine Terminal

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

The Maryland Port Administration (MPA) is proposing to clean up the Kurt Iron and Metal site, an old ship scrap metal facility covered with large piles of solid waste including tires, wood chips, steel, concrete, metal sheds and containers. MPA has entered into a Voluntary Clean-up Plan (VCP) with MDE. The solid waste clean up phase of the project will begin this year, and will require approximately nine months to complete. Because of the contamination, VCP mandates that the site be capped immediately following the solid waste removal to prevent further contamination of the waters through polluted runoff or leachate. The parcel is bordered by the Toyota Terminal to the South and east and by the Patapsco River to the north and west. The 11.42 acre site is completely impervious and an area of intense development.

MPA is proposing to remove solid waste material from the 100-foot Buffer and put a surface sand filter, a portion of a paved parking lot and, a security fence within the 100-foot Buffer. The new pervious areas in the 100-foot Buffer will be vegetated with groundcover. The shoreline will have riprap installed.

Continued, Page Two
Kurt Iron and Metal Facility
July 2, 2003

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

(1) That there exist special features of a site or there are other special circumstances such that literal enforcement of these regulations would prevent a project or program from being implemented;

There exist special features and special circumstances of the site in which a former ship scrapping facility, which was bought by MPA, is being cleaned up. To prevent contamination from running off the site into the Patapsco River, MPA must cap the site with fill material and elevate it approximately four feet. The site will consist of a stormwater management facility, a shoreline stabilization using rip rap, a chain linked fence for security and a portion of a proposed paved parking lot all within the 100-foot Buffer.

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

The project provides a significant improvement to the environment by providing water quality management on a site that is currently contaminated and unmanaged. MPA has reduced the area of impervious cover by providing vegetation, stormwater management and shoreline stabilization.

(3) That the project and program is otherwise in conformance with this subtitle.

The project is otherwise in conformance with the State Criteria and Baltimore City's Critical Area Program.

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

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

A literal enforcement of the Buffer provisions would prevent the Port from utilizing a significant portion of the site for Port-related activities.

Continued, Page Three
Kurt Iron and Metal Facility
July 2, 2003

(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-Owned lands, with the Criteria set forth in COMAR 27.02.05; and

The stormwater management facility, security fence and paving in the 100-foot Buffer are not consistent with the Criteria; however, the Buffer impacts will be minimized. Only a portion of the paved parking lot will affect the Buffer. The Buffer is currently completely impervious.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program, or, if on State Owned lands, on the criteria set forth in COMAR 27.02.05.

The proposed impacts to the 100-foot Buffer will be mitigated by treating stormwater on site using a surface sandfilter and planting the pervious areas in groundcover. Impervious surface will be reduced and contamination contained.



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 30, 2003

Mr. Tom Smith
City of Annapolis
Department of Planning and Zoning
Municipal Building, 160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: St. John's College- Residence Hall

Dear Mr. Smith:

This office has reviewed the applicant's proposal to build a new residence hall, walkway/stairs, brick terrace, brick courtyard and bioretention in the Critical Area. The property is 31.18 acres, with 9.20 acres of Limited Development Area (LDA) and 9.25 acres of Intensely Developed Area (IDA). The proposed development is in the LDA. The proposed development is within the 15 % impervious surface allowed. No existing trees will be removed. Therefore, the proposed development is consistent with the City's local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 455-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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June 27, 2003

Mr. Jesse Lindsey
Project Manager
Whitney, Bailey, Cox and Magnani, LLC
849 Fairmount Avenue, Suite 100
Baltimore, Maryland 21286

RE: Former Kurt Iron and Metal Facility
Phase Three

Dear Mr. Lindsey:

This office has reviewed Maryland Port Administration's (MPA) request to receive phosphorus reduction credit for the removal of solid waste stockpiles. We have discussed this proposal with both the Maryland Department of the Environment and the Center for Watershed Protection, and cannot agree to such a credit at this time. The Critical Area provisions refer specifically to phosphorus removal, and make no provisions for conversion of other pollutants to an equivalent factor.

Please note that the Institutional Plan has not yet been approved by the Commission. If there are additional questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark Kreafler
Meg Andrews
Regina Esslinger
State 33-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

June 27, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Nick's Seafood Project
2600 Insulator Drive

Dear Mr. Stuart:

Thank you for sending the additional information pertaining to a stormwater management facility on site and a landscaping plan for the above project. The developer will reduce impervious surface on site to comply with the 10 % pollutant reduction requirement. Therefore, the proposed redevelopment activity and 10 % calculations are consistent with the local Critical Area program. The landscaping plan also meets the City's Buffer requirements by mitigating for Buffer disturbance on-site.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 257-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

June 26, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Calvert Street Reconstruction
Calvert Street\Lombard Street\Baltimore Street

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. Critical Area staff understands that the City is proposing to reconstruct a portion of Calvert Street in downtown Baltimore. The primary objective of this project is to replace and repair the street bed.

The proposed project is located on Calvert Street from Lombard Street to Baltimore Street. The area of land disturbance within the limits is approximately 0.27 acres or 11,760 square feet and is in an Intensely Developed Area.

This office understands that:

1. That no wetlands are located within the project area;
2. That no addition of trees or green spaces is proposed;
3. That the impervious surface area after construction will remain the same as before; and,
4. That in lieu of providing on-site best management practices to meet the 10 % pollutant reduction, the City will pay into the City's stormwater offset fund.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located,

Continued, Page Two
Calvert Street Reconstruction Project
June 26, 2003

2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*). Therefore, approval of the above project by the Commission is not necessary.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 393-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 26, 2003

Mr. Tom Smith
City of Annapolis
Department of Planning and Zoning
Municipal Building, 160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Village of Eastport
Lots 1-4

Dear Mr. Smith:

Thank you for sending the Buffer Exemption Area (BEA) standards, Worksheet A for the 10 % Rule and Buffer mitigation requirements. After reviewing the 10 % calculations, the BEA standards and the Buffer mitigation requirements, this office has determined that the proposed development activity is correct and consistent with the local Critical Area program. This office understands that the applicant proposes to pay a fee-in-lieu for the remaining mitigation required on site. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 172-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 20, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Russell and Monroe Street Viaduct
Reconstruction and Gateway Improvements

Dear Mr. Stuart

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program except for impacts in the 100-foot Buffer. Critical Area staff understands that the City is proposing to reconstruct the Russell and Monroe Street viaduct. The City will demolish and reconstruct the existing Russell Street viaducts and the Monroe Street viaduct. They will be rebuilt in almost the exact dimensions of the existing structures. There is new streetscape and landscaping proposed for a gateway into the City.

The proposed development will impact 12.55 acres of Intensely Developed Area (IDA) and 0.07 acres of Resource Conservation Area (RCA). The limit of disturbance is mostly within the IDA, with a small portion in the RCA and the 100-foot Buffer. The project will clear 43,070 square feet of forest in the IDA and 3,140 square feet in the RCA; the remainder of the site is currently paved.

Critical Area Commission staff also understands:

1. That the forest clearing will be mitigated at a 1:1 ratio in the IDA and 3:1 in the RCA, such that the total mitigation required is 52,490 square feet of reforestation;
2. That road construction will not affect the Patapsco River Tidal wetlands;

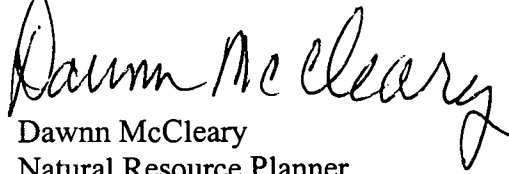
Continued, Page Two
Russell and Monroe Street Viaduct
Westport and Carroll Industrial Park
June 20, 2003

3. That there are no known Federal and State threatened and endangered plant or wildlife species present; and,
4. That in lieu of providing on site Best Management Practice to meet the 10% pollutant reduction, the City will pay into the City's Stormwater Offset Fund.

Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located: 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*). Therefore, approval of the above project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resource Planner

cc: Regina Esslinger
BA 261-03



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 19, 2003

Mr. Tom Smith
City of Annapolis
Department of Planning and Zoning
Municipal Building, 160 Duke of Gloucester Street
Annapolis, Maryland 21401

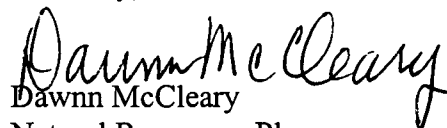
RE: Buffer Management Plan
Harborview

Dear Mr. Smith:

Thank you for sending the final Buffer management plan for Harborview. The plan addresses the required mitigation for the clearing violation, tree removal associated with construction impacts, and additional tree removal outside the Buffer. The Buffer management plan shows that 42 trees will be planted in the Buffer to fulfill the illegal removal of trees in the 100-foot Buffer. This office understands that a total of 142 trees and shrubs will be planted to satisfy the mitigation for the entire subdivision. The plan meets the Critical Area planting requirements.

Thank you for your continued effort on addressing the Buffer issues on this site.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owens
Regina Esslinger
AN 587-00



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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June 16, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Arnett J. Brown Middle School

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a loop for bus pick-up drop-off at the Arnett J. Brown School in Cherry Hill. Please note the efficiency removal in Worksheet A of the 10 % Rule; is incorrect. The Maryland Department of the Environment Manual specifies that dry swales have a removal efficiency of 65 %. This results in 10 pounds of phosphorus removed.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 408-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 10, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Inner Harbor East- Parcel P Project
801 Aliceanna Street

Dear Mr. Stuart:

Thank you for sending a revised site plan and Worksheet A. This office understands that the City's Department of Public Works did not approve the use of the underground sandfilter due to problems with the water table. Therefore, the offset fee will be collected by the City.

This office has determined that the proposed development activity with revisions and the 10 % calculations are correct and consistent with the local Critical Area program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 97-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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June 9, 2003

Mr. Mark Kreif
Assistant Chief Engineer
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: 300,000 Square Foot Cargo Shed
South Locust Point Marine Terminal

Dear Mr. Kreif:

On June 4, 2003, the Critical Area Commission unanimously approved the new 300,000 square foot cargo shed at South Locust Point Marine Terminal. The condition is that the Maryland Port Administration have mitigation requirements fully addressed and permitted by the November 2003 Critical Area Commission meeting.

I would like to thank you and David Steward from STV for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
State 28-03

Critical Area Commission

STAFF REPORT

June 4, 2003

APPLICANT: Maryland Port Administration

PROPOSAL: 300,000 square foot Cargo Shed at South Locust Point Marine Terminal

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with condition

STAFF: Dawnn McCleary

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

DISCUSSION:

The Maryland Port Administration (MPA) is proposing to build a 300,000 square foot cargo shed at South Locust Point Marine Terminal in Baltimore City. The project site totals 11.26 acres and is an area of intense development. The site has been used as a storage area for container vehicles, but is presently being surcharged with stone for the new shed. MPA is proposing to remove the stone and place it in an existing slip. Ultimately, the slip fill will be part of a larger redevelopment proposal, which will come to the Commission once funding is available. The phosphorus reduction requirement for the cargo shed is 9.43 pounds. No treatment is proposed on site. The site is out of the Buffer and no impacts to Habitat Protection Areas are proposed.

MPA is proposing to address the 9.43 pounds of phosphorus through future treatment projects off-site. Currently, MPA owes treatment of 23.42 pounds of phosphorus from previous projects. This project would put the new deficit at 32.85 pounds.

On December 4, 2002, the Commission approved MPA's conceptual phosphorus reduction plan for Gunpowder Falls State Park at the Hammerman Area.

*Continued, Page Two
Cargo Shed at South Locust Point
Marine Terminal
June 4, 2003*

The approval included a condition that MPA and Commission staff develop a formal process for tracking phosphorus banking. MPA has been working with the Maryland Department of the Environment since January to address their comments on the plans and we anticipate that the individual best management practices will come back to the Commission for approval this summer. As proposed, the retrofit best management practices at Gunpowder Falls State Park at Hammerman Area will treat 29.13 pounds of phosphorus.

Therefore, once the Hammerman Area projects are approved, the deficit will drop to 3.72 pounds. MPA has been working with Commission staff to develop a plan for future mitigation projects in relation to this deficit and future proposed MPA projects. Staff will bring this plan to the Commission once it is completed.

Staff recommends the following condition:

MPA report back to the Commission within 60 days on the progress made to address the deficit.



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 23, 2003

Mr. Matt Fleming
Education, Bay Policy and
Growth Management Division
Department of Natural Resources
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

RE: Draft North Caroline County
Comprehensive Plan

Dear Mr. Fleming:


Thank you for the opportunity to review the Draft North Caroline County Comprehensive Plan. After reviewing the above plan, this office has the following comments:

1. On Page 48, Section I: Streams and Stream Buffer, there is no mention of whether the streams are in the Critical Area. If they are, this office recommends a 100-foot Buffer on all tidal areas that are protected by Caroline County's Critical Area Program regulations;
2. On Page 52, Section VI: Forest, the Forest Conservation Act does not apply to areas in the Critical Area. A statement needs to be added that the County's Critical Area Program has provisions that protect forest and woodland areas; and,
3. On Page 53, Section VII: Conclusion, this section needs to mention that if there are areas that are in the Critical Area, they will follow the Caroline County Critical Area program regulations.

Continued, Page Two
Draft Caroline County
Comprehensive Plan
May 23, 2003

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Regina Esslinger
CR General File



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 28, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Village of Eastport
Lots 1-4

Dear Ms. Owen:

Thank you for the additional information. In order to complete my review of the above project, I still need the Buffer Exemption Area standards. Please submit to our office. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads 'Dawnn McCleary'.

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 172-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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May 21, 2003

Mr. Donald Sparklin
Assistant Division Chief
Project Planning Division
State Highway Administration (SHA)
Maryland Department of Transportation
707 North Calvert Street
Baltimore, Maryland 21202

RE: MD 436 at Weems Creek
Emergency Pipe Replacement
Anne Arundel County
Project No. AA 319A21

Dear Mr. Sparklin:

Thank you for providing information on the emergency work done to repair a sink hole and 24 inch pipe between 2 residences on MD 436 and Weem's Creek in the City of Annapolis. This office understands that there were previous attempts to stabilize the area with stone, but the hole continued to enlarge threatening the safety of the residents. In September 2002, SHA conducted emergency storm drain repair work.

Because this project is a State agency actions on private lands, this activity is regulated by COMAR 27.02.02. (See attachment) SHA must provide documentation on the project addressing COMAR 27.02.02.02. This review ensures that the work done is consistent with the City of Annapolis' Critical Area Program. Please include a site plan with all pertinent Critical Area information. Mitigation should be provided at appropriate ratios for all clearing.

Continued, Page Two
MD 436 at Weems Creek
May 21, 2003

We will be happy to assist you in coordinating with the City of Annapolis. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark James
Regina Esslinger
Megan Owen
State 30-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 20, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Merritt Athletic Club Project
3401 Boston Street

Dear Mr. Stuart:

Thank you sending our office a revised site plan and Worksheet A. This office understands that the City's Department of Public Works did not approve the use of the grass swale due to problems with the water table. Instead, the applicant has reduced impervious surface on site to comply with the 10 % pollution reduction requirement. Therefore, the proposed redevelopment activity with revisions and the 10 % calculations are correct and consistent with the local Critical Area Program.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 256-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 20, 2003

Mr. Mark Kreifle
Assistant Chief of Engineering
Maryland Port Administration (MPA)
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224-6621

RE: Buffer Exemption Area Evaluation Plan

Dear Mr. Kreifle:


Thank you for sending our office a draft copy of the Maryland Port Administration's Buffer Exemption Area Plan. The plan shows that you are requesting Buffer Exemption Area (BEA) designation for Dundalk Marine Terminal, Seagirt Marine Terminal, North and South Locust Point Marine Terminal, Fairfield Marine Terminal and Kurt Iron Works. The current draft plan shows detailed information on the history and existing conditions on each marine terminal. This information is the first step in Commission approval of your BEAs.

The next step is addressing the Commission's BEA policy for Industrial areas. As we have discussed in the prior meetings, the existing policy may be impractical due to the continuous development activities that takes place at each marine terminal. (See attached BEA policy paper for Commercial, Industrial, Institutional, Recreational, and Multi-family Residential Development) Therefore, MPA should propose alternative provisions for dealing with the BEA impacts from development. For example, you may want to consider collecting a fee per square foot for development impacts in the 100-foot Buffer to be used for Buffer plantings elsewhere. We are available to meet with you and help develop alternative provisions. Once we have a proposal developed, we can take the package to the Commission for approval.

Continued, Page Two
Buffer Exemption Area Evaluation Plan
May 20, 2003

If you have any questions, please feel free to call me at (410) 260-3483

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
General File



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 15, 2003

Mayor Michael W. Fluharty
Mayor of Federalsburg
Town of Federalsburg
118 North Main Street
P.O. Box 471
Federalsburg, Maryland 21632

RE: Lori and James Paul Annexation Request

Dear Mr. Colburn:

Thank you for providing information to the Critical Area Commission regarding the proposed annexation. On May 14, 2003, Mr. Roby Hurley, Critical Area Circuit Rider informed me that the above proposed annexation is not in the Critical Area. Therefore, further review and approval of this map change by the Critical Area Commission is not required. Please provide a copy of the final map after it has been amended. If there are any questions, please feel free to Mr. Hurley at (410) 822-3744 or me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Town Council of Federalsburg
Richard Colburn
Roby Hurley
General File



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

May 12, 2003

Mr. Steve Kail-Ziegler
Director
Harford County Department of Planning and Zoning
220 South Main Street,
Bel Aire, Maryland 21014

RE: Bush River Boat Club Refinement
Growth Allocation

Dear Mr. Ziegler:

On May 7, 2003, the Critical Area Commission concurred with the Chairman's determination to approve Harford County's request for a refinement to amend the County's Critical Area Program. The purpose of the refinement was to approve the award of 4.25 acres of growth allocation to change the designation of the Bush River Boat Club (Harford County Tax Map 62, Parcel 296) from a Limited Development Area to an Intensely Developed Area.

Section 8-1809(p)(4) of the Critical Area Act requires the County to incorporate these changes into its Critical Area Program within 120 days of the date of this letter. Please provide a copy of the amended map when it become available. Thank you for your cooperation.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelewicz
Nick Walls
Mary Owens
Amendment File



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

May 12, 2003

Mr. Kevin Scott
Planner
City of Annapolis Department of Planning
and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: J-World Property
211-213 Eastern Avenue

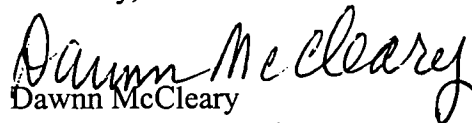
Dear Mr. Scott:

This office has reviewed the applicant's proposal to do a soil/gravel excavation and replacement in which less than 500 square feet will be disturbed. The applicant wants to eliminate possible lead contamination to Back Creek by removing the soil and replacing it with clean soil. This site is mapped a Buffer Exemption Area, totals 0.339 acres, and is in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose proposal. Because the applicant is voluntarily removing contamination from the site, this office recommends 1:1 mitigation under the Buffer Management Plan. This project also needs good sediment and erosion control measures to ensure that the contaminated soil will not run-off. Please check the requirements under the Maryland Department of the Environment's Maryland Voluntary Clean-up Program for hazardous waste removal.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 297-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 12, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: American Visionary Arts Museum
800 Key Highway

Dear Mr. Stuart:

This office received your e-mail with additional information on why stormwater cannot be treated on site. After reviewing the e-mail, this office is satisfied with the consultant's explanation. Therefore, the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 241-03

Critical Area Commission

STAFF REPORT

May 5, 2003

APPLICANT: Maryland Port Administration

PROPOSAL: Critical Area Institutional Management Plan

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

DISCUSSION:

At the direction of the Project Subcommittee, the Maryland Port Administration (MPA) has developed a plan to address the difficulties they have had in meeting the 10 % phosphorus reduction requirements. For the last several months, the Project Subcommittee has been discussing the MPA Critical Area Institutional Management Plan. The Plan discusses potential proposed development projects at the five port sites and the projected phosphorus removal requirements for each. The five port sites are: Dundalk Marine Terminal, Seagirt Marine Terminal, North Locust Point, South Locust Point and Masonville Marine Terminal.

The Port and Critical Area staff have been exploring a variety of offsite mitigation options to meet the 10 % pollutant reduction requirements for the five MPA properties where on-site stormwater treatment is infeasible. In this plan, the Port lists all the offsite options they have researched and may eventually propose to use as projects on the Port sites come forward. The Port will track how much phosphorus will need to be removed with each development project and how much phosphorus will be removed with each mitigation option. The goal will be to get some of these mitigation proposals in place before the projects come on line so that they will not end up in a deficit situation, as they have been in the past. The Plan will be updated on a regular basis so as both development projects and mitigation options change we will have a current record. Each development project will still come to the Commission for approval, and at that time the Port will address whether they can meet the 10 % requirements on site. The Commission will also have to approve each offsite mitigation proposal as it moves forward. Therefore, approval of this plan does not confer approval on any specific offsite mitigation option nor any specific development proposal.

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

April 23, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21201

RE: Nick's Seafood Project
2600 Insulator Drive

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to renovate an existing building with a proposed addition, resurface and re-strip the existing parking lot and add a landscaping bed and lawn on site. The site currently consist of two vacant one-story frame buildings, a paved parking area and some pervious grassed areas. This project is 1.92 acres in size and is in an Intensely Developed Area.

This office does not oppose the re-development of the site, however, it appears that some type of stormwater device may be possible somewhere between S. Hanover Street and W. Cromwell Street. Please provide additional information on why the applicant cannot do stormwater on site. Once we have received that information, we will provide comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 257-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

April 23, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
413 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Towel Specialties Project
2301 Chesapeake Avenue

Dear Mr. Stuart:

The office has reviewed the applicant's proposal to build a one story warehouse, office and parking lot in Holabird Industrial Park. This project is 3.125 acres in size and is in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the proposed redevelopment activity. This office understands that the applicant will treat stormwater on site by using several modified sandfilter devices.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 255-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

April 23, 2003

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Buffer Management Plan for Kara Haire
145 Williams Drive

Dear Mr. Smith:

This office has reviewed the applicant's proposal to remove three trees, invasives, and dead brush within the 100-foot Buffer. This office understands that the trees are being removed to prevent structural damage of the adjacent bulkhead. The project is located on 0.453 acres in a Limited Development Area.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawn McCleary".

Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 253-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 18, 2003

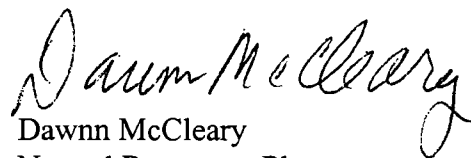
Mr. Dirk Geratz
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Norman Bell Sons Minor Subdivision
528 and 530 Second Street

Dear Mr. Geratz:

As per our phone conversation on April 17, 2003, the consultant has provided Worksheet A for the 10 % calculations. Impervious surface on site will go from 79.8% before subdivision to 40.0% after subdivision and redevelopment. This office has determined that the 10 % calculations and the minor subdivision are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 239-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 18, 2003

Mr. Nick Walls
Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Gabler's Shore Subdivision
2148 Perryman Road

Dear Mr. Walls:

Thank you for submitting information regarding the reconfiguration of the above subdivision. This office understands that the applicant has withdrawn its request for growth allocation. The Critical Area designation of the subdivision is Limited Development Area (LDA) and Resource Conservation Area (RCA). The old subdivision consisted of 57 lots of record and 57 lots are currently proposed in the reconfiguration.

In order for this office to complete its review of the subdivision, please provide the following information:

1. The number of grandfathered lots in the RCA;
2. The location of the pool;
3. The location of the community center;
4. The information on the proposed pavilion;
5. The current acreage of forest;
6. The proposed acreage of forest to be cleared;
7. The 10 % calculations;
8. The types of Best management practices proposed to meet the 10% rule; and,
9. The existing and proposed impervious surface in the LDA and RCA for each lot and the entire subdivision.

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

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

Continued, Page Two
Gabler's Shores Subdivision
April 18, 2003

Setbacks

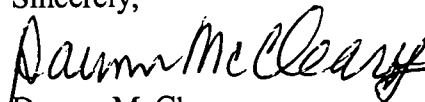
Even though the proposed subdivision is in a Buffer Exemption Area, the County's Critical Area Program requires an applicant to demonstrate that there is no feasible alternative to the development activities in the Buffer, and that the new development minimizes the shoreward extent of intrusion into the Buffer. See Harford County Code Section 267-41.1 G (4) (a) [11] [a]. The subdivision plan shows a 25-foot setback line along the Bush River and the marina basin, yet the generic dwelling indicator on the plat is shown on many lots to be considerably landward of this line. The County should require setbacks on each lot based on the greatest possible protection of water quality. These setbacks should be reflected in specific findings and should include a comparison of water quality protections achievable through alternative housing types such as townhouses or condominiums.

Impervious Surfaces

It appears that the current layout of lots may result in a subdivision that exceeds the impervious surface limits of the Critical Area law and the Harford County Critical Area Program. The Critical Area law limits impervious surfaces on new lots less than one acre to 25%, and the overall impervious surface level of the subdivision to 15%. Even if the impervious surface level on the reconfigured subdivision is over 15% but does not exceed the existing level, the law restricts individual new lots to 25% impervious cover. A variance is needed for impervious surfaces above this level.

Thank you for the opportunity to review this proposal. Please feel free to call me if you have any questions at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 208-03

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

April 15, 2003

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Buffer Management Plan for
164 & 170 Action Road- Annapolis

Dear Mr. Smith:

This office has reviewed the applicant's proposal to remove from the 100-foot Buffer, one dead tree and two live trees leaning over an existing pier. This office is satisfied with the revised site plan showing that the trees to be removed will be mitigated at 3:1 in the Buffer. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 206-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 11, 2003

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Kingsport Community Recreation Area

Dear Mr. Smith:

After corresponding and meeting with Megan Owen on this project several times, I have reviewed the most recent revised site plan for the above project. This project is consistent with the City's Critical Area program. Please be advised that any additional changes that may occur with this project must be sent to our office for review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 123-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 11, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: American Visionary Arts Museum
800 Key Highway

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to expand the old five story vacant building into the American Visionary Art Museum. This expansion will include the closing off of Montgomery Street and the conversion of the street into a plaza for the museum. The project is located on 0.54 acres and is in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the re-development of the vacant building. It appears that the applicant could not treat stormwater on site to meet the 10 % Rule. Please provide information as to why stormwater cannot be treated on site. Once we receive that information, we will provide comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 241-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 11, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Pier 5, Restaurant Addition Project
711 Pratt Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to add a 1,551 square feet addition to the McCormick and Schmick's Restaurant on top of an existing patio. The existing patio will be removed and the addition constructed. This project is 0.036 acres in size and is in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the proposed addition. This office understands that the applicant cannot treat stormwater on site to meet the 10 % Rule. Therefore, the offset fee will be collected by the City.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 247-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 8, 2003

Mr. Gary Green
Environmental Planning Division
State Highway Administration
707 North Calvert Street, Mailstop C-301
Baltimore, Maryland 21202

RE: MD 404 Stormwater Management Retrofit
Caroline County

Dear Mr. Green:

On April 2, 2003, the Critical Area Commission unanimously approved the MD 404 stormwater management retrofit proposal. Please be advised that any changes to the project may need to be approved by the Commission.

I would like to thank you and the consultants from Whitney, Bailey, Cox and Magnani for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Brian Noll
Lori Schmick
Regina Esslinger
State CR12-01

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

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1804 West Street, Suite 100, Annapolis, Maryland 21401

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

April 8, 2003

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Frank Precillio Variance
03-11V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 12 foot by 16 foot porch addition to an existing dwelling and a 12 foot by 16 foot storage shed within the 100-foot Buffer. The property is 1.10 acres in size and is designated a Limited Development Area.

After reviewing the site plan, this office does not oppose the variance for the porch. However, it appears from the site plan that the shed can be moved farther away from the water. This office recommends that the applicant relocate the shed close to the house to minimize impacts to the 100-foot Buffer. If a variance is granted, this office recommends that any disturbance to the 100-foot Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 246-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

April 8, 2003

Ms. Cynthia Simpson
Deputy Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0707

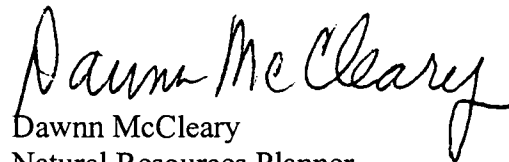
RE: MD 435 (Taylor Ave.) and MD 70(Rowe Blvd)
Intersection Improvements

Dear Ms. Thompson:

On April 2, 2003, the Critical Area Commission unanimously approved improvements to the intersection of MD 435(Taylor Avenue) and MD 70 (Rowe Boulevard) in the Critical Area. Please be advised that any changes to the plan must be sent to this office.

I would like to thank Mark James from JMT and the other consultants for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark James
Megan Owen
Regina Esslinger
State AN 51-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 8, 2003

Mr. Ike Okoye
Project Manager
Department of General Services
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

RE: Banneker Douglass Museum Addition

Dear Mr. Okoye:

On April 2, 2003, the Critical Area Commission approved the addition to the Bannaker-Douglas Museum in the City of Annapolis. Please be advised that any changes to the site plan must be sent to the Commission.

I would like to thank you and consultants for working with the Commission staff. If there are any questions, please feel call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: George Holback
Regina Esslinger
State File No: DGS 19-03

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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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

April 8, 2003

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Northwest Street End Park

Dear Mr. Smith:

On April 2, 2003, the Critical Area Commission unanimously approved the Northwest Street End Park impacts to the 100-foot Buffer. Please be advised that any changes to the plan must be sent to this office.

I would like to thank Megan Owen and Marcia Patrick for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Marcia Patrick
Regina Esslinger
AN 207-03

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 3, 2003

Mr. Dirk Geratz
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Norman Bell Sons Minor Subdivision
528 and 530 Second Street

Dear Mr. Geratz:

Thank you for the opportunity to review the above subdivision. The property is 0.652 acres in size and is designated an Intensely Developed Area (IDA). The applicant is proposing to remove an existing commercial building and resubdivide to create three new lots. We do not oppose the subdivision, however, the 10 % calculations will need to be submitted for our review.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 239-03

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

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

Critical Area Commission

STAFF REPORT

April 2, 2003

APPLICANT: City of Annapolis Public Works Department

PROPOSAL: Northwest Street End Park

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

The City of Annapolis is proposing to construct a street-end park where Northwest Street terminates at College Creek. The park will consist of plantings, including two rain gardens, two benches, two trash receptacles, a handicapped-accessible picnic table, a plaque and a community bulletin. The project area is 20 feet wide by 30 feet long, between the chain link fence to the south and a brick wall to the north and totals 0.0175 acres. The site is bordered by College Creek to the west. (See attached map) 100% of the site is within the Critical Area. The current site is in the Limited Development Area (IDA) and Resource Conservation Area (RCA).

The limit of disturbance is partially in the RCA (685 square feet) and LDA (77.5 square feet) and entirely within the 100-foot Buffer. Most of the project will be located over existing road pavement. The limited of disturbance is currently 49.6 % impervious. There will be an increase of new impervious surface by 24.09 square feet, which will result in 52.7% total imperviousness.

The City is proposing 2,500, square feet of mitigation, exceeding the required 2,287.5 square feet. This mitigation plan includes two rain gardens that will aid in the treatment of runoff from Northwest Street.

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency project when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

This project is redeveloping existing pavement. The site is entirely within the Buffer and is an existing road. Mitigation for the proposed disturbance within the Buffer is being provided by plantings. The impervious surface on site already exceeds the 15% limit. This proposal will increase impervious surfaces by 24 square feet; however, rain gardens will provide water quality where there is no treatment now.

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

This project provides substantial benefit to the Chesapeake Bay Critical Area program. Currently, runoff sheet flows off the existing Northwest Street directly into College Creek. The proposed park is designed to treat the runoff in rain gardens, which will substantially improve the water quality.

(3) That the project and program is otherwise in conformance with this subtitle.

This project is in conformance with the State Criteria and City of Annapolis Critical Area Program by replacing almost twice the area of trees removed with better quality vegetation and redeveloping an existing road instead of developing within a pristine area.

Continued, Page Three
Northwest Street End Park
April 2, 2003

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

(1) That a literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project:

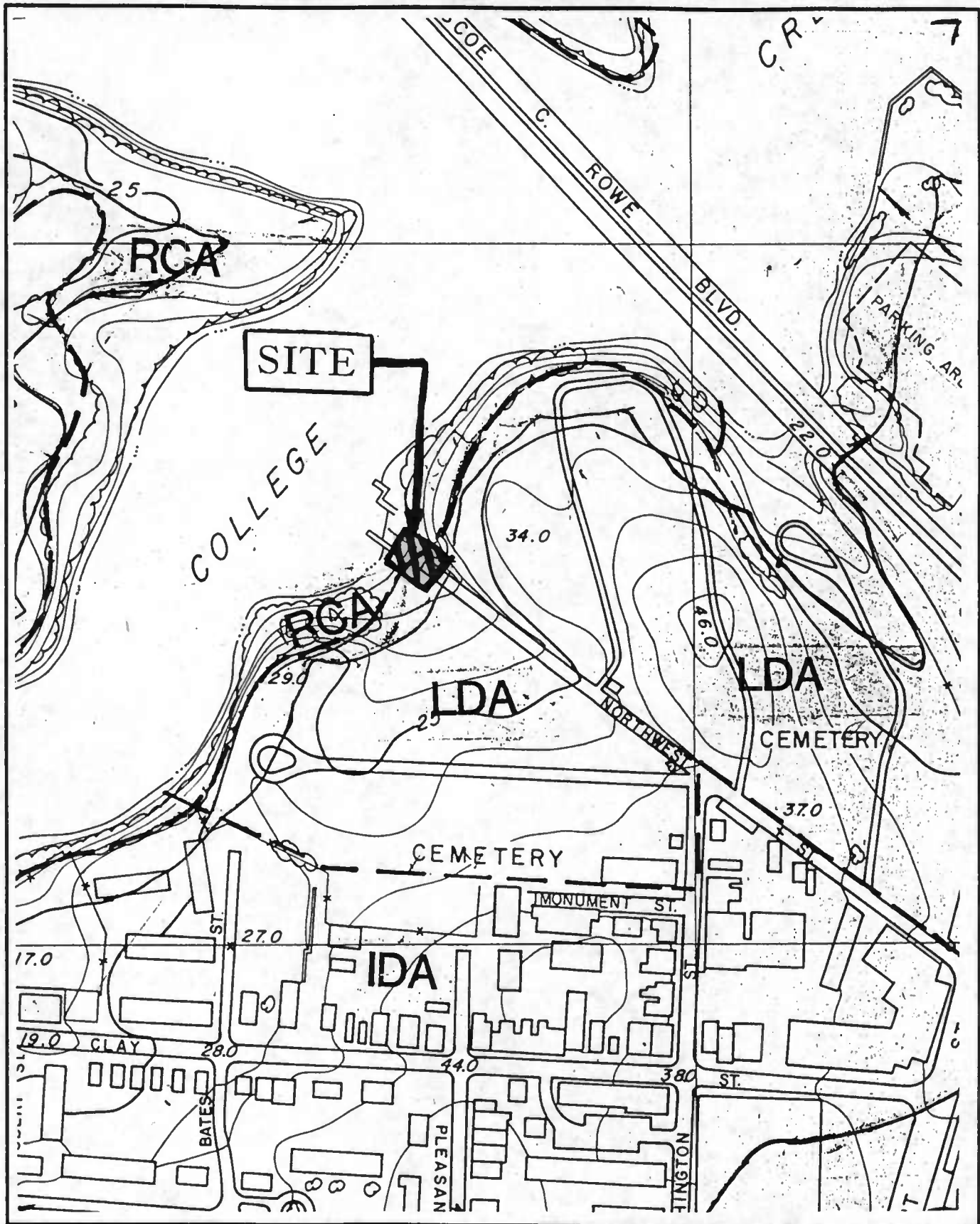
A literal enforcement of the provision would prevent the City from going over the impervious surface limit by 24.09 square feet and the placement of the rain garden within the 100-foot Buffer.

(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approval local Critical Area program or, if the development is to occur on State-Owned lands, with the criteria set forth in COMAR 27.02.05; and

The rain garden in the Buffer and the increase in impervious surface are not consistent with the Criteria; however, Buffer impacts and increases in impervious surface will be minimized. The park will be constructed in a fashion that will protect College Creek during construction, and improve water quality after construction.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approval local Critical Area program, or, if on State Owned lands, on the criteria set forth in COMAR 27.02.05.

A Buffer management plan has been submitted that is proposing to mitigate for 2,500 square feet, which will exceed the required 2,287 square feet of mitigation. The mitigation as mentioned earlier will include two rain gardens with native species.



SCALE 1" = 200'



HARMS

ENGINEERS * PLANNERS SURVEYORS

12-02-013A

NORTHWEST STREET PARK
CRITICAL AREA REPORT

CRITICAL AREA MAP

JANUARY 2003

EXHIBIT D

CRITICAL AREA COMMISSION

STAFF REPORT April 2, 2003

APPLICANT: Harford County

PROPOSAL: Bush River Boat Club Growth Allocation Request

JURISDICTION: Harford County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW\\
REGULATIONS:**

Annotated Code of Maryland, Natural Resources
Article §8-1809(h): Proposed Program
Amendments and Refinements

COMAR 27.01.02.06: Location and Extent of
Future Intensely Developed and Limited
Development Areas

DISCUSSION:

Harford County is requesting 4.25 acres of growth allocation a parcel owned by the Bush River Boat Club. The County proposes to change the Critical Area overlay designation from a Limited Development Area (LDA) to Intensely Developed Area (IDA). The granting of a growth allocation to this property will bring an existing use into compliance with the Critical Area Program and will provide a mechanism to improve stormwater quality through the application of the 10% percent pollutant reduction requirements. The subject property is currently designated as a Limited Development Area and a Buffer Exemption Area.

Continued, Page Two
Harford County Growth Allocations
April 2, 2003

The marina complex contains a large club house an in-ground pool and kiddie pool, parking for passenger cars and boat trailers spaces, three existing pier structures and open space. The proposed improvements include a new wooden deck adjacent to the pool area and more impervious surface parking area. Existing impervious surface equals 42% and the proposed improvements will increase imperviousness of the site to 47% for conversions from LDA to IDA.

The County currently has 86.68 acres of available growth allocation left. According to the County, the applicant's request for 4.25 acres does not exceed the maximum amount of growth allocation that may be granted for 2002. The property is already developed and growth allocation is being requested to bring the site into compliance with the Critical Area Program and to allow for future development activities. The proposed new IDA is adjacent to an existing LDA, and it is an existing grandfathered commercial use that existed as of the date of original program approval.

There is no significant vegetation or wildlife habitat within the growth allocation area. The site has fragmented riparian forest along a stormwater outfall system, and this will be maintained during all proposed and future development activities. The proposed new development on the site will be providing a 10 % improvements in water quality. Standard erosion control measures will be employed during future construction. The area proposed for growth allocation does not include any designated Habitat Protection Areas other than the 100-foot Buffer.

Critical Area Commission

STAFF REPORT

April 2, 2003

APPLICANT: Department of General Services (DGS)

PROPOSAL: Banneker Douglass Museum Addition

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

The Department of General Services is proposing an addition to the Banneker Douglass Museum in downtown Annapolis. The addition will be on an existing grass area near the Anne Arundel County Courthouse. The construction of the Banneker Douglass Museum addition is anticipated to begin as soon as possible.

The site is in an Intensely Developed Area and totals 0.089 acres (3,807 square feet). The limit of disturbance includes areas just beyond the project area into the public space for the installation of new utility services. Several small structures and a parking lot that once existed were torn down a few years ago, leaving a vacant grassed lot. There are no trees, wetlands, hydric soils, floodplain, impacts to threatened and endangered plant or wildlife species present at the area. DGS will remove 0.66 of phosphorus with one stormfilter facility being used to satisfy the pollution reduction requirement of 0.64 pounds.

Critical Area Commission

STAFF REPORT

April 2, 2003

APPLICANT: State Highway Administration

PROPOSAL: MD 404 Stormwater Management Retrofit

JURISDICTION: Caroline County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

The Maryland State Highway Administration proposes to construct a stormwater management facility south of the MD 404 (Denton Bypass) and east of the Choptank River in Caroline County. The purpose of the stormwater management facility is to manage water quality requirements for the previously permitted US 50 project. The stormwater management mitigation project is being designed to meet the permit requirements of the US 50 project from the Choptank River to Bucktown Road. In that project, 3.3 acres of impervious surface were required to be treated in the Choptank River Watershed. The stormwater management pond will manage water quality. The facility will be treating 17.9 acres of impervious surface. The drainage improvements are proposed to reduce erosion to the downstream channel. Approximately, 74 acres drains to the proposed pond, 19.87 acres of which are impervious.

A field investigation established an unstable existing downstream channel. Improvements are proposed to the channel to stabilize it for conveyance of stormwater. The existing channel is severely eroded and has steep slopes. It is believed that removing the old embankment and widening the channel bottom will reduce the erosion through this portion of the stream. Approximately, 110 feet of the stream will be stabilized downstream of the wetland. The pond will be outside the 100-foot Buffer.

Continued, Page Two
Route 404
April 2, 2003

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency project when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

There exist special features and special circumstances of the site in which an existing tributary within the 100-foot Buffer is severely eroded. SHA believes the condition will continue to worsen unless the channel is stabilized. However, all stabilization must occur within the 100-foot stream Buffer

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

The stabilization of the tributary stream within the 100-foot Buffer will provide substantial public benefit to the Critical Area because stabilization will result in a reduction of active erosion to the Choptank River. This project will provide treatment to 17.9 acres of impervious surface, 16.21 acres which are currently untreated.

(3) That the project and program is otherwise in conformance with this subtitle.

The project is otherwise in conformance with the State Criteria and Caroline County Critical Area Program.

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

(1) That a literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project:

A literal enforcement of the provision would prevent the implementation of stormwater management. The erosion in the existing stream within the Buffer will continue unless measures are taken to rectify the situation.

Continued, Page Three
Route 404
April 2, 2003

(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approval local Critical Area program or, if the development is to occur on State-Owned lands, with the criteria set forth in COMAR 27.02.05; and

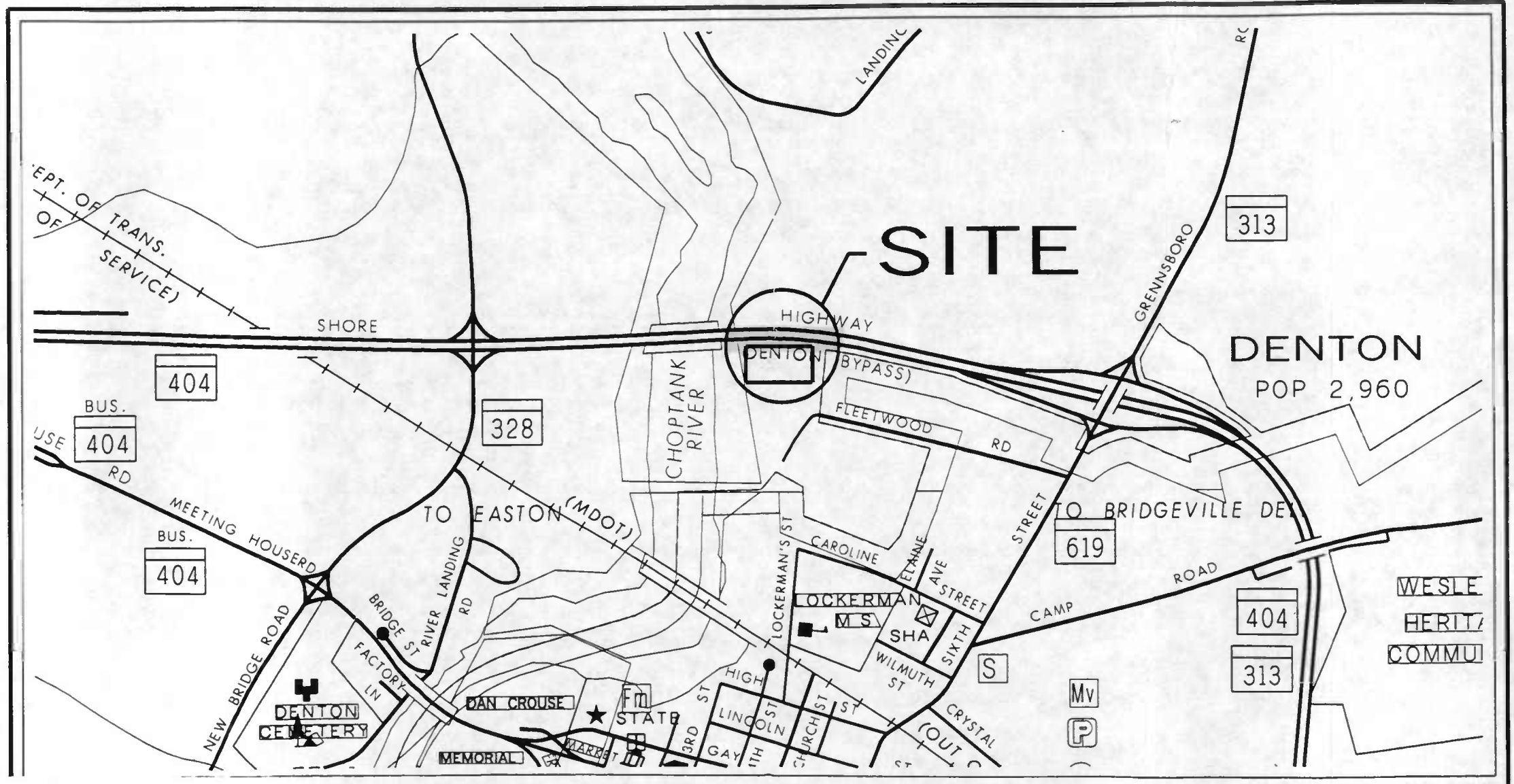
The Buffer impact caused by the stream restoration and relocation of the storm drain is not consistent with the Criteria; however, all Buffer impacts will be minimized. Only a portion of stream stabilization will affect the Buffer.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approval local Critical Area program, or, if on State Owned lands, on the criteria set forth in COMAR 27.02.05.

The proposed impacts are mitigated by the treatment of stormwater on the site, by stream stabilization and by reforestation on the site. The total Buffer mitigation proposed is 2.13 acres, more than 3:1 of the vegetation removed.

MD 404 EAST OF CHOPTANK RIVER

STORMWATER MANAGEMENT MITIGATION



Chesapeake Bay Critical Area Commission

STAFF REPORT

April 2, 2003

APPLICANT: State Highway Administration (SHA)

PROPOSAL: MD 435 (Taylor Ave.) and
MD 70 (Rowe Boulevard) Intersection Improvements

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

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

DISCUSSION:

The Maryland State Highway Administration is proposing to improve the intersection of MD 435 (Taylor Avenue) and MD 70 (Rowe Boulevard). The roadway widening will take place on the south side of Taylor Avenue, in front of the Department of Natural Resources building and the Maryland State Police building.

The proposed project will include roadway widening, grinding and resurfacing of the existing roadway, reconstruction of the existing sidewalks, installations of curb and gutter, minor drainage improvements, utility relocation, two bioretention facilities, one dry swale, and landscaping as mitigation for impacts in the Critical Area. Currently, 14 trees will be removed and replaced. This project is in an Intensely Developed Area and will impact 3.13 acres in the Critical Area. The 10 % calculations have been submitted and approved by staff. There are no impacts to threatened and endangered species and Habitat Protection Areas. SHA will remove 3.66 lbs of phosphorus with two bioretention facilities and one dry swale to satisfy the pollution reduction requirements.

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

March 28, 2003

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Navy-Marine Corps Memorial Stadium
Consistency Project

Dear Mr. Smith:

Thank you for providing "Notification of Application" that the above project is consistent with the City of Annapolis' Critical Area Program. The applicant is proposing an environmental enhancement project for the Navy-Marine Corps Memorial Stadium located between Rowe Boulevard and Cedar Park Road and between Farragut Road and Taylor Avenue. Critical Area staff understands that the City of Annapolis and the Naval Academy Athletic Association have formed a partnership to construct water quality enhancements, additional landscaping, and a recreational trail system on the outer portion of the Navy-Marine Corps property. The recreational trail will be 10-foot wide and 1.25 miles long.

Only 2.57 acres of the 59 acre site are in the Critical Area. The acreage within the Critical Area can be found in two portions with 2.22 acres in the Intensely Developed Area (IDA) and 0.35 acres in the Limited Development Area (LDA). The proposed trail will meander through a proposed 30-foot densely landscaped buffer. None of the trail will go into the Limited Development Area, however, 0.17 acres of the trail will be located in the IDA portion of the site.

Critical Area Commission staff also understands:

1. That this project proposes the construction of bio-retention and wet pond facilities to treat runoff from the existing parking areas, the stadium and other impervious areas;
2. That only a sandfilter and landscaping installation is proposed in the LDA;
3. That considerable landscaping is planned and no tree removal is planned for the site in the Critical Area;

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

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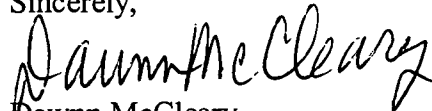
Continued, Page Two
Navy\Marine Stadium Project
March 28, 2003

4. That there are no known Federal, State threatened, endangered plant or wildlife species present;
5. That there will be no new impervious surface coverage in the area, and the existing imperviousness will remain at 9 %; and,
6. That this project meets the 10% Rule for pollution reduction.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*). Therefore, approval of the above project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 162-03

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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March 26, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Inner Harbor East- Parcel P Project
801 Aliceanna Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a mixed-use tower. The entire site is 1.36 acres and is in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the redevelopment of this site. The proposed Best Management Practice for the site is an underground sandfilter.

This office has determined that the proposed development activity and the 10% calculations are correct and consistent with the local Critical Area program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 97-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 26, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Consolidation Coal Project
Canton Piers

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to re-grade and reconstruct the existing piers. The site is 12.44 acres and is an Intensely Developed Area. After reviewing the site plan, this office does not oppose the redevelopment of this site. It appears in the site plan that a Best Management Practice to meet the 10% Rule is not feasible. Therefore, an offset fee will be collected by the City.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 149-03

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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March 26, 2003

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Buffer Management Plan for
164 & 170 Action Road- Annapolis

Dear Mr. Smith:

This office has reviewed the applicant's proposal to remove from the 100-foot Buffer one dead tree and two live trees leaning over an existing pier. The site plan does not show the 100-foot Buffer, but it appears that several trees will be replaced outside the Buffer. There is no information provided as to why all of the trees cannot be placed in the Buffer. We recommend all mitigation be in the Buffer. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 206-03

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



Ren Serey
Executive Director

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

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March 25, 2003

Ms. Karen Hilton
Acting Director
Baltimore City Department of Planning
417 East Fayette Street, Suite 100
Baltimore, Maryland 21202

RE: Fort Smallwood Treatment Plant Improvements

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with Baltimore City's Critical Area Program. Critical Area staff understands that the Department of Parks and Recreation is proposing to repair and re-construct the wastewater treatment plant, effluent pond and a berm surrounding the plant's existing infiltration pond at the 100-acre public park owned by the City in Anne Arundel County. The purpose of this project is to bring it into compliance with the Maryland Department of the Environment requirements. There is no public water or sewer. The treatment plant is outside the 100-foot Buffer.

Five acres of the park currently consist of impervious surface parking areas, access roads, and the historic fort. The entire park is designated as a Resource Conservation Area. Maryland Department of the Environment and the Anne Arundel County Soil Conservation District have approved the plans and have issued permits for construction.

Critical Area Commission staff also understands:

1. That the limit of disturbance has been minimized as much as possible in order to reduce disturbance within the park;
2. That the wastewater treatment plant replacement will increase the impervious area by 0.001% with no vegetation removal impacts;
3. That the berm repair for the pond consists of grass and is in the 100-foot Buffer;

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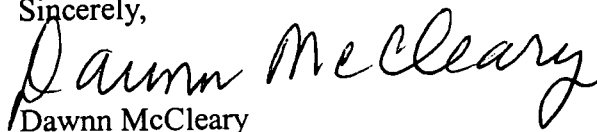
Continued, Page Two
Fort Smallwood Park Project
March 25, 2003

4. That a grading permit has been approved and issued by Anne Arundel County;
5. That the City has met all Federal, State and local requirements; and,
6. That the berm repair will enable the pond to be used as a wetland area and will insure that no effluent will be discharged into the Bay.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the jurisdiction, and 3) is not considered by the Commission as major development. (See COMAR: Chapter Two Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, formal approval of the above project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat or 100-foot Buffer, this office would like to be notified immediately. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 192-03

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

March 25, 2003

Mr. Jordan Loran
Eastern Region Chief
Engineering and Construction
Department of Natural Resources (DNR)
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Maintenance Dredging of Watts Creek
Martinak State Park

Dear Mr. Loran:

Thank you for sending us the proposal to maintenance dredge a portion of Watts Creek in Caroline County. This office understands that the dredge material will be placed in an existing upland dredge material disposal site within the Critical Area. Restoration will include grading off the material and the berms, seeding for stabilization and allowing the site to re-vegetate naturally.

After reviewing the above information, it appears that the proposed activity is consistent with COMAR 27.02.05.04B(2)(f). If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
General File

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 21, 2003

Mr. Dirk Geratz
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Village of Eastport
Lots 1- 4

Dear Mr. Geratz:

Thank you for the opportunity to review the above project. The applicant is proposing to rebuild three multi-family units that currently exist on the property. The three existing homes will be demolished on Lots 1-3. The property is located on the south side of Chester Avenue in Eastport. The site is mapped Buffer Exemption Area (BEA), totals 0.35 acres and is located in an Intensely Developed Area. The applicant is relocating the new structures 6-feet further from the street to accommodate front porches.

This office does not oppose this project, however in order to complete my review of this project, this office needs Worksheet A for the 10 % pollution reduction requirements, BEA standards and Buffer mitigation requirements. I will provide additional comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 172-03

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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March 17, 2003

Mr. Nick Walls
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Riverside East Business Park

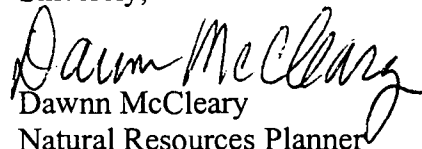
Dear Mr. Walls:

Thank you for sending us the new proposal for Riverside East Business Park. This office understands that the new proposal is for an auto auction lot in an Intensely Developed Area (IDA). The site, formerly known as the Village of Gray's Run, received growth allocation to reclassify 8.45 acres of RCA to IDA in September 1997. The site totals 50.47 acres with 8.45 acres in an Intensely Developed Area (IDA) and 42.12 acres in a Resource Conservation Area (RCA). In order to complete my review, the following information is needed:

1. The IDA and RCA lines and corresponding acreages;
2. The total amount of forest acreage to be removed in the RCA;
3. The existing and proposed impervious surface in the RCA and IDA;
4. The 10% pollutant reduction calculations for development in the IDA;
5. A correct 100-foot Buffer line and 1000-foot Critical Area line; and,
6. Information on the Forest Interior Dwelling Bird habitat mitigation for the proposed cleared habitat area.

We will provide additional information once we receive this information. Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 158-03

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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 31, 2001

Mr. Peter Merrill
Environmental Analyst
Project Planning Division
Environmental Planning Section
State Highway Administration
P. O. Box 717
Baltimore, Maryland 21203

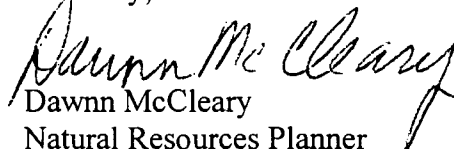
RE: College Creek Channel Stabilization
City of Annapolis

Dear Mr. Merrill:

Thank you for sending the revised letter dated July 24, 2001 showing the corrected mitigation calculations. I understand the contract for the planting plan is being revised to include native species. Please revise the "Planting Agreement for State Projects" form to reflect the most recent changes. (See attached blank form) In the form, please provide names of the native species that will be used on the site and the anticipated planting date.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

Attachment
Cc: Michael Lynch
Van Funk
Regina Esslinger
26-01 (State)

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 17, 2003

Mr. Nick Walls
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Walton's Retreat Subdivision

Dear Mr. Walls:

Thank you sending updated information for the above project. We understand that additional information outlined in your letter will be forthcoming. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 733-02

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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

March 11, 2003

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0707

RE: Project No. AA2905187
MD 435 (Taylor Avenue) at
MD 70 (Rowe Boulevard)
Geometric Improvements
Anne Arundel County

Dear Ms. Simpson:

Thank you for submitting a revised site plan and 10% calculations for the above project. Because impervious surfaces are increasing more than 10%, this project does not qualify under the Memorandum of Understanding and must get formal Commission approval. After reviewing the site plan, the dry swale is located and labeled on the site plan, however, the bioretention is not labeled. Please provide a planting plan for the proposed bioretention. The commonly used species for bioretention are outlined in the Maryland Department of the Environment's 2000 Stormwater Manual. We prefer native species to be used. See the attached Table A.4 in Appendix A of the manual.

Worksheet A, Step 5 shows three Best Management Practice (BMP) facilities. This office concurs with the proposed bioretention and dry swale to fulfill the pollutant removal requirements for the 10 % calculations. The third BMP in Step 5 states that it will be offsite. It is not clear what type of BMP will be used and where it will be placed. It appears it may be an on-site bioretention. Please provide more information. If an offsite BMP is proposed, Worksheet B must be completed.

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Continued, Page Two
MD 70 Taylor\435 Rowe Blvd.
March 11, 2003

I have scheduled this project for presentation to the full Commission at their regular meeting on April 2, 2003. Please submit all outstanding information for review on or before March 18, 2003. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark James
Regina Esslinger
State File: 51-02

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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March 7, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Pier V Access Drive Project
717 & 720 East Pratt Street

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. Critical Area staff understands that the applicant is proposing to construct a one-way access road to the Pier V hotel. The proposed redevelopment includes a new 12' wide access drive to Eastern Avenue, additional sidewalks, and landscaping improvements.

The site is currently a sidewalk and pedestrian area adjacent to the Columbus Center in downtown Baltimore. The entire 0.427 acre project site lies within this 100-foot Buffer with approximately 0.35 acres of the proposed site being impervious surface.

This office understands that:

1. That due to floodplain issues, water quality devices would be ineffective;
2. That infiltration is not feasible because of compacted soil conditions and the lack of available open space;
3. That providing water quality treatment for runoff to meet the 10% pollutant removal in the Critical Area is not feasible;

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*Continued, Page Two
Pier 5 Access Drive
March 7, 2003*

4. That there will be a payment in the City's runoff pollution reduction offset fund; and,
5. That due to the impervious area created within the Critical Area Buffer, there will be payment in the City's Critical Area Buffer offset fund.

The Commission staff has determined that the above proposed development: 1) has environment or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the jurisdiction, and 3) is not consistent by the Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs), Therefore, formal approval of the above project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 71-03

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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March 7, 2003

Mr. Chuck Schneider
Environmental Project Manager
Frederick Ward Associates, Inc.
P.O. Box 727
5 South Main Street
Bel Air, Maryland 21014

RE: Penns Beach Condominiums

Dear Mr. Schneider:

Thank you for sending the revised site plan and Worksheet A for the 10 % Rule. The 10 % pollutant reduction calculations are correct. The revised site plan shows that the applicant has relocated the swimming pool and pool building between two of the proposed condominiums. This office understands that this project is being reviewed by the Planning Commission and the City's Dept. of Economic and Development Planning. Therefore, additional comments will be needed if this project changes.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Jay Bautz
Diane Klair
Regina Esslinger
HC 331-02

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



Ren Serey
Executive Director

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

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March 4, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Annapolis Performance Cruising Project
7364 Edgewood Road

Dear Ms. Owen:

Thank you for sending updated information on the above project. After reviewing your February 14, 2003 letter, we concur with your preliminary review of the information from the applicant. However, the current efficiency removal in Worksheet A of the 10% Rule is incorrect. Please revise Worksheet A, in Step 5 and replace the efficiency removal of 60 % to 50 %. We understand that additional information will be forthcoming. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 126-01

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



Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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March 3, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Gerald Everett Buffer Management Plan
725 Warren Drive

Dear Ms. Owen:

Thank you for the opportunity to review the above project. The applicant is proposing an addition to a single family residence where the new enclosed area will be going over the existing impervious surface areas. A second story deck will also be added. The deck is within a Buffer Exemption Area (BEA). The property lies within the Limited Development Area, partially within the BEA and totals 9,150 square feet.

After reviewing the site plan, this office does not oppose the proposed development. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 148-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 3, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning & Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Sherman Wright Buffer Management Plan
727 Warren Drive

Dear Ms. Owen:

Thank you for the opportunity to review the above project. The applicant is proposing an addition to a single family residence and a second story deck. This property lies within the Limited Development Area, is Buffer Exempt and totals 8,820 square feet. Two different figures are provided for the amount of disturbance in the Buffer, 790 square feet and 570 square feet. It appears 790 square feet is the correct figure. The applicant needs to correct the Buffer Management Plan to reflect this.

After reviewing the site plan, this office does not oppose the proposed development. However, if there are opportunities for minimizing impacts, we encourage the applicant to consider it. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 154-03

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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February 14, 2003

Mr. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Douglas E. Brandt
Local Case Number: 03-03V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct a single family dwelling with attached garage and deck and a pool within the 100-foot Buffer. The application states that the proposed pool is for medical therapy but no other information is provided. The property is 1.64 acres in size and is designated a Limited Development Area.

In 2000, the General Assembly amended the Critical Area Law in § 8-1808(c)(12) to include the following item:

Provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary.

The General Assembly then directed all local governments to amend their Critical Area programs to make such provision. Caroline County has not amended their program.

Upon review of the site plan, it appears the applicant has sufficient area to adjust the location of the house, garage, deck and pool to further minimize impacts to the Buffer. For example, the garage could be shifted northeast and moved entirely out of the Buffer.

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Continued, Page Two
Douglas E. Brandt Variance
February 14, 2003

If the Board determines that the pool is necessary for physical disability, there need to be provisions for removal as part of the variance approval. We recommend that the applicant provide 3:1 native Buffer plantings as mitigation for all Buffer impacts. There appears to be ample room on site for Buffer plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 117-03

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

February 11, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Pier IV Promenade Consistency Report

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. Critical Area staff understands that the applicant is proposing to remove and repave the existing pedestrian promenade at Pier IV (Dugan's Wharf) in the Inner Harbor on the Northwest branch of the Patapsco River. This project is located south of the new office being developed by the Cordish Company. The project area is 0.17 acres (7,500 square feet), in an Intensely Developed Area and all but 600 square feet are within the 100-foot Buffer.

Critical Area Commission staff also understands:

1. That there is no existing vegetation present on site;
2. That there are no known Federal or State threatened or endangered plant or wildlife species;
3. That there is no net increase in impervious surface; and
4. That the City is proposing to pay into the Critical Area Stormwater Offset fee in lieu of on-site stormwater treatment.

The Commission staff has determined that the above proposed development: 1) has environment or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area

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Continued, Page Two
Pier IV Promenade Consistency
February 11, 2003

program of the jurisdiction, and 3) is not consistent by the Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs), Therefore, formal approval of the above project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 87-03

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

February 10, 2003

Mr. Chuck Schneider
Environmental Project Manager
Frederick Ward Associates, Inc.
P.O. Box 727, 5 South Main Street
Bel Air, Maryland 21014-0727

RE: Condominium Development Plan
Penns Beach Marina Project

Dear Mr. Schneider:

Thank you for sending us the new Concept Plan and new Worksheet A for Penns Beach Marina. This office understands that the applicant is now proposing to build three (3) condominiums, a marina office building, 174 parking spaces, and sidewalks. This proposed development includes the previous proposal to build a swimming pool, gazebo, sidewalks and the proposed 99 boat slips. This site totals 3.18 acres with 0.08 of land that will be removed to total 3.10 acres. For purposes of completing the "10 % Rule" Worksheets, please use 3.10 acres for both the pre-development and post-development site area since the 0.08 acres of land is currently undeveloped and will no longer be part of the entire site.

On Worksheet A, in Step 1 (A), the proposed swimming pool, bath house, boardwalk and promenade, deck, and gazebo need to be included in this section as post-development impervious surfaces. Please revise the Worksheet A and forward to our office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Jay-Bautz
Diana Klaire
Regina Esslinger
HG 331-02

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

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HG 331-02



FREDERICK WARD ASSOCIATES, INC.

ENGINEERS
ARCHITECTS
SURVEYORS

January 22, 2003

Ms. Dawnn McCleary
State of Maryland
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Condominium Development Plan
Penns Beach Marina Project
Havre de Grace, Maryland

Dear Ms. McCleary:

The purpose of this letter is submit a Concept Plan of the above referenced project and supply you with a Revised - Critical Area Worksheet A. On the enclosed plan, proposed for this site are three condominium structures, a marina office building, 174 parking spaces, sidewalks and what has been previously shown (pool, gazebo, sidewalks and the proposed 99 boat slips). There has been a reduction in impervious area from which was previously submitted. The new impervious amount is 2.15 acres (69%) a reduction in 0.53 acres. In the new layout the building area has increased (+0.56 ac.) and the parking lot / sidewalk area has been reduced (-1.09 ac.). This reduction is the result of a proposed land use change from a commercial marina to a combination of residential and marina. This results in a greater amount of landscaped (green) area. According to the enclosed Worksheet A, this project will meet and exceed the 10% pollutant loading requirement and does not require any BMP as part of this new layout.

Also as previously shown, a portion of the peninsula near Log Pond is being removed as part of our marina basin maintenance efforts. This land removal (0.08 ac.) will give the project a new site area of 3.10 acres.

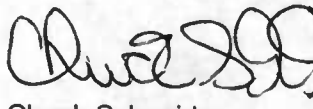
Please review this information and return any comments or questions you may have to my attention. Thank you again for your cooperation and input on this project. I look forward to hearing from you.

MARYLAND
BEL AIR
COLUMBIA

VIRGINIA
WARRENTON

Sincerely,

FREDERICK WARD ASSOCIATES, INC.


Chuck Schneider
Environmental Project Manager

RECEIVED

JAN 23 2003
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

cc: Mr. Wayne Bowie
Mr. Jay Bautz, City of Havre de Grace
CS/jp
Enc. As stated

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Jay Bantz FAX: (410) 939-3692
COMPANY: Home de Grace P72
FROM: DAnn McClean
DATE: 2/21/03 TIME: : a.m. p.m. NO. PAGES: 3

COMMENTS:

FYI . Sent to Chuck in
response to his letter to me. See
his letter also.

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

January 31, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning & Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: 703 Warren Drive

Dear Ms. Owen:

Thank you for the opportunity to review the above variance application. The applicant is requesting a variance to the 100-foot Buffer requirements to construct a wood retaining wall. The purpose of the wall is to control erosion that is impacting existing structures and causing extensive loss of vegetation. The applicant is also proposing a stairway from the patio to the shoreline. Disturbance to the Buffer will total 900 square feet. The applicant is proposing to mitigate for impacts in the Buffer by planting 33 trees and 17 shrubs, all native species. The lot will meet the impervious surface limits.

After reviewing the site plan, this office does not oppose the variance. It appears this proposal will address erosion problems while ensuring a naturally vegetated Buffer. There are several oaks along the shoreline that could be adversely impacted by the retaining wall; therefore we recommend that the proposed construction techniques be evaluated for impacts. Retaining wall placement may need to be slightly adjusted to ensure long-term survivability. The Buffer Management Plan included with the variance application satisfies the mitigation provisions. However, it appears that additional measures may also rectify some of the existing erosion problems. We recommend that gravel be placed under the existing deck and splash blocks and plantings be placed around the downspouts and drainage pipes around the deck.

We do not support the proposed stairway in the Buffer as it appears there is already access to the shoreline via the stepping stone path.

Page 2
Ms. Owen

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision in this application.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 31-03

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

January 30, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Kosmas Property
811 Chester Avenue

Dear Ms. Owen:

Thank you for meeting with us to clarify the applicant's grandfathered lots. Lot 2 is currently 0.181 acres in size, designated an Intensely Developed Area and in a Buffer Exemption Area (BEA). This office understands that applicant is proposing to build a new house, swimming pool, driveway and deck. The site plan shows that the new swimming pool and deck falls within the 100-foot Buffer. After reviewing the applicant's proposal to build a pool and deck in the BEA, it appears that the applicant meets all the BEA standards and Buffer mitigation requirements. Has the old pool been removed?

There is no information provided on the grass swale. It must be designed to meet Maryland Department of the Environment's (MDE) 2000 Stormwater Manual and be shown on the site plans. I am unable to determine if the swale meets the 10 % pollutant reduction requirements without this information. The removal efficiency shown on Worksheet A must reflect the removal efficiencies specified in MDE's Manual. *See attached Table D.4.7 from the manual.*

The Buffer Management Plan specifies that 3,000 square feet of mitigation planting is required. The site plan and landscaping report proposed less than 3,000 square feet on site. The remaining mitigation must be provided. We also recommend the applicant substitute the non-native species with native species.

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Continued, Page Two
Komas Property\Chester Avenue
January 30, 2003

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Regina Esslinger
AN 48-02

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

January 30, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning & Zoning
160 Duke to Gloucester Street
Annapolis, Maryland 21401

RE: 914 Creek Drive

Dear Ms. Owen:

Thank you for sending us the revision to the landscaping plan for the above project. After reviewing the revised site plan, this office is satisfied. We also received a faxed letter dated January 17, 2003 from Mr. Moran correcting the inconsistencies between the proposed plantings in an earlier letter (dated January 3, 2003) and the site plan.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 453-03

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

January 29, 2003

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202


RE: Maryland Science Center
601 Light Street

Dear Mr. Stuart:

Thank you for sending the revised landscaping plans for our review. This office recommends several substitutions to incorporate more native species. The use of native plants is not as important ecologically at this location in the harbor as it might be in a less urban environment, but it is a good location for people to see how nice native plants can look in landscaping and perhaps learn about why it is important to incorporate native species in our landscapes. Please see the attached suggested native species list.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 667-02

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

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LIST OF NON-NATIVE AND NATIVE SPECIES LIST

The following species are not native:

Trees

Japanese Cedar

Shrubs

Heavenly Bamboo

Schip laurel

Harbor Dwarf Nandina

Grass

Hamelyn Dwarf Fountain Grass

Ground Covers

Liriope

Pachysandra

Wintercreeper

Perennials

Daylily

Some suggestions for alternative native plants for the Maryland Science Center:

Trees

Red Cedar (*Juniperus virginiana*)

Shrubs

Lowbush Blueberry (*Vaccinium vacillans*, *V. angustifolium*)

Highbush Blueberry (*V. corymbosum*)

Inkberry (*Ilex glabra*)

Groundcovers

Golden ragwort (*Senecio aureus*)

Green-and-gold (*Chrysogonum virginianum*)

Common violet (*Viola sp.*)

Grasses

Indian grass (*Sorghastrum nutans*)

Big bluestem (*Andropogon gerardii*)

Switchgrass (*Panicum virgatum*)

Bottlebrush (*Hystrix patula*)

Perennials

Butterflyweed (*Asclepias syriaca*)

Whorled Coreopsis (*Coreopsis lanceolata*)

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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January 22, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Chesapeake Children's Museum
25 Silopanna Road

Dear Ms. Owen:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. Critical Area staff understands that the applicant is proposing to rehabilitate an educational nature trail, install erosion control measures and major plantings with native species. The site borders Spa Creek and is bisected by the Spa Creek Trail Bike and Hike Trail. This property, which is city owned, is 5.24 acres and is designated a Resource Conservation Area. The trail will be developed using minimally invasive techniques and with natural material designated to reduce runoff into the Creek.

Critical Area Commission staff also understands:

1. That the trail rehabilitation will include the re-mulching of the trail;
2. That the signage in Spanish and English for environmental education on native plants wetland ecology will be used;
3. That the erosion control measures will consist of the installation of terrace ties to slow channeled run-off;
4. That the proposed Phragmites removal that will be done at this site has been approved by the Maryland Department of the Environment; and,
5. That the Buffer Management Plan has been approved by the City and State.

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Continued, Page Two
Chesapeake Children's Museum
January 22, 2003

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the jurisdiction, and 3) is not considered by the Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, formal approval of the above project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 615-02

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

January 22, 2003

Mr. Kevin Scott
Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Trubisz Project
708 Warren Drive

Dear Mr. Scott:

Thank you for sending us the Buffer Management Plan for the above project. The applicant is proposing to renovate the existing house. This office understands that the majority of the work will be within the footprint of the existing structure. The impervious surface on the site will remain below 25% and will actually be reduced due to the removal of a portion of the driveway and sidewalk. This project lies within the Limited Development Area, is in a Buffer Exemption Area (BEA) and totals approximately 0.28 acres. The applicant is proposing to plant seven (7) trees and eighteen (18) shrubs to mitigate for the disturbance to the Buffer.

After reviewing all the information provided, it appears that the applicant meets all the BEA standards and Buffer mitigation requirements. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 741-02

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

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January 16, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning & Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: 703 Warren Drive

Dear Ms. Owen:

Thank you for the opportunity to review the above variance application. The applicant is requesting a variance to the 100-foot Buffer requirements to construct a 150 linear feet of a wood retaining wall. The purpose of the wall is to control severe erosion that is impacting existing structures and causing extensive loss of vegetation. The wall will stabilize and restore the vegetated area between the water and wall. Disturbance to the Buffer will total 900 square feet. The applicant is proposing to mitigate for impacts in the buffer by planting 33 trees and 17 shrubs, all native species. The applicant decided to provide more mitigation than what is required in their Buffer Management Plan.

After reviewing the site plan, this office does not oppose the variance. It appears this proposal will address erosion problems while ensuring a naturally vegetated Buffer. The Buffer Management Plan included with the variance application satisfies the mitigation provisions. Finally, the site plan shows that the applicant is proposing to increase the amount of impervious surface on site. This office will not support the applicant exceeding the impervious surface limit.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision in this application.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 31-03

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

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January 16, 2003

Ms. Janet Gleisner
Environmental Planner
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Bush River Boat Club Marina
Growth Allocation

Dear Ms. Gleisner:

Critical Area staff has reviewed the applicant's request for growth allocation from a Limited Development Area to Intensely Developed Area. This office understands that the growth allocation is due to an increase in impervious surface. The proposed development will not require the removal of any existing wooded/forested areas.

After reviewing the County's Critical Area program, and the Commission's Growth Allocation policy, Critical Area staff has determined that the proposal meets the County's Critical Area program. The applicant must still correct the site plan to address impacts in the Buffer Exemption Area (BEA) and impacts on steep slopes of 15% or greater. Worksheet A for the 10 % calculations and the revised site plan must be revised and submitted to our office for review. If the site plan shows that the addition to the existing deck is in the Buffer, the applicant must meet the BEA standards according to the County's program.

If this application is approved by the County, the growth allocation must also come before the Commission for approval as changes to the local Critical Area program. Please notify the Commission in writing of the County's decision on this growth allocation application.

Sincerely,

A handwritten signature in cursive script that reads "Dawn McCleary".

Dawn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 382-02

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



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

January 16, 2003

Ms. Janet Gleisner
Environmental Planner
Harford County Dept. of Planning
and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

RE: Gabler's Shore

Dear Ms. Gleisner:

Critical Area staff has reviewed the applicant's request for a mapping mistake to change the Resource Conservation Area (RCA) portion of the site to a Limited Development Area (LDA) to make it consistent with the current zoning. The applicant is also requesting to use 15.40 acres of LDA growth allocation to change the designation to an Intensely Developed Area (IDA) to allow development within the area of Gabler's Shore. After reviewing the County's Critical Area program, Critical Area staff has determined that the proposal meets the County's Critical Area program and the Commission's Growth Allocation policy. Although only the County Council is authorized to make the legal determination regarding a Critical Area mapping mistake, our staff believes that the applicant has provided information sufficient for the Council to make that determination.

If this application is approved by the County, the mapping mistake and growth allocation must also come before the Commission for approval as changes to the local Critical Area program. Please notify the Commission in writing of the County's decision on this mapping mistake and growth allocation application.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 559-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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January 14, 2003

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: 105 Scott Street Project

Dear Ms. Owen:

Thank you for the opportunity to review the above variance application. The applicant is requesting a variance to the 100-foot Buffer requirements to replace existing stairs and to install boulders into the existing severely eroding steep slope. The boulders will be used to stabilize the slope. Plantings are proposed between the boulders. Disturbance will total 1,250 square feet. Mitigation of 116 shrubs, all native species, is proposed.

After reviewing the site plan, this office does not oppose the variance. It appears this proposal will address the erosion problem while ensuring a naturally vegetated Buffer. The Buffer Management Plan included with the variance application satisfies the mitigation provisions.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision in this application.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 18-03

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

TTY For The Deaf:
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Staff Correspondence Vol. 1: Serey

7003

S1832-154-4



Martin G. Madden
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
www.dnr.state.md.us/criticalarea/

June 6, 2003

Ms. Karen Peterson

Dear Ms. Peterson:

Enclosed please find a package of maps and information for the proposed NorthBay environmental education camp at Elk Neck State Park. The Critical Area Commission will be holding a public hearing at North East Elementary School on June 16th on certain aspects of this proposal, and would like to make the plans available to the public. I've spoken to Ms. Lee O'Brien, and she gave me permission to have the plans on file at the library. They should be available to the public until July 2, 2003, when the Critical Area Commission will vote on this proposal. You may dispose of them after that date.

Thank you for your assistance. Please contact Ms. Regina Esslinger of my staff at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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

May 14, 2003

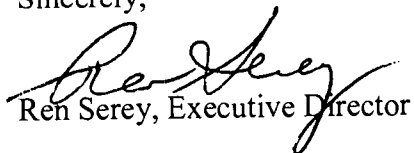
Mr. Thomas M. Hennessy
P O Box 2266
Annapolis, Maryland 21404

RE: 3 Little Harbor Way

Dear Mr. Hennessy:

We have received your April 2, 2003 letter and have been apprised by the Department of Planning & Zoning of their efforts to address your concerns about excessive impervious surface on Lot 3. We concur with the City's request for further documentation and understand that this information should be forthcoming shortly. As you know, enforcement of Critical Area regulations is handled properly through the City process. We will continue to coordinate with City staff as they address this issue. We appreciate your bringing this situation to our attention.

Sincerely,


Ren Serey, Executive Director

RS/jjd

cc: Mr. Jon Arason
AN578-99, 587-00

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Ren Serey
Executive Director

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March 19, 2003

Mr. Jesse C. Houston, Director
Town of Ocean City, Planning & Community Development
PO Box 158
Ocean City, MD 21843-0158

RE: Ocean City Critical Area Program

Dear Mr. Houston:

At its meeting of March 5, 2003, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays voted to notify the Town of Ocean City of specific changes that must be made in order for the proposed Critical Area Program to be approved. The required changes are listed below, along with an explanation of the reason the change is needed.

1. (Pages 3-7) Several definitions that have been stricken should be restored for consistency with the Criteria and the common terms used in review of Critical Area projects. These include afforestation (whose definition should match what appears in the Law in regard to the 15% forest or developed woodland required in the IDA), colonial nesting water birds, excess stormwater runoff, highly erodible soils, historic waterfowl staging and concentration area, hydric soils, natural features, Natural Heritage Area, and shoreline erosion protection works. Also, the terms of Buffer Management Area and Significantly Eroding Areas require modification to be consistent with the Criteria.
Re-insert and revise the definitions as stated above for consistency with State criteria.
2. (Pages 8-9) For stormwater management and addressing the 10% Rule, the Program states that "offsets" may be used where best management practices (BMPs) do not achieve the necessary reduction in Phosphorus. Given the dense development pattern in the Town and the lack of open areas available for BMPs, it would be appropriate for the Town to specifically list the acceptable offsets, including a fee-in-lieu option.
Revisit Section III(c)(4) and insert additional language as needed to provide further guidance in regard to offsets. A specific fee-in-lieu rate may be appropriate.

3. (Page 9) For the added provision of requiring development sites to contain 15% forested or developed woodland cover, the language should match what appears in the Atlantic Coastal Bays Protection Act. Currently, it states that a 15% "vegetated cover" be provided; this may be misconstrued to mean just grass.
Revise Section III(c)(5) to incorporate the language from the Atlantic Coastal Bays Protection Act.
4. (Pages 9-10) Language regarding expansion of the Buffer for contiguous sensitive areas needs to be added to be consistent with the Criteria. While the whole Town may be a Buffer Management Area, the mitigation may be based on total Buffer impacts. An expanded Buffer would include more area and possibly need more mitigation.
Insert language from COMAR 27.01.09.01(C)(7) into Section IV.
5. (Page 10) The term "wetlands" is used in regard to the starting point for measuring the required setback. Clarification that this refers to tidal wetlands should be provided.
Provide clarification.
6. (Pages 10-11) The Program permits decks within the setback from the water. Some provision may be needed to avoid situations where the entire setback is a deck. One option may be to require a certain percentage of the setback to be vegetated (see Item 7 below).
See Item 8 below.
7. (Page 11) The Program does require the "buffer area" to be vegetated at least 15% with native plant material. It is unclear whether this refers to the setback or the 100-foot Buffer. Preferably some vegetation will be planted between the development and the water.
See Item 8 below.
8. (Page 11) Mitigation for development in the Buffer is needed (in addition to mitigation for clearing in the Buffer). For single-family dwellings, the Town's landscaping requirements (Chapter 98 of the municipal code) may be sufficient provided that full compliance occurs, including collection of fees if plants cannot fit on a particular site. It is unclear how mitigation would be handled for residential additions or accessory structures. For other types of development (such as commercial or multi-family residential), Chapter 98 seems to provide only parking lot shade trees, rather than mitigation for new impervious surfaces. Staff and the Advisory Committee have worked with Worcester County on similar issues,

including additional mitigation for development closer to the shoreline than 25 feet, to recognize the more intense uses. A square footage fee may be appropriate.

All Counties with Buffer Management or Buffer Exemption Areas require mitigation for development within the Buffer. The Ocean City Program needs to address specific mitigation for development in the Buffer comparable to other intensely developed areas such as the City of Annapolis, Baltimore City and the IDAs of Worcester County. Commission staff is available to assist Ocean City officials in addressing this aspect of the Town's Critical Area Program.

9. (Page 11) It is unclear if the fee in lieu of mitigation refers to only replacement of vegetation or whether a fee will be collected if the landscaping requirements cannot be met.
See Item 8 above.
10. (Pages 11-12) The section on Habitat Protection Areas does not include the policies and criteria for protection and conserving these areas as established in the State regulations. Necessary language can be provided to the Town.
Incorporate language from COMAR 27.01.09 that describes the policies and criteria that local jurisdictions must use in regard to Habitat Protection Areas.
11. (Page 14) The section on community piers is missing some language in regard to determining the number of slips permitted. It needs to be revised to reflect that the number of permitted slips at a community pier is the lesser of one slip per 50 feet of shoreline or the number permitted according to the table. Language should be similar to Natural Resources Article, §8-1808.5.
Insert needed language from Natural Resources Article §8-1808.5(d).
12. (Page 18) Additional clarification on enforcement may be necessary. The Program states that violations will be handled as "civil infractions." It is unclear what this means.
Language that describes specific reparations or fines may be appropriate.
13. The Program does not contain a section on Shore Erosion Control as required by COMAR 27.01.04.
Provide a section which will ensure consistency with COMAR 27.01.04.

Mr. Jesse C. Houston
March 7, 2003
Page 4

In addition to the items above, discussions between Town staff, Panel members and Commission staff in regard to condominiums and community piers revealed a difference in opinion of what constitutes a community pier. Resolving this issue now before it becomes a problem would be most appropriate. Perhaps that could be accomplished through a letter or opinion from the Town Attorney on the matter.

Natural Resources Article §8-1809(d)(3) requires the Town to submit a changed proposal within 40 days of this notice. Commission staff would appreciate the opportunity to review the changes listed above with you in person. I will contact you in the near future to set a meeting date. Thank you for your cooperation.

Sincerely,



Ren Serey
Executive Director

cc: LeeAnne Chandler
Mary Owens
Marianne D. Mason, Assistant Attorney General

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

VIA FAX

March 10, 2003

Honorable Thomas G. Duncan, President
County Council of Talbot County
Talbot County Government Building
142 N. Harrison Street
Easton, Maryland 21601

Dear Councilman Duncan:

I am writing in response to your letter of February 5, 2003 concerning the Talbot County Critical Area Program. The Critical Area Commission considered the letter and the information you provided at its meeting on that date. The Commission also appreciated discussing with Council Member Hilary Spence the progress of changes to the local Critical Area Program. Ms. Spence presented the County's requests outlined in your letter including the specific request that the Commission rescind its previous decision regarding guest houses in the Resource Conservation Area. The Commission decided to take the various matters under advisement.

At its regularly scheduled meeting on March 5, 2003 the Commission again discussed the Talbot County Program. I reported that I understood the County to be making significant progress in regard to the issues of forest mitigation, Buffer management and the permitting of certain new development in the Buffer. I suggested that the County likely would need an additional period of time to finalize these measures for submittal to the Commission as changes to the local Critical Area Program. After further discussion, the Commission voted unanimously to notify the County of the following:

- 1) The time period for submitting changes to the Talbot County Critical Area Program set out in the Commission's letter of September 23, 2002, and subsequently extended to March 24, 2003, is extended an additional 90 days to June 23, 2003.
- 2) The Critical Area Commission will work with the Maryland General Assembly's Joint Legislative Oversight Committee on the Critical Area regarding legislation to clarify the definition of *dwelling unit* relative to guest

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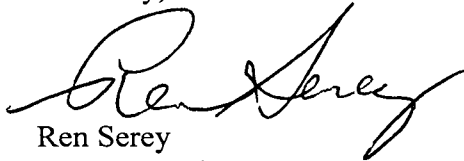
Honorable Thomas G. Duncan
March 10, 2003
Page 2

houses, accessory apartments, domestic quarters or other accessory residences.

- 3) The Critical Area Commission hopes to work with Talbot County regarding interim measures that could allow the provisions of the Commission's letter of September 23, 2002 concerning guest houses to be lifted until the General Assembly addresses the issue.

If you or the other members of the County Council have questions or need additional information, please contact me at (410) 260-3462 or by email at rserey@dnr.state.md.us. I am available to meet at your convenience and look forward to working with you and the County staff.

Sincerely,



Ren Serey
Executive Director

cc: Talbot County Council
Critical Area Commission
Marianne D. Mason, Assistant Attorney General
Michael Pullen, Talbot County Attorney

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

VIA FAX

February 25, 2003

Mr. Robert Konowal
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Richard E. Polm, 2002-0464-V

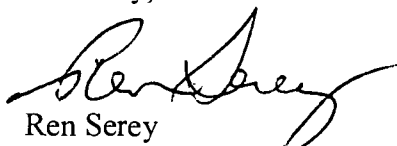
Dear Mr. Konowal:

I am writing in regard to the variance case referenced above. The applicant is seeking after-the-fact approval for the construction of a dwelling, driveway and associated impervious surfaces in Anne Arundel County's Critical Area Buffer. The need for the variance is based on construction undertaken by the applicant that was not in accordance with plans initially approved by the Administrative Hearing Officer. We understand however, that the County approved the applicant's construction plans.

If the Hearing Officer grants the variance as requested, we recommend that mitigation be required at the standard ratio of three times the amount of impervious surface within the Buffer and expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have questions or need additional information, I can be reached at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

cc: AA 214-02

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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

January 22, 2003

Honorable Hilary B. Spence
Talbot County Council
11 North Washington Street
Easton, Maryland 21601

Re: Critical Area Buffer Information

Dear Council Member Spence:

I have enclosed information on Buffer management activities from Dorchester, Calvert, Anne Arundel and St. Mary's Counties. I think I previously provided you with a copy of a more extensive generic form that we prepared for use by local governments if they choose. Two points I hope are evident from this information are that landowners in each county are asked to contact their planning offices before undertaking most types of tree removal in the Buffer, and that the various local processes are not overly complicated or time consuming.

I'll have copies of these brochures for the Council members when we meet on January 28th. Please contact me if you have questions or need additional information. You can reach me at (410) 260-3462 or by email at rserey@dnr.state.md.us.

Sincerely,

A handwritten signature in black ink that reads "Ren Serey".

Ren Serey

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Chairman



Ren Serey
Executive Director

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VIA FAX

January 17, 2003

Chairman Robert Hess
Somerset County Board of Zoning Appeals
Somerset County Office Complex, Room 111
11916 Somerset Avenue
Princess Anne, Maryland

Re: John Bunting Board of Zoning Appeals Hearing on Denial of Request to Apply for Building Permit

Dear Chairman Hess:

I am writing in regard to the John Bunting case before the Board of Zoning Appeals (Board) on Friday, January 18, 2003. As you know, we participated in the variance proceedings in February of 2001 regarding the same property. We understand that the issue to be discussed before the Board on Friday is related only to the ability of Mr. Bunting to apply for a permit related to the location/construction of a cabin on the north side of Pocomoke Sound.

Please notify us of any action taken in this regard.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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VIA FAX

January 14, 2003

Ms. Theresa Goddard
Chief of Staff, Senator Edward J. Pipkin
James Senate Office Building, Room 416
Annapolis, Maryland 21401

Re: Critical Area Commission Membership

Dear Ms. Goddard:

I have enclosed a list of the current members of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. I wanted to call your attention to the Cecil County and Queen Anne's County positions on the Commission. Our Cecil County representative, Michael Pugh, recently resigned from the Commission. Our Queen Anne's County representative, Dr. James Foor, expects to leave the Commission in the near future. As set out in Section 8-1804 of the Critical Area Act (Section 8-1801 et seq., Natural Resources Article, Annotated Code of Maryland), enclosed, the Governor appoints the members of the Commission with the advice and consent of the Senate. Members serve a term of four years and can be appointed to a second four-year term.

Sections 8-1804 (a) (1) (ii) and (iii) of the Act establish the Commission membership from the 16 counties that are part of the Critical Area and from Baltimore City. These sections must be read together to determine membership eligibility from certain counties. As you will note, one of the members from either Harford County or Cecil County must be a local elected or appointed official from that county. Our current Harford County member is the Honorable Douglas Wilson, Mayor of Aberdeen. Therefore, under paragraph (iii) the new Cecil County member will not be a local elected or appointed official, but must be a resident of the County and represent a "diverse interest." This is the same situation affecting the Queen Anne's County position on the Commission. One member from either Kent County or Queen Anne's County must be a local elected or appointed official. Our current Kent County member is the Honorable Margo Bailey,

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Ms. Theresa Goddard
January 14, 2003
Page 2

Mayor of Chestertown. Therefore, the new Queen Anne's County member will not be a local elected or appointed official, but must be a resident of the County and represent a "diverse interest." The Critical Area Act does not define a person representing a diverse interest. Our current membership under this category includes two real estate brokers, two land development consultants, an engineer, a civic association member and an estate attorney. Members in the past have included a forester, a medical doctor, and a great variety of people active in their communities.

The Commission meets on the first Wednesday of each month, usually at the Department of Housing and Community Development in Crownsville. The meetings typically start at 9:30 or 10:00 a.m. and end around 2:30 or 3:00 p.m. Lunch is provided, and although members not receive compensation for serving on the Commission, they are reimbursed for mileage and other expenses.

I hope this information is useful. If you have questions, please contact me at (410) 260-3462 or by email at rserey@dnr.state.md.us.

Sincerely,


Ren Serey
Executive Director

Critical Area Commission Membership (January 7, 2003) 29 Members

Term Expires

Judge John C. North, II, Chairman	Serves at pleasure of Governor
Honorable Barbara Samorajczyk, Anne Arundel County	2003 (eligible for reappointment)
Judith Evans, Western Shore Member-at-Large	2004 (eligible for reappointment)
Baltimore City - VACANT	2005
Edwin Gilliss, Baltimore County	2006 (eligible for reappointment)
David G. Bourdon, Calvert County	2003
Samuel Q. Johnson, Eastern Shore Member-at-Large	2003
Edwin Richards, Caroline County	2006 (eligible for reappointment)
Cecil County - VACANT	2006
David W. Cooksey, Charles County	2003
William Giese, Jr., Dorchester County	2004
Honorable Douglas S. Wilson, Harford Co.	2006 (eligible for reappointment)
Honorable Margo Bailey, Kent County	2005 (eligible for reappointment)
Samuel E. Wynkoop, Prince George's Co.	2005
Dr. James C. Foor, Queen Anne's Co.	2004
Jack Witten, St. Mary's County	2003 (eligible for reappointment)
William Rice, Somerset County	2004 (eligible for reappointment)
Paul Jones, Talbot County	2004 (eligible for reappointment)
Douglas Stephens, Wicomico County	2006 (eligible for reappointment)
Honorable Joseph A. Jackson, III, Worcester Co., Ches. Bay	2006
Honorable James Mathias, Worcester County, Coastal Bays	2006 (eligible for reappointment)
David Blazer, Worcester County, Coastal Bays	2006 (eligible for reappointment)
James McLean, Dept. Bus. & Econ. Dev.	Serves at pleasure of Secretary
Lawrence, Louise, Dept. of Agriculture	Serves at pleasure of Secretary
Gary Setzer, Dept. of the Environment	Serves at pleasure of Secretary
Lauren Wenzel, Dept. of Natural Resources	Serves at pleasure of Secretary
Robert Goodman, Dept. of Housing and Comm. Dev.	Serves at pleasure of Secretary
Meg Andrews, Dept. of Transportation	Serves at pleasure of Secretary
Larry F. Duket, Dept. of Planning	Serves at pleasure of Secretary

The Chairman serves at the pleasure of the Governor. State agency representatives serve until replaced by the Department Secretary. Other members serve a four-year term and are eligible for a second four-year term.

Effect of amendments. — Chapter 433, Acts 2002, effective June 1, 2002, inserted present (a) (2) through (4) and redesignated former (a) (2) as present (a) (5); in present (a) (5), deleted "Chesapeake Bay" preceding "Critical Area," and inserted "for the Chesapeake and Atlantic Coastal Bays"; inserted present (a)

(6) and redesignated the remaining paragraphs accordingly; inserted "or Atlantic Coastal Bays Critical Area" in present (a) (8) and (10); and inserted "or the Atlantic Coastal Bays Critical Area" in present (a) (11), (13) (i), (14) (i), and (15) (i).

§ 8-1803. Chesapeake and Atlantic Coastal Bays Critical Area Commission created; authority of Secretary.

(a) *Commission created.* — There is a Critical Area Commission for the Chesapeake and Atlantic Coastal Bays in the Department.

(b) *Authority of Secretary.* — The Secretary has no authority under Title 1 of this article:

- (1) To approve, alter, or amend the policies or programs of the Commission;
- (2) To transfer, assign, or reassign statutory functions or activities to or from the Commission; or
- (3) To adopt, approve, or revise regulations of the Commission. (1984, ch. 794; 1990, ch. 6, § 2; 1991, ch. 50, § 1; 2002, ch. 433.)

Effect of amendments. — Chapter 433, Acts 2002, effective June 1, 2002, in (a), deleted "Chesapeake Bay" preceding "Critical Area,"

and inserted "for the Chesapeake and Atlantic Coastal Bays."

§ 8-1804. Composition, compensation, terms, vacancies, and quorum of Commission.

(a) *In general.* — (1) The Commission consists of 29 voting members who are appointed by the Governor, as follows:

(i) A full-time chairman, appointed with the advice and consent of the Senate, who shall serve at the pleasure of the Governor;

(ii) 13 individuals, appointed with the advice and consent of the Senate, each of whom is a resident and an elected or appointed official of a local jurisdiction. At least 1 of these 13 individuals must be an elected or appointed official of a municipality. These individuals shall serve on the Commission only while they hold local office. Each shall be selected from certain counties or from municipalities within the counties as follows, and only after the Governor has consulted with elected county and municipal officials:

1. 1 from each of Baltimore City and Anne Arundel, Baltimore, and Prince George's counties;
2. 1 from Harford County or Cecil County;
3. 1 from Kent County or Queen Anne's County;
4. 1 from Caroline County;
5. 1 from Talbot County or Dorchester County;
6. 1 from Wicomico County or Somerset County;
7. 2 from Calvert County, Charles County, or St. Mary's County, both of whom may not be from the same county; and

8. 2 from Worcester County, 1 of whom shall be a resident of the Chesapeake Bay Watershed and the other of whom shall be a resident of the Atlantic Coastal Bays Watershed;

(iii) 8 individuals, appointed with the advice and consent of the Senate, who shall represent diverse interests, and among whom shall be a resident from each of the 5 counties that are listed and from which an appointment has not been made under paragraph (2) of this subsection and 3 of the 8 members appointed under this item shall be at large members, 1 of whom shall be a private citizen and resident of the Atlantic Coastal Bays Watershed; and

(iv) The Secretaries of Agriculture, Business and Economic Development, Housing and Community Development, the Environment, Transportation, Natural Resources, and Planning, ex officio, or the designee of the Secretaries.

(2) Of the 2 Worcester County members from the Atlantic Coastal Bays Watershed, 1 shall be the Mayor of Ocean City.

(b) *Compensation.* — A member of the Commission who does not hold another office of profit at the State or local level shall be entitled to compensation as provided in the budget. Members of the Commission shall be entitled to reimbursement for expenses as provided in the budget.

(c) *Length of terms; removal of members; filling vacancies.* — Except for the chairman and ex officio State officers or their representatives:

(1) The term of a member is 4 years;

(2) The terms of members are staggered as required by the terms provided for members of the Commission on July 1, 1984;

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies;

(4) A member who is appointed after a term is begun serves for the rest of the term and until a successor is appointed and qualifies;

(5) A member may serve no more than 2 terms; and

(6) Any member of the Commission appointed by the Governor who shall fail to attend at least 60% of the meetings of the Commission during any period of 12 consecutive months shall be considered to have resigned, and the chairman shall forward the member's name to the Governor, not later than January 15 of the year following the nonattendance with the statement of the nonattendance, and the Governor shall appoint a successor for the remainder of the term. If the member has been unable to attend meetings as required by this subtitle for reasons satisfactory to the Governor, the Governor may waive the resignation if the reasons are made public.

(d) *Vacancies other than by expiration of term.* — If a vacancy arises other than by the expiration of a term, the Governor shall appoint within 30 days, with the advice and consent of the Senate, a successor of like qualification to serve the remainder of the term.

(e) *Quorum.* — (1) A quorum of the Commission consists of 1 member more than a majority of the full authorized membership of the Commission.

(2) A quorum of a panel of the Commission consists of 3 members.

(3) The Commission or a panel of the Commission may not hold a public hearing unless a quorum is present.

(4) The Commission or a panel of the Commission may not take any official action unless:

- (i) A quorum is present; and
- (ii) A majority of the members who are present and eligible to vote concur in or vote for the action. (1984, ch. 794; 1986, ch. 601; 1987, ch. 306, § 3; ch. 311, § 1; 1989, ch. 540, § 1; 1990, ch. 6, § 2; 1992, ch. 315; 1993, ch. 5, § 1; 1995, ch. 120, § 19; 2000, ch. 61, § 7; 2002, ch. 433.)

Effect of amendments. — Chapter 433, Acts 2002, effective June 1, 2002, redesignated the former introductory language of (a) as present (a) (1) and redesignated the remaining paragraphs and subparagraphs of (a) accordingly; substituted "29 voting" for "27 voting" in present (a) (1); substituted "13 individuals" for "11 individuals" twice in the introductory language of present (a) (1) (ii); deleted "or Worcester County" from the end of present (a) (1) (ii) 4.; deleted "and" from the end of present (a) (1) (ii)

6.; added "and" to the end of present (a) (1) (ii) 7.; added (a) (1) (ii) 8. and present (a) (2); in present (a) (1) (iii), substituted "5 counties" for "6 counties," substituted "3 of the 8" for "2 of the 8," and inserted "1 of whom shall be a private citizen and resident of the Atlantic Coastal Bays Watershed"; and, in present (a) (1) (iv), substituted "Natural Resources, and Planning" for "and Natural Resources, and the Director of Planning," and deleted "or the Director" from the end.

§ 8-1805. Commission staff.

(a) *In general.* — The Commission shall have the staff provided for in the State budget.

(1) The staff assigned to the Coastal Zone Management Program in the Department shall assist the Commission in the development of regulations and the review of programs.

(2) The State departments represented on the Commission may lend staff or other assistance to the Commission.

(b) *Executive Director.* — (1) The chairman with the approval of the Commission shall appoint an Executive Director for the Commission.

(2) The Executive Director serves at the pleasure of the chairman and is entitled to the salary provided in the State budget.

(3) The Executive Director shall direct the staff of the Commission.

(c) *Assistant attorney general.* — The Attorney General shall designate an assistant attorney general to advise and represent the chairman and the Commission. (1984, ch. 794; 1990, ch. 6, § 2.)

University of Baltimore Law Forum. — For discussion of the need for and future under

the Critical Areas Legislation, see 17, No. 1 U. Balt. Law Forum 3 (1986).

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

January 9, 2003

Honorable Roy Dyson
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Proposed Bill: Powers and Duties of the Chesapeake and Atlantic Coastal
Bays Critical Area Commission

Dear Senator Dyson:

I am writing in regard to a proposed bill that, to my knowledge, originated in the Planning office in St. Mary's County. The copy of the bill I reviewed did not have a bill number, but was titled **Powers and Duties of the Chesapeake and Atlantic Coastal Bays Critical Area Commission**.

The Critical Area Commission recently completed the State-required periodic review of St. Mary's County's local Critical Area Program. The County Commissioners proposed significant changes to the local program, and the Critical Area Commission identified several other changes that it believed necessary to bring the local program into full compliance with the Critical Area Act and Criteria. Some of the Commission's changes resulted from discrepancies in the County proposals with certain of the Commission's policies and interpretations of the Criteria. Although we have not had the opportunity to meet with the current Board of Commissioners to discuss these issues, it appears the bill was drafted to limit the Critical Area Commission's ability to require specific changes in a local program.

The bill would require the Commission to develop policies and interpretations of the Criteria under the provisions of the Administrative Procedure Act, essentially turning the policies into regulations. This regulatory process would not be consistent with an Opinion of the Attorney General that states that the Commission does not have the authority to make substantive changes to the Criteria and that all such changes must be statutorily approved by the General Assembly. In addition to this statutory conflict, such a process would have two negative practical results for local governments: 1) it would considerably delay the Commission's review of local program amendments, and 2) it

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Honorable Roy Dyson
January 9, 2003
Page 2

would eliminate the flexibility local governments currently enjoy to develop innovative procedures and the Commission's flexibility to approve them.

One of the General Assembly's stated purposes in enacting the Critical Area law was

“[T]o 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.” Natural Resources Article, Section 8-1801 (b) (2) Annotated Code of Maryland.

To ensure that local programs are implemented in a consistent and uniform manner is often a difficult task. To do so while encouraging innovation and streamlining in local programs, which the Commission has always favored, requires the ability to recognize good ideas and to promote their implementation. Two of the Commission's long-standing policies illustrate these points.

Growth Allocation

The Criteria provide that local governments may intensify development in existing Resource Conservation Areas (RCA) and Limited Development Areas (LDA) by using a portion of their growth allocation reserve, which is calculated as five percent of a county's RCA. Since 1988 when local Critical Area programs began operation, counties have used approximately 4,950 acres, or 27% of their growth allocation. The Commission has approved almost all such development under its policy of encouraging local governments to save growth allocation by clustering new projects into contained development envelopes. Absent this flexible policy, local governments would have expended by this time many more thousands of acres of growth allocation to develop the same number of houses in non-clustered projects. The Commission's policy has saved local governments' growth allocation and provided better, more resource-protective development. The Commission has adapted this policy as needed over the years in response to local concerns and needs.

Development in the Critical Area Buffer

The Critical Area Criteria allow local jurisdictions to propose certain areas that were already developed prior to the law as Buffer exemption areas. The Criteria describe these areas as “portions of the Critical Area...where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling”...its functions. COMAR 27.01.09.01 C (8). The Criteria further state that local jurisdictions must propose for these areas “other measures for achieving the water quality and habitat protection objectives”...of the

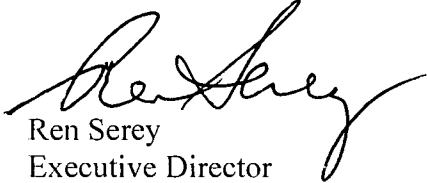
Honorable Roy Dyson
January 9, 2003
Page 3

Critical Area program. But the Criteria are not helpful in outlining these "other measures" that will achieve the program's water quality and habitat objectives, listing as examples public education and urban forestry programs.

The Commission developed Buffer Exemption Area policies to guide local jurisdictions in proposing areas for Buffer exempt status and developing the mitigation measures only alluded to in the Criteria. The policies clearly state that local jurisdictions may propose alternative measures at any time and most counties and municipalities have done so to some degree. Without the ability to revise these policies in response to new technologies and local suggestions, the Commission would have no standards for reviewing local Buffer exemption proposals.

I hope this information is useful. If you have questions, please contact me at (410) 260-3462 or by email at rserey@dnr.state.md.us.

Sincerely,



Ren Serey
Executive Director

SENATE/HOUSE BILL _____

2003 Regular Session

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Introduced and read first time: _____
Assigned to: _____

Committee Report: _____
Senate/House action: _____
Read second time: _____

CHAPTER _____

AN ACT concerning

Powers and Duties of the Chesapeake and Atlantic Coastal Bays Critical Areas Commission

FOR the purpose of requiring that the Chesapeake and Atlantic Coastal Bays Critical Areas Commission adopt all measures it seeks to enforce in the review and approval of local programs and in the review of development proposals as regulations in accordance with Title 2, Subtitle 5 and Title 10, Subtitle 1 of the State Government Article.

BY adding to
The Maryland Code
Section 8-1806 and 8-1808
Natural Resources Article
(2000 Replacement Volume and 2002 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

8-1806. Powers of the Commission.

(a) **Powers.** The Commission has all powers necessary for carrying out the purposes of this subtitle, including the following, **HOWEVER, THE COMMISSION SHALL NOT ENFORCE POLICY AS CRITERIA FOR PROGRAM DEVELOPMENT OR DEVELOPMENT REVIEW THAT HAS NOT BEEN ADOPTED PURSUANT TO TITLE 2, SUBTITLE 5 AND TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE:**

- 48 (1) To adopt regulations and criteria in accordance with Title 2, Subtitle 2 (Joint
49 Committee on Administrative, Executive and Legislative Review) and Title 10,
50 Subtitle 1 (Administrative Procedure Act) of the State Government Article;
51
52 (2) To conduct hearings in connection with policies[, proposed programs, and
53 proposed regulations] or APPROVED amendments to regulations;
54
55 (3) To contract for consultant or other services; and
56
57 (4) To establish an advisory committee, composed of members of the Commission
58 and local citizens and local stakeholder groups, to make recommendations to the
59 Commission with respect to Atlantic Coastal Bays Critical Area Programs.
60
61 (b) *Members of Commission who are Atlantic Coastal Bays Watershed residents.* - The
62 members of the commission who reside in the Atlantic Coastal Bays Watershed shall
63 serve on any committee established under subsection (a)(4) of this section.
64
65

66 **8-1808. Program Development.**
67

- 68 (a) *Local jurisdictions to implement; grants.* - (1) It is the intent of this subtitle that each
69 local jurisdiction shall have primary responsibility for developing and implementing a
70 program, subject to review and approval by the Commission.
71
72 (2) (i) The Governor shall include in the budget a sum of money to be used for
73 grants to reimburse local jurisdictions for the reasonable costs of
74 developing a program under this section.
75
76 (ii) Each local jurisdiction shall submit to the Governor by October 31, 1984 a
77 detailed request for funds that are equivalent to the additional costs
78 incurred in developing the program under this section.
79
80 (iii) The Governor shall include in the fiscal year 2003 budget a sum of money
81 to be used for grants to reimburse local jurisdictions in the Atlantic
82 Coastal Bays Critical Area for the reasonable costs of developing a
83 program under this section.
84
85 (3) The Governor shall include in the budget annually a sum of money to be used for
86 grants to assist local jurisdictions with the reasonable costs of implementing a
87 program under this section. Each local jurisdiction shall submit to the Governor
88 by May 1 of each year a detailed request for funds to assist in the implementation
89 of a program under this section.
90
91 (b) *Goals of program.* A program shall consist of those elements which are necessary or
92 appropriate:
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94 (1) To minimize adverse impacts on water quality that result from pollutants that are
95 discharged from structures or conveyances or that have run off from surrounding
96 lands;

SENATE/HOUSE BILL _____

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- (2) To conserve fish, wildlife, and plant habitat; and
- (3) To establish land use policies for development in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

(c) *Elements of Program.* - At a minimum, a program sufficient to meet the goals stated in subsection (b) of this section includes:

- (1) A map designating the critical area in a local jurisdiction;
- (2) A comprehensive zoning map for the critical area;
- (3) As necessary, new or amended provisions of the jurisdiction's:
 - (i) Subdivision regulations;
 - (ii) Comprehensive or master plan;
 - (iii) Zoning ordinances or regulations;
 - (iv) Provisions relating to enforcement; and
 - (v) Provisions as appropriate relating to grandfathering of development at the time the program is adopted or approved by the Commission;
- (4) Provisions requiring that project approvals shall be based on findings that projects are consistent with the standards stated in subsection (b) of this section;
- (5) Provisions to limit the amount of land covered by buildings, roads, parking lots, or other impervious surfaces, and to require or encourage cluster development, where necessary or appropriate;
- (6) Establishment of buffer areas along shorelines within which agriculture will be permitted only if best management practices are used, provided that structures or any other use of land which is necessary for adjacent agriculture shall also be permitted in any buffer area;
- (7) Requirements for minimum setbacks for structures and septic fields along shorelines;
- (8) Designation of shoreline areas, if any, that are suitable for parks, hiking, biking, wildlife refuges, scenic drives, public access or assembly, and water-related recreation such as boat slips, piers, and beaches;

- 144 (9) Designation of shoreline areas, if any, that are suitable for ports, marinas, and
145 industries that use water for transportation or derive economic benefits from shore
146 access;
147
- 148 (10) Provisions requiring that all harvesting of timber in the Chesapeake Bay Critical
149 Area or the Atlantic Coastal Bays Critical Area be in accordance with plans
150 approved by the district forestry board;
151
- 152 (11) Provisions establishing that the controls in a program which are designed to
153 prevent runoff of pollutants will not be required on sites where the topography
154 prevents runoff from directly or indirectly reaching tidal waters; and
155
- 156 (12) Provisions for reasonable accommodations in policies or procedures when the
157 accommodations are necessary to avoid discrimination on the basis of physical
158 disability, including provisions that authorize a local jurisdiction to require
159 removal of a structure that was installed or built to accommodate a physical
160 disability and require restoration when the accommodation permitted by this
161 paragraph is no longer necessary.
162
- 163 (d) *Criteria for program development; joint committee.* - (1) The Commission shall adopt by
164 regulation on or before December 1, 1985 criteria for program development and
165 approval, which are necessary or appropriate to achieve the standards stated in subsection
166 (b) of this section. **THE COMMISSION SHALL NOT ENFORCE POLICY AS
167 CRITERIA FOR PROGRAM DEVELOPMENT OR DEVELOPMENT REVIEW
168 THAT HAS NOT BEEN ADOPTED PURSUANT TO TITLE 2, SUBTITLE 5 AND
169 TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.** Prior to
170 developing its criteria and also prior to adopting its criteria, **OR ANY AMENDMENTS
171 THERETO**, the Commission shall hold at least 6 regional public hearings, 1 in each of
172 the following areas:
173
- 174 (i) Harford, Cecil, and Kent counties;
 - 175 (ii) Queen Anne's, Talbot, and Caroline counties;
 - 176 (iii) Dorchester, Somerset, and Wicomico counties;
 - 177 (iv) Baltimore City and Baltimore County;
 - 178 (v) Charles, Calvert, and St. Mary's counties; and
 - 179 (vi) Anne Arundel and Prince George's counties.
- 180
181
182 (2) During the hearing process, the Commission shall consult with each affected local
183 jurisdiction.
184
185
- 186 (e) *Dredging not prevented.* Nothing in this section shall impede or prevent the dredging of
187 any waterway in a critical area. However, dredging in a critical area is subject to other
188 applicable federal and State laws and regulations.
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SENATE/HOUSE BILL _____

193 (f) *Initial land classification.* In adopting the initial land classification for the Atlantic
194 Coastal Bays Critical Area, the local program:

195
196 (1) Of the Town of Ocean City shall classify as an intensely developed area that area
197 that is within the municipal boundaries of Ocean City as of January 1, 2002; and

198
199 (2) Of Worcester County shall classify as an intensely developed area that area
200 located on the western mainland that is east of Golf Course Road, south of
201 Charles Street, and north of Route 707 (Old Bridge Road).

202
203 (g) *Application.* - The provisions of this subtitle and Title 27 of the Code of Maryland
204 regulations apply to the Atlantic Coastal Bays Critical Area.

205
206
207 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect on _____
208 _____, 2003.

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

VIA FAX

January 7, 2003

Honorable Richard C. D'Amato
212 Lowe House Office Building
Annapolis, Maryland 21401

Re: Critical Area Commission Membership

Dear Delegate D'Amato:

I have enclosed a list of current members of the Critical Area Commission and the dates their individual terms expire. Although the Governor's Appointments Office maintains the official record of term-expiration dates, I believe the dates I have provided are accurate.

If you have questions or need additional information, please contact me at (410) 260-3462 or by email at rserey@dnr.state.md.us.

Sincerely,

A handwritten signature in black ink that reads "Ren Serey".

Ren Serey
Executive Director

cc: Peggy Mickler

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Critical Area Commission Membership (January 7, 2003) 29 Members

	Term Expires
Judge John C. North, II, Chairman	Serves at pleasure of Governor
Honorable Barbara Samorajczyk, Anne Arundel County	2003 (eligible for reappointment)
Judith Evans, Western Shore Member-at-Large	2004 (eligible for reappointment)
Baltimore City - VACANT	2005
Edwin Gilliss, Baltimore County	2006 (eligible for reappointment)
David G. Bourdon, Calvert County	2003
Samuel Q. Johnson, Eastern Shore Member-at-Large	2003
Edwin Richards, Caroline County	2006 (eligible for reappointment)
Cecil County - VACANT	2006
David W. Cooksey, Charles County	2003
William Giese, Jr., Dorchester County	2004
Honorable Douglas S. Wilson, Harford Co.	2006 (eligible for reappointment)
Honorable Margo Bailey, Kent County	2005 (eligible for reappointment)
Samuel E. Wynkoop, Prince George's Co.	2005
Dr. James C. Foor, Queen Anne's Co.	2004
Jack Witten, St. Mary's County	2003 (eligible for reappointment)
William Rice, Somerset County	2004 (eligible for reappointment)
Paul Jones, Talbot County	2004 (eligible for reappointment)
Douglas Stephens, Wicomico County	2006 (eligible for reappointment)
Honorable Joseph A. Jackson, III, Worcester Co., Ches. Bay	2006
Honorable James Mathias, Worcester County, Coastal Bays	2006 (eligible for reappointment)
David Blazer, Worcester County, Coastal Bays	2006 (eligible for reappointment)
James McLean, Dept. Bus. & Econ. Dev.	Serves at pleasure of Secretary
Lawrence, Louise, Dept. of Agriculture	Serves at pleasure of Secretary
Gary Setzer, Dept. of the Environment	Serves at pleasure of Secretary
Lauren Wenzel, Dept. of Natural Resources	Serves at pleasure of Secretary
Robert Goodman, Dept. of Housing and Comm. Dev.	Serves at pleasure of Secretary
Meg Andrews, Dept. of Transportation	Serves at pleasure of Secretary
Larry F. Duket, Dept. of Planning	Serves at pleasure of Secretary

The Chairman serves at the pleasure of the Governor. State agency representatives serve until replaced by the Department Secretary. Other members serve a four-year term and are eligible for a second four-year term.

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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January 2, 2003

Ms. Patricia J. Pudelkewicz
Harford County Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Flying Point Marina Master Plan

Dear Ms. Pudelkewicz:

Thank you for providing a copy of the Flying Point Marina Master Plan. I have reviewed the plan for consistency with the Harford County Critical Area Program and the Critical Area Act and Criteria. I offer the following comments for your consideration.

Redevelopment of the Intensely Developed Area (IDA)

- The Master Plan proposes significant alteration of the Flying Point Marina site and a change in use from a commercial marina and boat maintenance operation to a high density residential community centered around private boat slips. The existing IDA Critical Area designation provides for uses such as condominiums and retail sales. Both the County and State Critical Area programs encourage redevelopment of IDAs, assuming other zoning regulations are satisfied.
- The Master Plan addresses the protection of Habitat Protection Areas on the entire site, but the specific information is several years old. The County should contact the Department of Natural Resources to determine if updated information exists.
- The redevelopment outlined in the Master Plan must meet all Critical Area related provisions of the County's program including the 10% pollutant-reduction requirement for the IDA. The details of the redevelopment-related regulations are more appropriately addressed during the site plan review stage.

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

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Development of the Island

- The Master Plan proposes relocation of the marina operations office to the small island associated with the facility. The plan includes a restaurant on the second floor of the building. However, there is no discussion in the Master Plan of the County's Buffer Exemption Area requirements. One particularly important aspect of those requirements is a minimum 25-foot naturally vegetated area established between the shoreline and any new development or redevelopment.

Use of the Resource Conservation Area (RCA)

- The Master Plan discusses dredging the existing channels and marina basins and disposing of the dredged material in the RCA portion of the project site. This proposal raises significant issues concerning implementation of the County's Critical Area program. The area proposed for dredged material disposal is part of the County's designated Willoughby Woods habitat of local concern. The area is habitat for Forest Interior Dwelling Birds (FIDs) and, according to the Habitat Protection information in the Master Plan, contains nontidal wetlands and vernal pools. The Master Plan indicates that the disposal area is designed to avoid nontidal wetlands, but the vernal pools apparently have not been mapped, so it is not possible at this stage to determine if these areas are slated for disturbance.
- The Master Plan states that the disposal of dredged material within FIDs habitat satisfies the guidelines for minimization of disturbance to these habitats. It is not possible to verify this statement in the context of a Marina Master Plan. I offer the assistance of our office during the review of the site plan so that any impacts to FIDs habitat can be determined.
- In addition to the habitat concerns raised above, placement of dredged material in the Willoughby Woods Habitat Protection Area must meet the requirements of the County's Critical Area regulations for placement of such material. The Master Plan does not address how the proposal will meet the following provisions for dredged material placement:

That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a habitat protection area except as necessary for:

Backfill for permitted shore erosion protection measures;

Use in approved vegetative shore erosion projects;

Ms. Patricia J. Pudelkewicz
January 2, 2003
Page 3

Placement on previously approved channel maintenance spoil
disposal areas, and

Beach nourishment.

- The Master Plan indicates that the containment area planned for the placement of dredged material is a utility and therefore a permitted development activity in a habitat protection area. That statement is not correct. Dredged material placement is not a "road, bridge, or utility" covered under COMAR 27.01.02.04 C (1) (b) of the Criteria. The placement of dredged material is expressly covered in the Water-dependent facility section of the Critical Area Criteria as discussed above. It does not appear from the information provided in the Master Plan that the placement of dredged material at the proposed site is consistent with the County's Critical Area Program.

The Critical Area Commission is interested in the redevelopment of the Flying Point Marina. Please keep us informed regarding the status of your review.

Sincerely,



Ren Serey
Executive Director

cc: Dawnn McCleary
Regina Slinger
Claudia Jones
Marianne D. Mason, Assistant Attorney General