

Staff Correspondence: Esslinger

200-3

S1832-156-1

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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/

December 15, 2003

Ms. Karen Lee
Department of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646

RE: XPN 03-0026
Serenity Farms Inc, Parcels D, E, F

Dear Ms. Lee:

Thank you for the information regarding the subdivision of Serenity Farms to create parcels D, E, and F. Only Parcel F is within the Critical Area. I have the following comments.

There is a pond to the east of Parcel F. It is not clear if this pond is tidal; the soils information indicates tidal marsh soils. If it is tidal, a 100-foot Buffer must be shown. A portion of Parcel F would then be within this Buffer.

No information was provided as to rare, threatened, or endangered species. A copy of the Department of Natural Resources Wildlife and Heritage division letter must be received before final subdivision to ensure there are no adverse impacts to any such species.

If Parcel F is used for residential development 15% afforestation will be necessary since there is no forest within the Critical Area.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Reed Faasen
Ms. Wanda Cole
CS 893-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 12, 2003

Ms. Theresa Dent
Department of Planning and Zoning
P O Box 653
Leonardtown, Maryland 20650


RE: Ginning Resubdivision, Lots 2 and 3
#03-140-008

Dear Ms. Dent:

I have received the above referenced plan, which proposes to combine Lots 2 and 3 into Lot 500-1. Note #7 on the March 2000 plan states there are 0.61 acres of steep slopes. Note #7 on the current plan states there are 0.54 acres of steep slopes. Please verify the correct acreage for steep slopes. We recommend that the steep slopes be labeled on the current site plan, as they were on the earlier plan.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3479.

Sincerely,


Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Wanda Cole
SM634-03
671-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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September 12, 2003

Ms. Theresa Dent
Department of Planning and Zoning
P O Box 653
Leonardtown, Maryland 20650

RE: Dudczak and Johnson Properties
#03-141-049

Dear Ms. Dent:

I have received the above referenced boundary line adjustment plat. The applicants are proposing to relocate a boundary line between lots 9 and 10. This office does not oppose the request.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3479.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Wanda Cole
SM632-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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September 12, 2003

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

RE: Margaret Malkus Subdivision


Dear Mr. Dodd:

Thank you for submitting the above referenced project. The applicant is seeking approval of a 2.00 acre single lot subdivision of a 236.1 acre property, 110.34 acres which are in the Critical Area. The property is designated RCA. I have the following comments:

1. The plan indicates that 33.907 acres of the wetlands are classified as private/state. A determination needs to be made as to whether these wetlands qualify as State tidal wetlands as it may affect both the remaining density in the RCA as well as the location of the 18.00 acre reservation of development rights. State tidal wetlands cannot be included in the site acreage or set aside as a development rights reservation area.
2. The afforestation area of 0.30 acres should be shown on the plan.
3. The applicant must provide a copy of the correspondence from the Heritage Division of the Department of Natural Resources regarding rare, threatened, and endangered species habitats.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3479.

Sincerely,


Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: Ms. Wanda Cole
DC631-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 28, 2003

Ms. Patricia Farr
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21286

RE: Chesapeake Village

Dear Ms. ~~Farr~~ *Pat*:

I wanted to follow up on our phone conversation and your conversation with Mary Owens about the Chesapeake Village proposal. I appreciate the opportunity to provide comments before the project progresses.

A conditional approval will be necessary to exceed the impervious surface limit. However, there are some things that can be done to reduce the extent of the impervious surface. Do not include any existing County roads in the impervious surface calculations as they are not part of the park site. I recommend that you consider using pavers in the parking areas and using wooden walkways rather than asphalt or concrete for some of the paths. It also appears that some of the walkways could be eliminated where there are two paths providing access to the same general area. These types of changes will help show the Commission that the conditional approval request has been minimized.

Stormwater management will need to be addressed. The 10% pollutant reduction requirement applies in the IDA portion of the site. No best management practices should be in the Buffer.

We had discussed moving the amphitheater out of the Buffer to avoid a conditional approval for Buffer disturbance. We also discussed eliminating the boardwalk pavilions except where the boardwalk is 15 feet wide.

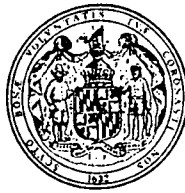
We look forward to continuing to work with you on the project.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Ms. Mary Owens
Ms. Wanda Cole
BC 279-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 19, 2003

Ms. Martha A. Delea
Assistant Attorney General, DGS
Department of General Services
300 West Preston Street, Room 210
Baltimore, Maryland 21201

Re: Bloomsbury Square
Subdivision Plat for Street Dedication and Easements

Dear Ms. Delea:

At its regularly scheduled meeting on August 6, 2003 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the above-referenced proposal submitted by the Department of General Services. The Commission's approval contained the following condition:

The actual construction or development of trails or pathways within the easements must be submitted to the Critical Area Commission for approval, and must be constructed consistent with the Commission's guidance document titled *Public Walkways*.

Thank you for your assistance in the review of this proposal. If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

Ren Serey
Executive Director

cc: Dawnn McCleary
Regina Esslinger

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 23, 2003

Ms. Elsa Ault
Charles County Dept. of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646

RE: SFD 30487
Lenhart Parcel A

Dear Ms. Ault:

Thank you for the information regarding the agricultural use of the Lenhart parcel, with the exception of a one acre building site for the proposed dwelling. The parcel has an agricultural easement which requires the site maintain that use. Therefore, I agree with your determination that the 15% afforestation requirement applies to the one-acre building site.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Wanda Cole
CS 495-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 15, 2003

Ms. Sue Veith
Department of Planning and Zoning
P.O. Box 653
Leonardtown, Maryland 20650

RE: St. Jerome's Branch
PSUB #03-120-023

Dear Ms. ^{Sue} Veith:

I have received the above referenced subdivision and growth allocation. The applicants are proposing to create ten lots on a 73.21 acre site, 55.28 acres of which are in the RCA. I have the following comments.

1. The applicant must address the growth allocation guidelines in COMAR 27.01.02.06.B regarding adjacency and the Commission's policy on growth allocation. The policy specifies the need for the parcel history as part of the application, and the applicant should address whether they intend to use the development envelope concept. It does not appear to meet the provisions for a development envelope as designed. The applicant must also address the design criteria in the County's Code under Chapter 42.9.
2. Only water-dependent facilities are permitted within the 300-foot setback if the setback is to be deducted from the growth allocation. Parking for the community pier is not water-dependent. Does the County permit both a boat ramp and a community pier?
3. The May 13, 2003 letter from DNR Heritage refers to a bald eagle's nest within 1/4 mile radius. This radius must be shown on the plan.
4. Proposed reforestation areas should be shown on the plan.

Ms. Veith
September 15, 2003
Page 2

5. The applicant should provide a breakdown that gives the allowable impervious surface on each lot as well as the overall impervious surface. Information on stormwater management and water quality must be included.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3479.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

cc: Mary Owens
Wanda Cole
SM622-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 9, 2003

Ms. Elsa Ault
Charles County Dept. of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646

RE: SFD 30487
Lenhart Parcel A

Dear Ms. ^{Elsa}Ault:

I have reviewed the site plan for the Lenhart property proposal to build a single family dwelling on 17.101 acres in the RCA. I have the following comments.

The site plan shows two tree planting areas on the east and west ends of the Buffer. As required by the Charles County Critical Area regulations, a fully forested Buffer must be established when a site is converted from agricultural use to residential use. In addition, the plat note referencing afforestation indicates 6534 square feet are required to meet the 15% afforestation requirement. Since the site is 17.101 acres, the afforestation requirement is 111, 738 square feet. The establishment of the Buffer can count towards this afforestation.

Please provide a revised site plan once you receive it. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".
Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Wanda Cole
CS 495-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 9, 2003

Mr. Reed Faasen
Charles County Dept. of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646

RE: SFD 03-0337
Coldspring Farm

Dear Mr. *Reed* Faasen:

I have reviewed the proposal to build one dwelling in the RCA on Coldspring Farm. The site is 122.33 acres, with 109.54 acres in the Critical Area. There is an existing gravel road onto the site, but the site plan does not show any existing structures. The existing gravel road will be used to access the development site, which is partially out of the Critical Area.

The attachment indicates the Buffer has been expanded for environmentally sensitive areas. From the site plan I am unable to tell if the Buffer has been properly expanded. It appears portions of the site are steep, but very little topography is shown. The site plan also shows "Intra-tidal wetlands." I am not familiar with this term; please clarify.

No information is provided on the amount of clearing proposed nor on where reforestation will occur. This should be shown on the site plan. The site plan must also include a note that states there are four development rights left in the RCA.

Please provide a revised site plan once you receive it. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: Ms. Wanda Cole
CS 475-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 9, 2003

Mr. Reed Faasen
Charles County Dept. of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646

RE: SFD 03-0513
Garlenski, Lot 1

Dear Mr. *Reed* Faasen:

I have reviewed the Garlenski subdivision proposal to create one additional lot in the RCA. The site is 61.2 acres, with approximately 8 acres in the Critical Area. There is one existing dwelling in the Critical Area. I have the following comments.

The Critical Area acreage of the proposed lot is provided, but the remaining Critical Area acreage is not provided. Based on the site plan, it appears there are approximately 8 acres total in the Critical Area. It does not appear there is sufficient acreage to allow a second dwelling in the RCA unless the applicant requests growth allocation or the parcel qualifies for an intrafamily transfer.

If the applicant is proposing an intrafamily transfer, the plat should have a note indicating to whom the lot will be transferred. If the lot qualifies for development as an intrafamily transfer or if the applicant obtains growth allocation, a letter from the Department of Natural Resources Heritage division must be obtained prior to any approvals being issued to verify there are no adverse impacts to any sensitive species. The replanting plan indicates 45 maple trees are proposed; we recommend a variety of native species be used.

Please provide a revised site plan once you receive it. Thank you for the opportunity to comment.

Sincerely,

Regina A. Esslinger
Regina A. Esslinger, Chief
Project Evaluation Division

cc: Ms. Wanda Cole
CS 496-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 9, 2003

Ms. Theresa Dent
St. Mary's County Government
Department of Land Use and Growth Management
23150 Leonard Hall Drive
PO Box 653
Leonardtown, Maryland 20650-0653

Re: **SM 469-03: MSUB # 03-110-051**
Luther Wolfe Subdivision, Lot 1

Dear Theresa,

I have reviewed the information on this project and have no comments as the subdivision will occur outside the Critical Area boundary. Thank you for the opportunity to comment.

Sincerely,

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

Wanda Diane Cole
Natural Resources Planner

WDC/jjd

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 3, 2003

Mr. Gene Piotrowski
Director, Resource Planning
Maryland Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Piotrowski: *Gene*

At the July 2, 2003 meeting, the Critical Area Commission approved the conditional approval for the North Bay camp at Elk Neck State Park with the following four conditions:

1. There shall be 17.00 acres of mitigation for impacts to steep slopes and Buffer provided on the lease site and on DNR land adjacent to the site.
2. There shall be no additional buildings with impacts to steep slopes and Buffer.
3. There shall be no runoff from any impervious areas allowed to flow over any slope greater than 15% on the northern side of the camp.
4. The approval of all stormwater management plans shall be concurrent with MDE approval.

As the Commission agreed at their June meeting, Commission staff will participate in MDE reviews of permit applications and report back to the Commission. We will continue to work with DNR and the Erickson Foundation through this process. Once all permits are in hand, DNR and Erickson must come back to the Commission for a final conditional approval.

Thank you for all of your assistance on this project. I look forward to continuing to work with you and your team as this project moves ahead.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: Mr. Ken Usab, Morris & Ritchie Associates, Inc.

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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June 27, 2003

Mr. Duncan Stuart
Baltimore City Planning Department
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Harborview Townhomes

Dear Mr. ^{Duncan:} ~~Stuart~~:

Thank you for the opportunity to comment on the above referenced plan. The applicant proposes to construct 88 new townhouses on two piers. The piers will be expanded to accommodate the development. The site is IDA and is now a parking lot. The applicant is proposing to include former dry dock 4 as part of the development site; dry dock 4 existed when the City's Critical Area Program took effect in 1988, but has long since been removed. Currently there is a marina in the vicinity of dry dock 4.

With the inclusion of dry dock 4 in the site, the post-development impervious surface is significantly reduced and therefore no best management practices are proposed to address the 10% phosphorus reduction. However, please note that the Critical Area Commission's 10% Rule guidebooks, which the City follows for project approval, state that pre-development impervious surface must be that which currently exists on site. The Commission does not count impervious surface previously removed as existing, such as the dry dock, unless there is a documented development plan that shows all pre-development conditions and all phases of proposed future development in relation to phosphorus reduction. It is my understanding there is a Harborview master plan, and this plan may provide the necessary documentation to include dry dock 4, but this office does not have a copy of the plan. Without this documentation, this office cannot support the inclusion of dry dock 4 as part of the existing impervious surface for phosphorus reduction calculations.

If the applicant wishes to go forward with the inclusion of dry dock 4, please forward the Harborview master plan for our review. Thanks for all of the additional information you've

Page Two
Mr. Stuart
June 26, 2003

provided on this application. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Dawnn McCleary
BA258-03

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 28, 2003

Mr. Kenneth M. Usab
Morris & Ritchie Associates, Inc.
406 S. Bedford Street, Suite 5
Georgetown, Delaware 19947

Dear Mr. ^{Km}Usab:

I have received your April 25, 2003 letter in which you request that the North Bay conditional approval be placed on the Commission's May 7, 2003 agenda for preliminary review before the Project Subcommittee, with a public hearing scheduled in May and a vote scheduled in June. As we discussed on Friday, as well as on April 10th and other occasions, certain information must be submitted before the application is considered complete. The required information includes all impacts to Buffers and steep slopes, all mitigation proposed, information addressing COMAR 27.02.06B and C, and the project checklist information. To date, you have not submitted the required information, and the application is not complete.

Only complete conditional approval applications are considered by the Commission. Moreover, as you and I have discussed, the applicant needs to ensure that the Commission staff receives a complete application in time for the staff to complete its required review, to prepare the staff report, and to distribute the application and staff report to Commission members. Because all of these actions occur in advance of the Commission meeting, applicants usually provide all the information at least a month prior to the next scheduled Commission meeting. You asked Commission staff to greatly compress this review time, and indicated that we could expect the application by Friday, April 25th.

When we spoke on April 25th, you said that you would get this information to me soon, most likely a few days before the May 7th meeting. Given the delay in submission of a complete application, I cannot promise you that our already compressed review time can be shortened any further. Again, before the Commission can consider a conditional approval application, or schedule a public hearing on the proposal, the application must be complete. I look forward to receiving the North Bay application.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: Mr. Gene Piotrowski, DNR
Marianne Mason, Esq., OAG
Mr. Ren Serey
26-03 DNR

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

Staff Correspondence: Jones

2003

SI 832-156-2

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 9, 2003

Mr. Jordan Loran
Chief, Eastern Region
Engineering and Construction
Department of Natural Resources
Taws State Office Building
Annapolis, MD 21401

Re: Jersey Island Bulkhead Replacement

Dear Mr. Loran:

This letter is to inform you that at their December 3, 2003 meeting the Critical Area Commission voted to approve the Jersey Island Bulkhead replacement and channel widening project as proposed and represented in my staff report of December 3, 2003 (attached).

Thank you for working with the Commission on the approval of this project.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Andrew Welch, Davis, Bowen & Friedel, Inc.



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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December 9, 2003

Mr. Josh Taylor
One Plaza East, Suite 200
P.O. Box 93
Salisbury, MD 21803-0093

Re: Johnson Creek Road Watermain Extension, Somerset County Sanitary District
DBF #044C016A

Dear Mr. Taylor,

Thank you for providing information on the above referenced watermain extension project. It appears from your description that there will be minimal impacts and that the project is consistent with the County's Critical Area Program.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: Mr. Robin Street, Somerset County Sanitary District

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 2, 2003

Ms. Tracey Gordy
Regional Planner/Circuit Rider
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Lands of TGSL, LLC, Snow Hill

Dear Tracey:

This letter is regarding the above-referenced property and the delineation of private and State wetlands as shown on a survey of the property dated 7/28/03 (attached). Based on the wetland type and topography adjacent to the property, we decided that a limited field verification of the State Wetland Maps would be the most practical way to locate the tidal wetlands on the site. The consultant placed flags marking both the shoreline and other areas where the nontidal or uplands boundary with tidal wetlands was clear and reasonably accessible. These flags were surveyed and then aligned with the State Tidal Wetland. The wetland vegetation that encompasses most of the tidal wetland is based on the Tidal Wetland maps is Type 21 (Bald Cypress Swamp) is indicative generally of primarily private wetlands. I have looked at the Tidal Wetland Maps and discussed this with Rick Ayella from the Maryland Department of Natural Resources, Tidal Wetland Division, and believe this to be adequate from a Critical Area standpoint. Please call if you have any questions. You can reach me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Ms. Kelly Brewington
Ms. LeeAnne Chandler
Mr. Spencer Rowe

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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/

November 25, 2003

Steve Layden
McCrone, Inc.
207 N. Liberty Street
Centreville, Maryland 21617

Re: Heron Point Stormwater Management

Dear Mr. Layden:

Thank you for providing additional information on how the 10% Rule will be met for the proposed development at Heron Point. Your report documenting the stormwater management is dated October 2003. It is my understanding that a pocket pond, sandfilter and a filter strip will be used to meet the stormwater management requirements in the IDA on this site. I have checked your calculations and they look good to me. Thank you for working with us to meet this requirement.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Mr. Bill Ingersoll



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 18, 2003

Mr. Jim Stasz
Environmental Planner
4th Floor Countywide Division
MNCPPC
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Betty Blume Park Stormwater Management Facility

Dear Jim:

This letter is to notify you that the Critical Area Commission (CAC) is in the process of reviewing a proposal for stormwater management for the National Harbor Project that will be located on MNCPPC property in the Betty Blume Park. The project will need to be approved by the full CAC since the project is on MNCPPC property and as such it is treated like a State project. We have tentatively scheduled the project for a vote by the CAC at its January 7, 2004.

The CAC will officially accept the project for approval once a letter is received from MNCPPC requesting that the CAC take this action. I do not foresee any problems with approval provided that adequate mitigation is provided for the forest clearing associated with the project. Please don't hesitate to contact me if you have any questions regarding this process. I may be reached at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Mr. Phil Isaja
Mr. Rick Thompson

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 8, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Thomas Mueller VAR 03-740, SO 702-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance request for our review and comment. This 0.48-acre lot is located in an LDA. An existing single-family house will be removed that currently exists in the Buffer. This house will be replaced with a new single-family house. Although the footprint of the new house will be larger than the existing house it will be under the 25% impervious surface allowed on a grandfathered lot of this size.

This office is not opposed to the issuance of this variance. The lot is constrained by its size and the area that is required for the sewage disposal. We recommend that mitigation be provided in the form of plantings on a 3:1 ratio using native woody vegetation.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 7, 2003

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Stone Container Corp. Grading Permit 03-302

Dear Mr. Lawton:

Thank you for submitting the above-referenced grading permit request to our office for review. It is my understanding that the applicant is proposing to apply three acres of dredge material to a previously existing dredge disposal site that is currently an open field. It is also my understanding that no clearing will be necessary and that there will be no Buffer impacts or impacts to other Habitat Protection Areas. Based on the above, this office has no problems with the issuance of a grading permit for this project.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 3, 2003

Mr. Jordan Loran
Chief, Eastern Region
Engineering and Construction
Department of Natural Resources
Taws State Office Building
Annapolis, MD 21401

Re: Somerset County Sanitary District -Janes Island State Park Sewer Service

Dear Mr. Loran:

This letter is to inform you that at their October 1, 2003 meeting the Critical Area Commission voted to approve the Somerset County Sanitary District - Janes Island State Park Sewer Service project with the following conditions:

- 1) That the area disturbed is restored to predisturbance conditions.
- 2) That MDE approval is received.
- 3) That there are no threatened or endangered species that will be disturbed by this project.

Please call if you have any questions regarding these conditions or any other aspect of the Commission's approval. You can reach me at 410-260-3476. Thank you for working with the Commission on the approval of this project.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Robin Street, Somerset County
Josh Taylor, Davis, Bowen & Friedel, Inc.

Robert E. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 29, 2003

Ms. Gail Webb Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Drayton Retreat Center Conditional Use 03-85, KC 682-03

Dear Ms. Owings:

Thank you for providing information on the above-referenced Conditional Use.

Currently, the Drayton Manor Property is designated RCA. This request for Conditional Use for a retreat center is in response to the proposed expansion of the Center. Since the Kent County Zoning Ordinance does not include provisions permitting the expansion of nonconforming uses within the Critical Area; the significant expansion that is proposed by the applicant requires growth allocation. Amendments to the Kent County Zoning Ordinance in 1999 established conference centers, retreats, and resorts as conditional uses in a Resource Conservation Area for which growth allocation is required.

This office has no objection to the request for Conditional Use for the Retreat Center, understanding that the Conditional Use is required before growth allocation may be granted for the expansion of the existing use of a retreat center.

For the Critical Area Commission to consider the growth allocation request, the following information will be needed.

- A letter from the Kent County Commissioners requesting approval of a specific amount of Growth Allocation from the Critical Area Commission.
 - If the new IDA is less than 20 acres in size, it must be contiguous to an existing IDA or LDA or be an existing grandfathered use that existed as of the date of local program approval. It may be possible to deduct only the development

Ms. Gail Webb Owings
September 29, 2003
Page Two

envelope of 13 acres, allowing 20 acres to remain as Resource Conservation Area if the parcel is adjacent to IDA or LDA. In this case, the development envelope shall include: all required buffers, structures, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the Criteria.

- If the parcel is not adjacent to LDA or IDA then the entire parcel would need to be deducted to meet the Commission's Growth Allocation Policy which states that new IDA's must be at least 20 acres in size unless adjacent to IDA or LDA and/or be an existing grandfathered use. If 20 acres must be deducted then the remaining 13 acres would need to be deducted as well since it is less than the 20 acre minimum needed to be classified as RCA.
- A site plan of the proposal clearly showing the area that is to be changed to IDA and any area that is to remain RCA.
- A site plan that clearly shows the Buffer and any expansion of the Buffer due to steep slopes and/or highly erodible soils. The site plan should also show forest cover and other environmental features such as tributary streams, tidal and nontidal wetlands, etc. that may exist on the property.
- A subdivision history of the parcel from December 1, 1985. If the parcel has not been subdivided since that time, a statement to that effect should be included in the submittal.
- Information regarding how the guidelines contained in COMAR 27.01.02.06 (*Location and Extent of Future Intensely Developed and Limited Development Areas*) have been addressed.
- A letter from the Maryland Department of Natural Resources, Heritage and Wildlife Division indicating if there are any threatened or endangered species that may be impacted by the proposal.

Thank you for the opportunity to provide comments. Please do not hesitate to call if you have any questions regarding these comments. You may reach me directly at 410-260-3476.

Sincerely,


Claudia Jones
Science Advisor

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 24, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Matthew and Nancy Olcott VAR 03-88; KC 672-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. It is my understanding that an existing house and septic are being replaced on this lot and that the impervious surfaces on the lot are being reduced from 39% to 33%. The lot is in a designated *modified buffer* area (Buffer Exemption Area). The replacement of the house itself will fall under review as a *modified buffer*. The existing septic system is between the house and the water. The septic system will be replaced in the same location. It is the septic system replacement that necessitates the variance. This office is not opposed to the granting of this variance.

If the variance is granted, we recommend the following condition. Mitigation should be required at the ratio of 3:1 for disturbance within the Buffer. We recommend mitigation plantings consisting of native woody vegetation. The mitigation should first be directed to non-forested areas within the Buffer, where possible, and then to other areas on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request and notify the Commission in writing of the decision made in this case. Please call if you have any questions regarding this letter. You can reach me directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 4, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Docksteader VAR 03-79, KC635-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. The applicant is requesting a variance to replace a failing septic system located within the 100-foot Critical Area Buffer. This office does not oppose this variance. If the variance is granted, we recommend that mitigation should be required at the ratio of 3:1 for disturbance within the Buffer. We recommend mitigation plantings consisting of native woody vegetation. The mitigation should first be directed to areas between the septic system and the water and then to other areas on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request and notify the Commission in writing of the decision made in this case. Please call if you have any questions regarding this letter. You can reach me directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 28, 2003

Mark Heckroth
Airports Environmental Planning
URS Corporation
4 North Park Drive
Hunt Valley, MD 21030

Re: Crisfield Airport

Dear Mr. ^{Mark} Heckroth:

I am writing you about the proposed expansion of the Crisfield Airport in Somerset County. You had a couple of questions regarding the project and the Critical Area requirements that I will try to answer. One question was about the mitigation ratios required for the tree clearing and the other dealt with conceptual approval of the long-term development plans for the airport.

On the question of tree-clearing Commission staff believe that it would be acceptable to count the tree clearing on individual residential lots as if they existed on one lot for purposes of mitigation ratio calculations. This would mean that mitigation ratios would not be increased if the clearing on one lot exceeded the 20%-30% threshold, but would be based on the entire area of forest (developed woodland) on existing residential lots. Any trees that are cut/cleared in the Buffer would still need to be replaced on a 3:1 basis in the Buffer and FID mitigation would still need to be provided for clearing in FID habitat. As we discussed before, FID mitigation needs to be replaced as FID habitat as defined in the Commission's *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.

It is possible to bring the long-term plan for the airport to the Commission for conceptual approval. To do this you will need to provide the following:

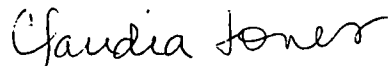
Mr. Mark Heckroth
August 28, 2003
Page Two

- a brief description of each future proposal;
- the Critical Area designation where the project will be located;
- identification of any Habitat Protection Areas (HPA) (i.e. Buffer, FID habitat, etc.) that will be impacted;
- a general description of how any HPA impacts will be mitigated and any other Critical Area requirements will be addressed. Other requirements could include tree clearing, stormwater management (including 10% Rule compliance if a project is located within the IDA).
- a general time-line for when it is anticipated that the projects would be constructed.

More detailed designs and the means of addressing required mitigation of any future projects would need to come to the Commission prior to beginning construction of a project.

I hope this answers some of your outstanding questions regarding the Critical Area requirements. Please don't hesitate to call if you have any further questions. You can reach me directly at 410-260-3476.

Sincerely,



Claudia Jones
Science Advisor

cc: Mr. Tom Lawton



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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August 15, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Ronny Carman Special Exception 03-2252

Dear Mr. Lawton:

Thank you for providing information on the above-referenced special exception request for our review and comment. The special exception request is to allow the manufacture of boats. We do not oppose the granting of a special exception for this provided that the property is granted growth allocation. New commercial facilities are not permitted in the RCA.

Growth allocation to upgrade the property to a limited development area or an intensely developed area would allow the property owner to have this type of new commercial operation in the Critical Area. It is my understanding that this is not a grandfathered lot, but that the subdivision occurred since the County's Critical Area Program was put in place. At the time of growth allocation a portion of the parent parcel will need to be restricted (if this has not already been done) to make up twenty acres when added to the lot that is to be developed as a boat-manufacturing site. This is to maintain the same one-in-twenty density that existed on the parent parcel at the inception of the County's Critical Area Program.

Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 15, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Latimer Var 03-740, SO 551-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced subdivision for our review and comment. It is our understanding from conversations with you and other county staff that this property has had a house at the location shown on the site for some time prior to the County's adoption of its Critical Area Program. We are not opposed to this variance provided that mitigation is provided for the new additions that are proposed and shown on the site plan. Mitigation should be in the form of plantings of native trees and shrubs at a ratio of 3:1 for the area disturbed. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 15, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

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Dear Mr. Lawton:

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Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 15, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Ronny Carman Special Exception 03-2252

Dear Mr. Lawton:

Thank you for providing information on the above-referenced special exception request for our review and comment. The special exception request is to allow the manufacture of boats. We do not oppose the granting of a special exception for this provided that the property is granted growth allocation. New commercial facilities are not permitted in the RCA.

Growth allocation to upgrade the property to a limited development area or an intensely developed area would allow the property owner to have this type of new commercial operation in the Critical Area. It is my understanding that this is not a grandfathered lot, but that the subdivision occurred since the County's Critical Area Program was put in place. At the time of growth allocation a portion of the parent parcel will need to be restricted (if this has not already been done) to make up twenty acres when added to the lot that is to be developed as a boat-manufacturing site. This is to maintain the same one-in-twenty density that existed on the parent parcel at the inception of the County's Critical Area Program.

Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

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Executive Director

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July 10, 2003

Ms. Holly May
Forester, Chesapeake Forest
Maryland Department of Natural Resources, Forest Service
Chesapeake Forest
6095 Sixty Foot Road
Parsonsburg, Maryland 21849

Re: Timber Harvest, Chesapeake Forest, Wetipquin Road (#3599), Wicomico County

Dear Mr. Perdue:

This letter is to inform you that the Critical Area Commission approved the proposed timber harvest in Chesapeake Forest at its monthly meeting on July 2, 2003. There is no further action required from the Commission on this proposal. Thank you for working with us on following the Critical Area requirements on State land.

As we have discussed, we need to change the Memorandum of Understanding (MOU) between the Maryland Forest Service and the Critical Area Commission so that projects such as this one will be covered under the MOU and will not require a separate Commission approval. I will be working on this in the next couple of months.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Mr. Jack Perdue



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 10, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Rock Hall Landing Condo Association – Conditional Use – 03-9, KC 500-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced conditional use. It is my understanding that a hotel burned down on this site and was replaced with townhouse condominiums on the same footprint. The purpose of this conditional use application is to formally bring the dwellings into compliance with the Rock Hall Zoning Ordinance. This office has no objections to this proposal.

Please call if you have any questions regarding this letter.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 10, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Rock Hall Landing Condo Association – Conditional Use – 03-9, KC 500-03

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Please call if you have any questions regarding this letter.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
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Executive Director

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July 9, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

Re: White's Lots, Subdivision 03-267, SO 430-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced subdivision. This office has no problems with the proposed subdivision provided that a letter from the Department of Natural Resources-Heritage and Wildlife Division does not indicate any rare, threatened or endangered species that would be impacted by this proposal. The only outstanding issue that I see is clarification on how the 15 percent forest cover per lot is going to be met. It can either be done individually for Lot 2 and Lot 3, or all of the requirement can be met on 1 lot provided that it is clearly noted on the subdivision plat where this area is and that it is to meet the requirement for both lots. According to my calculations, the 41.20 acres inside the Critical Area, equates to 6.19 acres of forest that needs to be protected.

Lot 1, which I believe was originally part of the same parcel as proposed Lots 2 and Lots 3, should be considered separately for purposes of the 15% forest coverage requirement since it is already subdivided and recorded.

Of course, as with all development in a Resource Conservation Area:

- Any trees cleared in the Critical Area should be replaced on a minimum 1:1 basis;
- Any cutting or clearing in the Buffer should be replaced on a 3:1 basis;
- Impervious surfaces are limited to 15% of the lot or parcel.

Please do not hesitate to call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2003

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

RE: City of Crisfield Buffer Exemption Areas

Dear Ms. ~~Evans~~: *Angie*

The Critical Area Commission voted on the most recently proposed Buffer Exemption Areas for the City of Crisfield at their monthly meeting on July 2, 2003. The Commission concurred with Senator Madden's determination that the designation of the new Buffer Exemption Areas be handled as a refinement to the County's Critical Area Program. Please make the changes to your official Critical Area Maps and provide us a copy for our office. Thank you.

If you have any questions, please feel free to contact me at (410) 260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Ms. Tracey Gordy



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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July 8, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Braun Subdivision, SA 03-257, SO 454-03

Dear Mr. Lawton:

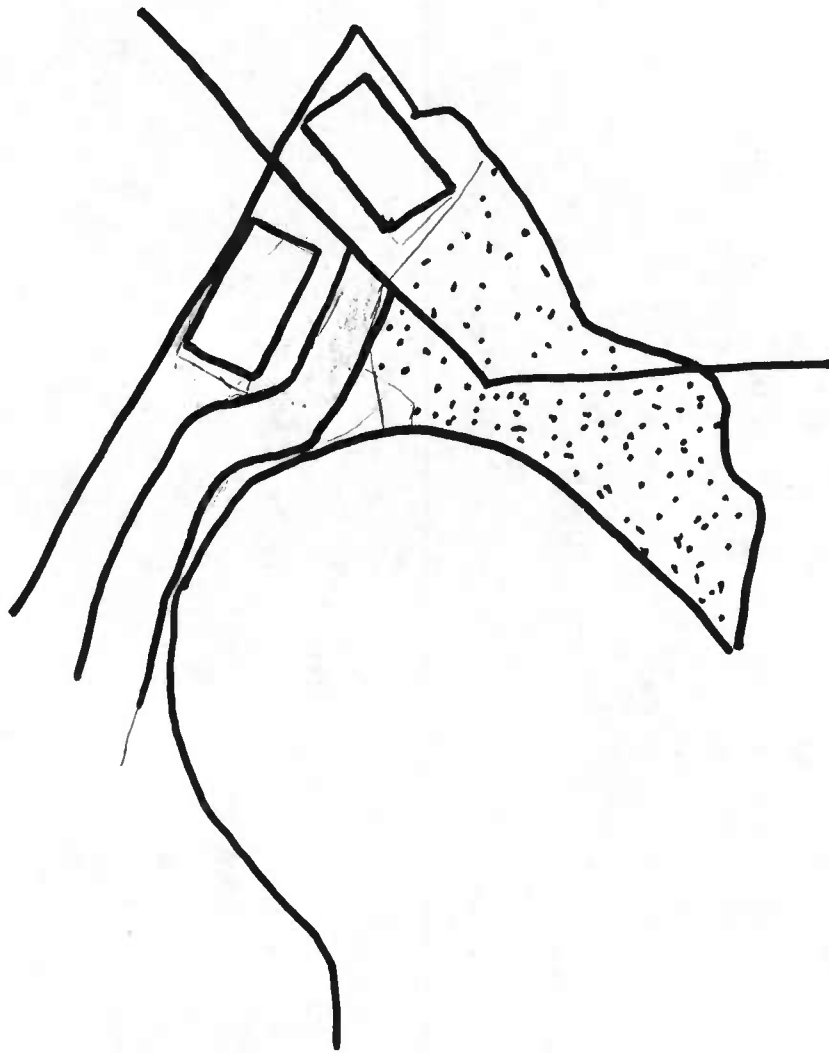
Thank you for providing information on the above-referenced subdivision for our review and comment. The property owner is proposing to reconfigure and subdivide several parcels in the LDA to create an additional lot. The current proposal shows a road cutting through the Buffer on Lot 2 to reach the buildable area of Lot 1. The only time that access through the Buffer is permitted is when there are no other alternatives for access. I realize that a substantial portion of the property is tidal wetlands, but it appears that there are alternatives that would allow the creation of the additional lot while avoiding impacts to the Buffer. I have attached a site plan with one alternative to consider.

The alternative that I provided is very rough and would have to be reconfigured to account for the correct sizes for the sewage reserve areas. Other alternatives may be possible with a different size or configuration of houses. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



BRAUN SUBDIVISION



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 23, 2003

Ms. Tracey Greene Gordy
Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury District Court//Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Hayman's Purchase, Lot 26A(Don Coffin) VAR 456-03

Dear Ms. Gordy:

Thank you for providing information on the variance request in the Town of Princess Anne. This lot has a Buffer coming from two sides due to the Manokin River and the tidal area that comes up into the middle of the property. We realize that it is not possible to construct a reasonable size house without intruding into the Buffer to some extent.

Since it is not possible to eliminate all impacts to the Critical Area Buffer, we recommend mitigation in the form of Buffer plantings at a 3:1 ratio for disturbance to the Buffer. Plantings should be native trees and shrubs and they should be located in the remaining Buffer to the extent possible.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

Ms. Tracey Greene Gordy
Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury District Court//Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Hayman's Purchase, Lot 26A(Don Coffin) VAR 456-03

Dear Ms. Gordy:

Thank you for providing information on the variance request in the Town of Princess Anne. This lot has a Buffer coming from two sides due to the Manokin River and the tidal area that comes up into the middle of the property. We realize that it is not possible to construct a reasonable size house without intruding into the Buffer to some extent.

Since it is not possible to eliminate all impacts to the Critical Area Buffer, we recommend mitigation in the form of Buffer plantings at a 3:1 ratio for disturbance to the Buffer. Plantings should be native trees and shrubs and they should be located in the remaining Buffer to the extent possible.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Robert Pollitt, SO 192-02, 02-2225

Dear Mr. Lawton:

Thank you for providing information on the above-referenced project. It is our understanding that the three micro cabins proposed will be placed outside of the 100-foot Buffer in an LDA. Any trees that are cleared for the project need to be replaced on a 1:1 basis. This office has no objection to this proposal provided that all the Critical Area requirements can be met.

If you have any questions regarding these comments please feel free to contact me at (410) 260-3476.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Ronald Carey Variance 03-737; SO 384-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance application for our review and comment. It is my understanding that there was an existing house in the Buffer at one time, but it is no longer habitable. It appears from the site plan and with county staff that options are limited for placement of a house. This office does not object to the variance for the house but cannot support a variance for the shed since it can be located outside of the Buffer. In addition, a shed would not meet the test of unwarranted hardship that is part of the variance standards. This office recommends that mitigation for any development activities and/or cutting and clearing activities in the Buffer be mitigated at a ratio of 3:1 with native woody vegetation plantings. You can reach me at 410-260-3476 if you have any questions about these comments.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Sommerset Community Services Variance; SO 371-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance application for our review and comment. It appears from the site plan and with county staff that options are limited for placement of a house and deck on this lot because of the small size and the area required for the sewage reserve. We do not object to this variance but recommend that mitigation for any development activities and/or cutting and clearing activities in the Buffer be mitigated at a ratio of 3:1 with native woody vegetation plantings. You can reach me at 410-260-3476 if you have any questions about these comments.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Theresa Lewis VAR 03-735; SO 372-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance application for our review and comment. It appears from the site plan and with county staff that options are limited for placement of a house and porch on this lot because of the small size and the area required for the sewage reserve. We do not object to this variance but recommend that mitigation for any development activities and/or cutting and clearing activities in the Buffer be mitigated at a ratio of 3:1 with native woody vegetation plantings. You can reach me at 410-260-3476 if you have any questions about these comments.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Dannenfels, Special Exception 03-2248; SO 409-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced special exception for our review and comment. It is our understanding that this special exception application is to create a "lite-fare" restaurant within an existing commercial building, that the site is already 100% impervious and that there will be no change in land cover. This office has no objection to this special exception. You can reach me at 410-260-3476 if you have any questions about these comments.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 22, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: KC 3-03, 03-134 Variance

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. The applicant is requesting a variance to replace a house that was damaged during Hurricane Isabel. The house will be located in approximately the same location as the previous dwelling. The area of the new house will be slightly larger, approximately 1100 square feet. The property is designated RCA.

This office has no objection to this variance. The lot is almost all either 100-foot Buffer, nontidal wetland and/or the 25-foot nontidal wetland buffer and the property is grandfathered under the County's Critical Area Program.

If the variance is granted, we recommend mitigation plantings consisting of native woody vegetation. The mitigation should first be directed to non-forested areas within the Buffer and then to other areas on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2003

Ms. Cathlene L. Shackelford
Project Manager
G. E. Fielder & Associates
14201 Laurel Park Drive
Suite 105
Laurel, Maryland 20707-5231

Re: MNCPP –Anacostia Trail

Dear Ms. Shackelford:

This letter serves as a follow-up to our site visit on May 8, 2003 to see the location of the proposed trail along the Anacostia. I have enclosed some information on Critical Area regulations in general, measuring the Buffer in the Critical Area, a checklist for information needed to review State projects, a State project planting agreement, a sample of a project that had to get a Conditional Approval from the Commission because of impacts in the Buffer, and a fact sheet specifically about walkways in the Critical Area.

As you will see from the Commission's Guidance paper on public walkways, the recommended width for Buffer impacts in a non-Buffer Exemption Area is six feet. This is quite a bit less than what is being proposed. The need for a larger width will need to be justified with respect to impacts to the Buffer and any other HPA's. Since the project will have extensive impacts in the Buffer a Conditional Approval will be required. A Conditional Approval is essentially the equivalent of a variance for State and local projects. The regulations require that specific questions be addressed regarding impacts and justification for those impacts. These questions are in the example of the Staff Report for one project's Conditional Approval that I have enclosed.

At some point we will need the following information as well as any other items on the Checklist that apply to this project:

- A site plan that clearly shows the Critical Area line and the Critical Area Buffer as well as a breakdown of Critical Area impacts, both temporary and permanent (clearing, grading, new impervious surfaces) and whether or not they are in the Buffer. This should

Ms. Cathlene L. Shackelford
May 22, 2003
Page Two

include a breakdown of any forest/trees that are to be cut/cleared for construction of the path and a proposal for mitigation.

- A site plan showing wetlands and any other sensitive features.
- A letter from Maryland Department of Natural Resources, Heritage Division, indicating if there are any Rare, Threatened, or Endangered Species within the area of the proposed trail or anywhere in the vicinity.
- A written description of the project and justification for location in the Buffer or impacts to any other HPA's.

Please don't hesitate to contact me if you have any additional questions. You can reach me directly at 410-260-3476.

Sincerely,

Claudia Jones
Science Advisor

cc: Rick Thompson, PG



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2003

Ms. Claudia Donegan
2605 Solomons Is. Road
Edgewater, Maryland 21037

Re: Overlook at Broad Creek

Dear Claudia:

It was good to see you, meet your beautiful daughter, and see your property yesterday morning. This letter serves as clarification of the forest interior dwelling bird (FID) issues we discussed for your property. You essentially have two options:

1. Operate under the assumption that the forest is FID habitat and mitigate accordingly.
2. Have a FID survey done to try and document that the forest is not functioning as FID habitat.

Virtually, the only differences in these two options that could result if the forest was determined not to be FID habitat, are in the acceptable location of the forest mitigation and in the possible ability to pay into a fee-in-lieu fund. Essentially, the mitigation amount will be the same, 1:1 for the forest that is cut or cleared for development. There is a minimum of 1:1 replacement for all forests in the Critical Area and there is a minimum 1:1 replacement for FID habitat that is cut or cleared, if the development plan follows the Commission's Conservation Guidance for Forest Interior Dwelling Birds (I have enclosed a copy so you will know what I am talking about. Look on page 16.)

The proposal that you have for the site follows the Guidelines in that the development is not in the interior of the forest. The mitigation would need to be forest that would function as FID habitat, if not currently, then at some foreseeable time in the future. In

Ms. Claudia Donegan
May 22, 2003
Page Two

your case, it would make the most sense to add it on to forest that is already functioning as FID habitat.

As we discussed, the decision is entirely up to you. However, as you know, Sue Ricardi heard three FIDs while we were discussing the project, so it is most likely that a survey would confirm that the forest is functioning as FID habitat. Let me know if you have any more questions. You can reach me at 410-260-3476.

Sincerely,



Claudia Jones
Science Advisor

cc: Ms. Lisa Hoerger, CAC
Ms. Lori Allen, AACP&Z



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Beatrice Harwood Variance 03-40, KC 348-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. The applicant is requesting a variance to construct a 9.5' x 21' addition within the 100-foot Critical Area Buffer. The property is designated LDA and currently has a one story dwelling, a guesthouse and a shed.

If the variance is granted, we recommend the following condition. Mitigation should be required at the ratio of 3:1 for disturbance within the Buffer. We recommend mitigation plantings consisting of native woody vegetation. The mitigation should first be directed to non-forested areas within the Buffer and then to other areas on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request and notify the Commission in writing of the decision made in this case. Please call if you have any questions regarding this letter. You can reach me directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Douglas Kiliever Subdivision. 03-41, KC 364-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced application before the Board of Appeals. The applicant wishes to subdivide a 225 acres parcel into three separate lots. Of this original parcel, 89 acres of RCA is in the Critical Area. The great majority of the activity is outside of the Critical Area. There is only a small portion of Lot 2 that goes inside the Critical Area line. The small portion of the lot that is in the Critical Area should be restricted from any development activity.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request and notify the Commission in writing of the decision made in this case. Please call if you have any questions regarding this letter. You can reach me directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Bayside Public Landing – Rock Hall

Dear Ms. Moredock:

Thank you for providing information on the above-referenced project. The Kent County Department of Parks and Recreation is proposing a boardwalk to provide access between two county-owned parcels in the Town of Rock Hall. You have provided a consistency report documenting that the project is consistent with the Rock Hall Critical Area Program. The project is in an IDA, so compliance with the 10% Rule must be provided. The project is also impacting approximately 600 square feet in the Buffer, so mitigation for Buffer impacts at a ratio of 3:1 must also be provided. This equals the equivalent of 1800 square feet of plantings.

According to your report, the Kent County Water and Soil Conservation District has taken responsibility for developing a storm water management plan, which will achieve a 10 percent pollutant loading reduction. The additional landscaping over and above that required for the 10 percent pollutant reduction may cover the additional mitigation required for Buffer impacts. This should be documented.

Thank you for the opportunity to provide comments. Please contact me if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 22, 2003

Ms. Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: B. A. Charters Corp. 03-45, KC 358-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced application before the Board of Appeals. The applicant is seeking 2 additional tie-off pilings for the Little Neck Farm community pier. The County did not issue a building permit for the pilings because it would be inconsistent with the conditions set forth in the March 31, 1993 Board of Appeals decision.

This office is in support of the decision made by the Kent County Department of Planning and Zoning on the building permit application. It is my understanding that the pier has already been given a legal nonconforming status by the Board because of the history of the subdivision prior to the April 1988 enactment of the Kent County Critical Area ordinance. The pier is nonconforming because it does not meet current regulations for determining the number of slips that are allowed at a community pier in the Critical Area. This office has not been presented with any information contrary to this opinion.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request and notify the Commission in writing of the decision made in this case. Please call if you have any questions regarding this letter. You can reach me directly at 410-260-3476.

Sincerely,

M. Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 15, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Joe Aita SO 326-03 VAR, 03-730

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance for our review and comment. It is my understanding that the applicant has applied for a variance to construct a small deck on an existing house in the Buffer. This office has no objections to this proposal since it appears that the options are limited for location of house and septic on this lot. This office does recommend mitigation plantings of native woody species at a 3:1 ratio for the disturbance that does occur in the Buffer. The plantings should occur in the Buffer. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 15, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: George Stephanson SO 325-03 VAR, 03-727

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance for our review and comment. It is my understanding that the applicant has applied for a variance to construct a small deck on an existing house in the Buffer. This office has no objections to this proposal. This office does recommend mitigation plantings of native woody species at a 3:1 ratio for the disturbance that does occur in the Buffer. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

A handwritten signature in black ink that reads "Claudia Jones".

Claudia Jones
Science Advisor

Staff Correspondence: La Branche

2003

SI 832-156-3

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 30, 2003

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

Re: Variance 04-2999 Anthony Van Wie/Van Wie Builders

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements and a variance to clear greater than 30 percent of the property to construct a single-family dwelling and garage. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received a revised site plan on December 29, 2003 for this variance request.

Providing this lot is properly grandfathered, we do not oppose a variance to develop the property. Based on the revised information provided, we have the following comments regarding the current development proposal.

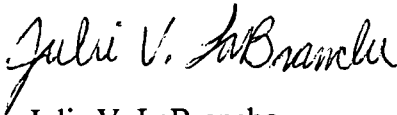
- 1) The variance request should represent the minimum necessary to provide relief. As shown on the site plan provided, it appears that clearing and disturbance to steep slopes have not been minimized to the extent possible. We understand that the applicant proposes to clear 43.8 percent (8,761 square feet) of existing forest on the property, and that a portion of the proposed clearing is located on steep slopes. It appears that the current development proposal could be modified to minimize clearing and disturbance to steep slopes. For example, the dwelling could be reconfigured (combine footprint of garage and dwelling) and shifted closer to Holiday Drive in order to maximize the setback from steep slopes on the site.
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required (Calvert County Zoning Ordinance, Article 8-1, Section 8-1.03(G)). Because the property is fully forested, mitigation alternatives will need to be addressed.

Roxana L. Whitt
Variance 03-2999 Anthony Van Wie/Van Wie Builders
December 30, 2003
Page 2

- 3) As shown on the site plan, stormwater runoff will be directed to four subsurface drywells located around the perimeter of the proposed development.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

CA 904-03, revised

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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December 24, 2003

William R. Watson
Planning and Zoning Administrator
Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Subdivision Application and Preliminary Plan
for Chesapeake Village

Dear Mr. Watson:

Thank you for providing information on the above referenced subdivision. The applicant proposes a subdivision, consisting of 231 lots and recreational facilities, which is partially within the Critical Area. The Critical Area portion of the property is a Resource Conservation Area (RCA) and is currently undeveloped, with the exception of an existing access road on the west side of MD 261.

Based on the information provided, we have the following preliminary comments regarding the current subdivision proposal.

- 1) According to information provided by the Department of Natural Resources, the project site contains two State threatened species, a federally listed species, a Natural Heritage Area, a Wetland of Special State Concern, and Forest Interior Dwelling Bird Habitat (FID) (refer to attached document for the Randle Cliff Natural Heritage Area). At this point in our review, we understand that certain development activities associated with this project could result in impacts to one or more of these species and sensitive areas. The recommendations from the Department of Natural Resources for protection and conservation of these species must be addressed by the applicant, as part of the Critical Area review of the project by the Commission and the Town.
- 2) Our review of the project for compliance with COMAR and the Chesapeake Beach Critical Area regulations (Zoning Ordinance Article IV, section 409 and Critical Area Program), revealed the following issues:
 - (a) Development is proposed on steep slopes (greater than 15 percent) within the RCA portion of the site.



- (b) Development activities are proposed within the Critical Area Buffer. On this particular site, the 100-foot Buffer must be expanded to include contiguous nontidal wetlands, the 25-foot nontidal wetland buffer, and steep slopes. The expanded Buffer is not shown on the current subdivision plan.
- (c) The proposed recreational facilities and parking area are located within the RCA. As required by COMAR 27.01.02.06, development is permitted in a Resource Conservation Area for residential uses, resource utilization activities, and water dependent facilities, including public water-oriented recreational or education areas. The athletic fields, parking area and facilities (unidentified structure adjacent to the parking area) do not appear to be permitted uses within the RCA.
- (d) The limits of disturbance for construction within the Critical Area are not shown on the current subdivision plan. As stated in the General Notes on the site plan, the applicant proposes approximately 6.36 acres of disturbance within the Critical Area (6.0 acres west of MD 261 and 0.36 acres east of MD 261). Mitigation must be provided for forest clearing within the Critical Area. We note that because the proposed forest clearing is within FID Habitat, the applicant should consult the Commission's document *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area* for this project. A mitigation plan for this project was not provided to this office for review.

Due to the scope of the subdivision proposal and the environmental constraints on the property, our comments comprise only a preliminary project evaluation. At this time, a comprehensive environmental review is warranted to evaluate the impacts of the proposed development on the project site and surrounding resources. This office recommends that the applicant coordinate further review of the project with the Town and appropriate State and/or local programs and agencies, including the Critical Area Commission.

Thank you for the opportunity to provide comments for this project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Katharine McCarthy (Department of Natural Resources)
Regina Esslinger (Critical Area Commission)
Gary Setzer (Department of the Environment)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 23, 2003

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

Re: Variance 04-3004 Victor Sackett

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance in the rear setback requirements, a variance to the side setback requirements, and a variance to increase impervious surfaces on the site to permit an existing shed. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, concrete walkways, and a concrete and gravel driveway.

Based on the information provided, we have no comments regarding the setback variances.

Based on the information provided, we oppose the variance to increase impervious surfaces on the site. We have the following comments regarding this variance request.

- 1) Lots in the Critical Area of one half acre or less in size and legally of record on or before December 1, 1985 are permitted 25 percent impervious surface coverage (Calvert County Zoning Ordinance (Article 8-1, Section 8-1.03(G))). This particular property is permitted 3,750 square feet of impervious surface coverage. As reported on the variance application, the impervious surface coverage on the property is 3,854 square feet or 25.7 percent (excluding the existing shed). According to state tax records, the property was developed in 1994, and was therefore, at the time of development, subject to the impervious surface limits within the Critical Area. Thus, the property is non-conforming with respect to impervious surface limits within the Critical Area.
- 2) As reported on the variance application, the proposed impervious surface coverage is 4,037 square feet or 26.9 percent (including the existing shed). As shown on the site plan, there appear to be several areas where existing impervious surface could be removed to bring the

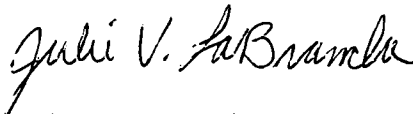
Roxana L. Whitt
Variance 04-3004 Victor Sackett
December 23, 2003
Page 2

property into compliance with the impervious surface limits **and** allow the shed to remain. For example, the driveway turn-around area could be removed, and the concrete walkways in the front, side and back yards could be removed and replaced with pervious walkways.

For these reasons, we do not support this variance to further exceed the impervious surface limits on this property. In addition, we recommend that the property be brought into conformance with the impervious surface limits (as required by the Calvert County Zoning Ordinance (Article 8-1, Section 8-1.03(G))).

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 905-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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December 23, 2003

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

Re: Variance 04-2999 Anthony Van Wie/Van Wie Builders

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements and a variance to clear greater than 30 percent of the property to construct a single-family dwelling and garage. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

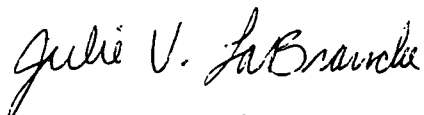
Providing this lot is properly grandfathered, we do not oppose a variance to develop the property. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The variance request should represent the minimum necessary to provide relief. As shown on the site plan provided, it appears that disturbance has not been minimized to the extent possible. We understand that the applicant proposes to clear 47 percent (8,215 square feet) of existing forest on the property. The current development proposal could be modified to minimize the amount of clearing necessary. For example, the driveway entrance could be reconfigured, the overall area of the driveway could be reduced, and the dwelling could be shifted closer to Larchmont Drive.
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required (Calvert County Zoning Ordinance, Article 8-1, Section 8-1.03(G)). Because the property is fully forested, mitigation alternatives will need to be addressed.
- 3) As shown on the site plan, stormwater runoff will be directed to four subsurface drywells located around the perimeter of the proposed development.

Roxana L. Whitt
Variance 03-2999 Anthony Van Wie/Van Wie Builders
December 23, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 904-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 23, 2003

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

Re: Variance 2002-0483, John Cheek

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, patio, two sheds, walkways, and driveway. We received revised site plans and additional information from the applicant's consultant (Mike Drum, Drum Loyka & Associates, LLC) on December 23, 2003.

We do not oppose construction of a deck on this property, however we question whether the variance request is the minimum necessary to provide relief. Based on the site plan provided, the applicant has approximately 550 square feet of outdoor recreational space, including a deck and patio area adjacent to the dwelling. It appears that the desired improvements could be accommodated by expanding the existing deck, as opposed to constructing a new deck on (nearly vertical) steep slopes within the Buffer. As shown on the site plan, the two adjacent properties have decks, but these decks are not located on steep slopes or within the 100-foot Buffer. We recommend that the applicant explore alternatives to minimize disturbance to steep slopes within the Buffer.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive.

Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum Loyka & Associates, LLC)

AA 4-03, revised

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 22, 2003

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

Re: Variance 2003-0492 St. Matthews U.M. Church

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated a Limited Development Area (LDA) and is currently developed with a church, cemetery, and parking areas.

Based on the information provided, we do not oppose this variance. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 873-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 22, 2003

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

Re: Variance 2003-0480 Edwin Campbell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a deck with less Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling. A previous variance was granted to permit an addition to the existing dwelling on this property (2001-0105-V).

Based on the information provided, we do not oppose this variance. We have the following comments regarding this variance request.

- 1) We note discrepancies in the proposed impervious surface coverage reported for the previous variance request (5,069 square feet) and the existing impervious surface coverage reported for the current variance request (5,257 square feet). In addition, the dwelling dimensions are not consistent on the site plans submitted for the previous variance (22 feet by 68 feet) and the current variance request (24 feet by 78 feet). The applicant should clarify this information.
- 2) The proposed deck should be pervious, with a gravel substrate and vegetative stabilization waterward of the structure. As stated by the applicant, the deck footers will be dug by hand.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a

Ramona Plociennik
Variance 2003-0480 Edwin Campbell
December 22, 2003
Page 2

mix of native trees and shrubs, and should be directed to non-forested areas within the Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 864-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 22, 2003

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

Re: Variance 2003-0496 Robert Lubbert

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a disturbance within the expanded Buffer (walkway, patio and retaining wall) and with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling. A previous variance was granted to develop this property (2002-0456-V). We understand that the applicant has increased the limits of disturbance and placed impervious surfaces outside and within the Buffer, beyond that which was permitted by the previous variance.

Based on the information provided, we do not oppose this variance. We have the following comments regarding this variance request.

- 1) As shown on the site plan provided for this variance, the applicant has installed pavers between the dwelling and the retaining walls. We understand that the pavers will be removed, with the exception of the walkway, and the area will be reforested.
- 2) Additional mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs, and should be directed first to non-forested areas within the Buffer.



Ramona Plociennik
Variance 2003-0496 Robert Lubbert
December 22, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 876-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 19, 2003

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

Re: Variance 2003-0487 Edward and Roberta Sabin

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We understand that a previous variance was granted for redevelopment of this property with a single-family dwelling (2002-0215-V). Based on the site plan provided for the current variance request, the only change to the redevelopment plan is the measurement for the rear setback, which changed from 100 feet to 112 feet. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 441-03



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 18, 2003

Bobbie Hutchinson
Calvert County, Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Solomons Yachting Center
(Tax Map 46A, Parcel 4)

Dear Ms. Hutchinson:

The purpose of this letter is to provide comments regarding the current redevelopment proposal for the Solomons Yachting Center. I understand that County staff met previously with the developers to discuss the project. At this meeting, County staff recommended that the developers arrange a meeting with Commission staff. On November 18, 2003, I met with Jim Underhill and Douglas Carter to discuss the current proposal. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is located within the Solomon's Town Center, and is currently developed with a commercial marina and associated facilities. The property forms a peninsula of 90 feet to 230 feet in width, bordered to the west by The Narrows and to the east and south by Back Creek. The entire parcel is located within the 100-foot Critical Area Buffer.

Based on the revised redevelopment plans provided, we have the following comments regarding the current redevelopment proposal.

- 1) The provisions of the Calvert County Zoning Ordinance for redevelopment in a Buffer Exemption Area (Article 4, Section 4-4.07(E)(3)) rely on the setback lines as defined by structures on adjacent lots or parcels. Since there are no properties adjacent to the marina property, these setback lines would not apply in this case. Rather, the 30-foot Solomons Town Center setback would apply to the expansion of existing structures, and removal and replacement of existing structures on this property. We note that if an existing structure were removed, it would not be possible to relocate the structure outside the 100-foot Buffer, since the entire parcel is within the 100-foot Buffer.

Bobbie Hutchinson
Solomons Yachting Center
December 18, 2003
Page 2

- 2) The project must demonstrate compliance with the 10% Rule for removal of pollutants from runoff in an IDA. Recently, the Commission updated their 10% Rule manuals and incorporated them into one, revised document. Enclosed are copies of the new 10% Rule worksheet (includes a revised C-value for calculations) and the pollutant removal rates for acceptable best management practices in the Critical Area. The Commission will provide a revised copy of the entire 10% Rule manual when they are available from the printers. In the meantime, please contact our office if you have questions about 10% Rule requirements for this project.
- 3) As stated in the offsetting requirements for redevelopment in a BEA (Article 4, Section 4-4.07(E)(4)), the extent of the parcel shoreward of the new development or redevelopment shall remain or shall be established in natural vegetation. As shown on the revised development plans, the developers propose to remove areas of existing impervious surface within the 30-foot setback and to establish these areas in vegetation. Pervious areas, particularly within the 30-foot setback, should be planted densely with native trees and shrubs.
- 4) Mitigation, at a ratio of 2:1, should be required for areas of impervious surface created within the Buffer Exemption Area (Article 4, Section 4-4.07(E)(4)). Mitigation plantings can be accommodated on the site or the County may collect a fees-in-lieu to satisfy the mitigation requirement.

Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Greg Bowen (Calvert County, Dept. of Planning and Zoning)

CA 847-03

Copy also
sent to
Jim Underhill

Michael S. Steele
Lt. Governor



Ren Serey
Executive Director

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December 16, 2003

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

Re: Variance 2003-0486 Stewart D. Sachs Real Estate

Dear Ms. Plociennik:

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

We have the following comments regarding the previous variance history for this property.

- 1) A previous variance to develop this property with a single-family dwelling and facilities was granted on January 21, 2003 (Case 2002-0355-V). The current variance request consists of the identical site plan and scope of variances permitted by the previous variance decision.
- 2) As part of the previous variance case, the County determined that this property was grandfathered under the Anne Arundel Critical Area program.

For these reasons, we do not oppose the current variance request. Based on the information provided, we have the following comments regarding this variance request.

- 1) As determined in the previous variance case, nearly the entire property is within the expanded Buffer, due to the presence of tidal wetlands and steep slopes.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property, but mitigation alternatives should be addressed. Plantings should consist of a mix of native trees and shrubs.

- 3) As with the previous variance request, we strongly recommend that a comprehensive stormwater management plan be developed, which provides protection of sensitive features and water quality benefits within the Critical Area. Stormwater runoff from impervious surfaces should be directed to stable, vegetated outfalls on the property, avoiding discharge near the nontidal wetlands and nontidal wetland buffer, the tributary stream and Buffer, and steep slopes. Stormwater best management practices, that promote infiltration and sheet flow through forested areas, should be utilized wherever feasible on the site. We recommend that County approval of a stormwater management plan be made a condition of this variance.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 869-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 15, 2003

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

Re: Variance 2003-0476 Jim Godey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, concrete patio, walkway, shed, and driveway.

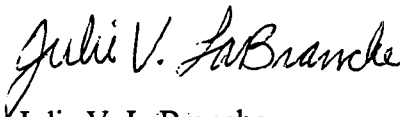
Providing this lot is properly grandfathered, we do not oppose a variance to redevelop the property. However, we would like to address several issues regarding the current development proposal.

- 1) As shown on the site plan, the existing dwelling is located outside the 100-foot Buffer. The proposed dwelling is further waterward than the existing dwelling by approximately 67 feet. As measured from the site plan, the proposed dwelling is 21 feet in width. It appears that the proposed dwelling could be located almost entirely outside the Buffer, by reducing the width approximately 1-2 feet. As a result of moving the dwelling further landward, the scope of the Buffer variance necessary could be significantly reduced or the Buffer variance could be eliminated completely.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs and directed first to non-forested areas within the Buffer.

Ramona Plociennik
Variance 2003-0476 Jim Godey
December 15, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 863-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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December 15, 2003

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

Re: Variance 2003-0493 James Schneider

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and nontidal wetland buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose a variance to develop this property. Based on the information provided, we have the following comments regarding the current development proposal.

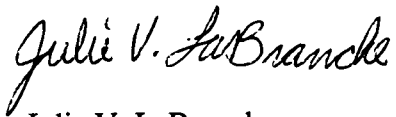
- 1) The property is severely constrained by nontidal wetlands and the nontidal wetland buffer. The dwelling and garage are located within 7 feet from nontidal wetlands, and the limits of disturbance for construction are concurrent with the nontidal wetland boundary. As an alternative to reduce the scope of the buffer variance, the proposed structures could be located at the back of the property and the driveway could be located along the eastern property boundary. Even with a longer driveway, this configuration could comply with the impervious surface limits.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Critical Area Buffer, should be required. Because the property is heavily forested, mitigation alternatives will need to be addressed.



Ramona Plociennik
Variance 2003-0493 James Schneider
December 15, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 874-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 12, 2003

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

Re: Variance 2003-0500 Robert Hyers

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, deck, walkways, retaining wall, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Portions of the proposed garage and porch are located within the expanded Buffer. Given the proximity of the dwelling to the road and the location of the well, it appears that the proposed location for these structures will result in the least disturbance to the expanded Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs and should be directed first to non-forested areas within the Buffer and expanded Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 881-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 12, 2003

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

Re: Variance 2003-0494 Monica and John Carney

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) We understand that renovation of the dwelling will be limited to the existing footprint.
- 2) Based on the information provided, it is not clear whether the proposed renovations will result in disturbance within the Buffer. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required if necessary.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 875-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 12, 2003

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

Re: Variance 2003-0488 Bethany Jarboe

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions with less setbacks than required and larger than the principal structure. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, walkways, and driveway.

Based on the information provided, we have no comments regarding these variance requests. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should be placed in the areas where existing impervious surface will be removed on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 870-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 12, 2003

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

Re: Variance 2003-0481 Bill Harris

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and shed. The property consists of Lots 6 through 14 and comprises 42,350 square feet.

We have the following comments regarding the current development proposal and variance request.

- 1) As stated by the applicant, the previous dwelling on the property was removed and a new single-family dwelling has been constructed on the property, approximately 78 feet from the shoreline. The previous dwelling was located approximately 75 feet from the shoreline. (The shoreline is estimated to be at the 2-foot contour, given that the mean high water line is not shown on the site plan.) As noted on the site plan, the approved limits of disturbance for redevelopment of the property were exceeded, and subject to enforcement action by the County, whereby the disturbed area would be "returned to its original condition as best as possible".
- 2) As noted on the site plan, the applicant proposed 8,000 square feet of clearing or 53.3 percent of the existing forested area on the site (15,000 square feet) to construct the new dwelling. We understand that mitigation is required, at a ratio of 3:1, for clearing in excess of 30 percent of the forest area on the site (Anne Arundel County Zoning Ordinance, Article 28, Section 1A-104(C)(5)). As stated on the site plan, no reforestation was proposed to mitigate

for the permitted clearing, although it appears that some mitigation plantings could be accommodated on the site.

- 3) We understand that the proposed deck, as shown on the site plan, is located at the top of steep slopes and that the deck is partially constructed. As measured from the site plan, the deck appears to be located approximately 65 feet from the shoreline and appears to extend beyond the top of steep slopes, based on the "top of slope" as noted on the site plan.

Based on the information provided, we oppose this variance request to perfect a deck on this property. It seems apparent that the previous development plan, to remove the existing dwelling and to construct a new dwelling on this property, could have included an adequate setback from steep slopes to accommodate a deck, if desired in the future, while avoiding disturbance to steep slopes (Anne Arundel County Zoning Ordinance, Article 28, Section 1A-109(C)(4)). It appears that a smaller deck could be accommodated waterward of the dwelling or the deck could be located on the either side of the dwelling with no disturbance steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Dan Gerzack (Permit Application Center)
Bob Winchester (Inspections and Enforcement)

AA 865-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 12, 2003

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

Re: Variance 2003-0490 Dennis Ritter

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with less setbacks than required and larger than the principal structure. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, and driveway. We understand that the previously existing shed was enlarged and converted into a garage, which has been constructed on the property.

Based on the information provided, we have no comments regarding these variance requests.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 871-03



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 12, 2003

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

Re: Variance 2003-0491 Brian Brushwood

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a lot with less area and width than allowed, and to permit a dwelling with less Buffer than required. The property is designated both a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently undeveloped.

We have no comments regarding the variance for lot area and width. Providing this lot is properly grandfathered, we do not oppose the Buffer variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As stated by the applicant, the total area disturbed during construction will be approximately 1,821 square feet. As shown on the site plan, the limits of disturbance are approximately 3,690 square feet.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property, between the dwelling and Arundel on the Bay Road. Plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater should be managed as to not adversely affect the tidal wetlands on the site. A best management practice, appropriate for the site conditions, should be implemented to provide water quality benefits on the site. Mitigation alternatives will need to be addressed.

Ramona Plociennik
Variance 2003-0491 Brian Brushwood
December 12, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 872-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 10, 2003

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

Re: Variance 2003-0451 Evelyn Sullivan / Patricia Good

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) without a principal structure. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a garage, carport, concrete pad, gravel driveway and concrete boat ramp.

Based on the information provided, we do not oppose this variance. Based on information provided by the County, we understand that the applicant has submitted an administrative subdivision plan for North Selby (Tax Map 60, Block 10, Parcel 27) to adjust the lot lines of eight platted lots to create four new lots. The subject of this variance request, the garage, is located on platted lot B (or Lot BR on the revised administrative subdivision plan). With the exception of a portion of the gravel driveway, the garage and all other structures on the property are located within the 100-foot Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 792-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 8, 2003

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

Re: Variance 2003-0485 Scott Bateman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a pier with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Based on the information provided, we have no comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 868-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 8, 2003

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

Re: Variance 2003-0484 Joseph Gill

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As stated by the applicant, the property has 2,180 square feet of existing impervious surface coverage. The proposed impervious surface coverage will be 2,360 square feet, just below the maximum impervious surface limit of 2,375 square feet (25 percent plus 500 square feet).
- 2) The proposed deck should be constructed to be pervious for the property to remain within the impervious surface limits. The deck should have a gravel or vegetated substrate, and vegetative stabilization on the down-slope end.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

Ramona Plociennik
Variance 2003-0484 Joseph Gill
December 9, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 867-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 8, 2003

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

Re: Variance 2003-0458 Anita Germershausen

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, guesthouse, shed, and driveway.

Based on the information provided, we oppose this variance request. We have the following comments regarding the current development proposal.

- 1) The applicant proposes to enlarge the existing primary dwelling on the property, with new impervious surface extending to within 57 feet of the shoreline of Back Creek. The total impervious surface proposed will be 6,203 square feet or 14.4 percent. This includes removal of the existing shed on the property.
- 2) As stated in the information provided with the variance request, a new septic system will also be constructed on the property. During a telephone conversation of November 24, 2003, Patrick Peck (the applicant's son) stated that perk tests had been conducted, showing that a septic system could be located most anywhere on the property. Mr. Peck also stated that a new well would be needed for use by both the new dwelling and the guest house, and that the existing driveway is located on a grassed area.
- 3) We recommend that additional information about the location of the septic system and well, and any other development proposed, be provided as part of this variance request. Given that the proposed impervious surface coverage is approximately 247 square feet below the maximum limit of 5,450 square feet or 15 percent, additional improvements such as paving of the existing driveway would exceed these limits.

Liz West
Variance 2003-0458 Anita Germershausen
December 8, 2003
Page 2

- 4) As proposed, the applicant has not minimized disturbance within the Buffer to the extent possible. Given the size of the property (0.987 acres), there appears to be adequate space on the property to accommodate development within the setback established by the existing dwelling, and to properly locate a new septic system and well. We strongly recommend that the applicant investigate alternative configurations for the proposed dwelling that minimize intrusion into the Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 796-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 8, 2003

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

Re: Variance 2003-0447 Mark Tidgewell

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, detached deck, and two driveway areas. We received revised site plans on December 6, 2003 from the applicant's consultant (Ken Smiley).

Based on the revised information provided, we do not oppose Buffer or setback variances to redevelop this property. However, we would like to address several issues regarding the current development proposal.

- 1) The applicant proposes to expand the existing dwelling to within 80 feet of the shoreline of the Chesapeake Bay. The new dwelling will be attached to an existing detached deck located within 35 feet of the shoreline. The at-grade deck is approximately 720 square feet (as measured from the site plan provided), with additional area waterward and outside the property boundary.
- 2) The maximum allowable impervious surface coverage for this property is 1,750 square feet (25 percent plus 500 square feet). The property is currently non-conforming with respect to impervious surface coverage with 2,397 square feet excluding the detached deck. The current proposal would reduce impervious surface coverage on the property to 2,318 square feet, by removing several existing concrete patios and walkways outside the Buffer (less 79 square feet). With the proposed reduction in impervious surface coverage, the property would remain non-conforming by approximately 568 square feet.

- 3) As proposed, it appears that the applicant has not minimized disturbance within the Buffer to the extent possible. We strongly recommend that the applicant investigate alternative proposals that minimize structures and impervious surface within the Buffer. While pervious, the existing deck is a structure within the Buffer. The extent of proposed impervious surface coverage and the existing deck will limit pervious areas available to treat and manage stormwater, and to accommodate mitigation plantings on the site.

To offset the larger dwelling, we recommend that the existing deck be reduced in size to 10 feet in width, as measured waterward from the proposed dwelling. In addition, the remainder of the deck should be removed, including the portion of the deck located beyond the property boundary.

- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be used to revegetate the Buffer to the extent possible on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 790-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 2, 2003

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

Re: Variance 03-2998 Richard and Laura Logan

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two retaining walls and a beach access landing within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, swimming pool, and facilities. We understand that construction of the retaining walls and beach access landing has been completed.

Based on the information provided, we oppose this variance request.

- 1) According to our records, a previous variance was granted to develop this property (Case No. 99-2593). A copy of the revised site plan for this variance was provided with the current variance request (see attached site plan). As requested by the Board of Appeals, the revised site plan included reconfigurations of the proposed development that would minimize intrusion within the Buffer and cliff setback. The revised site plan (with April 20, 2000 approval by the Calvert County Health Department) shows that the edge of the proposed pool should be located approximately 105 feet from the top of the cliff, beyond the required 100-foot cliff setback (Calvert County Zoning Ordinance Article 8, Section 8-2.02).

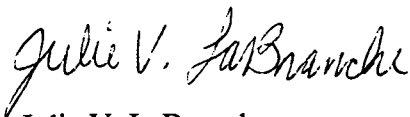
As shown on the site plan provided for the current variance request, the edge of the concrete patio surrounding the pool (patio not shown on the revised site plan for the previous variance) is located approximately 65 feet from the top of the cliff. In addition, the amount of clearing and impervious surfaces on the property appear to be greater on the current site plan as compared with the revised, and previously approved, site plan.

Roxana L. Whitt
Variance 03-2998 Richard and Laura Logan
December 2, 2003
Page 2

- 2) As stated by County staff (Roxana Whitt and John Swartz) during telephone conversations, a shed has also been placed within the Buffer near the shoreline on this property. However, the shed is not shown on the site plan provided for this variance request. As required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.01), a variance is required for all development within the 100-foot Buffer.
- 3) This office does not support the actions of the applicant in completing development within the Buffer without a variance. The applicant has provided no information to support the necessity of the retaining walls or the beach access landing constructed on the property. The topography immediately adjacent to the shoreline is relatively flat, allowing for access to the pier and shoreline area of the property. We recommend that the two retaining walls and beach landing area be removed and the area be planted in native vegetation, appropriate for existing conditions on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 815-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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December 1, 2003

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

Re: Variance 03-2983 Phillip and Anne Holmes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting variance to the Buffer requirements to construct a single-family dwelling, garage, septic system, and well. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We have no comments regarding the variance to the non-tidal wetlands buffer.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

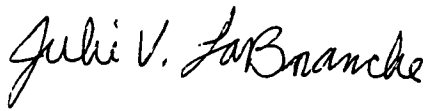
- 1) We recognize that the property is constrained by steep slopes adjacent to St. Leonard's Creek, and that the location of the dwelling is constrained by the location of the septic system.
- 2) Based on the site plan provided, it appears that the house and garage are located on steep slopes (approximately 34 percent and greater). In order to minimize disturbance to steep slopes, we recommend that the garage be eliminated or incorporated into the footprint of the proposed dwelling.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is mostly forested, mitigation alternatives will need to be addressed. We recommend that non-forested areas within the Buffer (as shown on the site plan) be planted following completion of the project.
- 4) Stormwater runoff should be directed to a stable vegetated outfall or best management practice on the site before discharging to St. Leonard's Creek.



Roxana L. Whitt
Variance 03-2983 Phillip and Anne Holmes
December 1, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 812-03, revised

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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November 25, 2003

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

Re: Variance 03-2998 Franklin and Suzanne Ward

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to the Buffer requirements, the cliff setback requirements, the steep slope requirements, and a variance to the front setback requirements to construct a retaining wall, landscaping, an enclosed front stoop, and concrete retaining wall. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and associated facilities.

Providing this lot is properly grandfathered, we do not oppose these variances. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Plantings should be accommodated on the site and consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

CA 816-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

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

Re: Variance 03-2990 Tracy and Lucimary Grimes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting variance to the steep slope requirements to construct a single-family dwelling, deck and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance.

- 1) Based on the site plan provided, it appears that the applicant has attempted to minimize disturbance on the site by proposing a modest dwelling located close to Highland Drive.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the property is mostly forested, mitigation alternatives will need to be addressed. We recommend that areas of steep slopes disturbed during construction be planted following completion of the project.
- 3) Stormwater should be directed away from steep slopes adjacent to the proposed dwelling to a stable vegetated outfall or best management practice.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

CA 813-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 25, 2003

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

Re: Variance 2003-0475 Dennis Williams

Dear Ms. Plociennik:

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

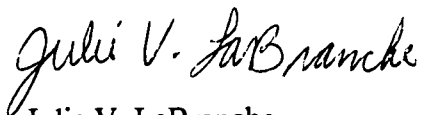
Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Recognizing that the property is severely constrained by steep slopes, it appears that the applicant has attempted to minimize disturbance on the site to the extent possible. With expansion of the Buffer for steep slopes, the entire property is contained within the expanded Buffer. A modest dwelling and a septic system are proposed in locations that would maximize setbacks from the shoreline and minimize the limits of disturbance for development of the site. The current development proposal and variance request complies with the previously granted variances for the property (BA 105-00V).
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because the site is mostly forested, mitigation alternatives will need to be addressed.
- 3) Stormwater runoff should be directed away from steep slopes to a stable vegetated outfall or a best management practice to provide water quality benefits.

Ramona Plociennik
Variance 2003-0475 Dennis Williams
November 25, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 802-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 25, 2003

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

Re: Variance 03-2983 Phillip and Anne Holmes

Dear Ms. Whitt:


Thank you for providing information on the above referenced variance. The applicant is requesting variance to the Buffer requirements to construct a single-family dwelling, garage, and septic system, and a variance to the nontidal wetlands buffer to construct a well. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We have no comments regarding the variance to the non-tidal wetlands buffer.

Providing this lot is properly grandfathered, we do not oppose the Buffer variance.

- 1) Based on the site plan provided, it appears that the applicant has attempted to minimize disturbance on the site. We recognize that the location of the dwelling is constrained by the location of the septic system and the size of the lot.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is mostly forested, mitigation alternatives will need to be addressed. We recommend that non-forested areas within the Buffer (as shown on the site plan) be planted following completion of the project.
- 3) Stormwater runoff should be directed to a stable vegetated outfall or best management practice on the site before discharging to St. Leonard's Creek.

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

Sincerely,


Julie V. LaBranche
Natural Resources Planner
CA 812-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 25, 2003

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

Re: Variance 03-2992 Carmichael Enterprises (William Glascock)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the Buffer requirements, the steep slope requirements, and to clear greater than 30 percent to construct a single-family dwelling, garage, driveway, well, and septic system within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose a variance to develop the property. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the lot is severely constrained by steep slopes, requiring that the Buffer be expanded to include most of the property. Considering these constraints, the variances should be the minimum necessary to provide relief. The applicant has not demonstrated that disturbance to the Buffer and steep slopes have been minimized to the extent possible.
- 2) Based on the site plan provided, it appears that the proposed dwelling could be located further outside the expanded Buffer by reconfiguring the septic system to take advantage of the full front yard setback. These changes could reduce, or even eliminate, disturbance to steep slopes and reduce the amount of clearing necessary to develop the property. In order to minimize disturbance, we strongly recommend that the applicant consider these alternatives.

Roxana L. Whitt
Variance 03-2992 Carmichael Enterprises (William Glascock)
November 25, 2003
Page 2

- 3) With clearing as proposed, mitigation, at a ratio of 3:1 for clearing in excess of 30 percent should be required. Because the property is fully forested, mitigation alternatives may need to be addressed. We recommend that areas adjacent to the steep slopes be planted to the extent possible.
- 4) For the purpose of minimizing disturbance to steep slopes within the Buffer, we recommend that the footers for the proposed deck and screened porch be dug by hand. The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization (densely planted) on the downslope end.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 814-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 24, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building/Grading Permits – AP 39723 Gribble

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permits. The applicant is requesting to develop Lot 22 (Tax Map 45, Parcel 86) with a single-family dwelling and associated facilities. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided and our search of the current tax records, we oppose the applicant's request to obtain permits to develop this property. As permitted by the Calvert County Zoning Ordinance (Article 4, Section 4-9.08), Lot 22 was created by intra-family transfer through the recordation of the Rousby Hall Woods subdivision plat (see attached record plat). The current tax records indicate that Joseph Gribble, the owner of Lot 22 as established through the intra-family transfer, sold the lot to RHW LLC on April 30, 2003 (see attached tax record). As required by the Calvert County Zoning Ordinance (Article 4, Section 4-9.08), a valid affidavit must be filed with the County before a lot created through intra-family transfer can be conveyed to a non-family member. At this time, we are not aware that such an affidavit has been filed with the County to allow the sale of Lot 22 to a third party.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Frank Jaklitsch (Calvert County Planning and Zoning)
Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)

CA 819-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 24, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building/Grading Permits – AP 37779 Joseph Gribble

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permits. The applicant is requesting to develop Lot 3 (Tax Map 45, Parcel 86) with a single-family dwelling and associated facilities. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We have the following revised comments regarding this request.

Based on the information provided and our search of the current tax records, we oppose the applicant's request to obtain permits to develop this property. As permitted by the Calvert County Zoning Ordinance (Article 4, Section 4-9.08), Lot 3 was created by intra-family transfer through the recordation of the Rousby Hall Woods subdivision plat (see attached record plat). The current tax records indicate that Joseph Gribble, the owner of Lot 3 as established through the intra-family transfer, sold the lot to RHW LLC on April 30, 2003 (see attached tax record). As required by the Calvert County Zoning Ordinance (Article 4, Section 4-9.08), a valid affidavit must be filed with the County before a lot created through intra-family transfer can be conveyed to a non-family member. At this time, we are not aware that such an affidavit has been filed with the County to allow the sale of Lot 3 to a third party.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Frank Jaklitsch (Calvert County Planning and Zoning)
Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)

CA 625-03-03, revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 21, 2003

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

Re: Variance 2003-0452 James Podoley

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, tennis courts, shed, and driveway.

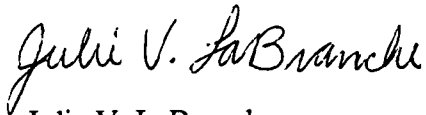
Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As reported by the applicant's consultant (Drum Loyka & Associates, LLC), the proposed dwelling addition is 860 square feet, consisting of 650 square feet of new impervious surface and 210 square feet of existing impervious surface (sidewalk). Approximately 261 square feet of existing impervious surface outside the Buffer and 389 square feet of existing impervious surface within the Buffer will be removed to offset the proposed impervious surface for the addition.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. All areas where existing impervious surface will be removed should be established in vegetation. It appears that mitigation plantings can be accommodated on the property. Plantings should be directed to non-forested areas within the Buffer, between the existing dwelling and the top of steep slopes. Plantings should consist of a mix of native trees and shrubs.

Rob Konowal
Variance 2003-0452 James Podoley
November 21, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 793-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 21, 2003

William R. Watson
Planning and Zoning Administrator
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town Hall Renovation project

Dear Mr. Watson:

The purpose of this letter is to provide a summary of my meeting of November 13, 2003 with Terry Wright (R.A. Barrett & Associates, Inc.) regarding the Town Hall Renovation project. I have summarized our review of the site plans and other project information below.

- 1) The site plan for the Town Hall renovation project has been revised since your submission of June 24, 2003 and the consultant's submission of October 27, 2003.
- 2) The revised site plans include modifications to the existing grass swales and several stormwater best management practices (BMPs), including landscape berms, raingardens, and bioretention areas. These BMPs will treat runoff from the site and reduce the amount of runoff conveyed to the existing grass swales.

Based on our discussion, I understand that BMPs will be incorporated into the site design as follows:

- The two existing grass swales will be modified to meet the current MDE stormwater design guidelines.
 - The landscape berms will be used to direct runoff from the parking area on the south side of the site to a grass swale.
 - The raingardens will treat runoff from the Town Hall.
 - The bioretention areas will be located around the perimeter of the parking areas to capture runoff from the north and south side of the site.
- 3) Appropriate vegetation must be selected for the raingardens and bioretention areas. Plantings should be selected from the native plant list (see attachment).

Critical Area Review

To complete the Town's submission for the project, the consultant will provide the following information to the Town and the Commission.

- 1) The Town's consultant will provide a revised site plan showing the location of proposed stormwater best management practices for the site.
- 2) The Town's consultant will provide revised 10% Rule calculations, which reflect the stormwater best management practices utilized in the revised site plans. The pollutant removal efficiency for (standard) grass swales will be revised to comply with the Commission's guidelines (refer to attached table for pollutant removal rates for BMPs).
- 3) A planting plan for the site, including the raingardens and bioretention areas, should be provided with the final project plans.

As stated in your letter of June 20, 2003, the Town had not completed its review of the project. Upon completion of the Critical Area review and determination that the project is in compliance with the Chesapeake Beach Critical Area Program, the Town must submit a consistency report to the Commission for the project. At this time, it appears that the project will be consistent with the Chesapeake Beach Critical Area Program, providing the revised plans and other project information are sufficient.

Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Terry Wright (R.A. Barrett & Associates, Inc.)
The Honorable Gerald Donovan (Town of Chesapeake Beach)
Regina Esslinger (Critical Area Commission)

CB 463-03 suppl.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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www.dnr.state.md.us/criticalarea/

November 21, 2003

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

Re: Variance 2003-0470 Michael Bassett

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped with the exception of a concrete pad near Nabbs Creek Road.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Much of the property is constrained by steep slopes. With expansion of the Buffer for steep slopes, much of the property is contained within the expanded Buffer. As shown on the site plan, the expanded Buffer is mostly forested.
- 2) The proposed dwelling is located on slopes of greater than 25 percent. Although areas of lesser slopes exist closer the shoreline, greater clearing within the Buffer would result from relocating the dwelling further waterward. It appears that the current proposal will result in less disturbance within the Buffer, and minimizes the overall disturbance on the site.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property adjacent to the proposed driveway. Plantings should consist of a mix of native trees and shrubs. Mitigation alternatives will need to be addressed.

Ramona Plociennik
Variance 2003-0470 Michael Bassett
November 21, 2003
Page 2

- 4) Stormwater runoff should be directed away from steep slopes to a stable vegetated outfall or a best management practice to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 801-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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www.dnr.state.md.us/criticalarea/

November 19, 2003

Eric Sennstrom
Cecil County, Office of Planning and Zoning
129 E. Main Street, Room 300
Elkton, Maryland 21921

Re: Meeting to discuss Critical Area Issues

Dear Mr. Sennstrom:

Thank you for arranging our recent meeting of November 3, 2003 with your staff, Cliff Houston, Joe Johnson and Tony DiGiacomo. We appreciate your time in discussing Critical Area issues, and feel that this was a productive meeting. The purpose of this letter is to follow up on several projects we discussed and to outline some of the issues that warrant further discussion and possible changes to Cecil County's Critical Area Program. We first discussed issues relating to two specific properties, based on inquiries presented to Commission staff.

- 1) The recent development activities and variance request for the Von Hagen raised many questions from neighboring property owners regarding local Critical Area regulations. Your staff clarified the County's interpretation of the regulations concerning construction of fences in the Buffer and reconstruction of a non-conforming structure (shed) on this property. We understand the County's position regarding these issues, and believe the project is in compliance with the County's Critical Area Program.
- 2) We recently received an inquiry from the current owner of the "Parker property", located west side of Center Road in Earleville (TM 60, Parcel 1). The current owner requested information regarding potential redevelopment and subdivision of the property and the Critical Area regulations that would apply to such activities. As you know, this property was the subject of a previous growth allocation request and contains habitat for the Puritan Tiger Beetle, a federally listed species. We discussed this issue in the context of providing better maps, showing the location of rare, threatened and endangered species within the County. We will work with the Department of Natural Resources, Wildlife and Heritage Division, and County staff to provide this information to the County.

Following, I have outlined the additional issues discussed at the meeting and possible amendments to the Critical Area provisions as part of the comprehensive review of the Cecil County Critical Area program. I have also included a summary of the follow-up actions agreed upon to address these issues.

Development and Redevelopment in the Buffer

It is our understanding that the County does not require variances for redevelopment within the Buffer when an existing dwelling or structure is removed and reconstructed or substantially renovated, providing that the new construction is completed within the footprint of the existing structure within 90 days. As stated in the Critical Area Criteria (COMAR 27.01.09.01(C)((2) and 27.01.11.01), development is prohibited in the Buffer except by variance. It is our understanding of the Cecil County Zoning Ordinance (Article XI, Part I, Section 196(1)(a)) that development within the Buffer is prohibited, and that a variance is required whenever development or development activities are proposed within the Buffer, excluding Buffer Exemption Areas where proposed development does not extend further within the Buffer than existing development.

Development or development activities (as defined in the Cecil County Zoning Ordinance Article II, Part I, Section 12) includes "any construction, reconstruction, modification, extension, or expansion of buildings or structures; grading; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land." The Cecil County Zoning Ordinance defines development, development activities, and structures in such a manner that a variance would be required in most instances where such development or development activities are proposed within the Buffer.

Steep Slopes within the Critical Area

It is our understanding that the County does not require variances for disturbance to steep slopes (15 percent or greater) within the Critical Area that are not part of an expanded Buffer. As stated in the Critical Area Criteria (COMAR 27.01.02.04(C)(6) and 27.01.11.01), disturbance to steep slopes is prohibited except by variance. It is our understanding of the Cecil County Zoning Ordinance (Article XI, Part I, Section 200) that disturbance to steep slopes is prohibited, and that a variance is required whenever disturbance is proposed to steep slopes within the Critical Area, including steep slopes within the Buffer and within Buffer Exemption Areas but excluding properties designated an Intensely Developed Area (IDA). Disturbance to steep slopes is permitted only in instances where it can be demonstrated that alteration of steep slopes is the only effective way to maintain or improve the stability of the slope. Usually disturbance to the steep slopes is only permitted without a variance when necessary to repair an existing problem, or to prevent damage to a specific property, adjacent properties, or sensitive features in the area.

County staff indicated that proposals, which include disturbance to steep slopes, are currently evaluated locally on a case-by-case basis by the Natural Resource Conservation Service and

Eric Sennstrom

Meeting to discuss Critical Area Issues

November 19, 2003

Page 3

County Public Works staff. Commission staff requested a description of how the local review process is implemented by the County and an example of the resulting recommendations in such cases where disturbance to steep slopes is proposed.

Buffer Exemption Areas (BEAs)

As part of the next comprehensive review of the Cecil County Critical Area program, the County may benefit from reviewing the status of grandfathered marinas in the Critical Area to determine whether Buffer Exemption Area designation, and perhaps growth allocation, would be appropriate for certain properties. Often, grandfathered marinas that were designated Limited Development Areas exceed impervious surface limits and often have structures located within the Buffer. Designating these marinas as BEAs and IDAs would facilitate renovations to existing structures and redevelopment of these sites in the future. I have attached the Commission's new policies for residential, and commercial and industrial development in Buffer Exemption Areas. The BEA policies can be considered in the context of the next comprehensive review of the Cecil County Critical Area program. The BEA policies expressly provide for local jurisdictions to propose alternative procedures and measures for approving development and redevelopment on BEA sites.

Follow-up Actions

- 1) We discussed possible follow-up actions by the County to address implementation of the Critical Area provisions that require variances for development within the Buffer and to steep slopes within the Critical Area. Commission staff described procedures followed by other jurisdictions in the Critical Area that allow certain variances to be processed administratively rather than through the local Board of Appeals. An administrative variance can be more efficient and cost effective for the applicant and the County, and eliminates minor variance cases from overwhelming the hearing schedule for the local Board of Appeals. County staff indicated that perhaps a trial period of one year would be appropriate to assess the effectiveness of such an administrative variance process in Cecil County.

The administrative variance process would be an acceptable option for Cecil County, providing specific provisions are developed and adopted as part of the County's Critical Area program. Commission staff are available to discuss adoption of an administrative variance procedure with County staff to facilitate resolution of these issues in a timely manner. I have attached examples of the administrative variance procedures used by Baltimore County and St. Mary's County.

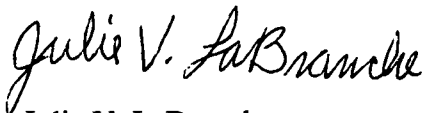
- 2) Commission staff are available to meet at your convenience to initiate the comprehensive review of the Cecil County Critical Area Program. The Critical Area Law requires that a comprehensive review of local programs occur every 6 years (Natural Resources Article, §8-

Eric Sennstrom
Meeting to discuss Critical Area Issues
November 19, 2003
Page 4

1809). The Cecil County Critical Area Program was last reviewed in 1994. Generally, a meeting is held to discuss the comprehensive review process and timeline, and any changes to the program anticipated by Commission staff or County staff.

We look forward to working with you and your staff on these issues. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Ren Serey (Critical Area Commission)
Tony DiGiacomo (Cecil County, Office of Planning and Zoning)
Cliff Houston (Cecil County, Office of Planning and Zoning)
Joe Johnson (Cecil County, Office of Planning and Zoning)

CE 11 17 03 jl

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 18, 2003

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

Re: Variance 2003-0421 Robert and Linda Burnett

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, barn, shed, several walkways, and two driveways. We received revised site plans on November 14, 2003 for this variance request.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

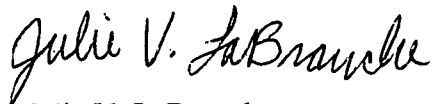
- 1) The property is currently non-conforming with respect to impervious surface coverage, with 12,435 square feet or 16.6 percent. We understand that an existing barn and shed will be removed to offset the additional impervious surface of the proposed garage.
- 2) Based on the revised site plans, a portion of the proposed garage has been relocated over the existing gravel parking area and the structure has been reduced in size from 1,200 square feet to 960 square feet. By relocating and reducing the size of the structure, disturbance to steep slopes within the Buffer have been reduced, while maintaining access to the garage from the two existing driveways.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property, including non-forested areas northeast of the dwelling and southwest of the proposed garage. Plantings should consist of a mix of native trees and shrubs.

Liz West
Variance 2003-0421 Robert and Linda Burnett
November 18, 2003
Page 2

- 4) Stormwater runoff from the garage should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes on the site to prevent erosion.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 734-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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November 17, 2003

Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0241 Elm Street Development

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwellings, roads and associated facilities with less setbacks and Buffer than required, with disturbance to steep slopes, and an extension in time for implementation and completion of the project. The property is designated a Resource Conservation Area (RCA) and is currently developed with two single-family dwellings, a boathouse, and a pier. This office received revised site plans (Ronald W. Johnson, Associates, Inc.) on November 6, 2003 and a revised Critical Area report (See Environmental Services, Inc.) on November 7, 2003. We have attached a copy of the Critical Area report with this letter.

This office does not oppose these variance requests. Based on the information provided, we would like to address several aspects of the proposed development of this site with respect to the requested variances.

- 1) The granting of variances should be the minimum necessary to provide relief. Upon detailed evaluation, this office concludes that the current development proposal does not demonstrate that the overall disturbance to the Critical area has been minimized to the extent possible on this site. The property is primarily constrained by steep slopes, requiring that the Buffer be expanded. The property is almost fully forested, with the exception of areas adjacent to the two existing dwellings, and has limited flat areas to accommodate development. As proposed, seven of the eight proposed lots in this subdivision require a variance to locate either the septic reserve area, development envelope, or both, within the expanded Buffer. Furthermore, the proposed improvements to the access road, and associated stormwater management, require variances for disturbance within the expanded Buffer, variances for disturbance to steep slopes, or both.

In this case, we feel that, with several changes to the current development proposal, the scope of variances requested could be further minimized.

- 2) As measured from the revised site plans, the development envelopes on Lots 2,3,4,6,7 and 8 have been reduced from 4,900 square feet (80 feet by 60 feet) to approximately 3,900 square feet (60 feet by 65 feet). The development envelope on Lot 5 has been reduced from 4,900 square feet (80 feet by 60 feet) to 3,800 square feet (95 feet by 40 feet). Although reduced in size, the proposed development envelopes could accommodate a dwelling that is substantial by any development standards.
- 3) We recommend that a more creative approach be taken to accommodate the desired living space, while working with the site constraints and complying with development requirements to the extent possible. For both Lots 5 and 6, a lesser development envelope would provide for reasonable use of both lots, while reducing clearing and impervious surface coverage within the Buffer. In addition, it appears that the development envelope for Lot 8 could be reconfigured to maximize use of the front yard setback along Epping Forest Road and provide the same development envelope outside the Buffer (refer attached copy of the site plan).
- 4) The revised Critical Area report states on page 3, paragraph E, that the development envelope shown on each lot "is larger than the size of the house model to allow for a realistic area for possible additions, pools, etc.". This office does not support the siting of accessory structures such as sheds, garages, patios, or swimming pools within the Buffer.
- 5) As shown on the site plans, a stormwater management facility for the road is located within the Buffer. Forest clearing is proposed within the Buffer for construction of this facility. Individual stormwater management devices are located within the Buffer on Lots 5 and 8. Grading is proposed within the Buffer for construction of these devices on Lots 5 and 8. To demonstrate that disturbance has been minimized, these stormwater facilities should be relocated outside the Buffer.
- 6) As stated on page 5 of the revised Critical Area report, we understand that the applicant has proposed the use of individual biological treatment systems for each of the eight lots in the subdivision. Given their proximity to the shoreline and the presence of steep slopes on each of the waterfront lots, we concur with the applicant's approach to provide improved water quality protection within the Critical Area.
- 7) As stated on page 2 of the Forest Interior Dwelling Bird (FID) report (Ronald W. Johnson, associates, Inc.), seven species of Forest Interior Dwelling Birds were detected on the site, during surveys conducted by Sue Ricciardi.
- 8) This office maintains that construction of individual piers for each riparian lot would further increase disturbance to steep slopes within the Buffer and to FID habitat associated with

development of the this site. The overall disturbance associate with private piers within the Critical Area could be substantially avoided with use of shared piers for this site.

If granted, we recommend the following be made conditions of these variances.

- 1) We recommend that all impervious surfaces, within any portion of an approved development envelope that is located within the Buffer, be limited to the primary dwelling on the lot. Sufficient area should be provided so that individual decks, if desired, can be constructed to further minimize Buffer and steep slope impacts. We also recommend that accessory structures such as sheds, detached garages, patios, or swimming pools, be located outside the Buffer and within the defined develop envelope.
- 2) We recommend limiting the number of piers to three, which would be shared by the riparian lots in the subdivision. We recommend that all construction equipment for piers be transported to the sites by water to avoid disturbance to the Buffer.
- 3) We recommend that the stormwater facilities for the road and for Lots 5 and 8 be located outside the Buffer.
- 4) The applicant should provide FID mitigation for impacts to FID habitat, at a ratio of 1:1 for any forest clearing on the site both within and outside the Buffer. The applicant should provide additional forest mitigation at a ratio of 2:1 for disturbance within the Buffer. It is preferable if all of the forest mitigation for the project is located in the same area.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 446-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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November 17, 2003

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

Re: Variance 2003-0449 Converse Builders & Developers

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As shown on the site plan, a stormwater outfall is proposed from the dwelling to Asquith Lane, impacting steep slopes within the Critical Area. As stated on the site plan, the proposed outfall will discharge to an existing rip-rap channel along Asquith Lane and that the rip-rap channel discharges directly to wetlands and Asquith Creek. If possible, we recommend that the proposed stormwater outfall be eliminated from the current development plan and be replaced with several best management practices to manage and treat stormwater runoff on the site.

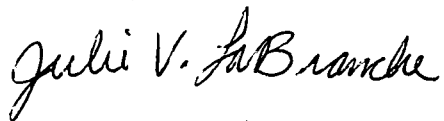
We strongly recommend that the applicant consider alternative methods to management stormwater runoff resulting from development of the property. For example, several bioretention areas could be constructed and runoff from the driveway could sheet flow to densely planted vegetation.

- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

Ramona Plociennik
Variance 2003-0449 Converse Builders & Developers
November 17, 2003
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 791-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 17, 2003

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

Re: Variance 2003-0445 Matt Shanley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) In order to prevent disturbance to the nontidal wetland buffer, we recommend that the extent of the nontidal wetland buffer be marked on the site prior to installation of the silt fence.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. As shown on the site plan, the applicant proposes 6,000 square feet of reforestation on site to satisfy a portion of the required mitigation. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 789-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 14, 2003

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

Re: Variance 2003-0442 Judy Lyman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

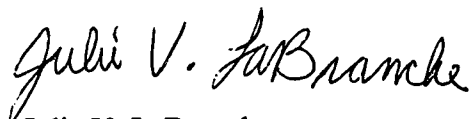
We have no comments regarding this setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the proposed dwelling is located no further waterward than the existing dwelling on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. For example, plantings, consisting of a mix of native trees and shrubs, could be accommodated waterward of the dwelling and adjacent to the driveway.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site. Outfalls should be located as far from steep slopes on the property as possible.
- 4) Because this property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

Ramona Plociennik
Variance 2003-0442 Judy Lyman
November 14, 2003
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 783-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 13, 2003

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

Re: Variance 2003-0469 Judy Smith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, deck, carport, and driveway.

We have no comments regarding the setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant reduction from runoff can be achieved through the implementation of a best management practice or with plantings.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 800-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 13, 2003

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

Re: Variance 2003-0460 Christina Richardson

Dear Ms. Plociennik:

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. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling and driveway.

We have no comments regarding the setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant reduction from runoff can be achieved through the implementation of a best management practice or with plantings.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive.
Julie V. LaBranche
Natural Resources Planner

AA 797-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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November 13, 2003

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

Re: Variance 2003-0462 Richard Johnson

Dear Ms. Plociennik:

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. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

We have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 798-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 13, 2003

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

Re: Variance 2003-0455 Karen Ciffolilli

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 795-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 13, 2003

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

Re: Variance 2003-0453 Hillsmere Shores Improvement Association

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension of time for the implementation of a previously approved variance. The property is designated a Limited Development Area (LDA), a Buffer Exemption Area (BEA), and is developed with a community marina and associated parking.

The applicant was granted a previous variance (Case Number 2002-0302-V) to add 30 additional slips to the existing community marina. Based on the information provided, we do not oppose this variance. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 473-02 extension

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 13, 2003

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

Re: Variance 2003-0434 John and Nana Dealy

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, guesthouse, barn, tennis court, gazebo, swimming pool, patio, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) It appears that the applicant has attempted to minimize disturbance within the Buffer by locating a portion of the proposed dwelling addition over an existing impervious patio and partially outside the 100-foot Buffer. We understand that the proposed dwelling addition will be located no closer to the water than existing impervious surfaces on the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be directed first to nonforested areas between the dwelling and the shoreline and then to other areas of the property.
- 3) Due to the proximity of existing structures to the shoreline, stormwater runoff should be directed to densely vegetated areas or a best management practice to facilitate infiltration and to provide water quality benefits on the site.



Ramona Plociennik
Variance 2003-0434 John and Nana Dealy
November 13, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 778-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0430 Chuck Converse

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to permit a public utility. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with the remains of a restaurant that was severely damaged by fire.

Based on the information provided, we have no comments regarding this request for a special exception.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 776-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 12, 2003

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

Re: Variance 2003-0438 Kevin Howard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be directed first to nonforested areas between the dwelling and the shoreline and then to other areas of the property.
- 2) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes near the shoreline.
- 3) Because the property is designated an IDA, water quality improvements must be provided on the site: Pollutant reductions from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 780-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 12, 2003

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

Re: Variance 2003-0431 Perry Huntley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we do not oppose a variance to construct a new dwelling on the property. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As measured from the site plan, the proposed dwelling will be approximately 8 feet closer to the shoreline than the existing dwelling. Since the proposed dwelling is smaller than the existing dwelling, it appears that the proposed dwelling and driveway could be accommodated on the lot without extending further waterward than the footprint of the existing dwelling. Thus, the denial of this variance would not result in a hardship to the property owner nor would it prevent the applicant from enjoying reasonable use of the property. We strongly recommend that the applicant consider this alternative.

If a variance is granted we recommend the following:

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be directed to nonforested areas between the dwelling and the shoreline and adjacent to the driveway.

- 2) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes near the shoreline.
- 3) Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant reductions from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 777-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0440 George Bell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we do not oppose expansion of the existing dwelling on the property. However, a Buffer variance should not be necessary in this case. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As shown on the site plan, a portion of the proposed addition is further waterward than the existing dwelling by approximately 12 feet. It appears that the addition could be reconfigured to eliminate the need for a Buffer variance. For example, the addition could be shifted closer to Choptank Road and a portion of the addition could be relocated over the existing driveway.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. And should be first directed to non-forested areas within the Buffer.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site. Outfalls should be located as far from steep slopes on the property as possible.

Ramona Plociennik
Variance 2003-0440 George Bell
November 12, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 782-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0427 Orlando Phillips

Dear Ms. Plociennik:

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. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling.

We have no comments regarding the setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that the proposed addition is confined within the footprint of the existing dwelling, resulting in no increase in impervious surface coverage on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property, particularly the non-forested areas between the dwelling and the shoreline.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 774-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0439 Don and Lori Hutcheson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. 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 a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) It appears that the applicant has attempted to minimize disturbance to steep slopes by locating the proposed front yard addition partially over an existing impervious patio. We understand that no clearing is necessary for construction of both the proposed front yard and side yard additions.
- 2) The proposed deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 781-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0444 Andrew Dyer

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling.

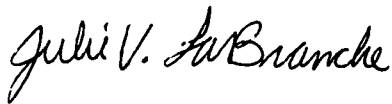
Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As shown on the site plan provided, the existing dwelling is located within 59 feet of the shoreline at its nearest point. The proposed overhang of the roofline extends to within 56 feet of the shoreline. There appears to be sufficient area on the property to accommodate the new dwelling while maintaining the setback from the shoreline as established by the existing dwelling. Thus, we recommend that all new construction should be located no further waterward than the existing dwelling on the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be directed first to nonforested areas between the dwelling and the shoreline and then to other areas of the property.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site.

Ramona Plociennik
Variance 2003-0444 Andrew Dyer
November 12, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 773-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0428 Mark and Katie Milleker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (carport) with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, carport and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that reconstruction and enlargement of the (previously existing) carport has been completed, including replacement of the foundation, roof, and interior improvements. The current variance request appears to be the minimum relief to restore use of the structure. Based on the narrative provided with this variance request, it appears that the applicant has been working with the County to acquire approval for these improvements to the carport for some time.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 775-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0436 Gary Allanson

Dear Ms. Plociennik:

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. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, deck, shed, and driveway.

We have no comments regarding the setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that a portion of the proposed addition will be located over the existing gravel driveway, and that a portion of the existing driveway and the existing shed will be removed to offset the proposed impervious surface. There will be no increase in impervious surface coverage on the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property, particularly where the shed will be removed and other nonforested areas within the Buffer. Plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

AA 460-02

TTY For the Deaf

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



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0437 Erick Parr

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property, particularly areas where the existing driveway will be removed.
- 2) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 779-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0442 Judy Lyman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

We have no comments regarding this setback variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the proposed dwelling is located no further waterward than the existing dwelling on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. For example, plantings, consisting of a mix of native trees and shrubs, could be accommodated waterward of the dwelling and adjacent to the driveway.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site. Outfalls should be located as far from steep slopes on the property as possible.
- 4) Because this property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.



Ramona Plociennik
Variance 2003-0440 George Bell
November 12, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 783-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2003

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

Re: Variance 2003-0419 Bay Ridge, LC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension of time for the completion of a previously approved variance. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. We have no additional comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 347-02 extension

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 6, 2003

Frank Jaklitsch
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Intra-family Transfer Provisions

Dear Mr. Jaklitsch:

Thank you for meeting with Commission staff on October 17, 2003 to discuss the intra-family transfer provisions of the Calvert County Zoning Ordinance. Based on our discussions, we understand that the County will take specific actions as set out below to amend the administrative process by which the intra-family transfer provisions will be implemented in the future.

- 1) The County will send a letter to Allan James, the owner of Lot 59 (Tax Map 6, Parcel 390), requesting that a "change in circumstances" affidavit be provided to legalize the recent sale of this lot to a third party. If the property owner cannot establish a "change in circumstance", the County will consider this an "illegal lot" and will not issue a building permit to the current owner of Lot 59 (D&D Homes).
- 2) The County has agreed to develop and implement an interim policy requiring approval by the Planning Commission for the creation of lots through intra-family transfer and requiring approval by the Planning Commission for the subsequent conveyance of the lots to a third party based on a "change in circumstances." The policy shall contain standards and procedures for subsequent conveyance of lots as required by Natural Resources Article, §8-1808.2(g). For reference, I have attached a copy of the intra-family transfer provisions from the St. Mary's County Critical Area Ordinance (Article 4, §41.6.4(a)(4)), outlining the County's process.
- 3) Prior to adoption, the County will provide the interim policy for intra-family transfers to Commission staff for review and comment.
- 4) It is our understanding that no further intra-family transfer subdivisions will take place until a policy has been adopted.

We offer the following additional comments regarding development of a policy for intra-family transfers:

- 1) The County should ensure that during the intra-family transfer subdivision review process that specific family members eligible to receive the lots are identified, and appropriate notes are placed on the plat.

- 2) In accordance with Natural Resources Article, §8-1808.2, the County shall ensure that, any deed for a lot that is created through intra-family transfer provisions shall contain a covenant stating the following:
 - a) That the lot is created subject to the intrafamily transfer provisions of the Calvert County Critical Area Program and Natural Resources Article, §8-1808.2; and
 - b) That a lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of owner's immediate family; except under standards and procedures established by the County.
- 3) The standards and procedures by which the local jurisdiction will permit the subsequent conveyance of lots to persons other than immediate family members shall assure that:
 - a) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and
 - b) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this subtitle and warrants an exception or other circumstances that are consistent with the Commission's Criteria to maintain appropriate land uses in the RCA warrant an exception.

It is our understanding that the proposed policy will be used as interim measure until the County completes the remainder of the required comprehensive review of its Critical Area Program. At that time, the intrafamily transfer provisions in the policy will be officially incorporated into the Calvert County Zoning Ordinance and submitted to the Commission for review and approval as a change to the County's Critical Area Program. Commission staff is available to assist in developing the policy or to provide additional information relating to implementation of the intra-family transfer provisions in other local Critical Area Programs. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Marianne Mason, Esq. (Office of the Attorney General)
Mr. Ren Serey (Critical Area Commission)
Ms. Mary Owens (Critical Area Commission)
Ms. Regina Esslinger (Critical Area Commission)

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 4, 2003

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

Re: Variance 03-2973 Blair
(Tax Map 31A, Lot 2)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to increase impervious surface on the site from 38 percent to 38.7 percent for construction of a dwelling addition. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Based on the information provided, we oppose this variance request. We have the following comments regarding the current development proposal.

- 1) The applicant proposes to construct a dwelling addition of 278 square feet attached to the existing dwelling. A portion of the addition will be located on existing impervious surface, resulting in an increase in impervious surface coverage of 80 square feet
- 2) As stated by the applicant's consultant (Jeff Tewell, Collinson Oliff & Associates) during our telephone conversation of October 31, 2003, the garage shown on the site plan is currently under construction.
- 3) All grandfathered lots of less than one half acre are permitted 25 percent impervious surface coverage (Calvert County Zoning Ordinance, Article 4, Section 4-8.07(A)(7)(a)) or 2,944 square feet of impervious surface coverage in this case. The property currently has 4,478 square feet of impervious surface coverage or 38 percent, and therefore is currently non-conforming with respect to impervious surface coverage. As a result of the proposed addition, the property will have 4,458 square feet of impervious surface coverage or 38.7 percent.

Roxana L. Whitt
Variance 03-2973 Blair
November 4, 2003
Page 2

- 3) As shown on the site plan, there are several concrete slabs and a concrete driveway on the property. It appears that 80 square feet of existing impervious surface could be removed from the property to offset the proposed impervious surface for the addition. Because alternatives exist on the property, denial of this variance request would not result in an unwarranted hardship to the applicant.

For these reasons, we cannot support a variance to further exceed the impervious surface limits on this property.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 717-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 31, 2003

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

Re: Variance 2003-0405 W. F. Utz Construction
(Tax Map 10, Parcel 353)

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously granted variance. The property has a split designation of Limited Development Area (LDA) and a Resource Conservation Area (RCA).

Based on the information provided, we do not oppose this variance. We have no additional comments regarding the current request for extension.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 346-02 extension

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 28, 2003

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

Re: Variance 2003-0416 Elizabeth Sherrill

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) It appears that the applicant has attempted to minimize disturbance within the Critical Area. The only disturbance proposed within the Buffer is for the purpose of removing an existing shed, and the proposed dwelling and septic are located outside the Buffer.
- 2) The proposed deck should be constructed to be pervious, with a gravel or vegetated substrate, and vegetative stabilization on the down-slope end.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1.5:1 for clearing in excess of 20 percent (outside the Buffer), should be required. It appears that mitigation plantings can be accommodated on the property, including the site of the existing shed and the non-forested areas within the Buffer. Plantings should consist of a mix of native trees and shrubs.

Ramona Plociennik
Variance 2003-0416 Elizabeth Sherrill
October 28, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 731-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

October 28, 2003

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

Re: Variance 2003-0399 Tim Ritchie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As measured from the site plan provided, slopes range from approximately 28 to 35 percent across the area of proposed development. Two retaining walls are proposed in back of the dwelling, which may have helped to reduce the amount of grading necessary on steep slopes.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that most of the mitigation plantings can be accommodated on the property. Plantings should consist of a mix of densely planted native trees and shrubs.
- 3) Because of the steeply sloping terrain on this site, we recommend that stormwater runoff be directed to a best management practice, such as an infiltration device, rain garden or bioretention area. Direct discharge to steep slopes on the site is not recommended.

TTY For the Deaf

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



Ramona Plociennik
Variance 2003-0399 Tim Ritchie
October 28, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 722-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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October 28, 2003

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

Re: Variance 2003-0407 John Agno
(Tax Map 50, Parcel 302, Lot 1)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a pier with less setbacks than required. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently developed with a single-family dwelling.

We have no comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 726-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 28, 2003

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

Re: Variance 2003-0411 Michael Sapp
(Tax Map 56, Parcel 130, Lot 2456)

Dear Ms. Plociennik:

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. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Areas disturbed during construction should be planted following completion of the project. Plantings should consist of a mix of native trees and shrubs.
- 2) Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 728-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 28, 2003

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

Re: Variance 2003-0412 Barbara Lee Pitt
(Tax Map 1, Parcel 260, Lot 29)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (porch and carport) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. It appears that plantings may be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.
- 2) Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 729-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 28, 2003

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

Re: Variance 2003-0400 Mount Chase Corporation

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) A previous variance was granted for this property (2002-0197-V), permitting construction of a 30 foot by 36 foot dwelling (1,080 square feet). As measured from the site plan, the proposed dwelling is 1,180 square feet.

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

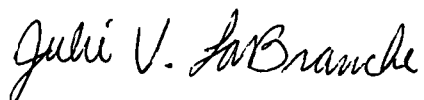
- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. The applicant should develop with County staff a planting plan or landscape management plan to ensure success of mitigation plantings and to protect the remaining nontidal wetlands on the site. Plantings should be selected that are appropriate for wet areas and enhance the existing vegetation community of the nontidal wetland.
- 2) Storm water runoff should be directed to a best management practice to provide water quality benefits and to protect the remaining nontidal wetlands on the site. For example, a rain garden, biotention area, and rain barrels would be appropriate for this site.

Ramona Plociennik
Variance 2003-0400 Mount Chase Corporation
October 28, 2003
Page 2

- 3) The limits of disturbance, as shown on the final approved site plan, should be marked clearly prior to any clearing, grading or other development activities on the site. This will ensure that only authorized impacts to the nontidal wetland and nontidal wetland buffer result from development of the property.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 723-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 28, 2003

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

Re: Variance 2003-0422 Tunde Farrell
(Tax Map 45, Parcel 41, Lot 20)

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The proposed decks should be constructed to be pervious, with a gravel or vegetated substrate, and vegetative stabilization on the down-slope end.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 761-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 24, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SD 02-03-44 Bonnie's Bounty
(Tax Map 44, Parcel 157)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 7.37-acre parcel to create 3 lots within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and facilities.

Based on the information provided, we have the following preliminary comments regarding the current subdivision proposal.

- 1) As shown on the site plan, the extent of tidal waters/wetlands is identified on the property. It appears that the Buffer has been expanded for steep slopes present along the shoreline areas of the property. However, the extent of the expanded Buffer on Lot 1 may not be accurate as shown on the current site plan. Attached is a copy of the site plan, showing the percent of slope and the location of the expanded Buffer on Lot 1 as estimated by Commission staff. We recommend that a note be added to the subdivision plat stating that disturbance within the Buffer is prohibited.
- 2) As stated on the subdivision letter of explanation, the applicant requests a waiver to extend the septic recovery area for Lot 1 within the expanded Buffer. Development within the Buffer is prohibited on non-grandfathered lots within the Critical Area (COMAR 27.01.09.01 and the Calvert County Zoning Ordinance (Article 4, Section 4-4.07(D))). This office would oppose a variance to locate all or a portion of a septic system associated with this subdivision within the Buffer.

The Health Department provided information regarding approval of perk tests on the property (refer to attached fax). Based on this information, it appears that the property may not support septic systems for three lots without disturbance to the Buffer. We recommend that the applicant explore alternative septic system configurations for the proposed subdivision that would eliminate disturbance within the Buffer. If no alternatives exist, the number of lots proposed for subdivision of this property may need to be reduced.

- 3) As required by the Criteria (COMAR 27.01.09.01) and the Calvert County Zoning Ordinance (Article 4, Section 4-8.07(A)(7)), individual lots can have up to 25 percent impervious surface coverage, providing that the subdivision does not exceed 15 percent. Because impervious surface coverage is difficult to track after the lots have been sold and developed, we recommend that impervious surface limits be established and noted on the subdivision plat for each lot. This office would not support variances to exceed impervious surface limits for future improvements to these lots, such as patios, sheds, or other accessory structures. We also recommend that similar limits be established and noted on the subdivision plat for forest clearing on each lot, in accordance with the local zoning regulations.
- 4) After subdivision, a 1.3045-acre "unbuildable residue" will remain from the original parcel. Much of the residue is constrained by steep slopes. We would not support a steep slope variance to develop the residue lands in the future. Is the residue "unbuildable" or would there be other local development restrictions associated with this residue? If restrictions exist, a note should be added to subdivision plat.
- 5) An evaluation must be completed by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species on the property and within the vicinity. If present, DNR's recommendations for protection of species and their habitat must be addressed before final approval of the subdivision. At this time, we have not yet received a copy of DNR's evaluation of this site.

Thank you for the opportunity to provide comments. When we have received the information requested, we will provide additional comments for this subdivision proposal.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 24, 2003

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

Re: Variance 2003-0394 Anthony and Susan Drew
(Tax Map 11, Parcel 196, Lot 107)

Dear Ms. Plociennik:

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. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, shed, and driveway. Based on the information provided, we have the following comments regarding this variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property, but because the lot is small, mitigation alternatives may need to be addressed. Plantings on the site should consist of a mix of native trees and shrubs.
- 2) Stormwater should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the property.
- 3) Because the property is designated and IDA, water quality improvements must be provided on site. Pollutant removal can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 721-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 24, 2003

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

Re: Variance 2003-0415 Norma Krijger
(Tax Map 17, Parcel 464, Lot 24)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding this variance request. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is heavily forested, mitigation alternatives will need to be addressed. It appears that some mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 730-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 24, 2003

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

Re: Variance 2003-0420 Robert and Karen Deters
(Tax Map 18, Parcel 221, Lot 1)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (shed) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, carport, and driveway. Based on the information provided, we have the following comments regarding this variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.
- 2) Stormwater from the shed should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 733-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 24, 2003

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

Re: Variance 2003-0418 Douglas and Deborah Hannum
(Tax Map 32, Parcel 79, Lot 42)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a deck with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, carport, and driveway. Based on the information provided, we have the following comments regarding this variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.
- 2) The deck should be constructed to pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 732-03



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 24, 2003

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

Re: Variance 2003-0401 Debrah Buchanan
(Tax Map 57, Parcel 114, Lot 26)

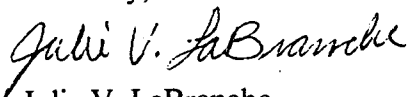
Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. Based on the information provided, we have the following comments regarding this variance request.

- 1) It appears that the proposed shed could be located elsewhere on the property that would eliminate the need for a setback variance. We recommend that the applicant investigate alternative locations for the shed.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is heavily forested, mitigation alternatives will need to be addressed. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,


Julie V. LaBranche
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 24, 2003

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

Re: Variance 2003-0408 Thomas and Mary Centinco
(Tax Map 32E, Parcel 177, Lot 3)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a pier and pilings with less setbacks than required. The property is designated an Intensely Developed Area (IDA).

Based on the information provided, we have no comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 727-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 24, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SD 03-26 Danielle's Place
(Tax Map 44, Parcel 41)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 6.448-acre parcel to create 13 lots and a residue parcel within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and facilities. We understand that the proposed subdivision will be served by public water and sewer.

Based on the information provided, we have the following comments regarding the current subdivision proposal.

- 1) The 100-foot Critical Area Buffer and the nontidal wetland buffer are shown on the current site plan. Except for the residue parcel, the building restriction lines for each proposed lot are located outside the 100-foot Buffer and nontidal wetland buffer.
- 2) Individual lots within the Critical Area can be allowed up to 25 percent impervious surface coverage, providing the subdivision does not exceed 15 percent impervious surface coverage (Article 4, Section 4-8.07 of the Calvert County Zoning Ordinance). The 15 percent impervious surface coverage limit for the subdivision must include all impervious areas, structures and roads within the Critical Area. Because impervious surface coverage is difficult to track after the lots have been sold and developed, we recommend that a maximum impervious surface coverage limit be established, and recorded on the final subdivision plat, for each lot within the Critical Area. This office would not support variances to exceed impervious surface limits for future improvements to these lots, such as patios, sheds, or other accessory structures. We also recommend that similar limits be established and noted

on the subdivision plat for forest clearing on each lot, in accordance with the local zoning regulations.

- 3) An evaluation must be completed by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species on the property and within the vicinity. If present, DNR's recommendations for protection of species and their habitat must be addressed before final approval of the subdivision. At this time, we have not yet received a copy of DNR's evaluation of this site.
- 4) On May 7, 2003, the Critical Area Commission approved the designation of several properties in the Back Creek area as Buffer Exemption Areas as well as new provisions to allow subdivision within Buffer Exemption Areas. These designations were requested by Calvert County as part of the ongoing comprehensive review of the County's Critical Area Program. The County adopted these provisions on September 16, 2003.

This property, Parcel 41, is one of the properties included in the Commission's approval. One of the new subdivision provisions states that only properties less than 5 acres can be subdivided and retain Buffer Exemption Area status. Since Parcel 41 is greater than 5 acres, the property will not retain its Buffer Exemption Area status following subdivision. Therefore, if improvements were proposed to the existing dwelling on Lot 9, a variance would be required for any disturbance within the 100-foot Buffer (Calvert County Zoning Ordinance, Article 4, Section 4-4.07). In addition, all development proposed on the residue parcel must be located outside the 100-foot Buffer.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 713-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 24, 2003

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

Re: Variance 2003-0402 Rayner Bowen, Jr.
(Tax Map 69, Parcel 892, Lot 33)

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway. Based on the information provided, we have the following comments regarding this variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.
- 2) Stormwater from the garage should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 725-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 24, 2003

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

Re: Variance 2003-0409 Keith Virgil
(Tax Map 33, Parcel 37, Lot 97)

Dear Ms. West:

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. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Based on the information provided, we have the following comments regarding this variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. All plantings on the site should consist of a mix of native trees and shrubs. If not achieved through mitigation plantings, the property should be planted to provide 15 percent forest or woodland cover (Anne Arundel County Zoning Ordinance Article 28, §1A-104).
- 2) Stormwater should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 454-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 24, 2003

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

Re: Variance 2002-0491 and Variance 2003-0386 William and Jane Becker
(Tax Map 33, Parcel 17 and Parcel 15)

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes (2002-0491-V), and a variance to permit the installation of a septic system with less Buffer than required and with disturbance to steep slopes (2003-0386-V). The property is designated a Limited Development Area (LDA) and a portion of Parcel 15 is designated a Buffer Exemption Area (BEA). Parcel 17 is developed with a single-family dwelling and driveway, and Parcel 15 is undeveloped. Based on a telephone conversation of October 23, 2003 with Bob Winchester (Anne Arundel County, Inspections and Enforcement), all previous Critical Area violations on this property have been resolved.

Providing this lot is properly grandfathered, ***we do not oppose the variance request (2003-0386-V) to permit the installation of a septic system with less Buffer than required and with disturbance to steep slopes on Parcel 17.*** Based on the information provided, we have the following comments regarding the current development proposal and variance request.

- 1) As stated by the applicant's representative during our site visit of October 20, 2003, the amount of disturbance to steep slopes and clearing necessary for installation of the proposed septic line, from Parcel 15 to the septic reserve area on Parcel 17, will be minimized.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Areas disturbed during construction should be replanted and mitigation plantings should be accommodated on Parcel 17 to the extent possible. As shown on the site plan, it appears that

non-forested areas exist within the Buffer and adjacent to the existing driveway on Parcel 17. Mitigation plantings should be directed to these areas of the property.

Based on the information provided and observations made during our site visit of October 20, 2003, ***we oppose the variance request (2002-0491-V) to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes on Parcel 15.*** We have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan, much of Parcel 15 falls within the 100-foot Buffer. There are also steep slopes present along the shoreline, within the first 50 feet of the Buffer (refer to attached photographs). This property is severely constrained by its proximity to the water and its irregular shape and narrow width, which limits all development on Parcel 15 to only a portion of the total site area. We recognize that it is not possible to develop the property without a Buffer variance; however, the variance should be the minimum relief to establish a residence on the property and result in the least impact to the Buffer (a Habitat Protection Area as defined by the Anne Arundel County Critical Area Program).
- 2) The site plan submitted for a previous variance to develop of Parcel 15 (which was withdrawn) included a substantially smaller dwelling (42 feet from mean high water), no garage, less overall disturbance/forest clearing (5,900 square feet), and less impervious surface coverage (approximately 2,100 square feet).

The current development proposal for Parcel 15 includes a larger dwelling, several covered porches, a screened porch, an 819 square foot garage, 6,600 square feet of disturbance/forest clearing, and 4,850 square feet of impervious surface coverage. At the nearest point, the proposed structures are approximately 38 feet from mean high water and the limits of disturbance extend to within 30 feet of mean high water. All of the proposed development on Parcel 15 is located within the non-Buffer Exempt portion of the property.

- 3) It does not appear that the applicant has minimized disturbance within the Buffer and to steep slopes to the extent possible. As proposed, the footprint of the dwelling and garage is 3,864 square feet (42 feet in width by 92 feet in length). Due to site constraints, a home with a smaller footprint would result in far less disturbance on this property. For example, the first floor living area could be reduced and the garage could be reduced to accommodate one car. As a result, the amount of clearing could be further minimized by reducing the size of the dwelling and the garage.

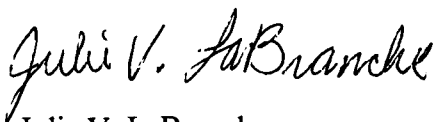
The current site plan includes a deck, a screened porch attached to the garage, and a large area of covered porch. These structures, with the exception of the deck, are located waterward of the proposed dwelling. To further minimize disturbance within the Buffer, all decks and porches should be located to maximize the distance from the shoreline and be of minimum size to provide for outdoor recreational use.

Kathy Shatt
Variance 2002-049, Variance 2003-0386 Becker
October 24, 2003
Page 2

This variance request does not represent the minimum relief to provide reasonable use of the property. It appears that alternative designs and configurations exist to establish a dwelling on this property that would have substantially less impact to the site and that the applicant has not considered. For these reasons, this office does not support this variance request for Parcel 15.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 644-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 22, 2003

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

Re: Variance 03-2982 Hollowell
(Tax Map 28A, Lot N222)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to increase impervious surface coverage on the property from 27.7 percent to 29.5 percent within the Critical Area for construction of a screened porch. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, patio, carport, and driveway.

Based on the information provided, we oppose this variance request. We have the following comments regarding the current development proposal.

- 1) The applicant proposes to construct a 12-foot by 12-foot screened porch (144 square feet) attached to the existing dwelling. All grandfathered lots of less than one half acre are permitted 25 percent impervious surface coverage (Calvert County Zoning Ordinance, Article 4, Section 4-8.07(A)(7)(a)) or 1,981 square feet of impervious surface coverage in this case. The property currently has 2,193 square feet of impervious surface coverage or 27.7 percent, and therefore is currently non-conforming with respect to impervious surface coverage. As a result of the proposed addition, the property will have 2,337 square feet of impervious surface coverage or 29.5 percent.
- 2) As shown on the site plan, there are two impervious walkways (concrete and slate) on the property and a combination gravel and concrete driveway. It appears that 144 square feet of existing impervious surface could be removed from the property to offset the proposed impervious surface for the addition. Because alternatives exist on the property, denial of this variance request would not result in an unwarranted hardship to the applicant.

Roxana L. Whitt
Variance 03-2982 Hollowell
October 22, 2003
Page 2

For these reasons, we cannot support a variance to further exceed the impervious surface limits on this property.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 719-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 22, 2003

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

Re: Variance 03-2972 Steve Raffaeli

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the Buffer requirements and the cliff setback requirements to construct a stairwell and deck within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Based on the information provided, we cannot support this variance request. We have the following comments regarding the current development proposal.

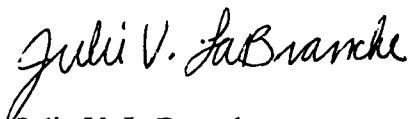
- 1) The applicant proposes to construct a deck waterward of the existing dwelling. As shown on the site plan provided, the deck will extend to within approximately 4 feet of the cliff edge. Based on the site plan provided, it appears that a deck could be constructed on the landward side of the existing dwelling. In addition, the applicant proposes to construct a stairwell (for access to the basement), which includes installation of a block wall foundation to expand the existing basement area on the north side of the dwelling. Could this addition be placed further back from the cliff edge or on the landward side of the dwelling? It will be necessary to excavate for installation of the deck footers and the stairwell.
- 2) The current proposal does not demonstrate that disturbance within the Buffer has been minimized to the extent possible. Disturbance to the ground so close to the edge of the cliff could weaken the stability of the cliff face, which could accelerate erosion of the cliff in front of the dwelling. Compromising the stability of the land by placing additional structures between the dwelling and the edge of the cliff is not in harmony with the general spirit and intent of the Critical Area law and the regulations. Because alternatives exist for placement of a deck, and perhaps the stairwell, denial of this variance request would not create an

Roxana L. Whitt
Variance 03-2972 Steve Raffaelli
October 22, 2003
Page 2

unwarranted hardship for the applicant. Thus, the variance request is not the minimum to provide relief in this case.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 716-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 22, 2003

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

Re: Variance 03-2974 DeHenzel-Caplinger
(Tax Map 28A, Lot N222)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements within the Critical Area and a variance in the rear setback requirements from 50 feet to approximately 20 feet for construction of a single-family dwelling, detached workshop, and driveway. The Critical Area portion of the property is designated a Resource Conservation Area (RCA). The property is currently undeveloped.

Based on the information provided, we do not oppose this variance to disturb steep slopes within the Critical Area and to the rear setback requirements. We have the following comments regarding the current development proposal.

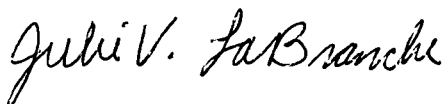
- 1) The applicant proposes to construct a dwelling with a garage, a detached workshop, and a driveway with disturbance to steep slopes (greater than 15 percent) within the Critical Area. As shown on the site plan, the majority of the property is constrained by steep slopes. It appears that the applicant has attempted to minimize disturbance to steep slopes by concentrating most of the dwelling and detached workshop outside the Critical Area on the only flat area on the property. The septic fields are also located outside the Critical Area.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the lot is fully forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be accommodated on the site to the extent possible, specifically areas of steep slopes adjacent to the driveway and the dwelling.

Roxana L. Whitt
Variance 03-2974 DeHenzel-Caplinger
October 22, 2003
Page 2

- 3) Stormwater will be directed to best management practices (drywells) to provide water quality benefits on the property. Runoff from the driveway should be directed away from steep slopes on the site. We recommend that super-silt fence be installed around the limits of disturbance to contain runoff and sediment during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 718-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 16, 2003

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

Re: Variance 2003-0410 Lot 33, Joint Venture, LLC

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a single-family dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided and our meeting with representatives from Greenhorne and O'Mara, Inc. on October 10, 2003, we have the following comments regarding the current development proposal.

- 1) It appears that the applicant has attempted to minimize disturbance to steep slopes on the property. The dwelling and garage are located, for the most part, on the level areas of the property and the overall limits of disturbance have been substantially reduced, as compared with the previous variance proposal (refer to the attached calculations of proposed disturbance). Development in the level areas on the southwest side of the property is constrained by a 100-foot setback required for the BG&E right-of-way located just outside the southwest property boundary. The proposed dwelling is located as close to this setback as possible (101 feet as shown on the site plan).
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that some mitigation plantings can be accommodated on the property. We recommend that mitigation plantings be used to stabilize areas on or near steep slopes that are disturbed during construction and nonforested areas adjacent to the proposed dwelling and driveway. Plantings should consist of a mix of native trees and shrubs.

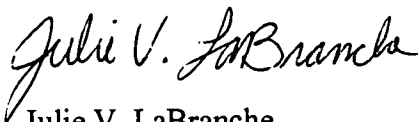
- 3) As shown on the site plan, stormwater will be directed to three infiltration devices on the site. In particular, stormwater device #3 is located at the rear of the proposed dwelling and adjacent to a patio. We understand that the outlet for this stormwater device will be located on steep slopes greater than 25 percent as indicated on the site plan. The Anne Arundel Soil Survey (Map 18) indicates that the site (mostly steeply sloping areas) consist of Monmouth fine sandy loam (MvE), which is highly susceptible to erosion.

Due to the volume of runoff that will be generated from the proposed dwelling and the conditions on the site, there is certainly potential for erosion to occur over time if stormwater is conveyed over steep slopes. We strongly recommend that the proposed outlet for stormwater device #3 or the entire stormwater device be relocated off of steep slopes on the site. We request that the applicant address this issue for this variance request.

- 4) We recommend that super-silt fence be installed around the entire limits of disturbance to prevent erosion of steep slopes during construction and provide additional protection of habitat and water quality on the site.
- 5) The scope of disturbance to steep slopes associated with this variance request, and the previous variance granted for construction of the driveway, is extensive. Further disturbance to steep slopes would be difficult to justify, given that additional development could be accommodated within the flat areas remaining on the property. As a condition of this variance, we strongly recommend that further disturbance to steep slopes be prohibited on this property in the future.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 647-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 14, 2003

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

Re: Variance 2003-0130 Richard Roęser
(Tax Map 52, Parcel 57, Lot 5)

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped. On August 8, 2003, we received by facsimile supplemental information from the consultant (See Environmental Services, Inc.) regarding this variance request. On October 14, 2003, I conducted a site visit and took photographs of the property (refer to the attached photographs).

Providing this lot is properly grandfathered, we do not oppose the siting of a single-family dwelling on the property. However, several issues should be addressed. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As indicated by the information provided to this office by the applicant's consultant (on August 8, 2003), we understand that the required authorizations from the Department of the Environment have been secured for the nontidal wetland buffer impacts associated with the current development proposal for this property.
- 2) As shown on the site plan, the property is constrained by extensive nontidal wetlands and nontidal wetlands buffer. We recommend that the following measures be implemented on the site to minimize disturbance to these sensitive areas:
 - The limits of disturbance, as shown on the site plan provided, should be staked and super silt fence installed prior to the initiation of any development activities on the site.
 - Portions of the nontidal wetland buffer and adjacent upland areas of the site that are disturbed during construction should be replanted with native vegetation following completion of the project. The vegetation should be appropriate for the wet conditions on the site.

- A Buffer Management Plan should be provided for review and approval by County and Commission staff.
- 3) As a requirement of the variance granted for the adjacent property (refer to Case 1998-0438-V, Tax Map 52, Parcel 57, Lot 5A), we recommend that conditions D and E in this decision be made conditions of the current variance, if granted. We feel that the ecological benefits provided by the *Phragmites* eradication/wetland enhancement plan are applicable to Lot 5 since the nontidal wetland spans both properties. As evident in the attached photographs of the property, *Phragmites* remains the dominant vegetation type within the nontidal wetland. The placement of a conservation easement on the undeveloped nontidal wetlands and nontidal wetland buffer will provide additional protection of the riparian habitat remaining on the property.
 - 4) Mitigation should be required for disturbance within the Critical Area. We note that the variance granted for the adjacent property (Case 1998-0438-V, Tax Map 52, Parcel 57, Lot 5A) required mitigation at a ratio of 3:1 for all new site disturbance. We support the same mitigation requirement for the current variance request. Since the property is mostly forested or vegetated, mitigation alternatives may need to be addressed, although it appears that some mitigation can be accommodated on the property (refer to comment 2 above).
 - 5) Stormwater runoff should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the property. Due to the high water table on the site and the proximity of nontidal wetlands to the proposed dwelling, we recommend that all runoff from the dwelling be directed away from the nontidal wetlands to the extent possible.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 228-02, revised comments

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 14, 2003

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

Re: Variance 2003-0237 Fitzgerald-Troxell (Tax Map 45, Parcel 442)

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a primary single-family dwelling and a second dwelling (nonconforming use). We received a revised site plan on October 14, 2003 for this variance request.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the revised site plan and our site visit of October 3, 2003, we have the following comments regarding the current development proposal.

- 1) The revised site plan includes the following modifications: removal of one retaining wall, reduction of 50 square feet of impervious surface coverage, reduction in disturbance to steep slopes, reduction in the waterward extent of the proposed dwelling.
- 2) The area surrounding the conforming dwelling on the property is constrained by tidal waters of the Severn River, steep slopes, and nontidal wetlands and wetland buffer (refer to the attached photographs). Based on the recent and previous revisions to the development proposal, it appears that the applicant has attempted to minimize disturbance within the Critical Area while accommodating development of the property.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Although the property is heavily forested, it appears that some mitigation plantings can be accommodated on the property. We recommend that areas of steep slopes that are disturbed during construction and nonforested areas within the Buffer be

Pam Cotter
Variance 2003-0237 Fitzgerald-Troxell
October 14, 2003
Page 2

planted, following completion of the project. Plantings should consist of a mix of native trees and shrubs.

- 4) Stormwater should be directed to stable vegetated outfalls or best management practices to provide water quality benefits on the site. To the extent possible, runoff should be directed away from steep slopes and the nontidal wetland Buffer. We recommend that super-silt fence be installed around the limits of disturbance, as shown on the revised plan, to ensure containment of runoff from the site during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 483-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 15, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building/Grading Permit Lot 6 Breezy Point Estates

Dear Mr. Swartz:

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

Based on the information provided, we have the following comments regarding the current development proposal. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs and should be accommodated on the property to the extent possible. Since the property is heavily forested, mitigation alternatives will need to be addressed. Stormwater runoff from the proposed dwelling should be directed away from steep slopes on the northern side of the property.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

CA 700-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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October 16, 2003

David Black
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Site Plan – Triton Marina Properties, LLC

Dear Mr. Black:

Thank you for providing information on the above referenced redevelopment project. The applicant is requesting to construct a boat storage facility and conduct maintenance dredging for the marina within the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed as a commercial marina and associated facilities.

Based on the information provided, we have following preliminary comments regarding the current redevelopment proposal.

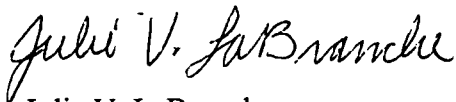
- 1) We understand the proposed boat storage facility will be constructed over existing impervious surface (paved parking area).
- 2) The environmental assessment provided with the site plan by Biota, Inc. states that geotubes will be utilized to contain and dewater dredge material on site. The report also states that the geotubes will be placed in the upland portion of the property, outside the 110-foot Buffer where possible. I have requested detailed information from the consultant regarding the placement, number, and dewatering method proposed for the geotubes. At this time, I have not received this information.
- 3) The attached manufacturers guidelines for the use of geotubes as a dredge disposal method (provided by staff from the MDE, Wetlands and Waterways Program), state that geotubes should not be placed on impervious surfaces. We recommend that all geotubes be placed outside the Buffer, and the use of geotubes on this site follow the requirements stated in the attached manufacturers guidelines.

- 4) As stated in the environmental report, the applicant proposes 15 percent afforestation of the property as part of the current redevelopment proposal. As indicated on the planting list provided, plantings will consist of a mix of native trees and shrubs and will be located mostly within the Buffer.

- 5) We understand that the proposed boat storage facility will be approximately 55,000 square feet. Due to the size of this structure and its proximity to tidal waters, we request that the applicant provide information about how stormwater will be managed on the site. As required by the Criteria (27.01.02.04) and the Cecil County Critical Area program (Section 2, Program for Development in the Critical Area (B)), stormwater best management practices should be implemented to provide water quality benefits on the site. The applicant should provide this information for our review and comment.

Thank you for the opportunity to provide comments. When we have received the information requested, we will provide additional comments for this project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Ben Brockway (Biota, Inc.)

CE 720-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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October 14, 2003

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

Re: Variance 2003-0359 Raymond Herman

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (swimming pool) with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, garage, and driveway. We have the following comments regarding the current development proposal.

- 1) On October 8, 2003, we received a revised site plan from the applicant's consultant showing the extent of the expanded Buffer on the property. The Buffer is expanded for steep slopes contiguous with the 100-foot Buffer (Anne Arundel County Zoning Ordinance Article 29, §1A-104(a)). Based on this information, most of the property and all development associated with the current proposal is located within the expanded Buffer.
- 2) Based on information provided for the previous variance (refer to Attachment 1) and as estimated from the current site plan, we calculate that approximately 21,131 square feet (22.5 percent) of original forest has been cleared on this property. We note that this is an estimated calculation because the forested area of property was reported differently for the 1998 variance request (69,766 square feet after the proposed clearing) and the current variance request (72, 625 square feet existing). Calculations of forest clearing on the property are summarized in the table below.

Development	Forest Clearing (square feet)
Dwelling and driveway (estimated from current site plan)	17,475
Driveway expansion (as provided for the 1998 variance)	3,656
Accessory structure (current variance request)	10,799
Total	31,930 (34.1 percent)*

*Percentage based on current calculation of forested area on the property.

- 3) Although each previous instance of forest clearing on the property was below 20 percent, the current proposal extends the cumulative area of forest clearing under the County's Critical Area Program to 34.1 percent. Clearing in excess of 30 percent would require a variance (Anne Arundel County Zoning Ordinance Article 29, §1A-104(c)).
- 4) The property contains Monmouth fine sandy loam soils, which are described in the Anne Arundel County Soil Survey as having the following characteristics: 15 to 40 percent slopes, moderately eroded, moderately slow permeability, rapid runoff, and serious erosion hazard when unprotected (refer to attached description). Given the inherent sensitivity to disturbance of the soils and topography, it appears that the scope of the proposed development may not be appropriate for this site.

Based on the information provided, we oppose this variance. We offer the following comments as to the request's compliance with the variance standards. The Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance both provide the standards a local government must use when granting a variance. We offer the following comments as to the applicant's compliance with each of the variance standards.

1. ***That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*** There is nothing unusual or unique about this residential property. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. The applicant has reasonable use of the property, including a single-family dwelling, deck, garage, and driveway, all on steep slopes within the expanded Buffer (as shown on revised Sheet 2 of the site plans provided for this variance request). In fact, the applicant was granted a previous variance to the steep slope requirements for expansion of the driveway in 1998 (Case Number 1998-0043-V). It appears that the applicant has been awarded the minimum relief from the code, and therefore, denial of this variance request would not create an unwarranted hardship for the applicant.
2. ***That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. New development activities within the Buffer are not permitted on all lands within the Critical Area of Anne Arundel County (Anne Arundel County Zoning Ordinance Article 29, §1A-105(f)), except in approved Buffer Exemption Areas and for water-dependent facilities. The granting of a variance to construct a new swimming pool (accessory structure) within the Buffer would confer upon the applicant a 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.***
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.*** The applicant's consultant provided information regarding

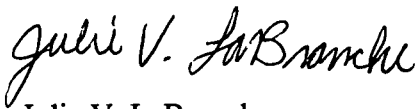
existing swimming pools on other lots within the subdivision (refer to Sheet 1 of the site plans provided for this variance request). Based on our records, we have not reviewed Buffer variances for swimming pools on the referenced properties. Assuming these structures are grandfathered under the Anne Arundel Critical Area program, this variance request should not be compared with the existing swimming pools in the neighborhood or other such structures within Anne Arundel County, which predated implementation of the Program. Therefore, the literal interpretation of this subtitle or the local Critical Area program and related ordinances will not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.

4. ***The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.***

5. ***The granting of a variance will, not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*** The provisions of the Critical Area Act and Criteria establish specific limits on development within the Buffer for the purpose of protecting water quality and natural habitats within the Critical Area. The applicant proposes 3,995 square feet of additional impervious surface coverage and approximately 10,799 square feet of forest clearing within the Buffer. Considering the current proposal, previous development of the property (forest clearing and impervious surface), and the inherent sensitivity of the site (soils and topography), the cumulative and permanent disturbance within the Buffer would likely be substantial in this case. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

Please convey this letter to the Administrative Hearing Officer, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 582-03 suppl.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 13, 2003

Jeanne Minner
Director of Planning
Town of Elkton
P.O. Box 157
Elkton, Maryland 21922-0157

Re: South Stream Subdivision (Tax Map 310, Parcels 2405 and 2406)

Dear Ms. Minner:

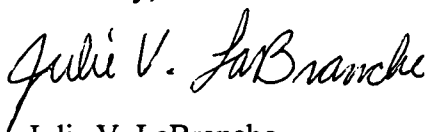
Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 15.52-acre Parcel and create 17 lots within the Critical Area, of which 4 lots are partially within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we have the following preliminary comments regarding the current subdivision proposal.

- 1) We request that the applicant provide a copy of the supplemental plans prepared by Biota, Inc. and a copy of an environmental report/assessment of the property, if available, for our review (refer to Note #5 on the subdivision plan).
- 2) Based on GIS information from the Department of Natural Resources, the property appears to be fully forested and contiguous with a large forested tract to the north and west. We recommend that the property be evaluated for the presence of Forest Interior Dwelling Bird (FIDs) habitat. FIDs habitat is a Habitat Protection Area, as defined by the Criteria (COMAR 27.01.09.04(C)(2)(iv)) and the Town's Critical Area program (Section 1, Part 3). If present on the site, the subdivision proposal should address the Commission's guidelines for protection of this habitat in the publication "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area".
- 3) The applicant must request an evaluation of the property by the Department of Natural Resources for the presence of threatened and endangered species, and species in need of conservation. The applicant must provide a copy of this evaluation for our review.

- 4) The subdivision plan includes a statement that each lot within the Critical Area is permitted up to 25 percent impervious surface coverage (refer to Note #10). As required by the Town's Zoning Ordinance (Part IV, Section 150(8)), each lot within the Critical Area is permitted up to 25 percent impervious surface coverage, providing that the [Critical Area portion of the] subdivision does not exceed 15 percent. The 15 percent limit on impervious surface coverage for the Critical Area portion of the subdivision includes *all* impervious surfaces (such as structures, roads, sidewalks utilities, and stormwater management facilities).
- 5) Because it can be difficult to track impervious coverage for the subdivision once the lots are sold and developed, we recommend that impervious surface limits be established and noted on the plat for each lot within the Critical Area. In addition, we recommend that limits for forest clearing be established and noted on the plat for each lot within the Critical Area, since the property is heavily forested. This information could be summarized in a table on the final subdivision plat.
- 6) A 100-foot tributary stream Buffer is identified in the northern portion of the property, extending within Lot 16 and Lot 17. We recommend that a note be placed on the plat for these lots, stating that disturbance within the 100-foot tributary stream Buffer is prohibited.
- 7) As shown on the site plan, most of the area identified as the 100-foot tributary stream Buffer is also labeled as "C.A. retention area (5.3 ac.+/-)" and "F.C. retention area (2.3 ac +/-)". Are these areas being set aside to meet the local subdivision requirements? Would these areas become a "residue" parcel or "remaining lands" of the original parcel? If development or further subdivision would be restricted or otherwise prohibited within these areas, we recommend that these restrictions be noted on the plat.
- 8) A portion of the Critical Area is proposed as a stormwater management area. We request that the applicant provide detailed information about the methods or best management practices proposed in this area for treatment of stormwater.

When the requested information has been received, I will provide additional comments for this subdivision proposal. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 10, 2003

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2983 Gerald P. Purnell
(Tax Map 55, Parcel 267, Lqt 7 and Lot 8)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to exceed the impervious surface limits within the Critical Area. The property, consisting of Lot 7 and Lot 8, is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, which is located entirely outside the 110-foot Buffer. We have the following comments regarding this variance request.

- 1) We note that a development proposal or site plan was not included in the information provided for this variance request to exceed impervious surface limits. However, as stated in the variance application, the applicant proposes to improve the existing dwelling on the property, resulting in a total of 7,500 square feet of impervious surface coverage. Based on the information provided, we are unable to determine whether the applicant's request is the minimum relief from the zoning regulations necessary to provide reasonable use of the property. Without specific information regarding the existing and proposed development on the property, this office is unable to support this variance request to exceed impervious surface limits within the Critical Area.
- 2) The County provided this office with a copy of an approved building permit for the property. The building permit includes an addition to the water side of the existing primary dwelling and removal of existing impervious surface (replacement of the existing driveway with 6 tracks no wider than 12 to 16 inches in width and composed of porous pavers). We understand that the current development proposal associated with the approved building permit complies with the impervious surface limits for the lot (6,076.6 square feet) and that all new construction is located outside of the 110-foot Buffer.

Joseph Johnson
Variance 2983 Gerald P. Purnell
October 10, 2003

- 3) As stated in our discussion of October 7, 2003 regarding this variance request, the County considers Lot 7 and Lot 8 to be a single parcel because the existing primary dwelling spans both Lot 7 and Lot 8. The County's interpretation of the local zoning regulations, as they apply to this property, is consistent with the "doctrine of merger" [as established in *FRIENDS OF THE RIDGE V. BG&E*, 352 Md. 645 (1999).] which states that when a landowner utilizes contiguous lots for a single structure (such as a primary dwelling), the platted lot lines remain in place for title purposes but by operation of law a single parcel emerges for zoning purposes.
- 4) As stated in the variance application, the property is 0.93 acres or 40,510.8 square feet (consisting of 0.44 acres on Lot 7 and 0.49 acres on Lot 8). As required by the Cecil County Zoning Ordinance Article XI, Part 1, Section 200, grandfathered properties of this size (recorded as of December 1, 1985) are limited to 15 percent impervious surface coverage within a Limited Development Area. Thus, this property is limited to 6,076.6 square feet of impervious surface coverage.

We oppose this variance request to exceed the impervious surface limits within the Critical Area. We offer the following comments as to the request's compliance with the variance standards. The Code of Maryland Regulations and the Cecil County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant. There is nothing unusual or unique about this residential property. Based on the size of the property (0.93 acres), the applicant can have reasonable use of the property while complying with the impervious surface limits required by the local Critical Area regulations (Cecil County Zoning Ordinance Article XI, Part 1, Section 200). The property is permitted 6,076.6 square feet of impervious surface coverage, which would allow the applicant to enlarge the existing dwelling and construct other amenities on the property. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Based on the information provided, we are unable to determine whether the applicant's request is the minimum relief from the zoning regulations to provide reasonable use of the property. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.
2. That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. *All grandfathered lots of this size* (recorded as of December 1, 1985) are limited to 15 percent impervious surface coverage

Joseph Johnson
Variance 2983 Gerald P. Purnell
October 10, 2003

in a Limited Development Area within the Critical Area of Cecil County (Cecil County Zoning Ordinance Article XI, Part 1, Section 200 and COMAR 27.01.02.04(B)(7)).

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. The local Critical Area regulations do not provide property owners with a right to exceed the required impervious surface limits. The minimum relief from the regulations are permitted if development of the property or reasonable use of the property can be achieved only by the granting of a variance to these regulations due to unusual or unique features of the property. Because the applicant has provided no documentation to support such a circumstance in this case, the granting of this variance would confer upon the applicant a special privilege that would be denied by this subtitle or the local Critical Area program to other similar lands and structures within the Critical Area of Cecil County.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.
5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations. The provisions of the Critical Area Act and Criteria establish specific limits on impervious surface coverage in Limited Development Areas *for the purpose of protecting water quality and natural habitats within the Critical Area*. Thus, the granting of a variance to exceed these limits would not be in harmony with the general spirit and intent of the Critical Area law and the regulations.

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CE 687-03 Purnell

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 7, 2003

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

Re: Variance 2003-0375 F. Scott Jay

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to permit the expansion of a nonconforming use. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, a barn, shed, underground storage garage, and extensive driveway areas.

Based on the information provided, we do not oppose this special exception. It appears that the existing nonconforming use (dwelling) will be reconstructed in roughly the same location on the property. As stated on the site plan, we note that the impervious surface calculations for both the existing and proposed dwelling are far less than the floor area for the dwelling (1,756 square feet) established by the previous nonconforming use decision for this property (Case # 2002-0210-N). The applicant should clarify these calculations. Mitigation, at a ratio of 1:1, should be required for any disturbance beyond the existing footprint of development. Mitigation plantings should be accommodated on the property and consist of a mix of native trees and shrubs. We understand that no clearing is proposed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

AA 637-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 3, 2003

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

Re: Variance 2003-0374 Homeport.Farms LLLP

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation of and completion of a previously approved Critical Area growth allocation. The property has a split designation of Resource Conservation Area (RCA) and a Limited Development Area (LDA) and is currently developed with several dwellings and accessory structures.

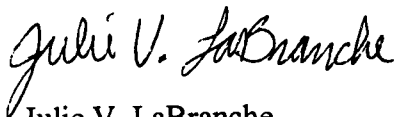
Based on the information provided, we do not oppose this variance. We have the following comments regarding this variance request.

- 1) We understand that the applicant is requesting an extension of time to utilize the growth allocation granted for this property. The application materials do not indicate what length of time is being requested to implement the proposed development plan for the property. Since the County limits the time in which growth allocation can be utilized to a period of 3 years, with 50 percent completion of the project, we recommend that a similar restriction be placed on this request for extension.
- 2) At its September 2, 2003 meeting, the Commission approved the conservation easement for 5.82 acres of land adjoining the Homeport Farm property. (Refer to the attached letter from Ms. Lisa Hoerger (Critical Area Commission) to Joseph Rutter (Anne Arundel County Planning and Zoning Officer).) At its October 1, 2003 meeting, the Commission approved the transfer documents for the 25.15-acre tract of the Homeport Farm property proposed for a County park. These approvals satisfy the both conditions of the Commission's original approval (November 2, 2000) of growth allocation for Homeport Farm.

Rob Konowal
Variance 2003-0374 Homeport Farms LLLP
October 3, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 588-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 3, 2003

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

Re: Variance 2003-0331 William Dorr

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a single-family dwelling addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose a variance to construct a dwelling on the property. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Although the applicant has made significant changes to the previous development proposal for this property (variance proposal of February 2002), impacts to steep slopes have not been minimized to the extent possible on the site. The variance request must be the minimum to provide relief. As shown on the site plan, there are flat areas to the west of the proposed dwelling that are not being utilized while construction is proposed on areas of steep slopes.

For example, the dwelling could be reconfigured to reduce intrusion within the steeply sloped areas of the property. This could be accomplished by utilizing an L-shaped configuration to maximize use of the flat areas on the site, while maintaining the required setbacks from the septic tank and hookup. In addition, the two proposed decks could be located over steep slopes to reduce the amount of excavation necessary on steep slopes for construction of the basement foundation. The decks could be cantilevered over the steep slopes or the deck footers could be dug by hand to minimize disturbance.

- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is heavily forested, mitigation

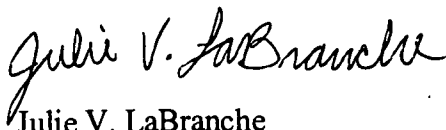
Pam Cotter
Variance 2003-0331 William Dorr
October 3, 2003

alternatives will need to be addressed. We recommend that all areas of steep slopes disturbed during construction be planted following completion of the project.

- 3) Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the site. Outfalls should be directed away from steep slopes, and designed to promote infiltration and sheet flow of runoff from the site. This can be accomplished through the implementation of several best management practices that will treat runoff in smaller, more manageable quantities.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 16-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 26, 2003

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

Re: Variance 03-2960 Adam Nersesian

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a detached deck (and hot tub) within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, garage, shed, and driveway.

Based on the information provided, we have the following comments regarding the current proposal.

- 1) We understand that construction of the deck and hot tub has been completed. The site plan provided for this variance request does not show the location of the deck and hot tub on the property. As we discussed on September 26, 2003, the deck is located approximately between the 10-foot and 12-foot contours, over the plan note "prop. areaway" along the southeast property boundary (refer to location on attached copy of the site plan). As constructed, the hot tub is installed over the deck and the deck consists of 196 square feet. The new deck and hot tub are not attached to the principal dwelling, and therefore are considered an accessory structure to the principal dwelling.
- 2) The applicant states that the deck and hot tub are located approximately three feet further waterward than the previous dwelling and deck, which existed prior to redevelopment of the property in 2002. According to the building plans for redevelopment of the property (as described by John Swartz of the Office of Planning and Zoning), the previous hot tub (on the previous deck) was located 35 feet from the mean high water line and the current hot tub is located 27 feet from the mean high water line.
- 3) The applicant maintains that the previous setback line, as established by the previous (grandfathered) dwelling and deck on the property, apply to this variance request. Since these

structures were removed and reconstructed on the property further landward of the mean high water line, the deck and hot tub are considered new development within the Buffer, which is not permitted except by variance (Calvert County Zoning Ordinance, Section 4-4.07(D)(1)).

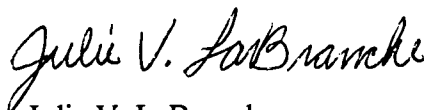
- 4) The applicant secured the necessary authorizations for redevelopment of the property, but did not seek the necessary authorizations for the deck and hot tub. The variance request is clearly based upon conditions or circumstances which are the result of the actions by the applicant. It appears that the new deck and hot tub could have been incorporated into the existing deck and dwelling during redevelopment of the property, and therefore would not have required a variance. Because of these circumstances, we oppose this variance.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be directed first to the nonforested areas within the Buffer as shown on the site plan. Plantings should consist of a mix of native trees and shrubs.
- 2) The deck should be made to be pervious, with adequate spacing between the deck boards to allow for infiltration of stormwater, a gravel or vegetated substrate, and vegetative stabilization (densely planted) on the downslope end.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 677-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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September 25, 2003

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

Re: Variance 2003-0382 Pat Rudolph

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit two dwelling additions (enclose existing porch and new deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, deck, shed, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the site plan provided for this variance request. As estimated from the site plan, it appears that the entire house, and the proposed porch and deck, are located within the Buffer (refer to attached copy of the site plan).
- 2) The front entry deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that some mitigation plantings could be accommodated within the Buffer and between the existing dwelling and the gravel parking area. Plantings should consist of a mix of native trees and shrubs.
- 4) Stormwater from the proposed porch should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0382 Pat Rudolph
September 25, 2003

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 643-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 25, 2003

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

Re: Variance 2003-0381 Clinton and Donna Tull

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (sunroom) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, swimming pool, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As stated in the narrative provided for this variance request, there will be no net increase in impervious surface coverage on the property (12,696 square feet) as a result of the proposed addition. As noted on the site plan, the existing driveway (and parking area) will be "reconfigured". This office assumes that the applicant intends to remove an equivalent area of existing impervious surface from the driveway to offset the increase in impervious surface for the addition. The applicant should provide a revised site plan, showing the location of the existing driveway, the reconfigured driveway, and the area of impervious surface to be removed.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property along the driveway and the southern property boundary. Plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0381 Clinton and Donna Tull
September 25, 2003

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 642-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 25, 2003

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

Re: Variance 2003-0378 Residential Engineering and Design

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated a Limited Development Area (LDA) and is currently undeveloped, with the exception of the ruins of a previous dwelling.

Providing this lot is properly grandfathered, we do not oppose this variance. The site plan provided for this variance request shows the same development proposal for this property, as approved by the Board of Appeals on July 2, 2002 (Case # BA-43-02-V). We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

AA 639-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 25, 2003

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

Re: Variance 2003-0380 DiBlasio

Dear Ms. Plociennik:

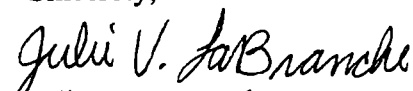
Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the site plan provided for this variance request. As estimated from the site plan, it appears that a portion of the garage is located within the Buffer (refer to attached copy of the site plan).
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible. Due to the size of the lot, mitigation alternatives may need to be addressed.
- 3) Stormwater from the proposed porch should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,


Julie V. LaBranche
Natural Resources Planner

AA 641-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 25, 2003

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

Re: Variance 03-2958 Dave and Mary Wissman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, two sheds, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on my conversation of September 24, 2003 with Mrs. Wissman, we understand that the two existing sheds on the property (location not shown on the site plan) will be relocated to accommodate the proposed dwelling addition. The sheds will be placed no closer to the shoreline than the existing dwelling and proposed addition.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. We recommend that plantings be directed first to nonforested areas within the Buffer. Plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

CA 678-03

TTY For the Deaf

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



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 25, 2003

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

Re: Variance 03-2959 Elizabeth Dodge

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to an existing garage within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, garage, shed, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Since the property is heavily forested, mitigation alternatives may need to be addressed. We recommend that plantings be accommodated on the site to the extent possible. Plantings should consist of a mix of native trees and shrubs.
- 2) Stormwater from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

CA 679-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 18, 2003

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

Re: Variance 2003-0392 Roger and Cyndy Feldman

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The proposed deck should be constructed to be pervious, with a gravel or vegetated substrate, and vegetative stabilization on the down-slope end.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 646-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 18, 2003

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

Re: Variance 2003-0387 Karen Donohoe

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, shed, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that the existing shed will be removed and the garage will be located on the same site. Stormwater runoff from the new structure should be directed to stable vegetated outfalls to provide water quality benefits on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.
- 3) Because this property is designated an IDA, water quality improvements should be provided. Pollutant removal from stormwater can be achieved through the installation of plantings or a best management practice.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 645-03

TTY For the Deaf

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



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 18, 2003

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

Re: Variance 2003-0376 Kimberly and William Bowen

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (swimming pool) in the front yard and with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, patio, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 638-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 18, 2003

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

Re: Variance 2003-0379 Stephen and Barbara Petersen

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, two sheds, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The proposed deck should be constructed to be pervious, with a gravel or vegetated substrate, and vegetative stabilization on the down-slope end. To minimize disturbance within the Buffer and eliminate the need for heavy machinery, we recommend that the deck footers be dug by hand.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 640-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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September 12, 2003

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

Re: Variance 2003-0213, Whitehall Yacht Yard, Inc.

Dear Ms. Cotter:

At your request, we are providing additional comments regarding the above referenced request for special exception. The applicant is requesting a special exception to permit the expansion of a non-conforming use (boat storage area). The property is currently developed with a commercial marina and facilities. Based on the information provided, we did not oppose this special exception. We have no additional comments regarding expansion of the non-conforming use outside of the non-conforming use area (as established in the non-conforming use decision #NC 16-77).

We offer the following comments regarding the Critical Area provisions of the Anne Arundel County Zoning Ordinance as they relate to the current development proposal for this property.

- 1) The environmental report (provided by SEE Environmental Service, Inc.) calculates the proposed impervious surface coverage based on the "non-conforming use area" of 5.6 acres for a total of 15 percent or 0.84 acres of proposed impervious surface coverage. How does the 5.6-acre calculation for the "non-conforming use area" relate to the total area of Parcel 51? Based on the site plan, Commission staff calculate that Parcel 51 consists of 6.15 acres, including Lot 1 and Lot 2.

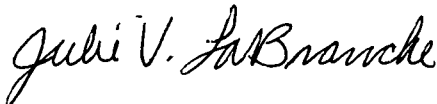
The total area of Parcel 51 must be used to calculate the total impervious surface coverage (existing plus proposed) associated with this request for special exception. The existing impervious surface coverage on Parcel 51 (includes a portion of the existing marina facilities) was not provided with the request for special exception. ***Development on Parcel 51 (consisting of Lot 1 and Lot 2 and 6.15 acres, as shown on the site plan) is limited to 15 percent impervious surface coverage (Anne Arundel County Zoning Ordinance §1A-105).***

Pam Cotter
Variance 2003-0213, Whitehall Yacht Yard, Inc.
September 12, 2003
Page 2

- 2) The environmental report (provided by SEE Environmental Service, Inc.) calculates the proposed area of forest clearing based on the "non-conforming use area" of 5.6 acres for a total of 19.6 percent or 1.04 acres of proposed forest clearing to be mitigated at a ratio of 1:1 (Anne Arundel County Zoning Ordinance §1A-104). If the total area of Parcel 51 were used (consisting of Lot 1 and Lot 2 and 6.15 acres, as shown on the site plan), the proposed area of forest clearing would remain less than 20 percent.
- 3) This office would not support variances to the impervious surface limits or forest clearing limits (20 percent) for expansion of the non-conforming use associated with this request for special exception.

Thank you for the opportunity to provide additional comments. Please include this letter in your file and submit it as part of the record for this special exception. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

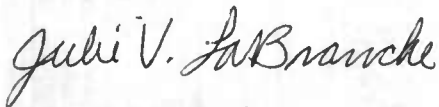
cc: AA 440-03, supplemental

Pam Cotter
Variance 2003-0213, Whitehall Yacht Yard, Inc.
September 12, 2003
Page 2

- 2) The environmental report (provided by SEE Environmental Service, Inc.) calculates the proposed area of forest clearing based on the "non-conforming use area" of 5.6 acres for a total of 19.6 percent or 1.04 acres of proposed forest clearing to be mitigated at a ratio of 1:1 (Anne Arundel County Zoning Ordinance §1A-104). If the total area of Parcel 51 were used (consisting of Lot 1 and Lot 2 and 6.15 acres, as shown on the site plan), the proposed area of forest clearing would remain less than 20 percent.
- 3) This office would not support variances to the impervious surface limits or forest clearing limits (20 percent) for expansion of the non-conforming use associated with this request for special exception.

Thank you for the opportunity to provide additional comments. Please include this letter in your file and submit it as part of the record for this special exception. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 440-03, supplemental

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 11, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building and Grading Permit 37779, Joseph Gribble
(Tax Map 45, Parcel 87, Lot 3)

Dear Mr. Swartz:

Thank you for providing information on the above referenced variance. The applicant is requesting permits to construct a single-family dwelling, garage, and driveway within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The applicant has proposed 26.3 percent clearing of existing forest (16,610 square feet) to develop the property with a single-family dwelling and septic system. Clearing associated with installation of the septic system may be unavoidable due to the necessary location some distance from the dwelling. Clearing may be decreased by reducing the limits of disturbance around the dwelling, garage and driveway to the minimum needed for construction access and by shifting the dwelling and garage closer to Robin Court.
- 2) Mitigation, at a ratio of 1.5:1 for clearing in excess of 20 percent of existing forest, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed.
- 3) Stormwater should be directed to stable vegetated outfalls or best management practices to provide water quality benefits on the site.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

CA 625-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 11, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision MSD-03-18-44

Dear Ms. Vidotto:

Thank you for providing information on the above minor subdivision. The applicant has proposed to legalize a residue parcel of 1.42 acres to create a new lot (Lot 2) within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we have the following comments regarding the current subdivision request.

- 1) Since the property will be a non-grandfathered lot within the Critical Area, Lot 2 will be limited to 15 percent impervious surface coverage (Calvert County Zoning Ordinance Article 4, Section 4-8.07(A)(7)).
- 2) Development on the property must comply with the provisions of the Calvert County Zoning Ordinance for Habitat Protection Districts (Article 4, Section 4-4). Based on GIS information from the Department of Natural Resources, it appears that nontidal wetlands, contiguous with tidal wetlands adjacent to St. Johns Creek, may extend within the 100-year floodplain on Lot 2 as identified on the site plan (refer to attached map). If the Buffer must be expanded for contiguous nontidal wetlands (Article 4, Section 4-.07(C)(1)), we recommend that the expanded Buffer be shown on the subdivision plat and a note be placed on the plat stating that disturbance within the expanded Buffer is prohibited.
- 3) The property associated with this subdivision proposal must be evaluated by the Department of Natural Resources for the presence of rare, threatened or endangered species.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

CA 611-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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September 11, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building/Grading Permit No. 35896, Matthew Barrett
(Tax Map 35A, Lot 844)

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting permits to construct a single-family dwelling, garage, and septic system within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) Based on the information provided, we calculate that approximately 23.1 percent forest clearing is proposed (clearing equal to the area of disturbance, assuming that the entire property is forested). As shown on the site plan, the limits of disturbance for the dwelling and driveway may be more extensive than needed (45 feet at the rear of the dwelling and 42 feet from the driveway). In order to reduce the amount of clearing on the property, we recommend that the limits of disturbance be reduced to the minimum necessary for construction access.
- 2) As measured from the site plan, it appears that steep slopes are present within the limits of disturbance defined for development of the property (refer to attached copy of the site plan). A variance is required for disturbance to steep slopes (greater than 15 percent) within the Critical Area (Calvert County Zoning Ordinance Article 4, Section 4-8.07(A)(6)). Disturbance to steep slopes should be minimized to the extent possible, while accommodating development of the property.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed. We recommend

John Swartz
Building/Grading Permit No. 35896, Matthew Barrett
September 11, 2003
Page 2

that steep slopes disturbed during construction be reforested to the extent possible following completion of the project.

- 4) Stormwater runoff should be directed to stable vegetated outfalls or to best management practices. Outfalls should be located away from steep slopes to prevent erosion over time.

Thank you for the opportunity to provide comments.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 612-03

Michael S. Steele
Lt. Governor



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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September 9, 2003

Terry Wright
R.A. Barrett & Associates, Inc.
100 Jibsail Drive, Suite 103
Prince Frederick, Maryland 20678

Re: 10% Rule for Chesapeake Beach Town Hall project

Dear Mr. Wright:

Thank you for providing supplemental information for the Chesapeake Beach Town Hall project in your letter of August 22, 2003 (to William Watson) and during our phone conversation of September 6, 2003. As shown on the current site plans, stormwater runoff from the proposed additions and expansion of the adjacent parking areas will be directed to two existing grass swales located adjacent to the west side of MD 261 and along the southern boundary of the Town Hall property. The drainage area for the grass swale along MD 261 includes a portion of the road and runoff from adjacent properties. Runoff is collected from the grass swale directly in front of the Town Hall, and conveyed under MD 261 through a culvert before discharging to tidal waters of the Chesapeake Bay. The existing grass swale along the southern side of the Town Hall property conveys runoff from the Town Hall and adjacent properties, and conveys this runoff to an existing best management practice at the Kellam's recreational complex.

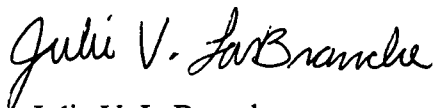
I would like to clarify the additional information needed to complete my review of this project for compliance with the 10% Rule requirements for pollutant reduction in an Intensely Developed Area (IDA) within the Critical Area.

- 1) The existing grass swales currently convey an unknown volume of stormwater runoff from outside of the project area. As I have observed previously on the Town Hall site, the existing grass swales are approximately less than one foot deep and one foot wide. Based on the information provided, it has not been determined whether the grass swales are of sufficient capacity to convey the increased runoff from the additional impervious surface proposed at the Town Hall property. In order to provide for water quality and non-erosive flow velocities, the existing grass swales must be retrofitted according to the design specifications required in the 2000 Maryland Stormwater Design Manual (refer to Sections 3.42-4.46 and 5.14-5.15). All runoff that is collected by the existing grass swales (within the drainage area) must be included in determining the appropriate size of these best management practices.

- 2) As stated in your letter, these grass swales were not designed originally as best management practices. In order to achieve the maximum pollutant removal efficiency of 50 percent (as shown in the 10% Rule calculations provided for this project), these grass swales must be retrofitted according to the design specifications required in the 2000 Maryland Stormwater Design Manual (refer to Sections 3.42-4.46 and 5.14-5.15). If site conditions are not suitable to implement these design specifications (depth to the water table, soils, topography), alternatives could be considered.

We would like to resolve these issues in a timely manner so that the Town may submit a Critical Area consistency report for final approval of this project. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: William Watson (Town of Chesapeake Beach)

CB 463-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 9, 2003

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Case No. 2972 - Special Exception, John and Lori Lake

Dear Mr. Johnson:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to establish a bed and breakfast at their residence. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. Any new development associated with establishment of a bed and breakfast on this property should be located outside the 110-foot Buffer, such as dwelling additions, decks, patios, accessory structures, and additional parking areas. Further development of the property must comply with the impervious surface limits (15 percent) for a LDA within the Critical Area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CE 609-03



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 8, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building/Grading Permit -- Tom Parran property
(Tax Map 35, Parcel 1)

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting permits to construct a single-family dwelling and septic system within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the limits of disturbance for construction of the dwelling and septic system do not extend within the expanded Buffer. However, it appears that the dwelling could be shifted (approximately 50 feet) further from the expanded Buffer to minimize disturbance to nearby steep slopes from the impacts of stormwater runoff and general use of the property. Relocating the dwelling would also reduce the amount of clearing necessary.
- 2) Based on phone conversations with the applicant's contractor (George Mortimer, Bay Mills Construction Co., Inc.), the proposed septic system may be moved closer to the location of the proposed dwelling, depending upon soil conditions on the site. The existing location of the septic system is based on a previous development proposal for the property, where the dwelling was to be located in the same area. Additional perk tests may be performed to select a new site for the septic system. We would support relocation of the septic system to an area near the proposed dwelling, but away from steep slopes on the property.

- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed. We recommend that areas adjacent to steep slopes be reforested to the extent possible following construction.
- 4) Stormwater runoff should be directed to stable vegetated outfalls or to best management practices. Outfalls should be located away from steep slopes to prevent erosion over time.

Thank you for the opportunity to provide comments.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CA 624-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 5, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Major Subdivision SD-03-24 Richard Hance
(Tax Map 19, Parcel 48)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced major subdivision. The applicant is requesting to subdivide a 14-acre property to create 6 new residential lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with 39 mobile homes.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) The property is being utilized for a nonconforming use (mobile home park in a RCA), which includes 39 existing mobile homes. As stated in a letter of February 25, 2002 from Regina Esslinger (Critical Area Commission), the Commission considers the existing 39 dwelling units to be grandfathered and therefore the subdivision density would be determined by the County zoning limitations (refer to attached letter).
- 2) The Calvert County Zoning Ordinance (Article 4, Section 4-4.05(3)(b)(iii)), identifies specific shoreline and cliff areas on the Chesapeake Bay as Conservation Districts. The Plum Point south cliffs area is designated a "Category 3" cliff area, which also provides habitat for the Puritan Tiger Beetle, a State endangered species. The Hance property is included within the Plum Point south cliffs area.
- 3) The applicant must provide an evaluation from the Department of Natural Resources for the presence of rare, threatened, and endangered species on the property. The subdivision must incorporate recommendations from the Department of Natural Resources for protection of habitat for rare, threatened, and endangered species (Calvert County Zoning Ordinance,



Article 4, Section 4-8.07 and Calvert County Critical Area Program, Chapter X, Section G, Habitat Protection Program).

- 4) Based on GIS information from the Department of Natural Resources, a tributary stream may be present in the southwestern portion of the property. If present, the tributary stream and the required 100-foot tributary stream Buffer must be shown on a revised site plan.
- 5) The subdivision is limited to 15 percent impervious surface coverage; however, individual lots of 1 acre or less may increase impervious surface coverage up to 25 percent, providing the subdivision does not exceed 15 percent. We recommend that impervious surface coverage limits be established for each lot and that these calculations are noted on the final subdivision plan. Impervious surface limits for individual lots should allow some flexibility for future property owners to construct sheds, decks, or patios on the property without exceeding the impervious surface limits. This office would not support future impervious surface variances for these non-grandfathered lots within the Critical Area.
- 6) Development, including septic systems, should not extend within any required setbacks or Buffers. This office would not support future Buffer variances for these non-grandfathered lots within the Critical Area.

Thank you for the opportunity to provide comments for this subdivision proposal. Please forward to our office a copy of any revised subdivision plans and the final subdivision proposal and site plan for review and comment.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: David Brownlee (Calvert County, Office of Planning and Zoning)
Dean Wilkinson (R.A. Barrett & Associates, Inc.)
Regina Esslinger (Critical Area Commission)
Tim Larney (Department of Natural Resources)

CA 610-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 3, 2003

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

Re: Variance 03-2942 D&D Homes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling, garage, and deck within the Critical Area Buffer. The property, which consists of Lot 11 and Lot 13, is designated a Limited Development Area (LDA) and is currently undeveloped. Please replace my previous comment letter of August 25, 2003 with this letter.

Based on the information provided, we oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan and as conveyed during our discussion, there is no suitable location for a septic system on Lot 11. The septic system to support the proposed development on Lot 11 is located on Lot 13.
- 2) Based on the site plan provided, it appears that alternatives exist on the property to relocate all development outside the 100-foot Buffer. For example, all or a portion of the proposed development could be sited on Lot 13, including the septic system as shown on the site plan. By consolidating development on Lot 13, the amount of forest clearing (greater than 30 percent proposed) may also be reduced.

We offer the following comments as to the applicant's compliance with the variance standards.

Because alternatives exist on the property to accommodate the proposed development outside the Buffer, denial of this variance request would not result in a hardship to the applicant nor would it prevent the applicant from enjoying reasonable use of the entire property.

The granting of this variance request would not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Calvert County, but instead would confer upon the applicant a special privilege that would be denied to other

TTY For the Deaf

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lands or structures within the jurisdiction's Critical Area. The Critical Area provisions of the Calvert County Zoning Ordinance (Article 4, Section 4-8.07(A)(1)(a) and Section 4-4.07(D)) prohibit non-water-dependent development within the 100-foot Buffer on *all* lands designated a Limited Development Area, except for approved Buffer Exemption Areas. Since alternatives exist on the property to locate development outside the Buffer, the applicant has not demonstrated that relief from the Critical Area Buffer provisions is warranted in this case.

The provisions of the Critical Area Act and Criteria establish specific limits on impervious surface coverage, and development within the 100-foot Buffer of Limited Development Areas for the purpose of protecting water quality and natural habitats within the Critical Area. Additional development and human activity within the Buffer contributes to the detrimental effects on water quality and habitat around the Bay and its tributaries. Based on the site plan, approximately 2,658 square feet of impervious surface is proposed within the Buffer and the proposed dwelling is located within 50 feet of the shoreline. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area Law and the regulations.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

JVL/jjd

CA 593-03, revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 2, 2003

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

Re: Variance 03-2930 Emad Dides

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements for construction of a storage shed. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, extensive patios, walkways, and a driveway. The property consists of Parcel 36 and Parcel 15 (on which the septic fields for Parcel 36 are located). This office received a revised site plan on August 21, 2003.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the revised site plans, we have the following comments regarding the current development proposal.

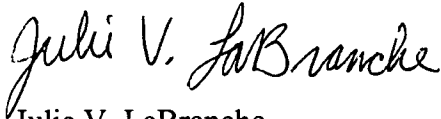
- 1) The 100-foot Buffer, as measured from the landward edge of tidal wetlands on the property, is shown correctly on the revised site plan.
- 2) It appears that the applicant has attempted to minimize disturbance within the Buffer by reducing the size of the storage shed and eliminating the second driveway. We recommend that the proposed path, from the storage shed to the dwelling, be composed of pervious materials such as mulch, gravel, or grass.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible. Since Parcels 36 and 15 are mostly forested, mitigation alternatives will need to be addressed.
- 4) Stormwater runoff from the garage should be directed to a stable vegetated outfall to promote infiltration and provide water quality benefits on the property.

Roxana L. Whitt
Variance 03-2930 Emad Dides
September 2, 2003
Page 2

- 5) The illegal dwelling addition, previously denied by the Calvert County Board of Appeals (Variance Case 03-2915), should be removed before any permits may be issued for construction of the storage shed associated with this variance.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 32-01, revised plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 2, 2003

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

Re: Variance 2003-0372 Dreamcraft Homes

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. 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 a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with single-family dwelling and driveway.

Based on information provided by County staff, we understand that a building permit is pending for construction of a new dwelling, garage, and driveway on this property (see attached site plan). We note that the dwelling shown on the site plan submitted for the building permit is not the same as the dwelling shown on the site plan for the current variance request. It appears that the new dwelling has been reconfigured and a deck has been added waterward of the new dwelling (refer to sit plan for variance request). We also note that both site plans include disturbance to steep slopes.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan submitted for this variance, it appears that the proposed dwelling is located no further waterward than the existing (previous?) dwelling, but the proposed deck does extend further waterward than the existing (previous?) dwelling. We recommend that deck footers be dug by hand to minimize disturbance to steep slopes. The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and steep slopes, should be required. Since the property has been cleared (as stated in the variance application), it

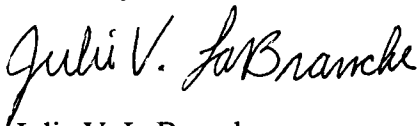
Kathy Shatt
Variance 2003-0372 Dreamcraft Homes
September 2, 2003
Page 2

appears that some mitigation plantings can be accommodated on the property; however mitigation alternatives may need to be addressed. Plantings, consisting of a mix of native trees and shrubs, should be first directed to the area between the shoreline and the new dwelling then elsewhere on the property.

- 3) Stormwater runoff should be directed to stable vegetated outfalls or to a best management practice appropriate for the limited space and steeply sloping terrain on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 586-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 29, 2003

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

Re: Variance 03-2931 John Lanier (Tax Map 35, Parcel 98, Lot 66)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements for construction of a single-family dwelling, deck, and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped with the exception of an existing shed. We received a revised site plan for this variance request on August 21, 2003.

Based on the revised information provided, this office does not oppose the variance to construct a septic system within the 100-foot Buffer. Based on information provided by the County and the applicant, perk tests indicate that few locations on the property have sufficient infiltration for septic fields. As shown on the site plan, the septic fields are located within approximately 70 feet of the shoreline and the landward edge of tidal wetlands. To provide for protection of water quality and aquatic habitats, we recommend that additional measures, such as installation of a nitrogen removal system, be implemented on this property.

Based on the revised information provided, this office does not oppose the variance to the Buffer requirements for construction of a single-family dwelling and deck. We have the following comments regarding the revised development proposal.

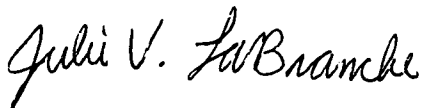
- 1) The 100-foot Buffer is not properly identified on the revised site plan provided with the variance request. The Buffer must be measured from the landward edge of tidal wetlands and the mean high water line (Calvert County Zoning Ordinance, Article 4, Section 4-4.07). As estimated from the site plan, a portion of the proposed deck and terrace appear to be within the 100-foot Buffer.

- 2) On August 28, 2003, I spoke at length with Mr. Lanier regarding this variance request and the revised development proposal for his property. I faxed to him a copy of a revised site plan with my estimation of the 100-foot Buffer on the property (refer to the attached site plan). Mr. Lanier agreed with my estimation of the location of the Buffer on the property. During our conversation, he noted that the proposed terrace and deck are included within the limits of disturbance for installation of the septic system, and therefore no additional clearing within the Buffer would result from the placement of these structures. However, Mr. Lanier did agree with my recommendation that the proposed terrace be replaced with pervious materials, such as a deck or vegetation and gravel pathways. With these changes to the site plan, no new impervious surface will be located within the Buffer. Mr. Lanier also noted that the configuration of the proposed house and driveway (as shown on the revised site plan) would result in less forest clearing within Buffer than the original proposal he submitted for this variance request.

- 3) If Mr. Lanier agrees to incorporate the recommended changes to the development proposal, we would not oppose this variance request. We also recommend that areas disturbed within the Buffer for installation of the septic system be reforested to the extent possible. Mr. Lanier stated that he is concerned about maintaining adequate drainage of stormwater runoff following development, especially within the Buffer, due to soil conditions on the property. We recommend that Mr. Lanier work with County staff to develop a Buffer Management Plan to address this problem on his property. Commission staff will also be available to assist in the development of a Buffer Management Plan.

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Regina Esslinger (Critical Area Commission)

CA 174-03, revised plans

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 29, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Major Subdivision SD-03-24 Richard Hance
(Tax Map 19, Parcel 48)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced major subdivision. The applicant is requesting to subdivide a 14-acre property to create 6 new residential lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with 39 mobile homes.

Based on the information provided, we have the following comments regarding the current development proposal.

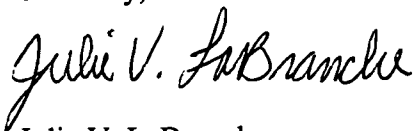
- 1) The property is being utilized for a nonconforming use (mobile home park in a RCA), which includes 39 existing mobile homes. As stated in a letter of February 25, 2002 from Regina Esslinger (Critical Area Commission), the Commission considers the existing 39 dwelling units to be grandfathered and therefore the subdivision density would be determined by the County zoning limitations (refer to attached letter).
- 2) The Calvert County Zoning Ordinance (Article 4, Section 4-4.05(3)(b)(iii)), identifies specific shoreline and cliff areas on the Chesapeake Bay as Conservation Districts. The Plum Point south cliffs area, shown on the attached map (refer to map provided by David Brownlee of the Calvert County Office of Planning and Zoning) is designated a "Category 2" cliff area and provides habitat for the Puritan tiger Beetle, a State endangered species. The Hance property is included within the Plum Point south cliffs area. The provisions in Article 4, Section 5 of the Calvert County Zoning Ordinance outline conditions for subdivisions, requiring that all lots in areas designated as "Category 2" will have a 200 foot cliff setback and that subdivisions shall meet all development requirements in Article 4, Section 4. A 100-foot cliff setback is currently shown on the subdivision plan. Because the subdivision

must meet all Habitat Protection Area requirements in the Zoning Ordinance (including protection of habitat for rare, threatened, and endangered species), the applicant must address this issue.

- 3) The applicant must provide an evaluation from the Department of Natural Resources for the presence of rare, threatened, and endangered species on the property.
- 4) Based on GIS information from the Department of Natural Resources, a tributary stream may be present in the southwestern portion of the property. If present, the tributary stream and the required 100-foot tributary stream Buffer must be shown on a revised site plan.
- 5) The subdivision is limited to 15 percent impervious surface coverage; however, individual lots of 1 acre or less may increase impervious surface coverage up to 25 percent, providing the subdivision does not exceed 15 percent. We recommend that impervious surface coverage limits be established for each lot and that these calculations are noted on the final subdivision plan. Impervious surface limits for individual lots should allow some flexibility for future property owners to construct sheds, decks, or patios on the property without exceeding the impervious surface limits. This office would not support future impervious surface variances for these non-grandfathered lots within the Critical Area.
- 6) Development, including septic systems, should not extend within any required setbacks or Buffers. This office would not support future Buffer variances for these non-grandfathered lots within the Critical Area.

Thank you for the opportunity to provide comments for this subdivision proposal. Please forward to our office a copy of any revised subdivision plans and the final subdivision proposal and site plan for review and comment.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: David Brownlee (Calvert County, Office of Planning and Zoning)
Dean Wilkinson (R.A. Barrett & Associates, Inc.)
Regina Esslinger (Critical Area Commission)

facsimile
TRANSMITTAL

to: Ms. Julie LaBranche
Chesapeake Bay Critical Area Commission

fax #: (410) 974-5338

re: Plum Point State Listed Species Site Map

date: August 28, 2003

pages: 2, including this cover sheet

From the desk of...
Dave Brownlee
Principal Environmental Planner
Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

(410) 536-1600 ext. 2338
Fax: (410) 414-3092
E-mail browndc@co.cal.md.us

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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/

August 28, 2003

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

Re: Variance 03-2943 Peter and Lynne Green

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a fence (6 feet in height) within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. As estimated from the site plan, the proposed fence is approximately 240 linear feet and a portion of the fence in the side yard is located on steep slopes. We recommend that the all post holes located on steep slopes be dug by hand or with light equipment to minimize disturbance within the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

CA 594-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 26, 2003

William R. Watson
Planning and Zoning Administrator
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Board of Appeals Variances: Fortier Tax Map 101, Lot 30;
Tax Map 101, Lot 31; and Tax Map 101, Lots 15 and 16

Dear Mr. Watson:

Thank you for providing information on the above referenced variance applications. The applicant is requesting three variances to permit construction of a single-family dwelling on each lot with disturbance to steep slopes and within the 100-foot Buffer. Each of the properties is an designated Intensely Developed Areas (IDA) and is currently undeveloped.

We have the following comments regarding these variance requests.

- 1) Based on GIS information from the Department of Natural Resources, it appears that tidal wetlands may be present nearby the existing gravel drive shown on the site plan. Were the tidal wetlands delineated on the site or was the 100-foot Critical Area Buffer derived from another source of information? The 100-foot Critical Area Buffer must be measured from the landward edge of tidal wetlands based on the current conditions on the property and adjacent lands. In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded 4 feet for every 1 percent of slopes, or to the top of slope, whichever is greater in extent (Chesapeake Beach Critical Area Program, Program 9, Section II).

The Buffer must be accurately identified on the site plan in order to determine the mitigation required for development of each property as proposed. We request revised site plans, which accurately identify the extent of the Buffer on each property, be provided to this office for our review.

- 2) We have the following comments regarding the development proposal for each property.

Tax Map 101, Lot 30 - Based on the site plan, it appears that most of the lot consists of steep slopes. The applicant has attempted to minimize disturbance to steep slopes by locating the dwelling close to the front of the lot.

Tax Map 101, Lots 15 and 16 - Based on the site plan, it appears that disturbance to steep slopes has not been minimized to the extent possible on the property. For example, the dwelling could be shifted to the building restriction line to the north, and the driveway could be reconfigured, parallel with the eastern property boundary, to provide a suitable turn around area for vehicles.

Tax Map 101, Lot 31 - Based on the site plan, it appears that disturbance to steep slopes has not been minimized to the extent possible on the property. For example, the dwelling could be shifted to the building restriction line to the west, and the driveway could be reconfigured, parallel with the existing gravel drive, to provide a suitable turn around area for vehicles.

We strongly recommend that the applicant consider these alternatives to minimize disturbance within the Critical Area while accommodating the development of these properties.

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. The required mitigation will be based on the area of disturbance proposed within the 100-foot Buffer (refer to comments in #1 above). We recommend that mitigation plantings be accommodated on the property to the extent possible following completion of construction. Since the property is mostly forested, mitigation alternatives may need to be addressed. The use of public or private lands for off-site mitigation may include: creation or expansion of forested stream Buffers, creation or expansion of forested nontidal wetland buffers, street plantings, creation of vegetated rain gardens, and plantings on residential lots within the Town (either within or outside of the Critical Area).
- 4) Because the property is designated an IDA, water quality improvements should be provided on the site. Pollutant reductions from runoff can be achieved through the implementation of best management practices or with plantings. Mitigation plantings can be used to provide treatment of runoff and provide stabilization of steep slopes.

When we have received the requested information, we will complete our review and provide final comments for these variance requests. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 25, 2003

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

Re: Variance 03-2942 D&D Homes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling, garage, and deck within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, we understand that the current proposal includes clearing of 30 percent (9,762 square feet) of the existing forest on the property. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1.5:1 for clearing up to 30 percent, should be required. Because the property is fully forested, mitigation alternatives may need to be addressed.
- 2) As shown on the site plan, stormwater runoff will be directed to five subsurface drywells located around the perimeter of the proposed development.
- 3) For the purpose of minimizing disturbance to steep slopes within the Buffer, we recommend that the footers for the proposed deck be dug by hand. The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization (densely planted) on the downslope end.

Roxana L. Whitt
Variance 03-2942 D&D Homes
August 25, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

CA 593-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 25, 2003

Cliff Houston
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2960, John and Susan Von Hagen

Dear Mr. Houston:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to legalize a deck and to construct a trellis on an existing accessory structure within the 110-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, cabin, and driveway. We provided comments regarding this variance request in a letter of July 28, 2003. However, as conveyed in a telephone conversation on August 21, 2003 by Joe Johnson of the Cecil County Planning and Zoning Office, we understand that construction of the deck has been completed without the necessary permits and without review by the Commission. Based on this new information, we are providing revised comments regarding this variance request.

Based on the additional information provided, we oppose this variance. We offer the following comments as to the applicant's compliance with the variance standards. The Code of Maryland Regulations and the Calvert County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

1. ***That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*** There is nothing unusual or unique about this 4.55-acre residential property. In 2002, the General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. There appear to be ample opportunities on this property to accommodate the proposed development outside of the 110-foot Buffer and therefore, denial of this variance would not result in an unwarranted hardship to the applicant or deny the applicant of reasonable and significant use of the entire parcel or lot.

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.*** As required by the Cecil County Zoning Ordinance (Article XI, Part I, Section 196(1)(a)), development is not permitted within the 110-foot Buffer, except within an approved Buffer Exemption Area or by variance. The literal interpretation of the Buffer provisions would not deprive the applicant the opportunity to enjoy the proposed amenities on the property (deck and trellis), since these amenities can be located elsewhere on the property outside the 110-foot Buffer.
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.*** As required by the Cecil County Zoning Ordinance (Article XI, Part I, Section 196(1)(a)), development is not permitted within the 110-foot Buffer, except within an approved Buffer Exemption Area or by variance. The Buffer provisions apply to development within the 110-foot Buffer on *all* properties designated a Limited Development Area within the Critical Area of Cecil County. Since this property is not designated a Buffer Exemption Area, the Buffer provisions apply to all development proposed on this property, and therefore the granting of this variance would confer a special privilege that would be denied to other lands within the Critical Area of Cecil County.
4. ***The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.*** The applicant has requested a variance to legalize construction of a deck within the 110-foot Buffer. A variance is required for all development activities within the 110-foot Buffer, on properties that are not designated a Buffer Exemption Area. We understand that construction of the deck was conducted without the necessary permits and without a variance for disturbance to the 110-foot Buffer; therefore the variance request is most certainly based upon conditions or circumstances which are the result of the actions by the applicant (Cecil County Zoning Ordinance Article XVII, Section 12(7)).
5. ***The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*** The provisions of the Critical Area Act and Criteria establish specific provisions for permitting development within the 110-foot Buffer of a Limited Development Area for the purpose of protecting water quality and natural habitats within the Critical Area. Additional development and human activity within the Buffer contributes to the detrimental effects on water quality and habitat around the Bay and its tributaries. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area Law and the regulations.

Cliff Houston
Variance 2960, John and Susan Von Hagen
August 25, 2003
Page 3

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CE 517-03, revised



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 25, 2003

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

Re: Variance 03-2950 Norman and Helen Prince

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the cliff setback requirements to construct additions and decks to an existing single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the proposed construction is located outside of the 100-foot Buffer, with the exception of a corner of one of the decks on the waterside of the dwelling. We recommend that deck footers located on steep slopes be dug by hand to minimize disturbance. The proposed decks should be designed to be pervious, with a gravel or vegetated substrate and vegetative stabilization (densely planted) on the downslope end.
- 2) Mitigation, at a ratio of 1:1 for clearing outside the Buffer, should be required. Based on the site plan, it appears that some of the required mitigation plantings could be accommodated on the property; however mitigation alternatives may need to be addressed.
- 3) Stormwater runoff from the new structures should be directed to stable vegetated outfalls or a best management practice to provide water quality benefits on the site. Stormwater outfalls should be directed away from steep slopes on the property.

Roxana L. Whitt
Variance 03-2950 Norman and Helen Prince
August 25, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

CA 595-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 25, 2003

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

Re: Variance 03-2954 Hattie Perry

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and driveway on steep slopes and within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for clearing outside the Buffer, should be required. Because the property is fully forested, mitigation alternatives will need to be addressed. We recommend that areas of steep slopes disturbed during construction be reforested to the extent possible following completion of the project.
- 2) Stormwater runoff should be directed to stable vegetated outfalls or best management practices to provide water quality benefits on the site. Stormwater outfalls should be directed away from steep slopes to prevent erosion. Due to the steeply sloping terrain, a rain garden or other bioretention area may be appropriate for this site.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

CA 597-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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August 25, 2003

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

Re: Variance 03-2953 Alfred and Halina Greenberg

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and driveway within the 100-foot Critical Area Buffer. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Because this property is designated an IDA, water quality improvements should be provided on site. Pollutant reductions from runoff can be achieved through the implementation of a best management practice or with plantings.
- 2) We recommend that cleared areas on the sides and front of the property be reforested to extent possible following construction.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

CA 596-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 22, 2003

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

Re: Variance 2003-0362 Harry and Jeannette Dunton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (storage shed) with less setbacks and Buffer than required in the front yard of a waterfront lot, and with greater lot coverage than allowed. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with single-family dwelling.

Providing this lot is properly grandfathered, we do not oppose this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. We recommend that plantings, consisting of a mix of native trees and shrubs, be directed to the area between the shoreline and the new structure and existing dwelling.
- 2) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche

Natural Resources Planner

AA 583-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 21, 2003

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

Re: Variance 2003-0283, David Kerr
(Tax Map 57, Parcel 29, Lot 21)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes, and to permit a pier with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently undeveloped. We received a revised site plan and an environmental report since our original comment letter of August 1, 2003.

Providing this lot is properly grandfathered, we do not oppose these variances. We have the following comments regarding the revised development proposal.

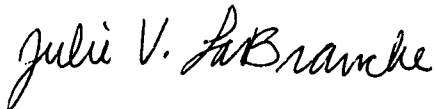
- 1) As shown on the site plan, the property consists of extensive steep slopes contiguous with the 100-foot Buffer. With expansion of the Buffer for steep slopes, the entire property is within the expanded Buffer. Based on the site plan provided, it appears that the applicant has attempted to minimize disturbance within the Buffer by siting development close to East Lake Drive, and as far back from the shoreline of Lake Ogelton as possible.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Since the property is heavily forested, mitigation alternatives will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible. As noted on the site plan, a mulch access path from the dwelling to the shoreline is proposed within the expanded Buffer. Mitigation will be required at a ratio of 2:1 for any clearing or impervious surface associated with construction of the path.

Ramona Plociennik
Variance 2003-0283, David Kerr
August 21, 2003
Page 2

- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. Due to the presence of steep slopes over most of the property, a best management practice may provide additional protection against erosion and enhance water quality benefits. For example, a bioretention area or subsurface infiltration devise (depending upon soil conditions) could be utilized for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 525-03, revised plan



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 20, 2003

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

Re: Variance 2003-0358 Sidney and Barbara Pion

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (screened porch) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and patio.

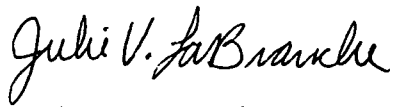
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property is currently non-conforming with respect to impervious surface coverage with 10, 130 square feet (maximum permitted 5, 445 square feet). We understand that the covered porch will be constructed over an existing deck, and that an equivalent area of existing impervious surface within the Buffer (concrete patio, dog shed, dog run) will be removed to offset the new construction.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Since approximately half of the property is vegetated (landscaping and forest), it appears that mitigation plantings can be accommodated on the site. Plantings, consisting of a mix of native trees and shrubs, should be directed first to non-forested areas within the Buffer then to other areas of the property.
- 3) Stormwater runoff from the new structure should be directed to a stable vegetated outfall to provide water quality benefits on the property. We recommend that the outfall be directed away from steep slopes located adjacent to the structure within the Buffer.

Ramona Plociennik
Variance 2003-0358 Sidney and Barbara Pion
August 20, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 581-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 20, 2003

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

Re: Variance 2003-0259 John Barry

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received revised site plans for this variance on August 20, 2003.

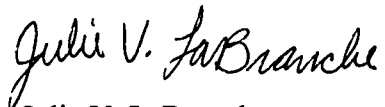
Providing this lot is properly grandfathered, we do not oppose this variance. Based on the revised site plans, we have the following comments regarding the current development proposal.

- 1) The applicant appears to have minimized disturbance to steep slopes by reconfiguring the dwelling, reducing the size of the driveway, and reducing the limits of disturbance and clearing. The proposed clearing is within the allowed limits of 6,534 square feet for a lot of less than one half acre (Anne Arundel County Zoning Ordinance Article 28, §1A-105).
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is almost fully forested, mitigation alternatives will need to be addressed. We recommend that areas of steep slopes disturbed during construction be reforested to the extent possible.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or to best management practices to provide water quality benefits on the site. Stormwater outfalls should be directed away from steep slopes on the property to prevent erosion.

Pam Cotter
Variance 2003-0259 John Barry
August 20, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 491-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 20, 2003

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

Re: Variance 2003-0354 Phyllis Dixon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions (covered porch and deck) with less setbacks and Buffer than required, and a driveway with less Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, deck, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. However several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, we understand that the current development proposal includes 37,300 square feet (0.87 acres) of disturbance within the Critical Area. Most of the proposed disturbance is associated with construction of a new 12-foot wide driveway in an area of less steep slopes on the property. The new driveway will utilize a portion of the existing driveway near Epping Farms Lane (approximately 30 percent of the existing length). Only a small portion of the proposed disturbance associated with construction of the deck and the second floor addition (area of disturbance undetermined) is within the Buffer.

As shown on the site plan, it appears that extensive grading on steep slopes will be required to construct the circular (loop) portion of the new driveway. Could the circular area be replaced with a second turn-around area? We recommend that the applicant consider this alternative in order to minimize disturbance to steep slopes within the Critical Area.

- 2) We recommend that the deck footers be dug by hand to minimize disturbance to steep slopes within the Buffer. The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization (densely planted) on the downslope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. As shown on the site plan, the applicant has proposed to reforest two areas, of approximately 5,453 square feet (0.13 acres), located over portions of the existing driveway that will be removed. However, since the property is heavily forested, mitigation alternatives will need to be addressed to satisfy the mitigation requirement for this proposal.
- 4) Stormwater runoff from the new driveway should be directed to a best management practice appropriate for the steeply sloping terrain to prevent erosion on steep slopes and maintain water quality on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 585-03



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/

August 20, 2003

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

Re: Variance 2003-0373 John and Mary Sheerin

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Because the property is designated an IDA, water quality improvements should be provided on the site. Pollutant reduction from runoff can be achieved through the implementation of a best management practice or with plantings. Due to the high water table, a rain garden may be suitable for this location.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is not currently forested (mowed grass), it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

AA 587-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 20, 2003

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

Re: Variance 2003-0364 Steven Edwards

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patio, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan, it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. We understand that the plantings will be placed along the perimeter of the garage to address stormwater runoff.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 584-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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August 19, 2003

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

Re: Variance 2003-0352 James Christie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (two decks) with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and garage.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the site plan provided. As estimated from the site plan, the deck in back yard is partially within the Buffer and the deck in the front yard is entirely within the Buffer. The applicant should provide this information for the purpose of determining the required mitigation.
- 2) The decks should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible, and be directed first to non-forested areas within the Buffer then to other areas on the property.
- 4) Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0352 James Christie
August 19, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 570-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 19, 2003

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

Re: Variance 2003-0346 Joseph Brown

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct dwelling additions with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and garage.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the site plan provided. Based on measurements shown on the site plan, the Buffer appears to extend across the midpoint of the property (as measured from the shoreline to Parkway Drive). The applicant should provide this information for the purpose of determining the required mitigation.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible, and be directed first to non-forested areas within the Buffer then to other areas on the property.
- 3) Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0346 Joseph Brown
August 19, 2003
Page 2

- 4) Because this property is designated an IDA, water quality improvements should be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 568-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 19, 2003

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

Re: Variance 2003-0331 Gailia Modlin

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, walkways, garage, carport, and deck.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the proposed deck is located within 25 feet of the Magothy River. We recommend that the deck footers be dug by hand to minimize disturbance within the Buffer. The deck should be designed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. We recommend that plantings be directed first to non-forested areas within the Buffer then to other areas of the property.
- 3) Because the property is designated an IDA, water quality improvements should be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

Ramona Plociennik
Variance 2003-0331 Gailia Modlin
August 19, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 560-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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August 19, 2003

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

Re: Variance 2003-0320 Woody Young

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (and deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, garage, and driveway.

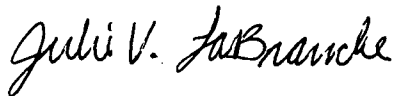
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the site plan provided, and based on the information provided, we are unable to determine the extent of the Buffer on the property. The applicant should provide this information for the purpose of the determining the required mitigation.
- 2) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Based on the site plan, it appears that mitigation plantings can be accommodated on the property. Mitigation plantings should be directed first to non-forested areas within the Buffer then to other areas of the property.
- 4) Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0320 Woody Young
August 19, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 559-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 19, 2003

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

Re: Variance 2003-0339 John Gregory Norton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible.
- 3) Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 566-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 19, 2003

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

Re: Variance 2003-0336 William and Cynthia Brukel

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a right-of-way (driveway) with less width than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose this variance. As stated in the application (letter from Mark B. Weber, P.E. dated July 9, 2003), reduction in the required width will prohibit disturbance to sensitive areas adjacent to the right-of-way, including non-tidal wetlands and steep slopes. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 565-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 19, 2003

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

Re: Variance 2003-0342 Arlene and Bruce Lee

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, sunroom, garage, carport, and deck.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. We recommend that plantings be directed first to non-forested areas within the Buffer then to other areas of the property. Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 567-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 18, 2003

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

Re: Variance 2003-0239 Flor Rivera

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (and deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, garage, and driveway.

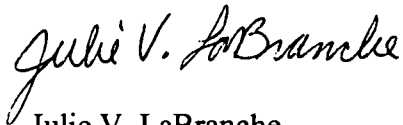
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the site plan provided, and based on the information provided, we are unable to determine the extent of the Buffer on the property. The applicant should provide this information for the purpose of the determining the required mitigation.
- 2) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Based on the site plan, it appears that mitigation plantings can be accommodated on the property. Mitigation plantings should be directed first to non-forested areas within the Buffer then to other areas of the property.
- 4) Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0
August 15, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 561-03



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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August 18, 2003

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

Re: Variance 2003-0330 Robert Shaw

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and several walkways.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Because the deck is proposed on steep slopes, we recommend that heavy machinery be used only if needed and the deck footers be dug by hand to minimize disturbance. The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan, it appears that mitigation plantings can be accommodated on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 562-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 15, 2003

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

Re: Variance 2003-0347 Jason and Betsy Kimrey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that much of the required mitigation plantings could be accommodated on the property. Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 569-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 15, 2003

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

Re: Variance 2003-0335 Kathleen Goff

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a townhouse.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As proposed, the deck is similar in size to other decks permitted by variance in this community. The deck should be designed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the property is limited in size, mitigation alternatives may need to be addressed.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

AA 564-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 15, 2003

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

Re: Variance 2003-0332 Mollie and Marie Tribull

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with disturbance to steep slopes within the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped.

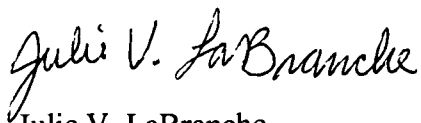
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the property consists of steep slopes near the shoreline. The Buffer must be expanded to include contiguous steep slopes (Anne Arundel County Zoning Ordinance Article 28, §1A-104). With expansion of the Buffer, some of the proposed development is within the expanded Buffer.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Since the property is heavily forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be used to reforest areas of steep slopes which are disturbed during construction.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. As shown on the site plan, stormwater runoff will be directed to a subsurface infiltration devise.

Ramona Plociennik
Variance 2003-0332 Mollie and Marie Tribull
August 15, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

AA 563-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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August 12, 2003

Jodee Cangialosi
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Minor Subdivision – Turkey Point Associates
(Tax Map 41, Parcel 260)

Dear Ms. Cangialosi:

Thank you for providing information on the above referenced minor subdivision. The applicant has proposed to create two new residential lots with associated facilities (septic systems and access roads). As proposed, only one of the lots (Lot 1) is within the Critical Area. The Critical Area portion of this property (approximately 20.5 acres) is designated a Resource Conservation Area (RCA) and is currently undeveloped.

We have the following comments regarding the current subdivision proposal.

- 1) The following information is not shown on the subdivision plan provided: the 110-foot tributary stream Buffer, nontidal and tidal wetlands (if present), wetland buffers, and areas of forest and other natural vegetation, including area calculations. Although the 110-foot Buffer is shown on the site plan, the Buffer must be expanded to include the 110-foot tributary stream Buffer and all contiguous nontidal wetlands and wetland buffers. The applicant should provide a revised site plan, which includes this information.
- 2) As shown on the subdivision plan, Lot 1 is identified as a Limited development Area (LDA). Based on the Critical Area maps for Cecil County and the Critical Area boundary shown on the subdivision plan, the portion of the property labelled LDA, including Lot 2, is outside of the Critical Area. However, we do note that a very small area of Lot 2 is within the Critical Area portion of the property (refer to the lot lines in the northwest corner of Parcel 260). This may in fact be a drafting error since the lot line and Critical Area line appear to intersect at this point.
- 3) Based on GIS information from the Department of Natural Resources, it appears that there may be nontidal wetlands on Parcel 260 (refer to the attached map). In order to provide a

complete evaluation of the proposed subdivision for compliance with the local Critical Area regulations, we recommend that an environmental assessment be completed for this property. In addition, the applicant must provide an evaluation by the Department of Natural Resources for the presence of rare, threatened, and endangered species on the property.

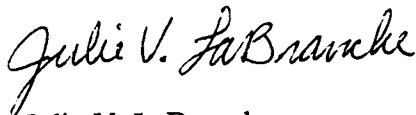
- 4) On August 11, 2003, I discussed this subdivision proposal with Joe Moore of the Cecil County Health Department with respect to the proposed locations for the septic systems for Lot 1 and Lot 2. As estimated from the site plan, the septic system for Lot 1 is located within the 100-foot tributary stream Buffer and possibly within nontidal wetlands and wetland buffers. Also, the septic system for Lot 2 is located on Lot 1. Mr. Moore indicated that Health Department standards require that the septic systems be located outside of all wetland buffers and the septic systems for each proposed lot must be located on the respective lot.

In order to minimize impacts to Habitat Protection Areas within the Critical Area (Buffer, tributary stream, wetlands, wetland buffers), we recommend that additional soil and perk test data be provided, or additional testing conducted, to rule out or evaluate possible alternative locations for the proposed septic systems for Lot 1 and Lot 2.

- 5) As required by the Criteria (COMAR 27.01.02.05(8)) and the local Critical Area regulations (Article XI, Section 201), the development density within a Resource Conservation Area is limited to one dwelling unit (and associated facilities) per twenty acres. In addition, facilities associated with residential development outside the Critical Area should not be located within the Critical Area. The current subdivision proposal does not meet these requirements because both septic systems are located on Lot 1 (within a RCA) and Lot 2 is located outside the Critical Area.

The applicant should provide additional information which addresses the issues outlined in this letter. Once the requested information has been received, we will complete our evaluation of this subdivision proposal. Thank you for the opportunity to provide comments.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Joe Moore (Cecil County Health Department)
Wayne W. Grafton (The Grafton Association)



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 11, 2003

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

Re: Variance 2003-0130 Richard Roeser

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the property contains extensive nontidal wetlands and nontidal wetlands buffer. Based on information provided to this office by the applicant's consultant (on August 8, 2003), we understand that the required authorizations from the Department of the Environment have been secured for the proposed impacts to the nontidal wetland buffer on this property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed.
- 3) Stormwater runoff should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 228-02, revised plan



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2003

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

Re: Mandrin Homes, LTD. Variances 2003-0243, 2003-0245, 2003-0244
Mandrin Homes, LTD. Special Exception 2003-0242

Dear Ms. West:

Thank you for providing information on the above referenced variances and special exception. The applicant is requesting variances to: permit a club house and sanitary facilities with less Buffer than required and less parking spaces than required, to allow use of a community marina by residents of an adjacent non-riparian subdivision, to permit an extension in time for the implementation and completion of the requested variances and special exception, and a special exception to permit a community marina facility in an R5 residential district. The property has a split designation of Resource Conservation Area and Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, this office does not oppose the variances to permit a club house and sanitary facilities with less Buffer than required and less parking spaces than required and to permit an extension in time for the implementation and completion of the requested variances and special exception, and a special exception to permit a community marina facility in an R5 residential district. We understand that the required mitigation for the community marina and facilities is included in the impacts calculated in the development plan for the subdivision.

Based on the information provided, this office does oppose a variance to allow use of a community marina by residents of an adjacent non-riparian subdivision.

- 1) The Anne Arundel County Zoning Ordinance (Article 28, §12-214(A)(3)) and the Critical Area Law (Natural Resources Article 8-1808.5(c)) require that "a new or expanded

Liz West

Mandrin Homes, LTD. Variances 2003-0243, 2003-0245, 2003-0244

Mandrin Homes, LTD. Special Exception 2003-0242

August 11, 2003

Page 2

community pier or other noncommercial boat docking or storage facility may be permitted in the Buffer providing that the facility:

- is water dependent,
- meets a recognized private right or public need,
- ***is community owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision, and***
- is associated with a residential development approved by the local jurisdiction for the Critical Area and is consistent with all criteria and local regulations for the Critical Area.”

The applicant has proposed a community marina, associated with the Creekside at Osprey Landing (Marvista) subdivision, for use by residents of an adjacent non-riparian subdivision (the Carolstown subdivision). This proposal clearly conflicts with the Critical Area Law and the Anne Arundel County Zoning Ordinance, which does not permit this use within the Critical Area.

- 2) This office feels that the variance process is not the appropriate administrative procedure to be applied in this case. Through administrative procedure for resubdivision, the Creekside at Osprey Landing and Carolstown subdivisions could be consolidated to lawfully establish riparian rights for the lots within the Carolstown subdivision, and thereby eliminate the need for a variance. Based on the information provided, we understand that the Creekside at Osprey Landing subdivision and the Carolstown subdivision are currently under contract by the same developer, which would facilitate the administrative plat revision process for resubdivision.
- 3) We conclude that the applicant does not meet the standards for the granting of a variance to allow use of a community marina and facilities by residents of an adjacent non-riparian subdivision (the Carolstown subdivision).

Specifically, denial of this variance would not result in an unwarranted hardship to the applicant. The subdivision does not have riparian rights to use of the shoreline but could establish such rights through the administrative resubdivision process.

Denial of this variance would not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. To our knowledge no other non-riparian subdivision within the Critical Area of Anne Arundel County has been permitted such use by variance. Therefore, the granting of a variance would confer upon the applicant a 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.

Liz West

Mandrin Homes, LTD. Variances 2003-0243, 2003-0245, 2003-0244

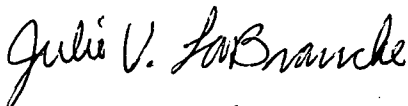
Mandrin Homes, LTD. Special Exception 2003-0242

August 11, 2003

Page 2

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

Sincerely,



Julie V. LaBranche

Natural Resources Planner

cc: Ren Serey (Critical Area Commission)
Sally Oliff (Anne Arundel County Law Office)

AA 484-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 11, 2003

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

Re: Variance 2003-0291 Stanislaw Tarchalski

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property is currently non-conforming with respect to impervious surface coverage, with 7,488 square feet or 16.5 percent. The current development proposal includes 6,834 square feet or 15.01 percent impervious surface coverage, which includes a reduction of 1,054 square feet of impervious surface within the Buffer. As shown on the site plan, the proposed dwelling and deck are located no further waterward than the existing dwelling and (impervious) patio.
- 2) As noted on the site plan, we understand that the existing stone patio beneath the proposed deck will be removed. We recommend that the deck footers be dug by hand to minimize disturbance to steep slopes within the Buffer.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Since the property is already heavily forested, mitigation alternatives will need to be addressed. We recommend that areas disturbed during

construction, especially areas of steep slopes adjacent to the deck, be reforested to the extent possible.

- 4) As noted on the site plan, stormwater runoff will be directed to a subsurface infiltration device to provide water quality benefits on the property. Also, an overflow pipe will be installed beneath the existing stairs, directing runoff to Luce Creek. Will this runoff be treated prior to discharge into the Creek and what is the source of the runoff? Could an additional subsurface infiltration device be utilized to manage this runoff on the site?

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 531-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2002

William Watson
Town of Chesapeake Beach
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Site Plan to Renovate Town Hall

Dear Mr. Watson:

Thank you for providing information about the proposed renovation of Town Hall. The project includes expansion of the Town Hall with two new additions to the main building, the addition of sidewalks around the perimeter of the building, and expansion of the existing parking area on the south side of the property. As requested, we received revised site plans on July 23, 2003, showing the existing and proposed conditions on the site. We have the following comments regarding the current redevelopment proposal

- 1) Based on the information provided, we understand that compliance with the 10% Rule is proposed by directing stormwater runoff from the site to two existing grass swales adjacent to the property, one located to the south and the other to the east adjacent to MD Route 261. The 10% Rule calculations provided assume the grass swales will treat the estimated volume of runoff at the maximum pollutant removal rate of 50 percent. However, it appears that these calculations do not consider the drainage area and volume of runoff already directed to these grass swales. We have the following questions regarding the use of the two grass swales for stormwater treatment for compliance with the 10% Rule:
 - Were the grass swales originally designed as a best management practice for stormwater treatment or for stormwater conveyance?
 - What is the present drainage area for and volume of runoff currently being directed to each of the grass swales?
 - Given their current function, are the grass swales sized to treat the additional runoff from the Town Hall site at the maximum assigned removal efficiency of 50 percent?

We will need this additional information regarding 10% Rule compliance to complete our review of this project.

William Watson
Site Plan to Revnovate Town Hall
August 11, 2003
Page 2

- 2) Since the project will not impact any Habitat Protection Areas, the Town will need to submit a consistency report, showing that the project is consistent with the provisions and requirements of the Town's Critical Area program and that the project complies with the Criteria for evaluation of local projects within the Critical Area (as required by COMAR 27.02.02).

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

CB 463-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 11, 2003

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

Re: Variance 2003-0312 Debbie and Len Nemeč

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, attached garage, detached garage, shed, walkways, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the proposed dwelling addition will be located on the footprint of an existing concrete slab. There will be no increase in impervious surface coverage on the property as a result.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside Buffer, should be required. We recommend that mitigation plantings be accommodated on the property to the extent possible.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 541-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 11, 2003

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

Re: Variance 2003-0307 Robert Latham

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two dwelling additions (attached garage and covered porch) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, deck, hot tub, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside Buffer, should be required. Based on the information provided, it appears that mitigation plantings be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 538-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2003

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

Re: Variance 2003-0298 David Moses

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (detached garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, shed, patio, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside Buffer, should be required. Because the property is already heavily forested, mitigation alternatives may need to be addressed. Plantings should consist of a mix of native trees and shrubs and should be accommodated on the property to the extent possible. Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 533-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2003

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

Re: Special Exception 2003-0337 Summit Tower, LLC.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to construct a telecommunications tower in an OS district. The property is designated a Resource Conservation Area (RCA) and is currently developed with a church and associated camp facilities.

Based on the information provided, we do not oppose this request for a special exception. We understand that 0.088 acres of forest will be removed as a result of this project. Mitigation, at a ratio of 1:1 for disturbance outside Buffer, should be required. It appears that mitigation plantings be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

AA 49-01, resubmittal



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2003

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

Re: Variance 2003-0301 Gregory Conley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (attached garage) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Critical area Buffer is not identified on the site plan provided for this variance request. As estimated from the site plan, the entire property appears to be within the 100-foot Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the property is partially forested, mitigation alternative may need to be addressed. We recommend that plantings be accommodated on the property to the extent possible.
- 3) Based on the information provided, we understand that stormwater runoff from the garage will be directed to an existing subsurface drain.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 534-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2003

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

Re: Variance 2003-0303 Robert Swecker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and several decks.


Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property is non-conforming with respect to impervious surface coverage, consisting of 3,040 square feet of impervious surface coverage or 59 percent. The current development proposal includes 2,520 square feet of impervious surface coverage (49 percent), a reduction of 520 square feet.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because of the size and developed area of the property, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be accommodated, wherever possible, to provide additional water quality benefits on the property.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. Due to the presence of steep slopes, a best management practice may provide additional protection against erosion and enhance water quality benefits. For example, a bioretention area or subsurface infiltration device (depending upon soil conditions) could be utilized for this purpose.

Ramona Plociennik
Variance 2003-0303 Robert Swecker
August 11, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 536-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 11, 2003

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

Re: Variance 2003-0351 Paul Coppinger

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, several decks and walkways, and extensive areas of gravel.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property is non-conforming with respect to impervious surface coverage, consisting of 2,498 square feet of impervious surface coverage or 49.1 percent. The current development proposal includes 2,495 square feet of impervious surface coverage, a minor reduction from the present condition. As shown on the site plan, the existing dwelling will be expanded and existing impervious surface (gravel, stone, and decking) will be removed to offset the new development.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the property is already partially forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be accommodated on the property, especially in areas where existing impervious surface will be removed, to provide additional water quality benefits.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. Due to the presence of steep slopes, a best management practice

Ramona Plociennik
Variance 2003-0351 Paul Coppinger
August 11, 2003
Page 2

may provide additional protection against erosion and enhance water quality benefits. For example, a bioretention area or subsurface infiltration devise (depending upon soil conditions) could be utilized for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 544-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 5, 2003

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

Re: Variance 2003-0309 Sean O'Donovan

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

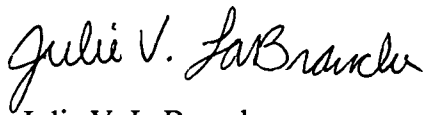
- 1) As shown on the site plan, a portion of the property consists of steep slopes. Based on GIS information from the Department of Natural Resources, this area of steep slopes is contiguous with the 100-foot Buffer; therefore the Buffer must be expanded (Anne Arundel County Zoning Ordinance Article 28, §1A-104). With expansion of the Buffer for steep slopes, the entire property is within the expanded Buffer.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the expanded Buffer, should be required. Since the property is already partially forested, mitigation alternatives will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible.
- 3) Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property. Due to the presence of steep slopes on the property, a best management practice may provide additional protection against erosion and enhance water

Ramona Plociennik
Variance 2003-0309 Sean O'Donovan
August 5, 2003
Page 2

quality benefits. For example, a bioretention area or subsurface infiltration devise (depending upon soil conditions) could be utilized for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 539-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 5, 2003

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

Re: Variance 2003-0316, Ron and Lila Kvetch

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (gazebo) in the Buffer to non-tidal wetlands. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Based on the information provided, we oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the proposed gazebo is located within the 25-foot buffer to nontidal wetlands on the western property boundary. The 25-foot nontidal wetland Buffer is not shown on the site plan. The nontidal wetlands are contiguous with an unnamed tributary to Bodkin Creek (a tidal tributary of the Chesapeake Bay) and the required 100-foot tributary stream Buffer; therefore the 100-foot Buffer must be expanded to include nontidal wetlands and the 25-foot wetland buffer (Anne Arundel County Zoning Ordinance Article 28, §1A-104).
- 2) The proposed gazebo is 13 feet by 16 feet in size (208 square feet). As estimated from the site plan, it appears that the gazebo could be located elsewhere on the property, eliminating the need for a Buffer variance. For example, the gazebo could be located in the side yard or front yard, outside of the expanded Buffer. Also, the proposed location for the garage could be shifted slightly (over the existing gravel driveway) to make additional space available for the gazebo. We strongly recommend that the applicant investigate these alternatives.

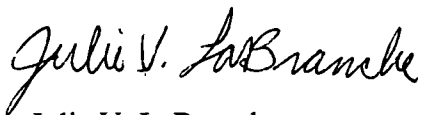
Ramona Plociennik
Variance 2003-0316, Ron and Lila Kvetch
August 5, 2003
Page 2

If granted, we recommend that the following be made conditions of this variance.

- 1) The applicant must secure the required authorizations from the Department of the Environment for disturbance to the 25-foot nontidal wetland buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible.
- 3) Stormwater runoff from both the garage and gazebo should be directed to stable vegetated outfalls to provide water quality benefits on the property. Stormwater outfalls should be directed away from the nontidal wetland and wetland buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 543-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 5, 2003

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

Re: Variance 03-2931 John Lanier (Tax Map 35, Parcel 98, Lot 66)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements for construction of a single-family dwelling, deck, and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped with the exception of an existing shed.

Based on the information provided, this office does not oppose the variance to construct a septic system within the 100-foot Buffer. Based on information provided by the County and the applicant, perk tests indicate that few locations on the property have sufficient infiltration for septic fields. As shown on the site plan, the septic fields are located within approximately 70 feet of the shoreline and the landward edge of tidal wetlands. To provide for protection of water quality and aquatic habitats, we recommend that additional measures, such as installation of a nitrogen removal system, be implemented on this property.

However, this office does oppose the variance to the Buffer requirements for construction of a single-family dwelling and deck. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not properly identified on the site plan provided with the variance application. The Buffer must be measured from the landward edge of tidal wetlands and the mean high water line (Calvert County Zoning Ordinance, Article 4, Section 4-4.07). As estimated from the site plan, a portion of the dwelling and the deck appear to be within the 100-foot Buffer.
- 2) Again, this office does not support a variance to the Buffer requirements (Calvert County Zoning Ordinance Article 4, Section 4-4.07) when alternatives exist on the site. Although the property is grandfathered under the Critical Area Law, there appears to be sufficient area on

this 3.6 acre property to accommodate the proposed development without the need for a variance to the 100-foot Buffer requirements. For example, the proposed dwelling and deck could to be shifted approximately 15 to 20 feet to the west or north, eliminating the need for this variance.

We offer the following comments as to the applicant's compliance with the variance standards. The Code of Maryland Regulations and the Calvert County Zoning Ordinance both provide the standards a local government must use when granting a variance. The applicant bears the burden to prove, and the Board of Appeals must find, that the applicant satisfies each one of the following factors:

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.*

It appears that alternative development options exist on this property that could accommodate the proposed development while complying with the Buffer requirements within the Critical Area. However, the applicant has not yet considered these alternatives. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Therefore, denial of this variance request to the Buffer requirements would not create an unwarranted hardship for the applicant.

2. *That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

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. On undeveloped grandfathered lots within the Critical Area, development within the 100-foot Buffer is prohibited. In cases where no feasible alternative exists on the site, the minimum relief from the Buffer requirements is warranted. Clearly, alternatives exist on this 3.6 acre property to accommodate development without disturbance to the Buffer.

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 grandfathered lands in the County's Critical Area. All development within the Critical Area must demonstrate that disturbance to Habitat Protection Areas (the 100-foot Buffer) has been minimized to the extent possible to ensure protection of riparian habitat and Buffer function (Calvert County Zoning Ordinance Article 4, Section 4-4.07.B.). It is our opinion that the current development proposal does not meet this requirement.

Roxana L. Whitt
Variance 03-2931 John Lanier
August 5, 2003
Page 2

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.*
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

The applicant has provided no information from which the Board could make a finding on this factor. The provisions of the Critical Area Act and Criteria establish specific limits on development activities within Habitat Protection Areas (the 100-foot Buffer) for the purpose of protecting water quality and natural habitats within the Critical Area. New impervious surface and increased human activity within the Buffer contributes to the detrimental effects on water quality and habitat around the Bay and its tributaries. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area Law and the regulations.

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)

CA 174-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 5, 2003

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

Re: Variance 2003-0292, James Ellis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, deck, retaining walls, and walkway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the property is entirely within the 100-foot Buffer; therefore a variance is needed for any development of the property.
- 2) As shown on the site plan, the new dwelling will be not further waterward than the existing dwelling, with the exception of the new deck which will be approximately 0.6 feet closer to the shoreline. We recommend that the decks be constructed to be pervious, with a gravel substrate or naturally vegetation, and vegetative stabilization on the downslope end. We recognize that a portion of the new deck will have an impervious patio beneath it.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Because plantings will be limited by the size of the property, mitigation alternatives will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible.

Ramona Plociennik
Variance 2003-0292, James Ellis
August 5, 2003
Page 2

- 4) Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property. Due to the low topography and proximity to the shoreline of Stoney Creek, a best management practice may provide additional water quality benefits, such as a bioretention area to manage runoff from the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 532-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 4, 2003

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

Re: Variance 2003-0315 Anthony Difatta
(Tax Map 24, Parcel 98, Lot 5)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. As shown on the site plan, the applicant proposes to construct a garage and a concrete driveway on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. Stormwater runoff from the garage should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 542-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 4, 2003

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

Re: Variance 2003-0311 Rachel Bailey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (pool) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. Because this property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the use of plantings or a best management practice.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 540-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 4, 2003

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

Re: Variance 2003-0302 Michael Frye

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier addition and pilings with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, several decks, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have no additional comments regarding this variance.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 535-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 4, 2003

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

Re: Variance 2003-0306 Mary Lou McCutcheon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we understand that the deck will be constructed over the footprint of an existing impervious surface (concrete patio); therefore mitigation is not required. Because this property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the use of plantings. We recommend that plantings be placed adjacent to the proposed deck to absorb and treat runoff from the structure.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 537-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 1, 2003

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

Re: Variances for Louis Reeder
2003-0260 (Tax Map 10, Parcel 17, Lots 68 and 69)
2003-0258 (Tax Map 10, Parcel 17, Lots 70 and 71)
2003-0261 (Tax Map 10, Parcel 17, Lots 72 and 73)
2003-0262 (Tax Map 10, Parcel 17, Lots 74 and 75)
2003-0263 (Tax Map 10, Parcel 17, Lots 76 and 77)
2003-0264 (Tax Map 10, Parcel 17, Lots 78 and 79)
2003-0257 (Tax Map 10, Parcel 17, Lots 80, 81, and 82)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variances. The applicant is requesting a variance for each of the above referenced house lots to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The properties are designated as an Intensely Developed Area (IDA) and are currently undeveloped.

Providing these lots are properly grandfathered, we do not oppose these variances. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, an unnamed tributary to Marley Creek flows parallel with the property line for each of the house lots. Each of the house lots contains extensive steep slopes contiguous with the 100-foot tributary stream Buffer (a Habitat Protection Area as defined in the Anne Arundel County Zoning Ordinance Article 28, §1-101(28A) and 28(B)). With expansion of the Buffer for steep slopes, each of the house lots and the proposed development are within the expanded tributary stream Buffer (not shown on the site plan provided).

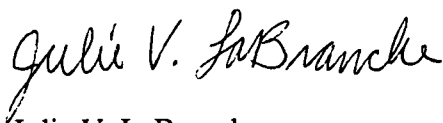
Ramona Plociennik

Variances for Louis Reeder: 2003-0260, 2003-0258,
2003-0261, 2003-0262, 2003-0263, 2003-0264, 2003-0257
August 1, 2003
Page 2

- 2) As measured from the site plan, the driveway for each house lot is approximately 500 square feet (20 feet by 25 feet). Development within Habitat Protection Areas must demonstrate that disturbance has been minimized to the extent possible. We recommend that the proposed driveways be reduced in size to minimize disturbance within the expanded Buffer, while accommodating development of these properties. In addition, the limits of disturbance (not shown on the site plan provided) should be kept to the minimum necessary for construction and the Buffer must be maintained in natural vegetation to extent possible (Anne Arundel County Zoning Ordinance Article 28, §1A-104).
- 3) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Based on the information provided, each of the house lots are fully forested, and therefore mitigation alternatives will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible.
- 4) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. Due to the presence of steep slopes over most of the property, a best management practice may provide additional protection against erosion and enhance water quality benefits. For example, a bioretention area or subsurface infiltration device (depending upon-soil conditions) could be utilized for this purpose.
- 5) Because these properties are designated IDA, water quality improvements must be provided on the site. Pollutant reduction from runoff can be achieved through the use of plantings or imlementation of a best management practice (refer to comments in #4 above).

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 490-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 1, 2003

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

Re: Variance 2003-0219, Montante, Angelo

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, pool, boathouse, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation, at a ratio of 1:1 for disturbance within the Buffer, should be required. Mitigation plantings should be directed first to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 443-03, revised



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 1, 2003

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

Re: Variance 2003-0289 Allen Bouchelle
(Tax Map 60, Parcel 32, Lots 16, 17, and 18)

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues must be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property contains extensive nontidal forested wetlands and nontidal wetland buffer. A tributary stream, which requires a 100-foot Buffer, is located to the east of the property. The 100-foot tributary stream Buffer must be expanded to include contiguous nontidal wetlands and the 25-foot nontidal wetland buffer. With expansion of the Buffer, the entire property is within the expanded Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be used to provide attenuation of stormwater runoff and water quality protection for the wetlands on the property. Plantings should be appropriate for the wet conditions on this site. As shown on the site plan, the 100-foot tributary stream Buffer is not forested; therefore we recommend that mitigation plantings be used to fully forest the portion of the 100-foot tributary stream Buffer that is on this property.
- 3) Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the property. Due to the extensive wetlands, we recommend that dense plantings be used

Ramona Plociennik
Variance 2003-0289 Allen Bouchelle
August 1, 2003

to provide treatment of runoff on the site. A best management practice, such as a bioretention area, could be utilized for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 554-99, revised plan



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 1, 2003

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

Re: Variance 2003-0283, David Kerr
(Tax Map 57, Parcel 29, Lot 21)

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose these variances. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan, the property consists of extensive steep slopes contiguous with the 100-foot Buffer. With expansion of the Buffer for steep slopes, the entire property is within the expanded Buffer. Based on the site plan provided, it appears that the applicant has attempted to minimize disturbance within the Buffer by siting development close to East Lake Drive, and as far back from the shoreline of Lake Ogelton as possible.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Since the property is heavily forested, mitigation alternative will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. Due to the presence of steep slopes over most of the property, a best management practice may provide additional protection against erosion and enhance water

Ramona Plociennik
Variance 2003-0283, David Kerr
August 1, 2003
Page 2

quality benefits. For example, a bioretention area or subsurface infiltration devise (depending upon soil conditions) could be utilized for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 525-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 1, 2003

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

Re: Variance 2003-0282 Della Green

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

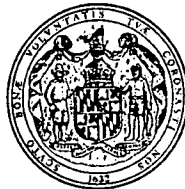
- 1) Based on the information provided, it appears that disturbance within the Critical Area has been minimized to the extent possible by locating all development adjacent to the access road for this property (Diamond Drive).
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed.
- 3) Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 524-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 1, 2003

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

Re: Variance 03-2930 Emad Dides

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements for construction of a detached garage (and storage area). The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, extensive patios, walkways, and a driveway. The property consists of Parcel 36 and Parcel 15 (on which the septic fields for Parcel 36 are located).

Providing this lot is properly grandfathered, we do not oppose a variance to construct a garage. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is shown incorrectly on the site plan provided for this variance. The 100-foot Buffer must be measured, in this case, from the landward of edge of tidal wetlands as identified on the site plan (Calvert County Zoning Ordinance Article 4, Section 4-4.07). As estimated from the site plan, nearly the entire parcel (Parcel 36) is within the 100-foot Buffer.
- 2) As shown on the site plan, a well is located at the corner of the existing driveway. As discussed during our conversation of July 31, 2003, a 20 foot setback from the well is required for all new development. This setback eliminates much of the side yard area as an alternative location for the garage. Parcel 15 might be an alternative location for the garage; however the Parcel 15 is located on the opposite side of Gregg Drive several hundred feet from Parcel 36.
- 3) Based on the information provided, we understand that the applicant proposes to construct a detached garage on Parcel 36, consisting of 480 square feet in area (12 feet by 40 feet),

resulting in 4,886 square feet or 23.7 percent impervious surface coverage on Parcel 36. The current proposal will increase impervious surface coverage within the Buffer on a parcel that already has 4,265 square feet of impervious surface coverage or 20.7 percent (all within the Buffer).

To minimize disturbance within the Buffer, we recommend that the size of the structure be reduced to approximately 300 square feet, and that the one of the driveways (existing or proposed) be eliminated from the current development proposal. In addition, we recommend that the proposed walkway to the garage be constructed of pervious materials, such as bark mulch.

If granted, we recommend that the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible. Since Parcels 36 and 15 are mostly forested, mitigation alternatives will need to be addressed.
- 2) Stormwater runoff from the garage should be directed to a stable vegetated outfall to promote infiltration and provide water quality benefits on the property.
- 3) The illegal dwelling addition, previously denied by the Calvert County Board of Appeals (Variance Case 03-2915), should be removed within 60 days or before any permits are issued for construction of the garage associated with this variance.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 32-01



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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August 1, 2003

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

Re: Variance 2003-0279 Adam and Deborah Bouchelle
(Tax Map 60, Parcel 32, Lot 15)

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues must be addressed. We have the following comments regarding the current development proposal.

- 1) The site plan shows a tributary stream to the east of the property and forested nontidal wetlands over most of the property. A 100-foot Buffer is required for the tributary stream. The 100-foot tributary stream Buffer must be expanded to include contiguous nontidal wetlands and the 25-foot nontidal wetland buffer. With expansion of the Buffer, the entire property is within the expanded Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed. We recommend that some mitigation plantings be used to provide attenuation of stormwater runoff and water quality protection for the wetlands on the property. Plantings should be appropriate for the wet conditions on this site.
- 3) Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the property. Due to the extensive wetlands, we recommend that dense plantings be used

Ramona Plociennik
Variance 2003-0279 Adam and Deborah Bouchelle
August 1, 2003

to provide treatment of runoff on the site. A best management practice, such as a bioretention area, could be utilized for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 523-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 31, 2003

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

Re: Variance 03-2932, David and Christine Humes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer and to increase impervious surface coverage from 25 percent to 34 percent. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, concrete patio, walkway, and driveway.

Based on the information provided, this office does not oppose the variance to the Buffer requirements for expansion of the existing dwelling on the property. As shown on the site plan, a portion of the larger addition, all of the smaller addition, and the deck are within the 100-foot Buffer. Since nearly the entire dwelling is located within the Buffer, expansion of the dwelling would require a variance for disturbance within the Buffer.

Based on the information provided, this office does oppose the variance to exceed impervious surface limits within the Critical Area.

- 1) As shown on the site plan, the applicant proposes to construct two dwelling additions, a second driveway, an attached garage, and a deck. The existing impervious surface coverage on the property is 3,136 square feet or 20.9 percent. The proposed impervious surface coverage on the property is 5,053 square feet or 33.7 percent, exceeding the maximum impervious surface limit (3,750 square feet or 25 percent) by 1,303 square feet.
- 2) Based on the site plan, there appear to be opportunities to reduce existing impervious surface coverage on the property to accommodate the proposed development. For example, the existing driveway and connected walkway (approximately 950 square feet as measured from the site plan) and the concrete patio could be removed, and the proposed additions could be reduced in size.

We offer the following comments as to the applicant's compliance with the variance standards. The Code of Maryland Regulations and the Calvert County Zoning Ordinance both provide the standards a local government must use when granting a variance. The applicant bears the burden to prove, and the Board of Appeals must find, that the applicant satisfies each one of the following factors:

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 applicant has reasonable use of the property, including a single-family dwelling, deck, concrete patio, walkway, and driveway, most of which are within the 100-foot Buffer. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Therefore, denial of the impervious surface variance request would not create an unwarranted hardship for the applicant.

2. *That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

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. It appears that alternative development options exist on this property that could accommodate expansion of the existing dwelling while complying with the impervious surface limits within the Critical Area. However, the applicant has not yet considered these alternatives.

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 grandfathered lands in the County's Critical Area. All grandfathered lots of less than one half acre in a Limited Development Area are limited to 25% impervious surface coverage.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.*

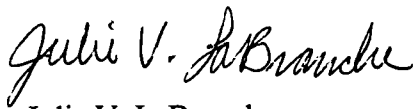
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

Roxana L. Whitt
Variance 03-2932 Humes, David and Christine
July 31, 2003
Page 2

The applicant has provided no information from which the Board could make a finding on this factor. The provisions of the Critical Area Act and Criteria establish specific limits on impervious surface coverage within Limited Development Areas for the purpose of protecting water quality and natural habitats within the Critical Area. New impervious surface in excess of these limits contributes to the detrimental effects on water quality and habitat around the Bay and its tributaries. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area Law and the regulations.

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)

CA 494-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2003

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

Re: Variance 2003-0270, James and Tracey Fernen

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should consist of a mix of native trees and shrubs. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the site. Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 519-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2003

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

Re: Variance 2003-0278, Mandrin Construction Co., Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

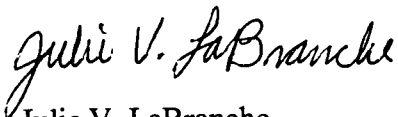
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, it appears that disturbance to steep slopes and Buffers within the Critical Area have been minimized. Development has been consolidated on the less steep portion of the lot adjacent to West Shore Road, as far from the tributary stream as possible.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed. We recommend that areas disturbed within the 100-foot tributary stream Buffer be revegetated following completion of the project.
- 3) As shown on the site plan, the applicant proposes to direct stormwater runoff to a structural best management practice (inlet and trench system). Any additional stormwater outfalls should be directed away from steep slopes on the site.

Ramona Plociennik
Variance 2003-0278, Mandrin Construction Co., Inc.
July 29, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 522-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2003

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

Re: Variance 2003-0268, Teresa Jackson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a lot with less area than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have no additional comments regarding this case.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 518-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2003

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

Re: Variance 2003-0276, Patrick Cox

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, patios, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we understand that the applicant has also proposed construction of a walkway to provide access to the pier. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of trees and shrubs, should be accommodated on the site to the extent possible and directed first to non-forested areas within the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 521-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2003

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

Re: Variance 2003-0249, Lenore Martin

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, two sheds, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we understand that the applicant proposes to construct a dwelling addition within the Limited Activity Area of the adjacent bog and that two existing sheds will be removed from the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater runoff from the dwelling addition should be directed to a non-structural best management practice, and stormwater outfalls should be directed away from the nearby bog to ensure protection of this sensitive area (Anne Arundel County Zoning Ordinance Article 21, §2-322).

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 486-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2003

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

Re: Variance 2003-0274, Jane Sammons

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patios, garage, and driveway.

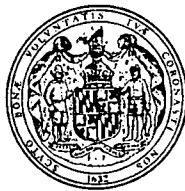
Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible. Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 520-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2003

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2960, John and Susan Von Hagen

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck and trellis within the 110-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, cabin, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that the deck and trellis will be constructed to be pervious, with a gravel substrate and adequate spacing between the trellis slats and deck boards. We recommend that the area around the deck should be planted with dense vegetation to absorb runoff and provide water quality benefits within the Critical Area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CE 517-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2003

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2958, Gary and Pamela Burhardt

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a garage within the 100-year floodplain. The property is designated a Limited Development Area (LDA) and is currently developed with a single family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. We have no additional comments regarding this case.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CE 505-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 24, 2003

James Whitehead
ATCS, P.L.C
7 Post Office Road, Suite G
Waldorf, Maryland 20602

Re: Fishing Creek Landings Marina (Tax Map 103, Parcel 22)

Dear Mr. Whitehead:

Thank you for providing a presentation of the current development proposal for the Fishing Creek Landings Marina project at the Joint Evaluation meeting of June 25, 2003 at the U.S. Fish and Wildlife Service. At that meeting, you also provided a revised set of site plans and calculations and a revised application to the Maryland Department of the Environment and the U.S. Army Corps of Engineers. Following is a summary our discussions at this meeting regarding several outstanding issues for this project.

- 1) The limits of tidal wetlands must be properly identified on the western property boundary, adjacent to the existing parking area and stormwater management pond (refer to area marked on the attached site plan). This information is necessary to accurately identify the 100-foot Buffer on the site and to determine the required mitigation for the project. Due to the problems with access and the previous disturbance in this area, we recommend that the 1972 Tidal Wetlands maps or the boundary of the dredge disposal dike (as shown on the site plans) be used to determine the extent of tidal wetlands in this area. In either case, the landward extent of the 100-foot Buffer must be identified from the edge of tidal wetlands, mean high water, and tributary streams (if present) on the property.

Based on air photographs provided by Mr. Sisson and observations made on the site by Commission staff, it appears that the area between the dredge disposal dike and adjacent upland areas has contained standing water at times; therefore, we recommend that this portion of the property be evaluated to rule out the potential occurrence of nontidal wetlands.

- 2) As we have discussed, most of the Fishing Creek Landings Marina property has been designated as a Buffer Exemption Area (BEA); however, the western area of the property, adjacent to Fishing Creek, was never officially mapped. It is our understanding that this area of the property has historically been used as part of the marina operation, and the town believes that the existing pattern of commercial and recreational development in the area prevent the Buffer from fulfilling the stated functions in COMAR 27.01.09.01.B regarding water quality and habitat protection. Commission staff believes that the Commission could

support designation of this portion of the parcel as a BEA providing that appropriate documentation of the use of the property and the development in the surrounding area is presented and appropriate findings regarding the lack of Buffer functions are made. The property owners (Dave and Pam Sisson) should coordinate approval of this designation by the Town Council with Bill Watson, the Administrator for the Town of Chesapeake Beach. Once the Town has approved the BEA designation, the request must be submitted to the Commission for approval.

- 3) The Commission's policy for commercial development and redevelopment in Buffer Exemption Areas (refer to the attached document), states that a 25-foot vegetated filter strip should be established between the edge of tidal wetlands and uplands within the BEA portion of the site. Although the Town has not officially adopted this policy, it is strongly recommended that the filter strip be established on this property because of the way the property has been developed and the way it is proposed to be used. This filter strip can be used to accommodate some, and possibly all, of the mitigation requirement associated with the project, as well as to meet the habitat enhancement and aesthetic goals of the property owners. This applies to the area along western property boundary, adjacent to the existing parking area and stormwater management pond to the channel marker at the edge of the marina (refer to area marked on the attached site plan). The location of the filter strip will depend upon the limits of tidal wetlands in this area of the property.
- 4) As required for all development and redevelopment in an Intensely Developed Area of the Critical Area, the project must comply with the 10% rule for pollutant reductions from stormwater runoff. At this time, we have not received information regarding 10% Rule compliance for this project.

Thank you for working with us on this project. Commission staff are available to discuss the issues described in this letter to facilitate review and approval of this project in a timely manner. Please contact me at (410) 260-3475 if you have questions.

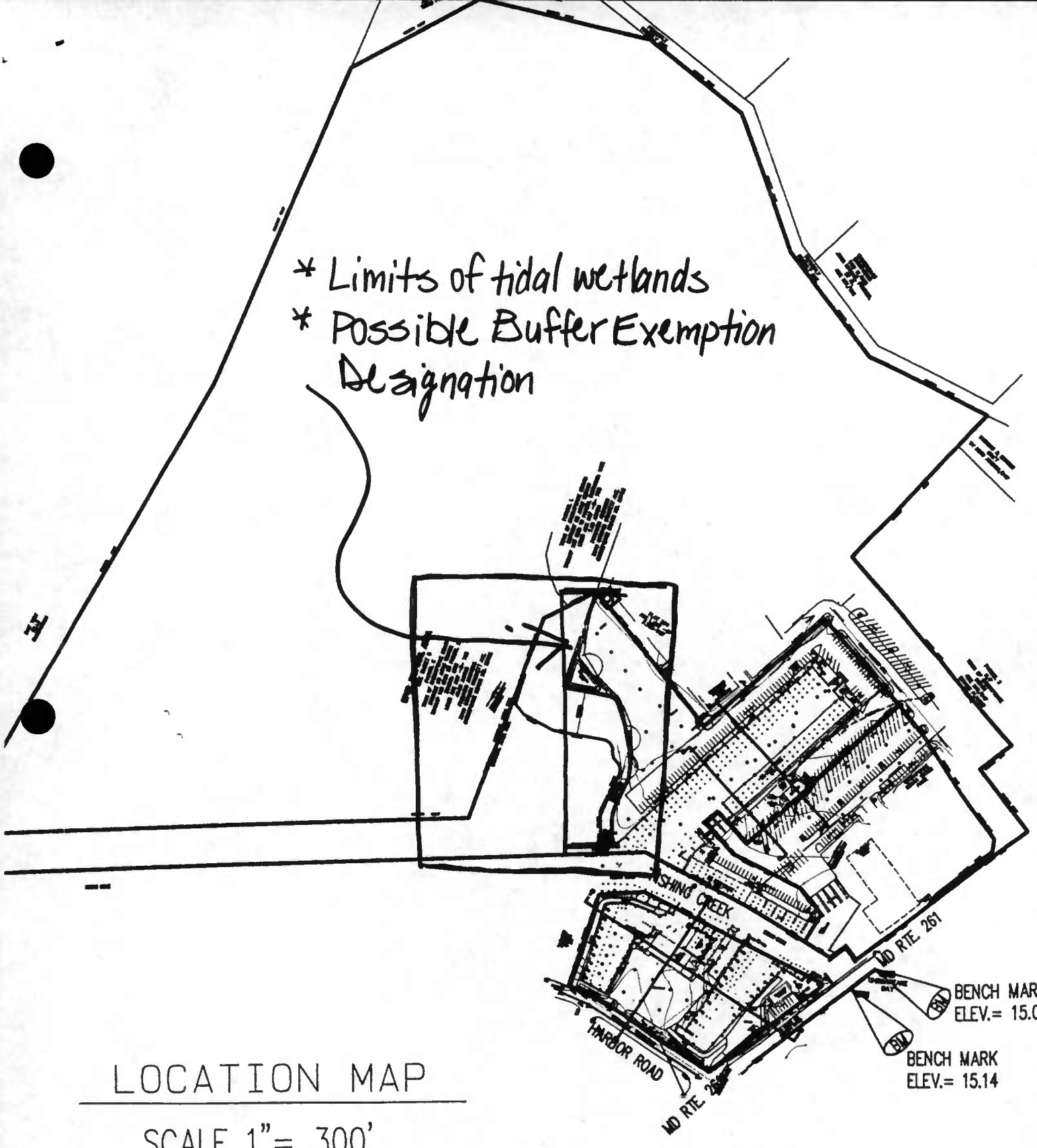
Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: William Watson (Town of Chesapeake Beach)
Dave and Pam Sisson (Property Owners)
Mary Owens (Critical Area Commission)
Regina Esslinger (Critical Area Commission)

- * Limits of tidal wetlands
- * Possible Buffer Exemption Designation



LOCATION MAP

SCALE 1" = 300'

Fishing Creek Landings
Marina

STRUCTION SHEET INDEX

COVER SHEET
BOUNDARY AND TOPOGRAPHY SHEET



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0234, Dibene, Mario

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling and driveway.

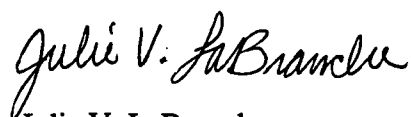
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the applicant proposes to construct a second floor addition to the existing dwelling within the 100-foot Buffer and a detached garage outside the Buffer. We note that the 100-foot Buffer and mean high water are not shown on the site plan provided. Using GIS information from the Department of Natural Resources and Critical Area maps, we are unable to determine accurately the extent of the Buffer on the property. The Buffer must be properly identified in order to determine the required mitigation for the current development proposal.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer and 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property.
- 3) Because the property is designated an IDA, water quality benefits must be provided on the site. Pollutant reductions from stormwater runoff can be achieved through the use of plantings or a best management practice.

Ramona Plociennik
Variance 2003-0234, Dibene, Mario
July 23, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 482-03



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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July 23, 2003

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

Re: Variance 2003-0233, Maloof, Robert

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (shed) within the front yard of the property. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater runoff from the proposed shed should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 481-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0230, Hess, Gary

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, patio, retaining walls, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the proposed deck will be constructed over a portion of an existing brick patio and that the applicant intends to remove 610 square feet of existing impervious surface from the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property.
- 3) We recommend that the deck be constructed to be pervious, to the extent possible, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 479-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0255, Naegeli, William and Margaret

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less Buffer than required and disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with two sheds and a waterfront deck.

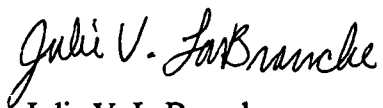
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Due to the presence of steep slopes, the 100-foot Buffer must be expanded to include the entire property. Based on the information provided, it appears that the applicant has minimized disturbance within the Critical Area by limiting forest clearing and development on steep slopes within the expanded Buffer, and by locating development as far from the shoreline as possible.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Because the property is heavily forested, mitigation alternatives will need to be addressed. We recommend that plantings be accommodated on the property wherever possible, especially in non-forested areas within the Buffer and on steep slopes.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or to best management practices to provide water quality benefits on the property. Runoff should be directed away from steep slopes to prevent erosion and promote infiltration.

Ramona Plociennik
Variance 2003-0255, Naegeli, William and Margaret
July 23, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 489-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0296, Cicero, Salvatore

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, porch, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, it appears that a portion of the proposed dwelling addition is located over the existing gravel driveway and extends no further waterward than the existing dwelling.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible. Plantings should be directed first to non-forested areas within the Buffer, then to other areas of the property.
- 3) Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 492-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0248 Bateman, W. Scott

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. Based on Critical Area maps for Anne Arundel County, the Bateman property appears to be designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

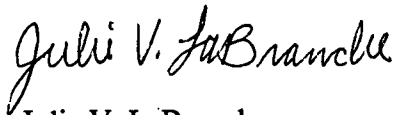
- 1) Based on the information provided, it appears that disturbance within the Critical Area has not been minimized to the extent possible. As shown on the site plan, the limits of disturbance extend across an area of steep slopes within the Buffer. An alternative configuration for the dwelling and driveway could reduce disturbance to steep slopes and the amount of clearing necessary. For example, the dwelling could be shifted approximately 10-15 feet toward Cypress Road, and the driveway could be reconfigured to provide an equivalent parking area while utilizing the non-forested areas at the back of the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Although it appears that some of the required mitigation can be accommodated on the property, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be directed first to non-forested areas within the Buffer, then to other areas of the property.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or best management practices to provide water quality benefits on the property. Stormwater outfalls should be located away from steep slopes to prevent erosion and flooding of adjacent properties.

Ramona Plociennik
Variance 2003-0248 Bateman, W. Scott
July 23, 2003
Page 2

- 4) Because the property is designated an IDA, additional water quality improvements must be provided. Pollutant reductions from runoff can be achieved through the use of plantings or the implementation of best management practices.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 485-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0247 Schmidt, Doreen

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

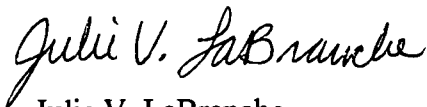
Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues must be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the impervious surface coverage on this property is 5,615 square feet. With the addition of 288 square feet of impervious surface for the proposed addition, the impervious surface coverage would be increased to 5,903 square feet, exceeding the maximum allowable impervious surface coverage (5,445 square feet) by 458 square feet. We would not support a variance to exceed the impervious surface limits within the Critical Area (Anne Arundel County Zoning Ordinance Article 28, §1A-105). We strongly recommend that 458 square feet of existing impervious surface coverage, preferably within the Buffer, be removed from the property to offset the proposed development.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. We recommend that plantings be directed first to non-forested areas within the Buffer then to other areas of the property.
- 3) Stormwater runoff from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Kathy Shatt
Variance 2003-0247 Schmidt, Doreen
July 23, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 114-01



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0232, Perry, Debra

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, several decks, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, we understand that the deck has been constructed. From the photographs provided, it appears that the area beneath the deck is pervious. We recommend that the downslope end of the deck be planted densely with shrubs and groundcover to control runoff on steep slopes and to prevent erosion.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. As stated in the applicant's Critical Area report, mitigation plantings will be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 480-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 23, 2003

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

Re: Variance 2003-0251, Cahill, Anne

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, several decks, a patio, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. We recommend that plantings be directed first to non-forested areas within the Buffer then to other areas of the property. Plantings should consist of a mix of native trees and shrubs. Stormwater from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 487-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 23, 2003

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

Re: Variance 2003-0228, Kretschner, Paul

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, several decks, a patio, two sheds, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information, the applicant proposes to replace the 1-story portion of the existing dwelling within the Buffer with a 2-story structure. The dwelling addition will extend beyond the existing footprint but will extend no further waterward than the existing dwelling.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should be first directed to non-forested areas within the Buffer, then to other areas of the property.
- 3) Stormwater from the dwelling addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

Ramona Plociennik
Variance 2003-0228, Kretschner, Paul
July 23, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 478-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2003

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

Re: Variance 2003-0254, O'Brien, Egan

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, several porches, a shed, and a driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the property to the extent possible.
- 3) Stormwater runoff from the proposed additions should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 488-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 21, 2003

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

Re: Variance 2003-0240 Phipps, Harold

Dear Ms. Cotter:

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

Providing this lot is properly grandfathered, we do not oppose a variance to develop the property. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, the proposed dwelling is located almost entirely within nontidal wetlands on the property. It appears that the proposed dwelling could be shifted to the west, within the 25 foot nontidal wetland buffer, to minimize direct impacts to the nontidal wetlands and reduce the amount of clearing necessary. We strongly recommend that the applicant investigate alternatives for development of the property that would minimize disturbance within the Critical Area.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is small and partially forested, mitigation alternatives will need to be addressed.
- 3) Stormwater should be directed to a stable vegetated outfall to provide water quality benefits on the site. Stormwater best management practices should be implemented that accommodate the wet conditions present on the site and prevent flooding of adjacent properties.

Pam Cotter
Variance 2003-0240 Phipps, Harold
July 21, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 445-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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July 11, 2003

Ms. Kathy Shatt
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0193, Erickson, Joseph (Revised Site Plan)

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and an accessory structure (carport) with less setbacks and Buffer than required. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently developed with a single-family dwelling, pool, patio, pool house, gazebo, two sheds, an open-air shed, garage, and driveway. We received a revised site plan for this variance request on July 9, 2003.

A previous variance requested by the property owner was denied by the Anne Arundel County Hearing Officer (decision of April 8, 2002) and by the Anne Arundel County Board of Appeals (decision of August 28, 2002). The variance request was to perfect two additions to the existing garage within the 100-foot Buffer to tidal wetlands, which were constructed without the required permits. We understand that the two additions to the existing garage have been removed and the area has been planted with trees and shrubs.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer and calculations of impervious surface, clearing, and disturbance within the Buffer are shown on the revised site plan.
- 2) We understand that the proposed carport will be constructed over an area of the existing paved driveway and will result in no increase in impervious area within the Buffer. Based on the revised site plan, a portion of the proposed dwelling addition and the limits of disturbance for construction of the addition extend within the 100-foot Buffer. The applicant's consultant (Danny Boyd, Boyd & Dowgiallo, P.A.) submitted with the revised site plan an explanation of the alternative locations considered for the proposed addition. Based on this information, it

Kathy Shatt
Variance 2003-0193, Erickson, Joseph
July 11, 2003
Page 2

appears that the applicant has attempted to minimize disturbance within the Buffer. Although some clearing would be involved, the proposed dwelling addition could be located closer to the front of the dwelling outside the Buffer.

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be first directed to non-forested areas within the Buffer, then to other areas of the property.

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

Sincerely,

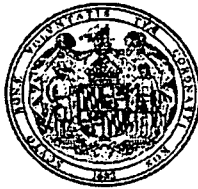


Julie V. LaBranche
Natural Resources Planner

cc: AA 678-01, revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 11, 2003

Ms. Kathleen Shatt
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0218, Delavan

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Resource Conservation Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, the existing dwelling is located at the top of steep slopes within the expanded Buffer. The proposed dwelling addition and deck will be located adjacent to, and extend no further into the Buffer, than the existing porch and deck. Thus, it appears that these structures will result in minimal disturbance to steep slopes on the property.
- 2) To further minimize disturbance within the Buffer, the proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end. We also recommend that the deck footers be dug by hand and the limited use of heavy machinery on steep slopes.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. The accompanying documentation indicates that the required mitigation will be performed on the property. We recommend that a mix of native species of trees and shrubs be used for mitigation plantings.

Kathleen Shatt

Ms. Shatt
July 11, 2003
Page Two

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: AA 163-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 10, 2003

David F. Hale
Calvert County Board of County Commissioners
175 Main Street
Prince Frederick, Maryland 20678

Re: Notification of Decision on Proposed Amendment to Calvert County Critical Area Program:
Buffer Exemption Area Designation for the Quality Built Homes/Gertz property
(Tax Map 44, Parcel 171)

Dear Mr. Hale:

The purpose of this letter is to notify you of the Critical Area Commission's decision on the County's proposal to amend its Critical Area program to designate as a Buffer Exemption Area the Quality Built Homes/Gertz property. At the Commission's regular meeting on June 4, 2003, the Chairman determined that the County's proposal would be deemed a proposed amendment to the Calvert County Critical Area program. At that time, the Chairman appointed a panel of Commission members to hold a public hearing on the proposal. The hearing was held on June 23, 2003 in Prince Frederick. The panel heard testimony from Frank Jaklitsch, Director of the Calvert County Department of Planning and Zoning, and the property owner's representative, Randy Barrett. On July 2, 2003, at its regular meeting, the Commission voted to deny the County's proposed Critical Area program amendment to designate the Quality Built Homes/Gertz property as a Buffer Exemption Area. The Commission took this action based on the Critical Area Law and Criteria, and on the record compiled in this matter, including the information presented at the public hearing and by Commission staff.

Under the Critical Area Law (§8-1809), the Commission shall approve Program amendments that meet the goals of the Chesapeake Bay Critical Area Protection Program (§8-1808(b)(1) through (3)) and the Criteria adopted by the Commission under §8-1808. The section of the Criteria that addresses designation of a Buffer Exemption Area (COMAR 27.01.09.01(C)(8)) states that *local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of development in the Critical Area prevents the Buffer from fulfilling the functions stated in COMAR 27.01.09.01(B)*. Based on the information in the record, the Commission found that the Buffer on the Quality Built Homes/Gertz property is almost entirely vegetated, with development confined to

David F. Hale

Notification of Decision on Proposed Amendment to Calvert County Critical Area Program:
Buffer Exemption Area Designation for the Quality Built Homes/Gertz property

Page 2

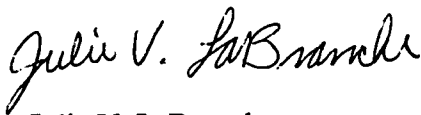
approximately 600 square feet of impervious surface coverage within the Buffer, or 3 percent of the Buffer. Moreover, the Commission found that approximately 30 percent of the Buffer is currently forested. The non-forested portions of the Buffer are regenerating with natural vegetation, consisting of saplings, shrubs, grasses, and ground cover. In addition, the Commission concluded that the Buffer on the Quality Built Homes/Gertz property currently performs the functions as set forth in COMAR 27.01.09.01(B):

- 1) Provides for removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff from entering the Bay and its tributaries,
- 2) Minimizes adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources,
- 3) Maintains an area of transitional habitat between aquatic and upland communities,
- 4) Maintains the natural environment of streams, and
- 5) Protects riparian wildlife habitat.

Therefore, the Commission voted to deny the County's request for designation of the Quality Built Homes/Gertz property as a Buffer Exemption Area because the proposal is not consistent with the provisions for the Buffer and designation of Buffer Exemption Areas in the Criteria.

Thank you for your continued assistance. Please contact our office at (410) 260-3460 if you have any questions regarding this letter.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Frank Jaklitsch (Calvert County, Department of Planning and Zoning)
Randy Barrett (Barrett & Associates)
Ren Serey (Critical Area Commission)
Mary Owens (Critical Area Commission)



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2003

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

Re: Variance 2003-0213, Whitehall Yacht Yard, Inc.

Dear Ms. Cotter:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit the expansion of a non-conforming use. Portions of the property are designated Resource Conservation Area (RCA) and Limited Development Area (LDA). The property is currently developed with a commercial marina and facilities.

Based on the information provided, we do not oppose this special exception. We have the following comments regarding the current development proposal.

- 1) The applicant proposes to expand marina operations by 51,204 square foot to provide additional boat storage and parking. The proposed expansion complies with the 30 percent limit for expansion of nonconforming uses (as allowed by the Anne Arundel County Zoning Ordinance §12-220(1)) and is consistent with the County's administrative decision (June 1978), which determined the nonconforming status of the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the site is fully forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 440-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2003

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

Re: Variance 2003-0215 Sabin, Edward and Roberta

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, several retaining walls, and a driveway.

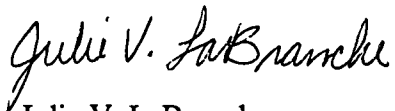
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) We understand that the current development plan includes removal of the existing dwelling, which is located on steep slopes near the shoreline. We recommend that areas of steep slopes disturbed during construction be revegetated following completion of the project. Mitigation plantings can be used for this purpose.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that some of the required mitigation can be accommodated on the property; however, mitigation alternatives will need to be addressed.
- 3) Stormwater should be directed to a stable vegetated outfall on the property. As shown on the site plan, it appears that stormwater will be conveyed across the property via a grass swale along the western property boundary.

Ramona Plociennik
Variance 2003-0215 Sabin, Edward and Roberta
July 8, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 441-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2003

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

Re: Variance 2003-0210, Byrd

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required and with disturbance to steep slopes and greater forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose a variance to develop the property. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Due to the extent of steep slopes adjacent to the access road for this property, Epping Way, it is not possible to develop the property without disturbance to steep slopes. Based on the site plan provided, it appears that disturbance within the Critical Area could be minimized.
- 2) The applicant proposes to clear 7,827 square feet of existing forest, exceeding the allowable limit of 6,534 square feet by 1,293 square feet. Based on a telephone conversation of July 3, 2003 with the applicant's consultant, Michael Helfrich (Gamma Engineering), the applicant may revise the current development plan to eliminate the variance for forest clearing by reducing the amount of clearing and grading proposed on the site. These revisions may include replacing the proposed stormwater management trench in the back yard with a dry well located beneath the proposed driveway and relocating the proposed stockpile area over the proposed driveway. In addition, the limits of disturbance will be reduced (clearing and grading) on the southwest side of the proposed dwelling. According to Mr. Helfrich, the proposed revisions to the current site plan are contingent upon the results of a perk test to determine whether the soils beneath the driveway can accommodate a stormwater infiltration device. Mr. Helfrich reported that the perk test may or may not be completed before the

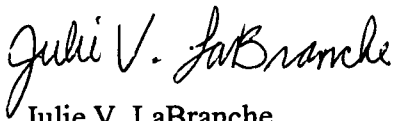
Ramona Plociennik
Variance 2003-0210, Byrd
July 8, 2003
Page 2

variance hearing scheduled for July 31, 2003. This office would support the proposed revisions to the current development plan, depending upon favorable results of the perk test.

- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. If the proposal includes clearing in excess of allowable limits, mitigation should be required at a ratio of 3:1. Since the property is almost fully forested, mitigation alternatives will need to be addressed.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 437-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 3, 2003

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

Re: Variance 2003-0173, Stiewing/Wells

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped with the exception of a fire road extending across a portion of the property.

Providing this lot is properly grandfathered, we do not oppose a variance to develop the property. However, several issues must be addressed. We have the following comments regarding the current development proposal.

- 1) The following information is not included on the site plan provided for this variance: the extent of tidal wetlands adjacent to the property, the 100-foot and expanded Buffer, limits of disturbance (for structures, clearing, grading), area calculations for clearing and disturbance within the expanded Buffer and all slopes 15 percent or greater. This information must be provided in order to determine the extent of disturbance within the Critical Area and the required mitigation for this proposal.
- 2) Based on the 1972 Tidal Wetlands maps and information from the Department of Natural Resources (refer to the attached map), it appears that tidal wetlands are present along the southern and eastern property boundary. Therefore, the 100-foot Buffer from the edge of tidal wetlands must be expanded to include contiguous steep slopes (as shown on the site plan). As a result, most of the property is included within the expanded Buffer.

- 3) As measured from the site plan provided, the proposed dwelling is located on slopes greater than 15 percent, however this area of steep slopes is not identified on the site plan.
- 4) Based on the site plan provided, there appear to be alternative locations on this 29.9 acre property to locate the proposed development that would minimize disturbance to the buffer, steep slopes and reduce the amount of forest clearing necessary. For example, it appears that the footprint of the dwelling, garage, and driveway could be consolidated and these structures could be relocated to the flat area adjacent to the proposed septic field. In addition, there appears to be adequate area on the site to locate all of the septic fields on slopes of 15 percent or less. Currently, the primary drain fields and first replacement drain fields appear to be located on steep slopes within the expanded Buffer.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that some of the required mitigation can be accommodated within the existing cleared areas on the property. Mitigation alternatives will need to be addressed.
- 2) All steep slopes disturbed during construction should be replanted following completion of the project. Mitigation plantings can be used for this purpose.
- 3) Stormwater should be directed to stable vegetated outfalls on the property, avoiding discharge near steep slopes. Best management practices should be selected that are appropriate for the steeply sloping terrain on the site.

We strongly recommend that the applicant investigate alternatives that would minimize disturbance within the expanded Buffer and to steep slopes within the Critical Area. Although the property is constrained by the expanded Buffer, the property is of sufficient size to accommodate the proposed development with less overall disturbance to the site. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 381-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 3, 2003

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

Re: Variance 2003-0171, Castruccio

Dear Ms. Cotter:

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

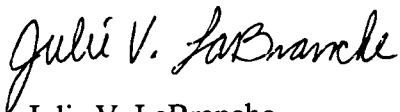
Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, steep slopes and buffers are present over the entire property, and therefore it is not possible to develop the property without a variance. As proposed, it appears that the applicant has attempted to minimize disturbance within the Critical Area while accommodating development of the property. The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the expanded Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed. To prevent erosion and facilitate absorption of runoff, areas disturbed on steep slopes should be revegetated to the extent following completion of the project. Mitigation plantings can be used for this purpose.
- 3) Stormwater runoff should be directed to a best management practice to prevent erosion of steep slopes over time. Also, we recommend that super-silt fence be installed around the perimeter of the limits of disturbance to contain runoff during construction.

Pam Cotter
Variance 2003-0171, Castruccio
July 3, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 379-03, revised



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

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

Re: Variance 03-2917, Des Jardins

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to disturb the 100-foot tributary stream Buffer and steep slopes within the Critical Area in order to determine whether a septic field can be constructed on the property. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

We have the following comments regarding the current development proposal.

- 1) During a phone conversation of July 1, 2003, staff from the Health Department (Bill Haygood) stated that the previous authorization for the proposed septic system on this property has been revoked. We understand that the Health Department has requested from the applicant a revised grading plan for the proposed septic system. We understand that further authorization by the Health Department will not be given until this information has been reviewed and approved.
- 2) We do not oppose this variance if the Health Department approves the revised site plan and grading plan for the proposed septic field.
- 3) As we discussed on the telephone, you stated that a tributary stream (not shown on the site plan provided) is located within the nontidal wetlands on the property. Due to the presence of a tributary stream, the 100-foot tributary stream Buffer, and steep slopes, the entire property appears to be within the expanded Buffer.
- 4) Based on the information provided, it is not clear how the area for the proposed septic field will be accessed. We recommend that all areas disturbed within the expanded Buffer for

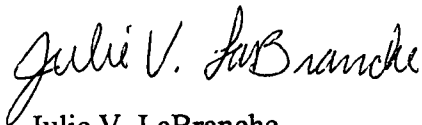
Roxana L. Whitt
Variance 03-2917, Des Jardins
July 1, 2003
Page 2

access to the septic field be temporary in nature. All structures should be removed and cleared areas should be replanted following completion of the project.

- 5) The applicant has not provided calculations of the total area of clearing proposed for the septic field. Mitigation should be required for disturbance within the Buffer, based on the amount of clearing proposed.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 415-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

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

Re: Variance 03-2923, Mateer

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the Critical Area Buffer and a variance to the front setback requirement. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal. We have no comments regarding the variance to the front setback requirement.

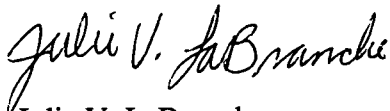
- 1) Based on the information provided, it appears that disturbance within the Buffer has been minimized to the extent possible. The septic system has been placed in a location on the property to maximize the setback from the Patuxent River.
- 2) Mitigation should be required for clearing within the Buffer. The information provided does not indicate the amount of forested area on the property and therefore we are unable to determine the required mitigation ratio at this time. We recommend that the applicant provide this information prior to the variance hearing. Mitigation plantings should be accommodated on the site to the extent possible in order to establish a forested Buffer.
- 3) Stormwater runoff should be directed to a stable vegetated outfall on the property. Mitigation plantings can be used to provide additional water quality benefits.

Roxana L. Whitt
Variance 03-2923, Mateer
July 1, 2003
Page 2

- 4) We recommend that super-silt fence be installed around the limits of disturbance to contain runoff during construction and prevent flooding of adjacent properties.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 417-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

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

Re: Variance 03-2922, Rennick

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the Critical Area and to clear greater than 30 percent of the property. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose a variance to develop this property. However, several issues should be addressed. We have the following comments regarding the current development proposal.

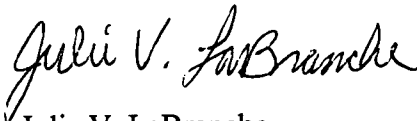
- 1) Based on the information provided, it does not appear that disturbance to steep slopes and forest clearing have been minimized to the extent possible. For example, the limits of disturbance might be reduced if the footprint of the proposed dwelling, garage, and driveway were reconfigured and the amount of grading was minimized adjacent to the dwelling. We strongly recommend that the applicant investigate alternative proposals, demonstrating that disturbance within the Critical Area has been minimized.
- 2) Mitigation, at a ratio of 3:1 for clearing greater than 30 percent, should be required. If the development plan is revised to minimize clearing, the mitigation requirement could be reduced. Because the property is fully forested, mitigation alternatives must be addressed. We recommend that areas of steep slopes disturbed during construction be reforested to the extent possible.

Roxana L. Whitt
Variance 03-2922, Rennick
July 1, 2003
Page 2

- 3) Stormwater runoff should be directed to a stable vegetated outfall on the property. Best management practices utilized on the site should be appropriate for the steeply sloping terrain on the property.
- 4) We recommend that super-silt fence be installed around the limits of disturbance to contain runoff during construction and prevent flooding of adjacent properties.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 416-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

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

Re: Variance 2003-0178, Coss – Revised Site Plan

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than allowed and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patio and driveway. We received revised site plans on July 1, 2003.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the revised development proposal.

- 1) It appears that disturbance to steep slopes have been reduced to the extent possible. The proposed garage has been shifted approximately 10 feet toward Friar Tuck Road (behind the second existing retaining wall) and the new (square) deck on the northern side of the dwelling has been reduced in size, extending no further onto steep slopes than the existing dwelling. With these changes, it appears that all new development is located behind the setback as established by existing structures on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is heavily forested, mitigation alternatives will need to be addressed. To prevent erosion on the site, we recommend that all steep slopes disturbed during construction be planted following completion of the project.
- 3) Stormwater from new structures should be directed to stable vegetated outfalls on the property. Best management practices selected to manage stormwater should be appropriate for the steeply sloping terrain on the site and the vicinity.

Liz West
Variance 2003-0178, Coss
July 1, 2003
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 398-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 30, 2003

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

Re: Variance 2003-0178, Coss

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than allowed and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patio and driveway.

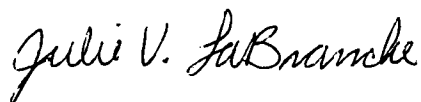
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, it appears that disturbance to steep slopes could be reduced. For example, the proposed garage could be shifted approximately 10 feet toward Friar Tuck Road (behind the second existing retaining wall). Also, we recommend that the new (square) deck on the northern side of the dwelling be incorporated into the larger proposed deck and porch. This would further minimize disturbance to steep slopes by keeping all new development behind the setback as established by existing structures on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is heavily forested, mitigation alternatives will need to be addressed. To prevent erosion on the site, we recommend that all steep slopes disturbed during construction be planted following completion of the project.
- 3) Stormwater from new structures should be directed to stable vegetated outfalls on the property. Best management practices selected to manage stormwater should be appropriate for the steeply sloping terrain on the site and the vicinity.

Ramona Plociennik
Variance 2003-0178, Coss
June 30, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 398-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 25, 2003

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

Re: Variance 03-2922, Rennick

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the Critical Area Buffer and to clear greater than 30 percent of the property. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose a variance to develop this property. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, it does not appear that disturbance to steep slopes and forest clearing within the Buffer have been minimized to the extent possible. For example, the limits of disturbance might be reduced if the footprint of the proposed dwelling, garage, and driveway were reconfigured and the amount of grading was minimized adjacent to the dwelling. We strongly recommend that the applicant investigate alternative proposals, demonstrating that disturbance within the Critical Area has been minimized.
- 2) Mitigation, at a ratio of 3:1 for clearing greater than 30 percent, should be required. If the development plan is revised to minimize clearing, the mitigation requirement could be reduced. Because the property is fully forested, mitigation alternatives must be addressed. We recommend that areas of steep slopes disturbed during construction be reforested to the extent possible.

Roxana L. Whitt
Variance 03-2922, Rennick
June 25, 2003
Page 2

- 3) Stormwater runoff should be directed to a stable vegetated outfall on the property. Best management practices utilized on the site should be appropriate for the steeply sloping terrain on the property.
- 4) We recommend that super-silt fence be installed around the limits of disturbance to contain runoff during construction and prevent flooding of adjacent properties.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 416-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 25, 2003

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

Re: Variance 03-2923, Mateer

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, we understand that a previous variance to develop this property was granted. The variance permitted development of the property with disturbance to steep slopes within the Buffer and impervious surface coverage of 13.9 percent of the property.
- 2) The applicant has requested to increase the impervious surface coverage on the property from 13.9 percent to 14.8 percent in order to construct a garage. The applicant has proposed a different location for the driveway, off of Rogers Road, to maintain impervious surface coverage below the maximum allowed.
- 3) Mitigation should be required for clearing within the Buffer. The information provided does not indicate the amount of forested area on the property and therefore we are unable to determine the required mitigation ratio at this time. We recommend that the applicant provide this information prior to the variance hearing. Mitigation plantings should be accommodated on the site to the extent possible in order to establish a forested Buffer.
- 4) Stormwater runoff should be directed to a stable vegetated outfall on the property. Best management practices utilized on the site should be appropriate for the steeply sloping terrain on the property.

Roxana L. Whitt
Variance 03-2923, Mateer
June 25, 2003
Page 2

5) We recommend that super-silt fence be installed around the limits of disturbance to contain runoff during construction and prevent flooding of adjacent properties.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 417-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 24, 2003

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

Re: Variance 2003-0091, Peter Kou

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct several dwelling additions with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, deck, porch, and driveway. The property owner also proposes to stabilize a portion of steep slopes within the Buffer between the existing dwelling and the shoreline. Thank you for accompanying me on a site visit on June 23, 2003.

Providing this lot is properly grandfathered, we do not oppose this variance. However several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, the proposed dwelling additions are reasonable in size and do not extend further waterward than the existing dwelling. As observed during the site visit, the proposed expansion of existing driveway (adjacent to the sides and front of the dwelling) is necessary for safety reasons. Traffic on Riva Road is heavy and moves quickly at most times of the day. Expansion of the existing driveway will be utilized as a turn-around area for vehicles entering and exiting the property from Riva Road.
- 2) The site plan and narrative provided indicate that slope stabilization is proposed waterward of the dwelling. The applicant has not identified the source of the erosion, provided a detailed description of what methods will be used to stabilize the slope, or indicated whether any clearing or grading is necessary.

Based on observations made on the site, it appears that erosion of steep slopes between the existing dwelling and the shoreline may be caused from inadequate management of

Rob Konowal
Variance 2003-0091, Peter Kou
June 24, 2003
Page 2

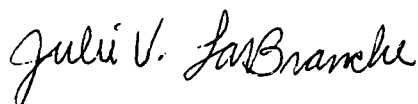
stormwater runoff. At this time, stormwater runoff is directed from downspouts at the base of the house foundation and to two existing storm drains located at the top of steep slopes (refer to attached photographs). It appears that during large storm events, runoff may flow over the storm drains and down the slope to discharge into South River. There is also a flexible pipe, which directs runoff from the storm drains to a discharge point lower on the slope, close to the shoreline. During the site visit, Mr. Kou also reported that runoff collects in one corner of the property, at the base of the house foundation, which causes his basement to flood periodically (refer to attached photograph). We recommend that an evaluation be conducted of the property to identify the cause of the erosion and to develop a method to properly address the problem.

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

- 1) The applicant should consult with a professional engineer and the County staff from the Permit Application Center to develop a plan to repair the existing erosion on steep slopes within the Buffer and to comprehensively manage stormwater runoff on the property.
- 2) Because the site is designated an IDA, water quality improvements must be provided on the site. This requirement can be achieved by retrofitting the existing stormwater management system on the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consist of a mix of native trees and shrubs, should be accommodated on the property to the extent possible. However, mitigation alternatives may need to be addressed.

Commission staff is available to coordinate a site visit to address these issues prior to the variance hearing. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 284-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0219, Montante, Angelo

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, pool, boathouse, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Mitigation is not required for this project, providing that the deck is constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.
- 2) Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 443-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0206, Wharton, Craig

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (detached garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater from the garage should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 435-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0208, Hamilton, Clifford

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, sunroom, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property. Mitigation plantings, consisting of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 436-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0226, Luman, Ralph

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (covered porch) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property. Because the property is designated an IDA, water quality improvements must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 444-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0216, Bush, William and Cecily

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (and porch) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patio, shed, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 442-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0212, Gelfand, Jeffrey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct several dwelling additions (garage, covered walkway and enclosed hot tub) and expansion of the existing driveway with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patio, shed, and driveway.

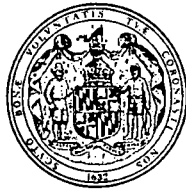
Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal. Based on the information provided, the 100-foot Buffer must be expanded for steep slopes (as require by the Anne Arundel County Zoning Ordinance, Article 28, §1A-104). With expansion of the Buffer, the entire property is within the expanded Buffer. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 439-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2003

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

Re: Variance 2003-0211, Love, Richard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct several dwelling additions (second story) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and deck.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Stormwater from the expanded dwelling should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 438-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

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

Re: Variance 2003-0156, Belote

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, carport, and driveway. I conducted a site visit to the property on June 18, 2003.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

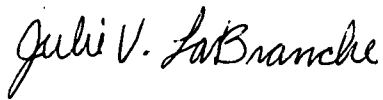
- 1) Based on observations made at the site and the site plans provided, steep slopes are present over most of the property, with the exception of the location of the existing driveway and carport. With expansion of the 100-foot Buffer due to steep slopes (as required by the Anne Arundel County Zoning Ordinance, Article 28, §1A-104), the entire lot is within the expanded Buffer.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Because the lot is heavily forested, mitigation alternatives will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible following completion of the project in order to maintain slope stabilization adjacent to Saltworks Creek.
- 3) The current site plans do not specify how stormwater will be managed on the site. Stormwater runoff should be directed to stable vegetated outfalls to provide water quality benefits on the property. Best management practices should be selected to specifically

Ramona Plociennik
Variance 2003-0156, Belote
June 20, 2003
Page 2

manage runoff on the steeply sloping terrain on the site to prevent flooding on adjacent properties and erosion of steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 377-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2003

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

Re: Variance 03-2924, Jones, Rodney

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling on steep slopes within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance request. We have the following comments regarding the current development proposal.

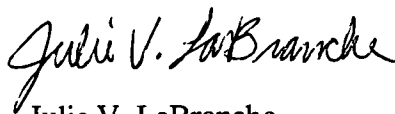
- 1) Based on our records, the current site plan has incorporated several changes compared with the site plan submitted for the previous variance request for this property (Variance 03-2882, Rodney Jones). The proposed changes to the current site plan include reconfiguration of the septic fields and reduction in the length of the driveway, which has resulted in a reduction in the amount of clearing necessary. It appears that the applicant has minimized disturbance to steep slopes to the extent possible while accommodating development of the property.
- 2) Based on the information provided, the applicant proposes to limit the use of heavy equipment on steep slopes between the driveway and dwelling. We recommend that the maximum sediment and erosion control measures be utilized over the entire site to reduce disturbance on steep slopes and contain sediment and runoff during construction. We recommend that areas disturbed during construction be reforested to the extent possible following construction.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the lot is fully forested, mitigation alternatives will need to be addressed. We recommend that areas of steep slopes disturbed during construction be reforested to the extent possible following completion of the project. Mitigation plantings can be used for this purpose.

Roxana L. Whitt
Variance 03-2924, Jones, Rodney
June 20, 2003
Page 2

- 4) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the property. Best management practices should be selected to manage runoff on the steeply sloping terrain on the site to prevent flooding of adjacent properties and maintain water quality of Fresh Creek.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 729-02, revised plan



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 19, 2003

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

Re: Variance 2003-0189, Lamon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and swimming pool with less setbacks and Buffer than permitted and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we do not oppose a variance to develop this property however several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, a portion of the proposed pool and patio are located on steep slopes. We do not support a variance to construct an accessory structure (swimming pool) on steep slopes within the Critical Area when alternatives exist on the site. We recommend that the applicant investigate alternative configurations for the proposed pool and patio that would minimize disturbance to steep slopes within the Critical Area. For example, it appears that the pool and patio could be reconfigured (shifted to the northeast) to avoid disturbance to steep slopes on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

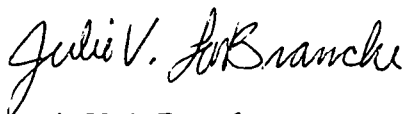
Ramona Plociennik
Variance 2003-0189, Lamon
June 19, 2003
Page 2

We note that the current site plan that reports different calculations of the required area of mitigation plantings in the "Area Tabulation" box (957.25 square feet) and a note on the plan with an arrow pointing to a "proposed 2,158 square feet reforestation area (shrubs and understory trees)". We recommend that the applicant clarify these notations on the current site plan regarding the mitigation requirement for the proposed development.

- 3) As shown on the site plan provided, stormwater runoff will be directed to a best management practice (infiltration trench) located on the northeast corner of the property.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 403-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 19, 2003

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

Re: Variance 2003-0152, Robert Catterton
(Tax Map 60, Parcel 338, Lot 338)

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a right-of-way (driveway) and associated facilities (stream crossing) with less setbacks and Buffer than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a gravel driveway. We received revised site plans on June 2, 2003 and June 9, 2003 for this variance request. The applicant also requests variances for forest clearing in excess of required limits (greater than 30 percent) and greater impervious surface than allowed.

Providing this lot is properly grandfathered, we do not oppose this variance. However, several issues must be addressed. We have the following comments regarding the current development proposal.

- 1) As reported in the Critical Area notes on the revised site plan, the total proposed clearing for Parcels 379 and 338 is 16,500 square feet or 36.5 percent of the existing woodland (45, 161 square feet). The total impervious surface coverage proposed for Parcels 379 and 338 is 17,842 or 28.2 percent. The maximum allowable impervious surface coverage for Parcels 379 and 338 is 9,492.9 square feet or 15 percent.
- 2) Based on the revised site plan (June 9, 2003), we understand that the applicant is proposing to improve an existing gravel driveway to a width of 10 feet and to an approximate length of 1,020 linear feet (as measured from the revised site plan by Commission staff) and construct a stream crossing on Parcel 338. The proposed development will add 6,398 square feet of

impervious surface coverage to the existing 6,054 square feet of impervious surface coverage on the lot, totaling 12,452 square feet of impervious surface coverage.

Based on the revised site plan (June 9, 2003), the current development proposal for Parcel 379 includes a single-family dwelling, walkway and driveway. As stated in the Critical Area notes on the revised site plan, the total proposed impervious surface coverage for Parcel 379 is 5,390 square feet and the maximum allowable impervious surface coverage for Parcel 379 is 5,445 square feet. As shown on the revised site plan, a "future garage" is included within the limits of disturbance (shown as 27 feet by 27 feet or 729 square feet). As reported by the applicant's consultant (Ed Brown), the garage is not included in the impervious surface calculations on the current site plan. The addition of a garage would further exceed the maximum allowable impervious surface limits for combined Parcels 379 and 338.

If the applicant wishes to construct a garage on the property, we strongly recommend that the current development proposal be revised to include the additional impervious surface for this structure. In addition, if a deck is proposed in the future on Parcel 379, the deck should be limited to the cleared areas within the limits of disturbance as shown on the revised site plan. We would not support future variances to further exceed either the impervious surface limits or forest clearing on Parcels 379 and 338.

- 3) As stated in the information provided by the applicant's consultant (letter of March 31, 2003 from Ed Brown), the proposed driveway will disturb approximately 250 square feet of nontidal wetlands, 2,100 square feet of nontidal wetland buffer, and approximately 80 linear feet of stream channel (as estimated from the revised site plan by Commission staff). The applicant must secure the required authorizations from the Department of the Environment and the U.S. Army Corps of Engineers for these proposed impacts.

Given the shape of the lot, the length of driveway necessary to reach the associated house lot (Parcel 379), and the fact that that no alternative access exists for this property, it appears that variances for disturbance to the tributary stream Buffer, and to exceed impervious surface limits and forest clearing are unavoidable. We conclude that the minimum relief from the code is warranted in the case. If granted, we ask that the following be made conditions of this variance.

- 1) The applicant must secure the necessary authorizations from the Department of the Environment and the U.S. Army Corps of Engineers for this project. If the current site plans are revised as a result, a copy of the revised site plans must be provided to this office for review and comment. A revised variance may be necessary, depending on the changes.
- 2) Mitigation, at a ratio of 3:1 for forest clearing in excess of 30 percent, should be required. If proposed, mitigation plantings within the tributary stream Buffer on Lot 338 should be appropriate for the wet conditions on the site. It appears that some of the required plantings

Liz West
Variance 2003-0152, Robert Catterton
June 19, 2003
Page 3

can be accommodated on Parcels 338 and 379, however mitigation alternatives will need to be addressed.

- 3) We recommend that super-silt fence be installed around the perimeter of development to protect the tributary stream and wetlands by containing sediment and runoff during construction

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 374-03, revised plans



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 18, 2003

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

Re: Variance 2003-0153, Pomerleau

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling and driveway. The current development proposal also includes a garage, porch, and addition to the principal structure.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The 100-foot Buffer is not shown on the current site plan. As measured from the site plan, a portion of the proposed garage and porch are within the 100-foot Buffer. The applicant should provide a revised plan, showing the location of the Buffer on the property. This information is needed to determine the required mitigation for this variance request.

We would like to note that the reforestation/afforestation agreement provided with this variance request (refer to attached copy) provides for 526 square feet of plantings on the property. As measured from the site plan, we estimate that the current development proposal will result in approximately 1,050 square feet of new impervious surface on the property, most of which is located within the Buffer. At a ratio of 2:1 for new impervious surface in the Buffer, the mitigation requirement would be well above that stated in the reforestation/afforestation agreement.

Rob Konowal
Variance 2003-0153, Pomerleau
June 18, 2003
Page 2

- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings could be accommodated on the property.
- 3) Stormwater runoff from the additions should be directed to stable vegetated outfalls to provide water quality benefits on the property. Mitigation plantings can be used for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 375-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 18, 2003

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

Re: Variance 2003-0186, Grant

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a lot with less area than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose this variance. As stated in the Critical Area and environmental report provided (Ed Brown & Assoc., Inc.), there are no habitat protection areas or other sensitive features that restrict development of the property. We have no further comments at this time.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 402-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 18, 2003

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

Re: Variance 2003-0225, Whitehouse

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (covered porch) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Plantings should be accommodated on the property, if possible. Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the property. Mitigation plantings can be used for this purpose.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 407-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

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

Re: Variance 2003-0180, Thomas, Michael and Nancy

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (home spa) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We understand that the home spa will be installed over the existing deck. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 399-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

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

Re: Variance 2003-0193, Erickson, Joseph

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and an accessory structure with less setbacks and Buffer than required. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently developed with a single-family dwelling, pool, patio, pool house, gazebo, two sheds, an open-air shed, garage, and driveway.

A previous variance request by the property owner was denied by the Anne Arundel County Hearing officer (decision of April 8, 2002) and by the Anne Arundel County Board of Appeals (decision of August 28, 2002). The variance request was to perfect two additions to the existing garage within the 100-foot Buffer to tidal wetlands. In both decisions, the County concluded that the applicant did not meet each of the variance standards, finding that denial of the variance request would not result in undue hardship to the applicant, the applicant had reasonable use of the property, and alternative locations existed on the property for additional development that would not impact the Buffer. We ask that the County provide verification as to whether the illegal additions have been removed from the property.

Based on the information provided, we have the following comments regarding the current development proposal.

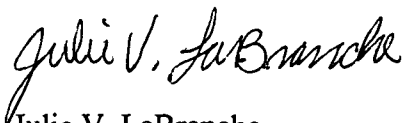
- 1) The waterfront portion of the property is bordered by tidal wetlands and tidal waters of Sillery Bay on the Magothy River. The limits of tidal wetlands are shown on the current site plan however the Buffer must be measured from the mean high water line of tidal waters, the edge of tidal wetlands, and the tributary stream along the northern property line. As shown on the site plan, it appears that the Buffer is measured from the contour line labelled

“shoreline”. The applicant should provide a revised plan, properly identifying all required Buffers on the property. This information is necessary to accurately determine the extent of the 100-foot Buffer on the property and to determine the extent of disturbance within the Buffer.

- 2) Based on the site plan provided, a portion of the proposed dwelling addition appears to be within the 100-foot Buffer (as measured from the zero foot contour line since mean high water line has not been identified). In addition, the limits of disturbance for construction are not shown on the current site plan. The applicant should provide this information on a revised site plan. As measured from the site plan, the proposed garage does not appear to be within the 100-foot tributary stream Buffer.
- 3) Because the required Buffers are not fully identified on the current site plan, it is difficult to determine whether alternative locations for the proposed dwelling addition exist on the property outside of the Buffer. However, at this time, we recommend that the applicant investigate alternative configurations that would minimize disturbance within the Buffer and perhaps eliminate the need for a variance.
- 4) The environmental report provided with the current variance request appears to be the same report provided for the previous variance request of 2001, as the calculations of impervious surface and description of the proposed development in the two reports appear to be identical and do not correspond with the development proposed on the current site plan. In order for the Commission to complete a review of the current variance request, the applicant must provide a description of the proposed development, calculations of existing and proposed impervious surface coverage, amount of proposed clearing, and the limits of disturbance.

Once the requested information is received, we will complete our review of the current variance request. We will coordinate with County staff to conduct a site visit of the property as soon as possible. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 678-01



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2003

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

Re: Variance 2003-0192, Johnson, Raymond

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, garage, and driveway.

Providing this lot is properly grandfathered, we do not oppose this variance. We understand that no clearing is needed to construct the addition. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. Stormwater runoff from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 404-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 12, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Baca/Crouch - Building Permit # 35244, Grading Permit # 35245

Dear Ms. Whitt:

Thank you for providing information on the above referenced building and grading permit applications. The applicant is requesting permits to construct a single-family dwelling, driveway and septic system in the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped. A portion of the proposed septic system is located within the expanded Critical Area Buffer and the cliff setback.

A previous variance was granted by the Calvert County Board of Appeals to develop this property (Case No. 99-2534 of June 21, 1999). At this time, we have no additional comments regarding the applicant's request for building and grading permits. However, development of the property should comply with the conditions required in the 1999 variance decision.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 135-99, supplemental



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 12, 2003

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

Re: Variance 2003-0194, Mount Chase Associates, Inc.
(Tax Map 17, Parcel 444, Lot 44)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated a Limited Development Area (LDA). The current proposal includes development of the property with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, we have one comment regarding the current development proposal. As measured from the site plan for the previous variance, the dwelling was located 25 feet from the front property line. As measured from the current site plan, the dwelling is proposed approximately 24 feet from the front property line (refer to attached site plans). The previous variance decision for this property (Case Number 2002-0037V dated April 10, 2002) required as a condition of the variance that "the site plan be revised to relocate the dwelling five feet closer to the front property line". We recommend that the current site plan be revised to comply with the condition stated in the previous variance decision.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 122-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 11, 2003

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

Re: Variance 2003-0183, Dulaney, Michael

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two dwelling additions (garage and deck) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, water access trail, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that some of the required mitigation can be accommodated on the property however mitigation alternatives may need to be addressed. Plantings should consist of a mix of native trees and shrubs. Stormwater runoff from the garage should be directed to a stable vegetated outfall to provide water quality benefits on the property. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 400-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 11, 2003

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

Re: Variance 2003-0175, Laye, Hattie

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. Stormwater runoff from the dwelling should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 397-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 11, 2003

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

Re: Variance 2003-0184, Thomas, William

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (screened porch) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. Stormwater runoff from the screened porch should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 401-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 11, 2003

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

Re: Variance 2003-0197, Sharkey, Patrick and Kathleen

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, shed, pumphouse, patio, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant must secure the required authorizations for the proposed pier from the Department of the Environment and the U.S. Army Corps of Engineers. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 406-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 10, 2003

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

Re: Variance 2003-0174, Dehn

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current proposal.

- 1) Based on the site plan provided and GIS information from the Department of Natural Resources, it appears that the proposed garage is outside of the 100-foot Buffer. There do not appear to be any steep slopes on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should be directed first to non-forested areas within the Buffer, then to other areas of the property.
- 3) Stormwater runoff from the garage should be directed to a stable vegetated outfall on the property to promote infiltration and provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 382-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

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

Re: Variance 2003-0171, Castruccio

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

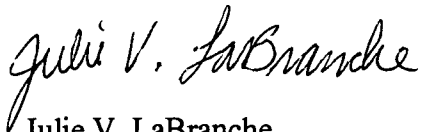
- 1) Based on the site plan provided, steep slopes and buffers are present over the entire property, and therefore it is not possible to develop the property without a variance. As proposed, it appears that the applicant has attempted to minimize disturbance within the Critical Area while accommodating development of the property. However, we recommend that the proposed deck be reconfigured to a rectangular shape (for example, 10 feet by 24 feet) and the deck footers be dug by hand to further minimize disturbance to steep slopes. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the expanded Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed. To prevent erosion and facilitate absorption of runoff, areas disturbed on steep slopes should be revegetated to the extent following completion of the project. Mitigation plantings can be used for this purpose.

Ramona Plociennik
Variance 2003-0171, Castruccio
June 9, 2003
Page 2

- 3) Stormwater runoff should be directed to a best management practice to prevent erosion of steep slopes over time. Also, we recommend that super-silt fence be installed around the perimeter of the limits of disturbance to contain runoff during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 379-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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(410) 260-3460 Fax: (410) 974-5338
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June 9, 2003

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

Re: Variance 2003-0125, Kevin Barner

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, walkways, retaining walls, and driveway. We received a revised site plan for this variance on June 3, 2003, which includes expansion of the existing deck by approximately 80 square feet.

Providing this lot is properly grandfathered, we would not oppose this variance.

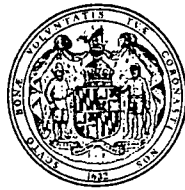
- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. Plantings should be accommodated on the site to the extent possible, however mitigation alternatives may need to be addressed.
- 2) Stormwater runoff from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the site. Mitigation plantings can be used for this purpose.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 314-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

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

Re: Variance 2003-0155, Ruby

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (porch) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, two decks, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that the required mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be located to provide additional water quality benefits on the site.
- 2) Stormwater runoff from the porch should be directed to a stable vegetated outfall on the property.
- 3) Because this property is designated an IDA, water quality benefits must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 376-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

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

Re: Variance 2003-0151, McDonald

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a carport addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, we understand that the proposed carport addition will be constructed over a portion of the existing driveway. Since no clearing or new impervious surface is proposed, mitigation is not required for this project.
- 2) Stormwater runoff from the carport addition should be directed to a stable vegetated outfall on the property.
- 3) Because this property is designated an IDA, water quality benefits must be provided on the site. Pollutant removal from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 373-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

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

Re: Variance 2003-0168, Guilfoyle

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (shed) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and porch. A driveway is not shown on the site plan provided.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, it is not clear why the applicant requires a variance to construct the proposed shed. It appears that there is adequate area on the property to accommodate a shed without the need for a variance to the side-yard setback requirement.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that the required mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be located to provide additional water quality benefits on the site.
- 3) Stormwater runoff from shed should be directed to a stable vegetated outfall on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 378-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

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

Re: Variance 2003-0172, Castruccio

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

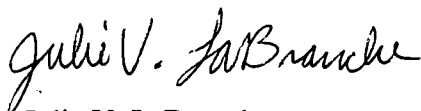
- 1) Based on the site plan provided, steep slopes and buffers are present over the entire property, and therefore it is not possible to develop the property without a variance. As proposed, it appears that the applicant has attempted to minimize disturbance within the Critical Area while accommodating development of the property. However, we recommend that the proposed deck be reconfigured to a rectangular shape (for example, 10 feet by 24 feet) and the deck footers be dug by hand to further minimize disturbance to steep slopes. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the expanded Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed. To prevent erosion and facilitate absorption of runoff, areas disturbed on steep slopes should be revegetated to the extent following completion of the project. Mitigation plantings can be used for this purpose.

Ramona Plociennik
Variance 2003-0172, Castruccio
June 9, 2003
Page 2

- 3) Stormwater runoff should be directed to a best management practice to prevent erosion of steep slopes over time. Also, we recommend that super-silt fence be installed around the perimeter of the limits of disturbance to contain runoff during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 380-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

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

Re: Variance 2003-0176, Prescott

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an in-ground swimming pool with less setbacks and Buffer than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, walkways, and driveway. I conducted a site visit to the property on June 6, 2003.

Based on observations made on the site and the information provided, we do not support this variance request as proposed. We have the following comments regarding the current development proposal.

- 1) Due to the presence of steep slopes on this property (averaging 25 percent as measured from County topographic maps), the 100-foot Buffer must be expanded (as required by the Anne Arundel Zoning Ordinance, Article 28, §1A-104). With expansion of the Buffer, the entire property is within the expanded Buffer. The expanded Buffer is not shown on the site plan provided. There does not appear to be an alternative location on the property where steep slopes would not be impacted by the proposed swimming pool.
- 2) The in-ground swimming pool is proposed behind an existing wooden retaining wall and on steep slopes within the expanded Buffer. Based on my conversation with the property owner on the site, we understand that the retaining wall may need to be reinforced to provide adequate support for the proposed swimming pool. Reconstruction of the retaining wall would result in additional disturbance to steep slopes within the expanded Buffer.
- 3) The property owner intends to utilize the pool to provide aquatic therapy for two members of the household, a young autistic child and an adult with Parkinsons disease. A retractable cover would be installed over the water surface but the swimming pool would not be

Pam Miley
Variance 2003-0176, Prescott
June 9, 2003
Page 2

enclosed. The property owner expects to have use of the pool for an average of approximately 6 to 7 months of the year (from April through October).

- 4) During my site visit, I observed no other swimming pools in the front yard of adjacent or nearby properties. The absence of such structures is likely due to the presence of steep slopes on most of the waterfront properties along this portion of Dividing Creek.

At this time, this office can not support a variance for an accessory structure in the Buffer. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 382-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 4, 2003

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

Re: Variance 2003-0152, Robert Catterton
(Tax Map 60, Parcel 338, Lot 338)

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a right-of-way (driveway) and associated facilities (stream crossing) with less setbacks and Buffer than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a gravel driveway. We received revised site plans on June 2, 2003 for this variance request.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues must be addressed. Based on the revised site plans, we have the following comments regarding the current development proposal.

- 1) Based on additional information provided by your office, we understand that the applicant is proposing to improve an existing gravel driveway to a width of 10 feet and an approximate length of 1,020 linear feet (as measured from the revised site plan by Commission staff) and construct a stream crossing. The property, Lot 338, is approximately 1.4 acres. The proposed development will add 6,398 square feet of impervious surface coverage to the existing 6,054 square feet of impervious surface coverage on the lot, totalling 12,452 square feet of impervious surface coverage or 10 percent of the lot.
- 2) The 100-foot tributary stream Buffer is shown on the revised site plans. However, calculation of the amount of disturbance within this Buffer was not provided. The applicant must provide this information for the purpose of determining the appropriate mitigation for disturbance within the stream Buffer.

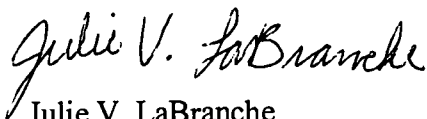
- 3) As stated in the information provided by the applicant's consultant (letter of March 31, 2003 from Ed Brown), the proposed driveway will disturb approximately 250 square feet of nontidal wetlands, 2,100 square feet of nontidal wetland buffer, and approximately 80 linear feet of stream channel (as estimated from the revised site plan by Commission staff). The applicant must secure the required authorizations from the Department of the Environment and the U.S. Army Corps of Engineers for these proposed impacts.

Given the shape of the lot, the length of driveway necessary to reach the associated house lot (Lot 379), and the fact that that no alternative access exists for this property, it appears that a variance for the proposed disturbance to the tributary stream Buffer is unavoidable. We conclude that the minimum relief from the code is warranted in the case. If granted, we ask that the following be made conditions of this variance.

- 1) The applicant must secure the necessary authorizations from the Department of the Environment and the U.S. Army Corps of Engineers for this project. If the current site plans are revised as a result, a copy of the revised site plans must be provided to this office for review and comment.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings selected should be appropriate for the wet conditions on the site. It appears that some of the required plantings can be accommodated on the site, however mitigation alternatives will need to be addressed.
- 3) We recommend that super-silt fence be installed around the perimeter of development to contain sediment and runoff during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 374-03, revised plans



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 2, 2003

Steve Burzenski
Project Manager, Bureau of Engineering
Anne Arundel County
Department of Public Works
2662 Riva Road, MS-7301
Annapolis, Maryland 21401

Re: Mitigation for the Broadwater Water Reclamation Facility

Dear Mr. Burzenski:

This letter is to follow up our conversation of May 30, 2003 regarding mitigation at the Broadwater Water Reclamation Facility. Below is a summary of the planting information provided by the consultant and the required mitigation for the previous and current development proposals at the facility.

- 1) The site plan provided for the previous development project at the Broadwater facility shows the proposed mitigation area of 600 square feet. As we discussed, the mitigation area will be expanded to accommodate the mitigation required for the current development proposal. The mitigation requirement for the current development proposal is 2,160 square feet (720 square feet of disturbance at a ratio of 3:1). Adding these calculations, the total mitigation requirement for the facility is 2,676 square feet.
- 2) The previous development project proposed at the facility required 516 square feet of mitigation. The mitigation planting plan submitted by the project consultant includes 1,550 square feet of forest cover, resulting in 1,034 square feet of excess mitigation.
- 3) Applying the excess mitigation to the balance required for the current proposal (2,160 square feet – 1,034 square feet), the remaining mitigation is 1,126 square feet. The planting plan should be revised to include the additional mitigation, using the calculations in the table below for planting credit or as otherwise required by the County.

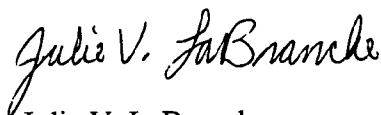
Recommended Credits for Forest Mitigation

Recommended Credit	Plant Size	Plant Spacing
100 square feet	1 tree (2-inch caliper)	10-foot center
400 square feet	1 tree (minimum 2-inch caliper and either balled and burlapped or container grown) Understory vegetation (minimum 2 small trees or 3 shrubs)	Tree 20-foot center Understory: 10-foot center
50 square feet	1 tree (seedlings)	7-foot center
50 square feet	1 shrub	3 to 7-foot center

To complete your submittal for this project, please provide a revised mitigation site plan and mitigation planting plan for our review. Once we have reviewed this information, the project can be taken to the Commission for a conditional approval. Since the current development proposal is of similar scope and will result in similar disturbance within the Buffer, the findings for the previous conditional approval at this facility are applicable and can be used in my staff report for this project.

Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 700-02



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 2, 2003

Jeanne Minner
Director of Planning
Town of Elkton
P.O. Box 157
Elkton, Maryland 21922-0157

Re: Route 40 Interceptor Project

Dear Ms. Minner:

Thank you for arranging our meeting of May 9, 2003 to discuss the proposed Route 40 Interceptor project. We received your consistency report for the project on May 19, 2003. Based on the information provided at our meeting and the consistency report, we concur with your findings that the project is consistent with the Town of Elkton Critical Area program. No further action by the Commission is necessary for this project.

Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

Julie V. LaBranche
Natural Resources Planner



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 2, 2003

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

Re: Variance 2003-0133, Shane Wardle

Dear Mr. Konoval:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, shed, and driveway.

Based on the information provided, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan provided, it appears that the proposed extension of the existing second story (cantilever and extension of the roof line) will add a small amount of additional impervious surface coverage on the property. The applicant should clarify the impervious surface calculations for the project and provide a revised application, if necessary.
- 2) If new impervious surface will result, mitigation at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings, consisting of a mix of native trees and shrubs, could be accommodated on the property.
- 3) Because this property is designated IDA, water quality improvements must be provided on the site. Pollutant reduction from runoff can be achieved through the installation of a best management practice or with plantings. Mitigation plantings can be used for this purpose.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner
cc: AA 341-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 2003

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

Re: Variance 2003-0120, Raymond and Janice Kozdras

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling. We received revised site plans on June 3, 2003.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the revised site plans, we have the following comments regarding the current development proposal.

- 1) Because the property is designated an Intensely Developed Area (IDA), water quality improvements must be provided on the site. Reductions in pollutants from stormwater runoff can be achieved through the establishment of plantings or implementation of a best management practice.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible. Based on the site plan, it appears that the property is heavily forested and therefore mitigation alternatives will need to be addressed.
- 3) To accommodate a front porch with steps, the entire dwelling has been shifted several feet toward the Rock Creek. As a result, the proposed deck is now located 23.6 feet from mean high water and to the edge of steep slopes. We recommend that the deck be reconfigured to a rectangular shape (for example, 10 feet by 16 feet) in order to maximize the setback and prevent disturbance to steep slopes adjacent to Rock Creek. The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the

downslope end. We recommend that the deck footers be dug by hand to minimize disturbance to steep slopes.

- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site. Mitigation plantings can be used for this purpose.
- 4) We recommend that super-silt fence be installed around the perimeter of the limits of disturbance to ensure containment of runoff and prevent erosion of steep slopes near the shoreline during construction. On the revised site plans, the limits of disturbance have been reduced in the front yard to minimize disturbance within the Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 312-03, revised plan



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 28, 2003

David Black
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Site Plan, North East River Yacht Club (Tax Map 36, Parcel 12)

Dear Mr. Black:

Thank you for providing information on the above referenced project. The property owner has proposed construction of a boardwalk within the 110-foot Buffer and a dewatering basin within the Critical Area. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a commercial marina and facilities.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that the proposed boardwalk will be 8 feet in width, approximately 206 linear feet, and located above mean high water adjacent to an existing stone revetment and bulkhead. It is not clear whether removal of existing vegetation within the Buffer will be necessary to construct the boardwalk.
- 2) Based on information provided by staff from the Cecil County Department of Public Works, the proposed walkway is considered pervious if the deck boards are properly spaced and the substrate beneath the walkway remains pervious. Since no new impervious surface will be created within the Buffer, the standards for new development and offsetting requirements for new development within a Buffer Exemption Area have been met (Cecil County Zoning Ordinance (Article XI, Part 1, Section 195).
- 3) Based on information provided by the applicant's consultant, Rob Jones (Frederick Ward Associates), the dredge material will be removed from the site following completion of the project. After removal of the dredge material, the area of disturbance for the temporary

David Black
Site Plan, North East River Yacht Club
May 28, 2003
Page 2

dewatering basin should be re-established in native vegetation following completion of the project.

Thank you for the opportunity to provide comments for this project

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Rob Jones (Frederick Ward Associates)
Mark Woodhall (Cecil County Department of Public Works)

CE 331-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2003

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

Re: Variance 2003-0145, Edgar Jones

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than allowed. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and driveway.

Provided this property is properly grandfathered, we do not oppose this variance. However, several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, the current development proposal for this property does not include a deck. This office does not oppose attached decks of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. If construction of a deck is anticipated in the future, we recommend that a deck be included as part of the current variance request. Since substantial reconstruction is proposed for the site, a deck could easily be incorporated in to the current development proposal to maximize the distance between the shoreline and new development, and minimize disturbance within the Buffer (as required by the Anne Arundel County Zoning Ordinance Article 28, 1A-109(3)). This office would not support an additional variance to construct a deck at a later time, which would result in additional disturbance within the Buffer.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of

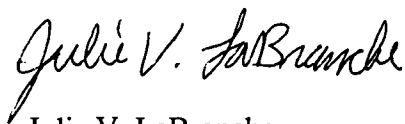
Ramona Plociennik
Variance 2003-0145, Edgar Jones
May 22, 2003
Page 2

the property. Since mitigation will be required for a significant area of new impervious surface coverage, mitigation alternatives may need to be addressed.

- 3) Because the property is designated an Intensely Developed Area, water quality improvements must be provided on site. Reductions in pollutants from runoff can be achieved through the implementation of a stormwater best management practice and with plantings. Mitigation plantings can be used for this purpose.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 90-99, revised plan



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 22, 2003

Cliff Houston
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2936, Wruble and Bratton
(Tax Map 67, Parcel 4)

Dear Mr. Houston:

Thank you for providing information on the above referenced variance. Based on the information provided to the Critical Area Commission, the applicant does not meet the County's standards for a variance, and accordingly, this office recommends denial. The applicant is requesting a variance to construct a pool and deck, pool house, and retaining wall that would result in 3,023 square feet of additional impervious surface coverage within the Buffer. The proposed structures are considered accessory structures since they are not part of the existing principal structure. The property is 10.6 acres and designated a Limited Development Area (LDA). The property is currently developed with a three-story single-family dwelling, several decks and walkways, detached garage and carport, pump house, and shed.

Commission staff conducted a site visit on May 13, 2003 with Joe Johnson, Cecil County Resource Inspector. Based on the information provided and observations made on the site, we oppose this variance request. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, it appears that steep slopes are present within and contiguous to the 110-foot Buffer, however steep slopes are not identified on the site plan. As required by the Cecil County Zoning Ordinance (Article 4, Section 196), the Buffer must be expanded for steep slopes whenever new development activities are proposed that require clearing of vegetation or land disturbance. In this case, the Buffer would be expanded to the top of slope, beyond the project area as shown on the site plan. With expansion of the Buffer, the entire area of proposed development (pool, deck, pool house, and retaining wall) is within the expanded Buffer and on steep slopes.

- 2) The site plan provided does not include calculations of existing impervious surface within the Buffer. As measured from the site plan provided, Commission staff calculates that approximately 8,140 square feet of impervious surface coverage exists within the Buffer. This calculation includes only the portion of the driveway shown on the site plan and an existing shed which is not shown on the site plan but was observed during the site visit (north of the dwelling just beyond the scope of the site plan). In addition, there are several wooden walkways and decks on steep slopes within the Buffer.
- 3) The provisions for grandfathered lots (Cecil County Zoning Ordinance Article XI, Part I, Sections 194, and 196) specify that development within the Buffer, other than single-family dwellings, is not permitted except by variance. The standards for development in a Limited Development Area (Cecil County Zoning Ordinance Article XI, Section 200) state that development is prohibited on slopes greater than 15 percent and development must comply with the provisions of the habitat protection element of the Cecil County Critical Area Program (Section 9.1, Buffer Program Element) which prohibits new development activities within the Buffer. The applicant's request to develop an additional 3,023 square feet of impervious surface on steep slopes within the expanded Buffer clearly does not meet these standards.
- 4) Calculations of the amount of clearing necessary were not provided with the variance application. Based on observations made on the site, the proposed location for the pool, pool house and retaining wall consists mostly of mature trees and herbaceous vegetation. This area, and most of the Buffer, is partially covered by forest canopy (refer to attached photographs 1 and 2). Thus, it appears that clearing of vegetation within the Buffer will be necessary for construction of the pool, deck, pool house, and retaining wall.
- 5) Based on observations made on the site, it appears that the proposed development could be accommodated on other areas of the property. There are two large grassed areas at the back of the property adjacent to either side of the driveway where the pool and amenities could be constructed without disturbance to the Buffer or steep slopes (refer to attached photographs 3 and 4).

In 2002, the Maryland General Assembly reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values. By Chapters 431 and 432 of the 2002 Laws of Maryland, the General Assembly required that variances to a local jurisdiction's Critical Area program may not be granted unless the zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards. We offer the following comments as to the applicant's compliance with each of the variance standards.

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 submitted information shows nothing unusual or unique about this residential property. The applicant must demonstrate that, without the variance, he would be denied reasonable and significant use of the entire parcel or lot. The applicant appears to have reasonable use of the property, including a single-family dwelling, several decks and walkways, detached garage and carport, pump house, and shed. In addition, a large portion of this 10.6 acre parcel remains undeveloped. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue.
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. The application provides no information from which the Board could conclude that denial of this variance would deny the applicant rights commonly enjoyed by other properties in a limited Development Area under the Critical Area program. Since there appear to be alternative locations for the proposed development on this 10.6 acre property, which would not result in disturbance to the Buffer or steep slopes within the Critical Area, denial of this variance request would not prevent the applicant from constructing the desired amenities on the property.
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. The Critical Area provisions prohibiting development within the Buffer on grandfathered lots within a Limited Development Area apply to *all* such properties in the Critical Area within Cecil County. Therefore, the granting of this variance would confer upon the applicant a special privilege to allow development of 3,023 square feet of additional impervious surface coverage on steep slopes within the Buffer that would not be allowed on similar properties within the Critical Area.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.
5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations. The provisions of the Critical Area Act and Criteria establish specific limits on development within the Buffer for the purpose of protecting water quality and natural habitats within the Critical Area. The principal structure and several accessory structures

Joseph Johnson
Variance 2936, Wruble and Bratton
May 22, 2003
Page 4

already exist within the Buffer. As stated on the site plan, the proposed development will result in the addition of 3,023 square feet of impervious surface coverage within the Buffer. This additional disturbance within the Buffer may compromise the function of the Buffer by reducing forest cover and habitat, and limiting the infiltration of stormwater runoff and groundwater recharge capacity within the Buffer. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

We recommend that the applicant investigate an alternative development proposal that would accommodate the desired amenities without the need for a variance. Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)
Regina Esslinger (Critical Area Commission)

CE 254-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 21, 2003

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

Re: Variance 2003-0140, Oak Bluff LLC

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling and driveway.

Provided this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The site plan provided does not identify steep slopes or the 100-foot Buffer. As estimated from the site plan, the average slope within the 100-foot Buffer is approximately 16-17 percent and therefore the Buffer must be expanded to include 50 feet from the top of steep slopes [as required by Anne Arundel County Zoning Ordinance, Article 28, Section 1A-104(a)(1)].
- 2) Based on the site plan provided, we understand that the new dwelling will be constructed on the existing foundation, with the addition of an attached garage and deck, and reconfiguration of the existing driveway. Approximately 440 square feet of clearing will be necessary to construct the garage.
- 3) The deck should be designed to be pervious with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.

Pam Miley
Variance 2003-0140, Oak Bluff LLC
May 21, 2003
Page 2

- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.
- 5) Stormwater runoff should be directed to stable vegetated outfall on the property to prevent erosion of steep slopes. Mitigation plantings can be used to absorb runoff and provide additional water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 344-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 21, 2003

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

Re: Variance 2003, 2918, Triplet

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. Based on the information provided to the Critical Area Commission, the applicant does not meet the County's standards for a variance, and accordingly, this office recommends denial. The applicant is requesting a variance to construct a single-family dwelling and driveway with greater impervious surface than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We understand that the property (Tax Map 44, Parcel 612, Lot 16-R) was recorded in 1996 and therefore is not grandfathered under the Critical Area Law. The applicant has proposed 2,006 square feet of impervious surface coverage. As required by the Calvert County Zoning Ordinance (Article 4, Section 4-8.07), the maximum allowable impervious surface coverage for this non-grandfathered lot in the Critical Area is 15 percent or 1,927 square feet for this property (as stated on the record plat).

This office does not support a variance to exceed impervious surface limits within the Critical Area. We offer the following comments as to the applicant's compliance with the variance standards. The Code of Maryland Regulations and the Calvert County Zoning Ordinance both provide the standards a local government must use when granting a variance. The applicant bears the burden to prove, and the Board of Appeals must find, that the applicant satisfies each one of the following factors:

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 submitted information shows nothing unusual or unique about this residential property. The lot was recorded in 1996, and it is fully subject to the Critical Area requirements. The property is relatively flat except for steep slopes within the first 30 feet immediately adjacent to the shoreline. The applicant must demonstrate that, without the variance, he would be denied reasonable and significant use of the entire parcel or lot. Given

that the impervious surface limit for this lot under the Critical Area program is over 1,900 square feet, it appears that the applicant can have reasonable use of the property by constructing a dwelling and facilities in compliance with the local Critical Area regulations. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.

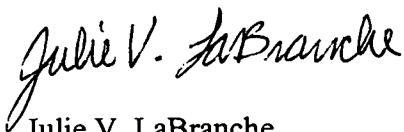
2. That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. As required by the local Critical Area regulations (Calvert County Zoning Ordinance, Article 4, Section 4-8.07), *all* non-grandfathered properties designated Limited Development Area (LDA) within the Critical Area of Calvert County are limited to 15 percent impervious surface coverage. The application provides no information from which the Board could conclude that denial of this variance would deny the applicant rights commonly enjoyed by others under the Critical Area program.
3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area. If the variance is granted, it would confer a special privilege on the applicant that would be denied to other non-grandfathered lands in the County's Critical Area. All new lots in the LDA are limited to 15% impervious surface.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property. The record plat for this property, and the Osprey Cove subdivision, states that impervious surface coverage is limited to 1,927 square feet for each lot within the subdivision. Thus, all lots in the subdivision are subject to the same impervious surface limits as is the applicant's.
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. Again, the applicant has provided no information from which the Board could make a finding on this factor. The provisions of the Critical Area Act and Criteria establish specific limits on impervious surface coverage within Limited Development Areas for the purpose of protecting water quality and natural habitats within the Critical Area. New impervious surface in excess of these limits contributes to the detrimental effects on water quality and habitat around the Bay and its tributaries. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

Roxana L. Whitt
Variance 2003, 2918, Triplett
May 21, 2003
Page 3

Because the site is undeveloped and because the applicant is able to construct a sizeable dwelling on the 1,900+ square feet of allowable impervious surface, we recommend that the applicant consider an alternative development plan for this property that complies with the impervious surfaces limits, as required by the local Critical Area regulations. Based on the site plan provided for the variance, it appears that the proposed driveway could be reconfigured, and reduced in size by 79 square feet, therefore eliminating the need for a variance. We also note that the current development proposal would not allow for any flexibility in the future to construct additional impervious structures on the property, such as a porch, shed or other accessory structures.

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)
Regina Esslinger (Critical Area Commission)

CA 339-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 21, 2003

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

Re: Variance 2003-0131, Michael Donnelly

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The proposed deck should be designed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 340-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 19, 2003

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

Re: Variance 2003-0128, Hung Hoang

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Based on the information provided and our records, we do not support this variance. We have the following comments regarding the current development proposal.

- 1) A 1994 variance decision for initial development of the property with a single-family dwelling required a minimum development setback of 40 feet from mean high water (see attached document). This setback was consistent with the setback established by existing development on the adjacent property. In 1997, a subsequent variance request to perfect a deck on this property was denied on the basis that the deck did not comply with the 40 foot development setback required by the 1994 variance decision. As a result of legal action by the County, the deck was removed from the property in 2002.
- 2) The current development proposal places the deck within 38 feet of the shoreline. We also note that the proposed deck is 360 square feet, where the previous deck was 283.5 square feet. ***If the applicant can comply with the 40 foot development setback specified in the 1994 and 1997 variance decisions, we would not oppose a variance to construct a deck on the property.***
- 3) If granted, the proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.

Ramona Plociennik
Variance 2003-0128, Hung Hoang
May 19, 2003
Page 2

- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 316-03, revised



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 19, 2003

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

Re: Variance 2003-0095, Charles Hall

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pool with less setbacks, and greater impervious surface coverage and forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Based on the information provided, we do not support this variance request for clearing in excess of allowable limits. We have the following comments regarding the current development proposal.

- 1) As reported by County staff (May 19, 2003), we understand that the applicant submitted a revised site plan indicating that the current development proposal complies with impervious surface limits. Therefore a variance for impervious surface limits is not required.
- 2) Based on information provided by the County, the applicant proposes 7,550 square feet of forest clearing. The maximum allowable forest clearing for a lot of less than one-half acre is 6,534 square feet. It appears that alternatives may exist on the site that would minimize forest clearing within the Critical Area. For example, relocating the pool closer to the existing dwelling, or reducing its size, could help to minimize the amount of clearing necessary, and possibly eliminate the need for a variance.
- 3) If the variance is granted, mitigation should be required at a ratio of 3:1 for forest clearing in excess of 6,535 square feet. Since the property is fully forested, mitigation alternatives will need to be addressed.

Elizabeth West
Variance 2003-0095, Charles Hall
May 19, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 288-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2003

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

Re: Variance 2003-0135, Luke and Lori Sever

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, porch, deck, and driveway.

Based on the information provided, we would not oppose this variance. We have no additional comments regarding the current development proposal.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 342-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2003

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

Re: Variance 2003-0133, Shane Wardle

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, shed, and driveway.

Based on the information provided, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As shown on the site plan provided, it appears that the proposed extension of the existing second story (cantilever and extension of the roof line) will add a small amount of additional impervious surface coverage on the property. The applicant should clarify the impervious surface calculations for the project and provide a revised application, if necessary, keeping in mind that the maximum allowable impervious surface coverage for the property is 1,962.5 square feet.
- 2) If new impervious surface will result, mitigation at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings, consisting of a mix of native trees and shrubs, could be accommodated on the property.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 341-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2003

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

Re: Variance 2003-0141, John Burian

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, deck, pool, and driveway.

Based on the information provided, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Because this property is designated an IDA, water quality improvements must be provided on the site to offset the proposed development. Reduction in pollutant loadings can be achieved through the implementation of a stormwater best management practice or with plantings.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the site is fully forested, mitigation alternatives will need to be addressed.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 345-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 15, 2003

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

Re: Variance 2003, 2916, S.R. Smith

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling, driveway, and septic system with disturbance to steep slope within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

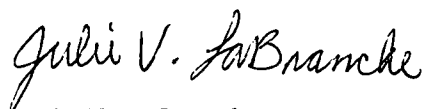
Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, it appears that the applicant has attempted to consolidate the footprint of development to the extent possible and has located all development on slopes of less than 25 percent.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. Although the site is heavily forested, it appears that some mitigation plantings can be accommodated near the front of the property, bordering Inner Place. However, mitigation alternatives will need to be addressed to fully meet the required mitigation.
- 3) Stormwater runoff from structures should be directed to a stable vegetated outfall on the property, or to a best management practice suitable for the steeply sloping terrain. We recommend that super-silt fence be installed around the limits of disturbance to contain runoff during construction and prevent erosion of steep slopes.

Roxana L. Whitt
Variance 2003, 2916, S.R. Smith
May 15, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 338-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 14, 2003

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

Re: Variance 2003-0132, Belvoir Farms Homeowners Association

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance and a special exception.

This office has no comment on the variance to permit the extension of time for implementation of the previous approvals.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 473-99



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 12, 2003

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

Re: Variance 2003-0127, Curtis Creek Land Co., Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a driveway, and other associated facilities, with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a commercial facility.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Based on the information provided, the impervious surface coverage on the property will be reduced from 85 percent to 83.6 percent as a result of the proposed redevelopment. This will be accomplished by the removal of existing gravel areas within the Buffer.
- 2) The project complies with the 10% Rule for reductions in pollutants from runoff. Pollutant removal will be achieved by the implementation of best management practices on the site, including plantings and a sediment basin.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 315-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 9, 2003

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

Re: Variance 2003-0120, Raymond and Janice Kozdras

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance.

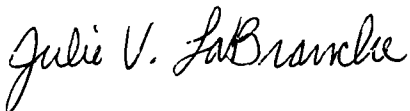
- 1) Because the property is designated an Intensely Developed Area (IDA), water quality improvements must be provided on the site. Reductions in pollutants from stormwater runoff can be achieved through the establishment of plantings or implementation of a best management practice.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible. Based on the site plan, it appears that the property is heavily forested and therefore mitigation alternatives will need to be addressed.
- 3) The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. We recommend that the deck footer be dug by hand to minimize disturbance to steep slopes.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site. Mitigation plantings can be used for this purpose.

Ramona Plociennik
Variance 2003-0120, Raymond and Janice Kozdras
Page 2

- 3) We recommend that super-silt fence be installed around the perimeter of the limits of disturbance to ensure containment of runoff and prevent erosion of steep slopes near the shoreline during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 312-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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May 9, 2003

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

Re: Variance 2003-0128, Hung Hoang

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 316-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 6, 2003

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

Re: Variance 2003-0105, Betty Finucane

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required, with disturbance to steep slopes, and with greater clearing than permitted. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose a variance to develop the property. However several issues should be addressed to minimize disturbance within the Critical Area. We have the following comments regarding the current development proposal.

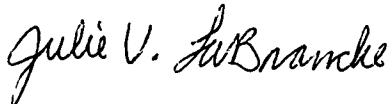
- 1) Based on the site plan provided, most of the property consists of steep slopes averaging approximately 17 percent. Approximately 8,941 square feet or 51 percent of the existing forest will be cleared. It appears that there may be opportunities to reduce the amount of clearing necessary by minimizing the limits of disturbance around the southeast corner of the property, reducing the size of the driveway turn-around area, and relocating the proposed temporary stock pile area within the limits of the proposed driveway. (Refer to attached copy of the site plan.)
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of permitted limits (6,534 square feet), should be required. Mitigation plantings, consisting of a mix of native trees and shrubs should be accommodated on the site to the extent possible. Since the lot is heavily forested, mitigation alternatives will need to be addressed.
- 4) We recommend that super-silt fence, and other appropriate measures, be installed around the limits of disturbance to minimize disturbance to steep slopes and to contain runoff during construction.

Ramona Plociennik
Variance 2003-0105, Betty Finucane
May 6, 2003
Page 2

- 3) Based on the site plan provided, stormwater runoff will be directed to a best management practice (trench and swale system). The stormwater swale extends around the eastern perimeter of the proposed dwelling. Could the swale be reduced in size, or a portion replaced with another drywell, to reduce the amount of clearing and grading necessary on the site? Mitigation plantings can be used to manage runoff from the walkway and driveway to provide additional water quality treatment on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 306-03

EPHING
EX. 25'
EX. 18' - 22' ASPH

OF EX. DRAINFIELD

LOT 5

EX. ASP

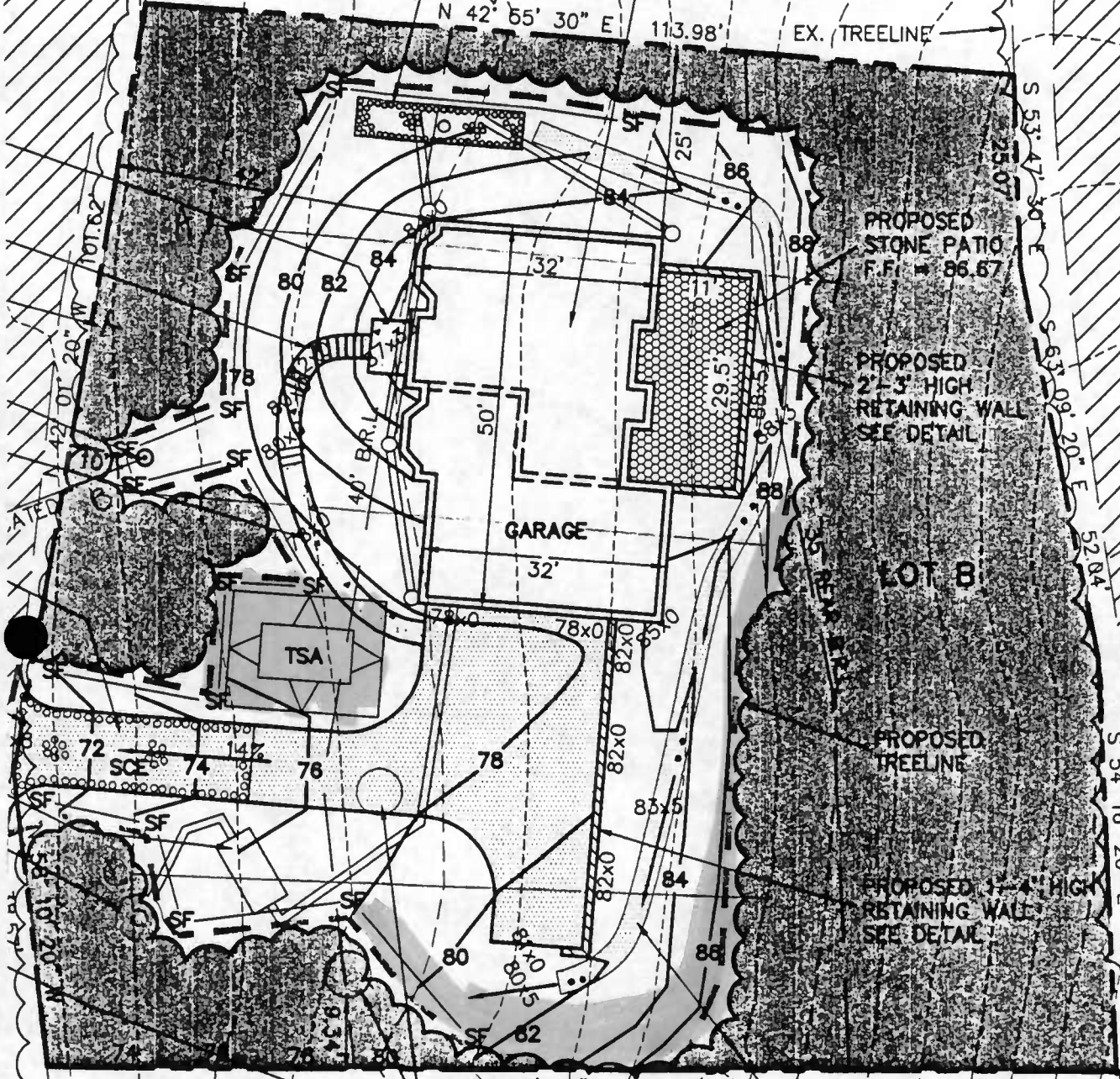
PROF STORMWATER
MANAGEMENT TRENCH
5' x 22' x 7' DEEP
W/OBSERVATION WELL

PROPOSED 2 STORY HOUSE
W/BASEMENT
1st F.F. = 88.0
BASE F.F. = 78.33
GARAGE = 78.0

LOT 6

N 42° 55' 30" E 113.98'

EX. TREELINE



PROPOSED
STONE PATIO
F.F. = 86.67

PROPOSED
2'-3' HIGH
RETAINING WALL
SEE DETAIL

GARAGE

LOT B

PROPOSED
TREELINE

PROPOSED 4'-4" HIGH
RETAINING WALL
SEE DETAIL

S 38° 28' 40" W 140.43'

EX. ASPHALT
DRIVEWAY

PROVIDE 3' WIDE
SOD @ CENTERLINE
OF SWALE

EX. C/O'S
EX. SEPTIC TANK

EX. 2'-3' STONE WALLS

EX. DECK

LOT A

Reduction of L.O.D.

VAR 200370105, Final



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2003

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

Re: Variance 2003-0104, John Lingeback

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required, with disturbance to steep slopes, and with greater clearing than permitted. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose a variance to develop the property. However several issues should be addressed to minimize disturbance within the Critical Area. We have the following comments regarding the current development proposal.

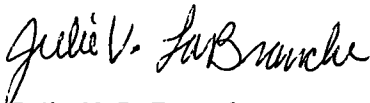
- 1) Based on the site plan provided, most of the property consists of steep slopes, ranging from 17 percent to greater than 32 percent. Approximately 7,325 square feet or 46 percent of the existing forest will be cleared. It appears that there may be opportunities to reduce the amount of clearing necessary by minimizing the limits of disturbance adjacent to the proposed driveway entrance, the area east of the proposed septic tank and well, and by relocating the proposed temporary stock pile area within the limits of the proposed driveway. (Refer to attached copy of the site plan.)
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of permitted limits (6,534 square feet), should be required. Mitigation plantings, consisting of a mix of native trees and shrubs should be accommodated on the site to the extent possible. Since the lot is heavily forested, mitigation alternatives will need to be addressed.
- 3) Based on the site plan provided, stormwater runoff will be directed to a best management practice (drywell). Mitigation plantings can be used to manage runoff from the walkway and driveway to provide additional water quality treatment on the site.

Ramona Plociennik
Variance 2003-0104, John Lingeback
May 6, 2003
Page 2

- 4) We recommend that super-silt fence, and other appropriate measures, be installed around the limits of disturbance to minimize disturbance to steep slopes and to contain runoff during construction.

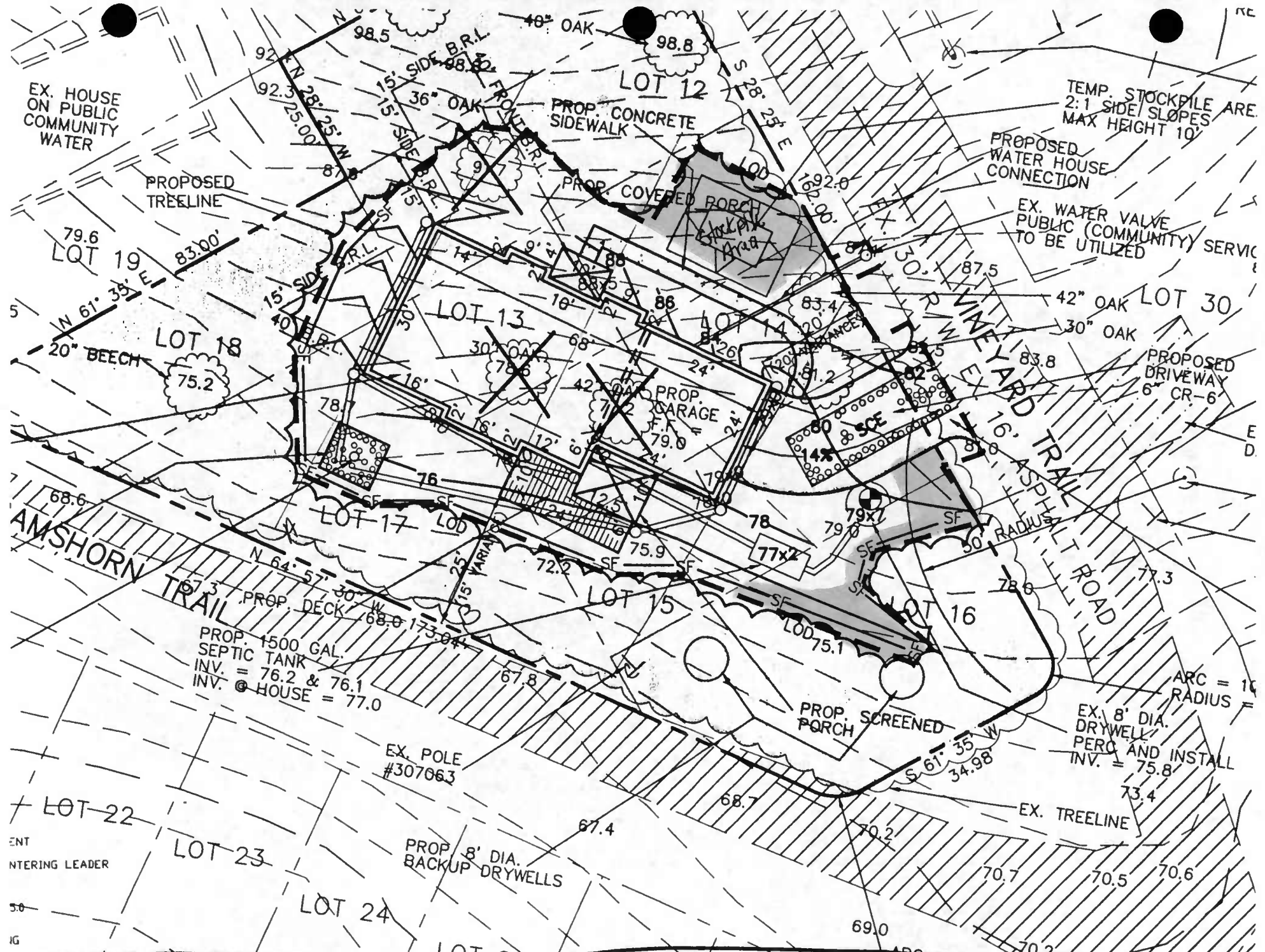
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 305-03



VAR 2003-0104, Lingeback

Reduction of L.O.D.

ARC = 10.08'
RADIUS = 10.00'



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2003

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

Re: Variance 2003-0114, Jeff Bucher

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a single-family dwelling, deck, shed, and driveway.

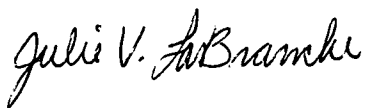
Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) The 100-foot Buffer was not shown on the site plan provided. As estimated from the site plan, the proposed dwelling addition is located partially within the 100-foot Buffer. It is not clear whether clearing will be necessary to construct the dwelling addition and deck.
- 2) The deck should be designed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation plantings can be used for this purpose.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.
- 4) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

Ramona Plociennik
Variance 2003-0114, Jeff Bucher
May 6, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 310-03



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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May 6, 2003

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

Re: Variance 2003-0107, Charlotte and Stan Novack

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, porch, patio, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Based on the information provided, the applicant wishes to construct a screened porch over an existing concrete slab. We understand there will be no increase in impervious surface coverage or any clearing on the property as a result of the proposed addition.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: AA 307-03

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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May 1, 2003

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

Re: Variance 2003-0130, Sloop Cove Landing, LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit lots with greater impervious surface coverage than allowed. The Critical Area portion of the Sloop Cove Landing subdivision is designated a Resource Conservation Area (RCA).

Based on information provided by the County, we understand that this variance is to exceed impervious surface limits on lots within the Sloop Cove Landing subdivision located outside the Critical Area. Therefore, we have no comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 318-03

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

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May 1, 2003

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

Re: Variance 2003-0116, Joseph Crossman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and accessory structure (garage) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) The 100-foot Buffer is not shown on the site plan provided. As estimated by Commission staff, it appears that a portion of the dwelling addition is located within the 100-foot Buffer. The extent of the Buffer must be determined in order to calculate the required mitigation.
- 2) Because this property is designated an IDA, water quality improvements must be provided to offset the proposed development. This can be achieved through implementation of a best management practice or with plantings.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property. Based on the information provided, it appears that mitigation plantings can be accommodated on the property.
- 4) Stormwater runoff from the proposed structures should be directed to stable vegetated outfalls to provide water quality benefits on the property.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ramona Plociennik
Variance 2003-0116, Joseph Crossman
May 1, 2003
Page 2

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 311-03

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 1, 2003

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

Re: Variance 2003-0121, Louis Reeder

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) The proposed dwelling is located within several feet of the top of steep slopes. Would it be possible shift the dwelling approximately 10 feet toward McGuirk Road to minimize disturbance to steep slopes during and after construction?
- 2) Because this property is designated an IDA, water quality improvements must be provided to offset the proposed development. This can be achieved through implementation of a best management practice or with plantings.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, can be used to revegetate areas near steep slopes to prevent erosion over time. Since the lot is heavily forested, mitigation alternatives will need to be addressed.
- 4) Stormwater runoff from the proposed dwelling should be directed to stable vegetated outfalls to provide water quality benefits on the site. A best management practice appropriate for the steeply sloping terrain should be implemented on the site.

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

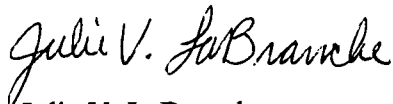
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Ramona Plociennik
Variance 2003-0121, Louis Reeder
May 1, 2003
Page 2

- 5) We recommend that super-silt fence, and other appropriate measures, be installed around the limits of disturbance to minimize disturbance to steep slopes and to contain runoff during construction.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 313-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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May 1, 2003

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

Re: Variance 2003-0129, William Minor

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two accessory structures (garage and gazebo) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs and should be accommodated on the site to the extent possible.
- 2) Stormwater runoff from the proposed structures should be directed to stable vegetated outfalls to provide water quality benefits on the site. Mitigation plantings can be used for this purpose.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 317-03

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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May 1, 2003

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

Re: Variance 2003-0109, William Hauenstein

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, walkways, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Plantings can be used to revegetate areas where existing gravel will be removed on the property.
- 2) Stormwater runoff from the proposed garage and porch extension should be directed to stable vegetated outfalls to provide water quality benefits on the site. Mitigation plantings can be used for this purpose, including the treatment of runoff from the proposed walkway.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 308-03

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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May 1, 2003

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

Re: Variance 2003-0110, Nancie Kennedy

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure (a garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, walkways, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property.
- 2) Stormwater runoff from the proposed garage should be directed to stable vegetated outfalls to provide water quality benefits on the site. Mitigation plantings can be used for this purpose.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 309-03

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 1, 2003

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

Re: Variance 2003-0125, Kevin Barner

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, walkways, retaining walls, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. Plantings should be accommodated on the site to the extent possible, however mitigation alternatives may need to be addressed.
- 2) Stormwater runoff from the proposed addition should be directed to a stable vegetated outfall to provide water quality benefits on the site. Mitigation plantings can be used for this purpose.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 314-03

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April 30, 2003

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

Re: Variance 2002-2859, Woo/Willows Development Company

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. We provided comments previously for this variance request for the original hearing on October 4, 2002. The applicant is requesting a variance to construct a shared driveway on slopes of 15 percent or greater in the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

On April 10, 2003, this office received notification that the Board of Appeals, at its meeting of April 3, 2003, deferred action on Board of Appeals Case No. 02-2859 in order to allow time for the Board's counsel to request a legal interpretation from the Critical Area Commission's counsel. The Board's request pertains to the interpretation of a specific variance standard in the Calvert County Zoning Ordinance, Section 7-3.01.B. As of April 29, 2003, Commission counsel had not received a request from the County and therefore will not be able to provide a response to the Board of Appeals before the variance hearing scheduled for May 1, 2003. We have no additional comments regarding this variance request at this time.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Pam Helie (Clerk, Calvert County Board of Appeals)
Marianne Mason (Office of the Attorney General)

CA 561-02, suppl.

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Judge John C. North, II
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Ren Serey
Executive Director

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April 30, 2002

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

Re: Variance 03-2915, Emad Dides

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer of the Critical Area. We understand that the dwelling addition is partially constructed, and moreover that this very addition is the subject of a court order in an enforcement action. Despite the County's order that the illegal construction be removed and that the applicant perform mitigation, the applicant has failed to comply with the terms of the court order. The property is designated a Limited Development Area (LDA) and is currently developed with a house, extensive patios and landscaping, and several retaining walls.

The Commission strongly opposes this variance. Based on the information provided and Commission records of a previous variance request pertaining to this property, we believe that the matter rightly belongs before the Circuit Court. We understand that the applicant is not satisfied with the August 8, 2001 Circuit Court decision recognizing violations associated with improvements to this property, which were completed without local and State authorizations. The Circuit Court decision of August 8, 2001 ordered that the applicant mitigate for disturbances to the Critical Area, including removal of the dwelling addition constructed on the property. However, the proper procedure for the applicant to follow is to pursue any judicial remedy, which may remain, and not to request another variance for a project that is the subject of a court order. The current variance request involves the same violations and property improvements being considered in the applicant's petition to the Circuit Court.

Should the Board nevertheless decide to consider the application for variance, we offer the following comments as to the request's compliance with the variance standards. The Code of Maryland Regulations and the Calvert County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

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1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant. There is nothing unusual or unique about this residential property. The applicant has reasonable use of the property, including a two-story dwelling and extensive walkways and patios, a pond, and raised gardens, all within the 100-foot Buffer. In addition, a large portion of the lot remains undeveloped. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.
2. That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. The applicant has received a previous variance to expand the existing dwelling. It appears that the applicant has been granted relief from the literal interpretation of the local Critical area regulations in order to improve the property.
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. While reasonable expansion of existing dwellings on grandfathered lots is permitted, it appears that alternatives for expansion on this property exist. However, the applicant has not yet considered these alternatives.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property. The property owner has already added several structures to the property within the 100-foot Buffer and without proper local and State authorizations. This office would not support the granting of a variance for additional improvements before the applicant complies with previous court orders to remove these structures from the property.
5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations. The property owner has already added several structures to the property within the 100-foot Buffer. Further disturbance would most certainly compromise the function of the Buffer on this site. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

Roxana L. Whitt
Variance 03-2915, Emad Dides
April 30, 2003
Page 3

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Pam Helie (Clerk, Calvert County Board of Appeals)
Marianne Mason (Office of the Attorney General)
Ren Serey and Regina Esslinger (Critical Area Commission)

CA 650-00 revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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April 30, 2003

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

Re: Variance 2003-0094, Steve Mitchell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, most of the lot is within the expanded Buffer due to the presence of steep slopes. It appears that disturbance within the Critical Area have been minimized by proposing a modest sized dwelling located as far landward as possible from the shoreline.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is almost completely forested, mitigation alternatives will need to be addressed. However, mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated within the Buffer wherever feasible.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site and prevent erosion of steep slopes. We recommend that super-silt fence be installed around the limits of disturbance until completion of project.

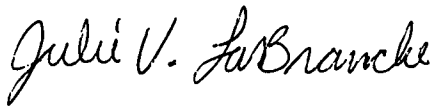
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Ramona Plociennik
Variance 2003-0094, Steve Mitchell
April 30, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 287-03

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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April 30, 2003

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

Re: Variance 2003-0091, Peter Kou

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct several dwelling additions with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling, deck, porch, and driveway.

Providing this lot is properly grandfathered, we would not oppose a variance to improve the existing dwelling. However several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, the proposed dwelling additions are reasonable in size and do not extend further waterward than the existing dwelling. It appears that expansion of existing gravel areas is proposed adjacent to the sides and front of the dwelling. We recommend that these areas be established in vegetation rather than gravel. If the property owner is having difficulty establishing vegetation in these areas, Commission staff can provide assistance to develop a Buffer Management Plan appropriate for the specific conditions on the property.
- 2) The site plan and narrative provided indicate that slope stabilization is proposed waterward of the dwelling. We request that the applicant provide a detailed description and site plan for the proposed improvements to the slope (including grading, clearing, installation of structures) for our review prior to the variance hearing.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consist of a mix of native trees and shrubs, should be accommodated on the property to the extent possible. However, mitigation alternatives may need to be addressed.

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Ramona Plociennik
Variance 2003-0091, Peter Kou
April 30, 2003
Page 2

- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

Commission staff is available to coordinate a site visit to address these issues prior to the variance hearing. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 284-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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April 30, 2003

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

Re: Variance 2003-0068, Albert Johnson

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with approximately of 2,786 square feet of impervious surface (shared driveway access). Commission staff met with Mr. Johnson on Tuesday, April 29, 2003 to review additional property information and address our previous comments for this variance request.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on a survey plat provided by the applicant, Lot 1 is 32, 651.5 square feet in area. The maximum allowable impervious surface coverage for this property is 5,445 square feet. Based on our discussion, Mr. Johnson will provide a revised site plan with reductions in proposed impervious surface coverage (by removing a portion of the paved driveway) in compliance with the impervious surface limits.
- 2) As estimated from the site plan, it appears that steep slopes (between 15-16 percent) are confined to the northern half of the property between the existing access easement and the proposed garage. Due to the configuration of steep slopes and the location of the septic system on the property, it appears that disturbance to steep slopes could not be avoided without increasing forest clearing on the property. The dwelling and driveway are located in non-forested areas on the property.
- 3) Based on a copy of the County topographic map for this area, it appears that the proposed project is located outside of the 100-foot Buffer and the expanded Buffer. Mitigation, at a ratio of 1:1 for disturbance outside Buffer, should be required. Mitigation plantings should

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Pam Miley
Variance 2003-0068, Albert Johnson
April 30, 2003
Page 2

consist of a mix of native trees and shrubs. Based on our discussion, Mr. Johnson intends to expand the existing forested areas on the property and plant the eastern property boundary with low trees and shrubs. Mr. Johnson will provide a planting plan for the site prior to the variance hearing on May 8, 2003.

Providing the applicant submits the revised site plan and planting plan, we have no further concerns regarding this variance request.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 221-03, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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April 30, 2003

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

Re: Variance 2003-0083, Fillat

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with two dwellings, deck, porch, patio, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) As measured on the site plan provided, it appears that the proposed dwelling addition (covered porch) is located outside of the 100-foot Buffer. The extent of the Buffer must be shown on a revised site for the purposes of determining the required mitigation.
- 2) We understand that the current proposal includes a reduction of 193 square feet of impervious surface coverage on the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.
- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 279-03

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Executive Director

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April 30, 2003

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

Re: Variance 2002-2859, Woo/Willows Development Company

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. We provided comments previously for this variance request for the original hearing on October 4, 2002. The applicant is requesting a variance to construct a shared driveway on slopes of 15 percent or greater in the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

On April 10, 2003, this office received notification that the Board of Appeals, at its meeting of April 3, 2003, deferred action on Board of Appeals Case No. 02-2859 in order to allow time for the Board's counsel to request a legal interpretation from the Critical Area Commission's counsel. The Board's request pertains to the interpretation of a specific variance standard in the Calvert County Zoning Ordinance, Section 7-3.01.B. As of April 29, 2003, Commission counsel had not received a request from the County and therefore will not be able to provide a response to the Board of Appeals before the variance hearing scheduled for May 1, 2003. We have no additional comments regarding this variance request at this time.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 561-02, suppl.

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Ren Serey
Executive Director

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April 30, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-32, Kosticki/Stoltzfus

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The property owner intends to pursue subdivision of a 7.517 acre parcel (Tax Map 31, Parcel 154) to create a 0.544 acre lot. The applicant is requesting a variance to construct a storage building on this new lot with greater impervious surface coverage than permitted. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that the applicant proposes 3,571 square feet of impervious surface coverage to construct a storage building and access road on the new lot. The maximum allowable impervious surface limit for the new lot is 3,557 square feet or 15 percent. It appears that the proposed access road could be reduced in size, by approximately 14 square feet, to eliminate the need for a variance to impervious surface limits.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater from the proposed development should be directed to stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: KC 264-03

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Ren Serey
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April 28, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-22, David Zabel

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a replacement septic system and sun porch within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, garage, and driveway.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be directed first to non-forested areas within the Buffer then to other areas on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 190-03

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Ren Serey
Executive Director

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April 28, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-24, James Creveling

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a replacement septic system within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, garage, and driveway.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be directed first to non-forested areas within the Buffer then to other areas on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 213-03

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Ren Serey
Executive Director

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April 25, 2003

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

Re: Variance 2003-0099, Christopher May

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a replacement dwelling and porch with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling and porch.

Providing this lot is properly grandfathered, we would not oppose this variance. However several issues should be addressed. We have the following comments regarding the current development proposal.

- 1) Due to the presence of steep slopes that are contiguous with the 100-foot Buffer, the entire property is within the expanded Buffer. The proposal includes a modest expansion of the existing dwelling and porch, demonstrating that disturbance to steep slopes has been minimized while accommodating development of the property.
- 2) We recommend that super-silt fence be installed around the limits of disturbance to contain runoff from the site during construction.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. We recommend that areas cleared on the down-slope side of the property be densely planted following completion of the project to prevent erosion of steep slopes. Since most of the property is fully forested, mitigation alternatives will need to be addressed.
- 3) A stormwater best management practice, appropriate for the steeply sloping terrain, should be selected to prevent erosion and maintain water quality on the site over time.

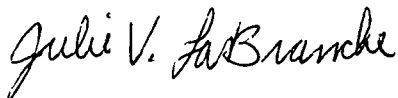
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Ramona Plociennik
Variance 2003-0099, Christopher May
April 25, 2003
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 290-03

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

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Major Subdivision 03-07, Ben Garner Active Adult Community
(Tax Map 44, Parcel 514)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. We received a revised subdivision proposal on April 18, 2003. The applicant is requesting to subdivide a 5.73 acre parcel to create 18 new lots. The Critical Area portion of the parcel is 2.31 acres and is designated a Limited Development Area (LDA). Within the Critical area, five lots, portions of two lots (Lot 11 and Lot 17), an access road, and a portion of a clubhouse are proposed. The property is currently undeveloped, with the exception of an access road, which will be removed as part of the current subdivision proposal.

Based on the information provided, we have the following comments regarding the revised subdivision proposal.

- 1) Individual lots within the Critical Area can be allowed up to 25 percent impervious surface coverage, providing the Critical Area portion of the subdivision does not exceed 15 percent impervious surface coverage (Article 4, Section 4-8.07 of the Calvert County Zoning Ordinance). The 15 percent impervious surface coverage limit for the subdivision must include all impervious areas, structures and roads within the Critical Area. Because portions of the access road, and clubhouse are within the Critical Area, these areas must be considered in the calculation of the total impervious surface coverage allowed for the subdivision and for lots created within the Critical Area.
- 2) We recommend that a maximum impervious surface coverage limit be established, and recorded on the final subdivision plat, for each lot within the Critical Area. This will ensure that future development of these lots will not exceed the impervious surface coverage limit.

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Olivia Vidotto
Major Subdivision 03-07, Ben Garner Active Adult Community
April 23, 2003
Page 2

This office will not support the creation of lots for which a variance to the impervious surface limits would be necessary.

- 3) The applicant must request an evaluation by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species on the property and within the vicinity. If present, DNR's recommendations for protection of species and their habitat must be addressed before final approval of the subdivision. At this time, we have not yet received a copy of DNR's evaluation of this site.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 210-03 SD, revised

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 23, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD 03-12-44, Louis P. Stone III
Tax Map 44, Parcel 51

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 6.881 acre parcel to create three new lots and a residue parcel of 4.679 acres. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, driveway, and pier.

We have the following comments regarding the current subdivision proposal.

- 1) Based on the site plan and soil survey provided, it appears that a tributary stream is present on the property. The site plan must be revised to include a 100-foot Buffer from tributary streams in the Critical Area, as required by the local Critical Area regulations (Article 4, Section 4-4.07). As approximated on the site plan by Commission staff, the area remaining for development outside the 100-foot stream Buffer appears to be substantially reduced on each of the proposed lots.
- 2) We recommend that a note be added to the final subdivision plat stating that disturbance within the 100-foot tributary stream Buffer is prohibited. In addition, the building restriction lines shown on the site plan for proposed Lots 1, 2 and 3 should not extend within the 100-foot tributary stream Buffer. This office will not support a variance for development in the Buffer on a non-grandfathered lot in the Critical Area.
- 3) Individual lots within the Critical Area can be allowed up to 25 percent impervious surface coverage, providing the Critical Area portion of the subdivision does not exceed 15 percent impervious surface coverage (Article 4, Section 4-8.07 of the Calvert County Zoning Ordinance). The 15 percent impervious surface coverage limit for the subdivision must

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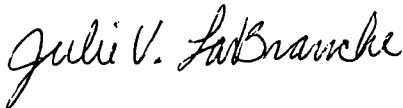
Olivia Vidotto
MSD 03-12-44, Louis P. Stone III
April 23, 2003
Page 2

include all existing and proposed impervious surfaces within the Critical Area, including private roads and driveways.

- 4) We recommend that a maximum impervious surface coverage limit be established, and recorded on the final subdivision plat, for each lot within the Critical Area. This will ensure that future development of these lots will not exceed the impervious surface coverage limit. This office will not support the creation of lots for which a variance to the impervious surface limits would be necessary.
- 5) The applicant must request an evaluation of the property for the presence of rare, threatened and endangered species by the Department of Natural Resources (DNR), Wildlife and Heritage Division. If present, the subdivision proposal must address DNR's comments and recommendations for conservation of these species.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 295-03 msd

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

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

Re: Variance 2003-0084, David Geipe

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling and facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a dwelling, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current proposal.

- 1) Based on the site plan provided, it appears that the majority of the property is steeply sloped and entirely within the expanded Buffer. The applicant has proposed a modest sized dwelling and driveway, and will remove an area of existing impervious surface (concrete steps) within the Buffer. Overall, the current proposal demonstrates that disturbance within the Critical Area has been minimized while accommodating development of the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. It appears that several areas on the property could be reforested, particularly the area where the existing concrete steps will be removed, and between the dwelling and Alameda Parkway. Since not all of the required mitigation can be accommodated on the property, mitigation alternatives will need to be addressed.

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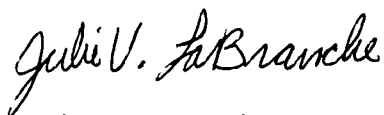
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Ramona Plociennik
Variance 2003-0084, David Geipe
April 23, 2003
Page 2

- 3) Because this property is designated an IDA, water quality improvements must be demonstrated on the site. As shown on the site plan, stormwater runoff will be directed to a structural best management practice (infiltration device). Mitigation plantings can be utilized to provide additional water quality benefits on the property.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 280-03

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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April 23, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD 03-11-44, Denise Gardner
Tax Map 44, Parcel 92

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 0.227 acre parcel to create two 4,936 square foot lots (Lot 2 and Lot 3). The property is designated an Intensely Developed Area (IDA) and is currently undeveloped with the exception of a paved driveway on proposed Lot 3.

We have the following comments regarding the current subdivision proposal.

- 1) The applicant must request an evaluation of the property for the presence of rare, threatened and endangered species by the Department of Natural Resources (DNR), Wildlife and Heritage Division. If present, the subdivision proposal must address DNR's comments and recommendations for conservation of these species.
- 2) Development of proposed Lot 2 and Lot 3 must comply with all Critical Area provisions in the Calvert County Zoning Ordinance, including the 10% Rule for reduction in pollutant loadings in IDAs (Article 4, Section 4-7).

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 294-03 msd

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Chairman



Ren Serey
Executive Director

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April 23, 2003

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

Re: Variance 2003-0093, Laura Clifton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with dwelling, several porches and decks, patio, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, we understand that the proposed dwelling addition will be constructed on the footprint of an existing patio (impervious) and no clearing will be necessary. The applicant also states that 450 square feet of reforestation will be provided on the property following completion of the project.
- 2) Stormwater runoff from the dwelling addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 286-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 23, 2003

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

Re: Variance 2003-0092, Robert Bathurst

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with dwelling, patio, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) We understand that the proposed shed will be reconstructed on the brick foundation of a previously existing shed on the property and no clearing is proposed.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.
- 3) Stormwater runoff from the shed should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 285-03

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Ren Serey
Executive Director

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April 23, 2003

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

Re: Variance 2003-0089, James Nash

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a dwelling, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current proposal.

- 1) The proposed deck should be designed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be directed to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 283-03

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Chairman



Ren Serey
Executive Director

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April 22, 2003

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

Re: Variance 2003-0090, Sean McCormack

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance (Variance 2001-0499 approved on March 7, 2002). The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The current development proposal includes replacement of original structures with a dwelling, several decks, garage, and driveway.

Based on the information provided, we would not oppose this variance. We understand that no modifications to the previously approved variance are proposed. Development of the property should comply with the approved site plan and all conditions, as stated in the approved variance decision.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 15-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 22, 2003

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

Re: Variance 2003-0085, Lawrence Lupinek

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and deck with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, porch, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings, consisting of a mix of native trees and shrubs, could be accommodated on the property.
- 2) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 281-03

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Chairman



Ren Serey
Executive Director

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April 21 2003

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

Re: Variance 2003-0088, James Geddie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, deck, porch, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that the current proposal consists of a second floor addition to an existing garage. Since no new impervious surface or clearing is proposed, mitigation would not be required for this project. Stormwater runoff from the new structure should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 282-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 21 2003

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

Re: Variance 2003-0096, William Ellis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier extension and pilings with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, patio, driveway, retaining walls, and pier.

Providing this lot is properly grandfathered, we would not oppose this variance. The applicant must secure the appropriate authorizations from the Department of the Environment for the proposed pier extension and pilings. We have no further comments regarding this variance request.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 289-03

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Chairman



Ren Serey
Executive Director

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April 21 2003

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

Re: Variance 2003-0106, Jonathan Marciniak

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Mitigation plantings should consist of native species of trees and shrubs. Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 291-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 18, 2003

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

Re: Variance 2003-2913, deGonzague

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped with the exception of a gravel driveway and pier.

We cannot support a variance to construct an accessory structure in the expanded Buffer when alternatives exist on the site. We have the following comments regarding this variance.

- 1) Based on the site plan provided, the 100-foot Critical Area Buffer must be expanded to include a nontidal wetland, and a tributary stream contiguous with tidal wetlands. County staff stated that a tributary stream runs from the upland property boundary through the nontidal and tidal wetlands. The 50-foot buffer shown on the site plan should be revised to show a 100-foot Buffer from tidal wetlands and the tributary stream, as required by the local Critical Area regulations (Article 4, Section 4-4.07).
- 2) We understand that the proposed shed is located in the 100-foot buffer to a tributary stream within the expanded Buffer. What is the purpose of the proposed shed and why does it need to be in the proposed location? Since there are no other structures, it appears that the shed could be relocated elsewhere on the property, outside the 100-foot Buffer to the tributary stream.
- 3) We recommend that the applicant consider an alternative location for the proposed shed. A variance should be granted only if the applicant demonstrates that no feasible alternative exists on the property to accommodate the proposed structure.

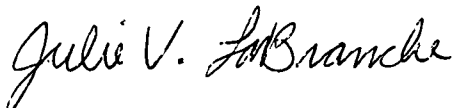
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Roxana L. Whitt
Variance 2003-2913, deGonzague
April 18, 2003
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 275-03

Staff Correspondence : Owens

2003

S1832-156-4

Mary - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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December 30, 2003

Mr. Larry Ludwig
D. H. Steffens Company
P.O. Box 1709
LaPlata, Maryland 20646

**RE: Leonardtown Landing – Phase 1
LE 664-02**

Dear Mr. Ludwig:

I am writing to follow up on our telephone conversation yesterday regarding the proposed stormwater Best Management Practice for the referenced project. As we discussed, I consulted with Mr. Stew Comstock of the Maryland Department of the Environment (MDE) about the "StormFilter" water quality treatment facility. He stated that MDE does not provide removal efficiencies for proprietary stormwater treatment practices. He agreed that the letter from Mr. Ken Pensyl of MDE stated that if the filter system is designed according to the criteria listed in Chapter 3.4 of the *Maryland Stormwater Design Manual*, then it should meet the 40% total phosphorus pollutant removal goals established in the manual. It is my understanding that this documentation does not assign a removal efficiency to the practice, it simply states that it meets the minimum MDE requirement of 40% total phosphorus pollutant removal.

He also stated that the proposed "StormFilter" was basically a proprietary version of a "leaf compost" sand filter. In the Critical Area Commission's 10% Rule Guidance, underground sand filters and organic filters have been assigned a removal efficiency of 50%. We believe that as long as the practice meets all of the applicable criteria for conveyance, pretreatment, treatment, landscaping, and maintenance described in the *Maryland Stormwater Design Manual*, then a removal efficiency of 50% may be used.

Please provide a revised copy of the calculations reflecting the revisions requested in my letter dated November 24, 2003 and using the 50% removal efficiency. If there is still an unmet pollutant removal requirement, there is also the option of addressing any outstanding phosphorus removal required on the commercial component of the project site.

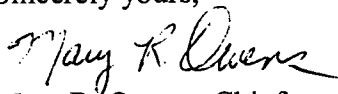


Mr. Ludwig
December 30, 2003
Page 2

In the future when a proprietary version of a stormwater treatment practice is proposed, please provide a detail of the practice and a summary describing the practice and comparing it to the practice in the *MDE Manual* to which it is most similar. The summary should address the applicable feasibility, conveyance, pretreatment, treatment, landscaping, and maintenance criteria in the *MDE Manual*.

Thank you for providing additional information on the stormwater design. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Laschelle Miller (Town of Leonardtown)
Ms. Colleen Bonnell (Town of Leonardtown)
Mr. Ron Russo (RAR, Inc.)

Mary Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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December 11, 2003

Ms. Cheril Thomas, Town Manager
Town of St. Michaels
P. O. Box 206
300 Mill Street
St. Michaels, Maryland 21663-0206

Re: Miles Point Buffer Management Plan Discussion

Dear Ms. Thomas:

Thank you for inviting Commission staff to discuss the proposed Buffer Management Plan with Town staff and the applicant's representatives in November. As we discussed, I have reviewed the materials provided at the meeting, and I would like to provide some comments and recommendations to guide the applicant and the Town in the development of a Buffer Management Plan for the Miles Point project.

As you are aware the Code of Maryland Regulations at §27.01.09.01 Sections B and C defines the 100-foot Buffer and requires that when an agricultural land uses ceases, the Buffer shall be established. COMAR includes the functions of the Buffer relating to the protection of water quality and habitat, and the Buffer must be established in a manner that will achieve these purposes.

The Commission has reviewed several large growth allocation projects in the last two years. For these projects, they have included, as a condition of approval of the growth allocation, that the applicant provide a Buffer Management Plan for their review and approval. Since the Miles Point development involves a similar project, it is likely that the Commission will want to review and approve a Buffer Management Plan. Based on the Commission's comments on other Buffer Management Plans and our discussion at the recent meeting, I have the following comments on the Miles Point Buffer Management Plan:



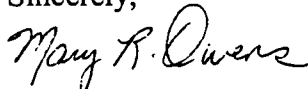
1. In general, the Commission considers the "establishment of the Buffer" to mean the planting of a forested Buffer that consists primarily of woody vegetation and includes all components of a forest (i.e. canopy, understory, shrub and herbaceous layers).
2. In general, species selected for planting in the 100-foot Buffer should be native species. It is our understanding that the Talbot County Planning and Zoning Office maintains a list of native species, or you may consult with our office for appropriate species selection.
3. Generally, large areas of maintained turf or low-growing grasses are not considered appropriate vegetation for establishing the Buffer because they require mowing and/or burning to maintain them, and they do not provide the same water quality benefits and wildlife habitat as a forested Buffer.
4. Some areas of turf or low-growing grasses may be appropriate in the Buffer in areas where public access to the water is proposed. It is recommended that the applicant identify several areas on the site where public access is most appropriate and desirable and utilize this type of vegetation in those areas only. The rest of the Buffer should be forested with some limited use of shrub/scrub or "bayscape-type" vegetation. Commission staff can provide you with examples of this type of Buffer establishment if you would like.
5. It is my understanding that the proposed project does not include a community pier; however, the site will be used for public access to the water. If any water dependent facilities, including fishing piers, kayak launches, or temporary docking facilities are proposed, they should be shown on the plans and incorporated into the Buffer Management Plan.
6. The applicant's consultant expressed concern about the establishment of a forested Buffer and potential detrimental shading of the marsh vegetation that is proposed to be planted for shore erosion control. While adjustments may be necessary in the species selection and/or maintenance (i.e. pruning or limbing up) of the vegetation immediately adjacent to the shoreline, it does not preclude the establishment of a forested Buffer. On portions of the shoreline that have a northern exposure, shrub/scrub or "bayscape-type" vegetation may be appropriate in the 20 feet adjacent to the shoreline. The Commission has evaluated many shore erosion control projects that involved an existing forested Buffer that was modified to facilitate the growth of marsh vegetation.
7. As we discussed, the applicant may want to consider developing several "sample planting areas", possibly covering a 10,000 square foot area (100 feet by 100 feet), and then repeating these "sample planting areas" throughout the Buffer. This allows the landscape architect to provide an appropriately detailed plan,

including species, size, and quantity for each "sample planting area" without having to provide a complete plan for the entire Buffer.

8. In general, species size for trees should be a minimum two-inch caliper or 6-foot tall and species size for shrubs should be 3-gallon; however, the plan may include a mixture of seedlings or whips, as well as areas of natural regeneration. Areas proposed for natural regeneration should be clearly marked and fenced if necessary.
9. The Buffer shall be permanently protected with appropriate deed restrictions and plat notes that prohibit new development activities or the cutting, clearing or removal of natural vegetation.
10. As we discussed, it may be beneficial to both the Town and the applicant if the Buffer Management Plan is presented to the Critical Area Commission Program Subcommittee after the growth allocation has been approved by the Town Council, but prior to the Commission's formal review of the growth allocation request. This will provide an opportunity for the applicant to receive comments on the design of the Buffer Management Plan and to respond to them before the Commission formally reviews the project.

Thank you again for the opportunity to discuss the Miles Point Buffer Management Plan. If you would like to further discuss this plan, please do not hesitate to contact Regina Esslinger, Lisa Hoerger, or myself at (410) 260-3460.

Sincerely,



Mary R. Owens
Chief, Program Implementation Division

cc: Mr. Bill Dodd, McCrone, Inc.
Mr. Gene Slear, Environmental Concern, Inc.
Mr. Roby Hurley, Critical Area Circuit Rider
Ms. Regina Esslinger, CAC
Ms. Lisa Hoerger, CAC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Mary Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 9, 2003

The Honorable Steven F. Pearson
Town of Perryville
515 Broad Street, P.O. Box 773
Perryville, Maryland 21903-0773

Re: Growth Allocation - Richmond Hills Development

Dear Mayor Pearson:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On December 3, 2003, the Commission concurred with the Chairman's determination that the request to use 2.7 acres of growth allocation to change the Critical Area Designation from Limited Development Area (LDA) to Intensely Development Area (IDA) for the Richmond Hills Project was a refinement to the Town's Critical Area Program, and it was approved.

This change shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the Town Critical Area Map reflecting the change to the Commission as soon as it becomes available.

Should you have any questions, feel free to give me a call.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Joanna Hanna, Town of Perryville
Julie LaBranche, CAC
Mary Ann Skilling, MDP

Mary-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 24, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P. O. Box 1
Leonardtown, Maryland 20650

RE: LE 664-02
Phase I Leonardtown Landing

Dear Ms. Miller:

I have reviewed the current plans for the referenced project, and I have the following comments:

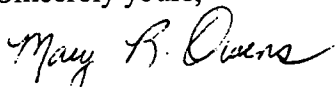
1. On Sheet 3, the 50-foot setback from Breton Bay and the 30-foot setback from the two wetland/stream systems are shown on the plans, but there are no notes describing that these areas must be planted and protected from disturbance in accordance with the Town's Critical Area provisions. Additional notes should be provided.
2. I have reviewed the stormwater calculations prepared by Mr. Larry Ludwig of D.H. Steffens Company. The post-development impervious surface area should be 0.44 of the total site or 44%. This raises the removal requirement to 1.32 pounds. The removal efficiency for the "StormFilter" water quality treatment facility provided in the calculations is 50%; however, the letter from Mr. Ken Pensyl of the Maryland Department of the Environment states that 40% total phosphorus removal may be used when this facility is used as a stand-alone practice. I have discussed these issues with Mr. Ludwig, and he is exploring providing additional documentation from MDE regarding the removal efficiency of the "StormFilter." There is also the option of addressing the outstanding 0.32 pounds of phosphorus removal required on the commercial component of the project site where there may be more area available for treatment practices.
3. On Sheet 15, it is not clear how the mitigation requirements included in Leonardtown's new Modified Buffer Area Ordinance are proposed to be met. The following comments pertain to the Landscaping Plan:



- a. In accordance with the ordinance, the 50-foot setback from Breton Bay and the 30-foot setback from the wetland/stream systems shall be planted **and two-to-one mitigation shall be provided for the area of disturbance within the 100-foot Buffer.**
- b. Preliminary calculations indicate that there will be 37,733 square feet of disturbance in the Buffer which will require 75,466 square feet of mitigation. A mitigation credit of 5,971 square feet is obtained through the reduction of impervious surface area in the Buffer, leaving 69,495 square feet of mitigation to be accomplished through planting or alternative mitigation measures. On November 5, 2003, the Critical Area Commission recommended to the Town that they work towards the mitigation the goal of providing one third of the mitigation in the Park and commercial area, one-third in the residential area, and one third at an off-site Buffer location on McIntosh Run. This goal would result in 23,165 square feet of mitigation for this project.
- c. Town staff has been provided with a list of "Species Recommended for Planting in the Critical Area" which provides a square footage credit for various tree and shrub species. The Plant List shown on the Sheet 15 does not include proposed square footage credits for the plantings. This information is necessary to ensure that the mitigation requirements are met.
- d. The Plant List does not indicate which plantings are proposed to meet the "planting in the setback requirement" and which plantings are proposed to meet the "two-to-one mitigation requirement." Clarification is needed to ensure that both requirements are met.
- e. In general, it appears that closer spacing of the plantings and the implementation of a multi-layered planting plan (with shrubs and smaller trees planted under larger, canopy species) would facilitate meeting the Commission's recommended goal while reducing lawn maintenance.
- f. A revised landscape plan will need to be submitted before the Commission's review of this project can be completed.

Thank you for the opportunity to review the plans. If you have any questions or would like to arrange a meeting to discuss these comments, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Ken Beck (D.H. Steffens Co.)
Ms. Colleen Bonnell (Town of Leonardtown)
Mr. Larry Ludwig (D.H. Steffens Co.)
Mr. Ron Russo (RAR, Inc.)

Mary Owens

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 14, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: Leonardtown Waterfront Park
Concept Approval**

Dear Ms. Miller:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced project. On November 5, 2003, the Critical Area Commission voted to concur with the Concept Plans for the Leonardtown Waterfront Park as a Major Development Project on Land Owned by a Local Jurisdiction with the condition that the Commission shall approve the final plan. The Concept Plans include public access to Breton Bay and mitigation for Buffer impacts (associated with the overall redevelopment project) with the goal of providing one third of the mitigation in the Park and commercial area, one-third in the residential area, and one third at on off-site Buffer location on McIntosh Run.

Thank you again for all of your assistance during the development and review of this project. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Colleen Bonnell (Town of Leonardtown)
Mr. Ron Russo (RAR Associates)



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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November 7, 2003

Ms. Mary Alves
Historic St. Mary's City Commission
P.O. Box 39
St. Mary's City, Maryland 20686

**RE: Dove Bank Access Path
HSMC 46-03**

Dear Ms. Alves:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Dove Bank Access Path Project at Historic St. Mary's City. On November 5, 2003, the Critical Area Commission voted to approve the project with the following conditions:

1. Approval of the stormwater management plans and sediment and erosion control plans shall be obtained from the Maryland Department of the Environment; and
2. A Planting Agreement shall be executed with Commission staff prior to initiating construction on the project.

The Commission commended the staff of Historic St. Mary's City for the design and development of this project that will greatly improve access to *The Maryland Dove* and public access to the water. I want to thank you for assisting me in the preparation of the materials for the Commission meeting. I enjoyed working with you, and I look forward to working with you on future projects. I have enclosed a copy of the Planting Agreement for your signature. Please sign and date both copies and return one to me. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

Planting Agreement for State and Local Projects

State or Local Agency

Historic St. Mary's City

Project Number

46-03

Agency Contact

Mary Alves

Phone Number

(240) 895-4964

Commission Approval Date

November 5, 2003

CAC Planner

Mary Owens

Project Name

Dove Bank Access Path

Project Location

Historic St. Mary's City - Dove Bank

Square Feet Cleared Outside 100ft Buffer**Mitigation Ratio for Clearing Outside Buffer*****Mitigation Calculation Outside Buffer****Square Feet Disturbed/Cleared Within 100ft Buffer**

4156 SF

Mitigation Ratio for Disturbance/Clearing Within Buffer*

Public Shoreline Access 2:1

Mitigation Calculation Within Buffer

8312 SF

15% Afforestation Requirement Met

Yes

Total Mitigation Required

8312 SF

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

HSMC proposes to plant trees and shrubs in and around the area where the pathway will be constructed.

Planting Date

Fall

Year

2004

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

* see back for explanations

Revised 9/03

Mary R. Owens

11/7/03

Mary-Reader

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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Chairman

Ren Serey
Executive Director

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November 7, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: Critical Area Program Amendment
Ordinance No. 110 "Modified Buffer Areas"**

Dear Ms. Miller:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced Critical Area Ordinance and related maps. On November 5, 2003, the Critical Area Commission voted to approve the amendment to Chapter 60 (Critical Area) of the Code of the Town of Leonardtown pertaining to Modified Buffer Areas and the designation of these areas on the Town's Critical Area Maps.

These changes shall be officially incorporated into the Code of the Town of Leonardtown and shown on the Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the new pages for the Town Code and a copy of the Town Critical Area Map reflecting the change to the Commission when they are available. Thank you again for all of your assistance during the development and review of these new regulations. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Ron Russo (RAR Associates)



Very - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

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Executive Director

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November 7, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: Leonardtown Landing Growth Allocation
LE 664-02**

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the growth allocation request associated with the Leonardtown Landing Project. The request involved the use of 3.136 acres of growth allocation to change the Critical Area designation of Parcels 326 and 330 from LDA to IDA. On November 5, 2003, the Critical Area Commission concurred with the Chairman's determination that the request was a refinement to the Town's Critical Area Program, and the refinement was approved.

This change shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter, and a copy of the Town Critical Area Map reflecting the change shall be submitted to the Commission.

If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

Mr. Ron Russo (RAR Associates)



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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October 27, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P. O. Box 1
Leonardtown, Maryland 20650

RE: Ordinance No. 110, Critical Area Amendment, Modified Buffer Areas

Dear Ms. Miller:

Thank you for providing information on the referenced ordinance. This ordinance amends Chapter 60 of the Code of the Town of Leonardtown to allow limited use of shoreline areas designated as Modified Buffer Areas. This amendment to the Town's Critical Area Program includes the designation and mapping of the shoreline areas to which the ordinance will apply. The information you have submitted has been determined to be a complete submittal. It is my understanding that the Town Commissioners approved this ordinance on October 13, 2003.

This ordinance was proposed as an amendment to the Town's Critical Area Program last month, and Chairman Madden has confirmed that this item will be handled as an amendment. He has appointed a panel of Commission members to hold a public hearing on the matter, and the hearing has been scheduled for October 29, 2003 at 6:00 p.m. at the Town Hall. Following the hearing, this issue will be placed on the agenda for review by the full Critical Area Commission on November 5, 2003. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 27, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P. O. Box 1
Leonardtown, Maryland 20650

RE: Leonardtown Landing Growth Allocation

Dear Ms. Miller:

Thank you for providing information on the referenced action by the Town Commissioners. It is my understanding that they approved the use of 3.136 acres of growth allocation to change the Critical Area designation of Parcels 326 and 330 from LDA to IDA. The Town has officially requested growth allocation from St. Mary's County, and the County Commissioners granted the Town's request on October 21, 2003. The information you have submitted has been determined to be a complete submittal.

Chairman Madden has determined that this use of growth allocation is a refinement to the Town's Critical Area Program, and this issue will be placed on the agenda for review by the full Critical Area Commission on November 5, 2003. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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October 10, 2003

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: Leonardtown Landing
LE 664-02**

I want to thank you for meeting with me on September 24, 2003 to discuss the status of the Leonardtown Landing Project and the issues that will need to be addressed as part of the Critical Area Commission's review of the project. As we discussed, the growth allocation request, the approval of the Town's Buffer Management Area Ordinance, and the designation of the Leonardtown Landing site as a Buffer Management Area are proposed to be reviewed by the Commission at their regular meeting on November 5, 2003. The purpose of this letter is to follow up on some of the issues that we discussed and to document the additional information that will be needed.

Growth Allocation Request

1. The proposed project will involve the use of growth allocation to change the Critical Area designation of several parcels designated Limited Development Area (LDA) to Intensely Developed Area (IDA). The growth allocation request submitted to the Commission must clearly indicate the location and acreage of the affected properties on a tax map or similar map or site plan.
2. The growth allocation request must address the guidelines in COMAR Section 27.01.02.07 as set forth in Enclosure (1), and the related findings must be submitted to the Commission.
3. It is my understanding that Town staff is coordinating with the staff of the St. Mary's County Department of Land Use and Growth Management regarding the use of some of the County's growth allocation by the Town. The Town must provide appropriate documentation from the County that the growth allocation is available for use by the Town. Pursuant to the County's authorization (or approval) of the Town's use of growth allocation, the Town Commissioners must officially approve the use of growth allocation for the project and submit a written request to the Commission for approval. It is anticipated that the growth allocation request may be handled as a refinement to the Town's Critical

Area Program; therefore, a public hearing would not be required for this aspect of the project.

4. The approval of the growth allocation changing the designation of the property to IDA will require that development or redevelopment of the site include stormwater management measures to reduce pollutant loadings by 10% over the pre-development conditions as specified in COMAR 27.01.02.03.D(3). The applicant should be prepared to address this requirement conceptually. For the portions of the project that are in the final design phase, the applicant should provide 10% Rule Worksheets to Commission staff as soon as they are available. I have reviewed the information submitted by the property owner's consultant about the "Stormfilter" product that is proposed for use on this site. The Water Management Administration of the Maryland Department of the Environment (MDE) has determined that this product may be used as a stand-alone water quality management practice when it is designed in accordance with the Criteria listed in Chapter 3.4 of the "Maryland Stormwater Design Manual." My discussions with the consultant have confirmed that the practice will be installed in accordance with MDE's criteria; therefore, it may be used to meet the pollutant reduction requirement.
5. Parts of this project involve impacts to tidal and nontidal wetlands. Although these impacts are not directly related to the growth allocation request, one of the guidelines in COMAR 27.01.02.07 discusses the location of new Intensely Developed Areas relative to minimizing impacts to Habitat Protection Areas and in a manner that optimizes benefits to water quality. The applicant should be prepared to discuss wetland impacts and comments and recommendations from the Maryland Department of the Environment.

Buffer Exemption Area Ordinance and Designation of Project Site

6. In order to facilitate the development and redevelopment of the properties included in the project site, the Town needs to adopt appropriate buffer exemption area provisions. Commission staff and Town staff have worked together to develop a Modified Buffer Areas Ordinance that is similar to the Commission's policies. The Town Commissioners must officially approve the new ordinance and submit a written request to the Commission for approval of this addition to the Town's Critical Area Program. It is anticipated that the approval of the new ordinance will be handled as an amendment to the Town's Critical Area Program because it involves the use of land in a manner not currently provided for in the local Program. Commission staff are working with Town staff to arrange for a Commission Panel to hold a public hearing on October 29, 2003.
7. In order to implement the modified Buffer Area provisions, the Town Commissioners must also designate and map the properties to which the provisions will apply. This can be done in conjunction with the review of the new ordinance and is considered a change to the Town's Critical Area Maps. The Town Commissioners must officially approve the designation of the project site and submit a written request to the Commission for approval of the revisions to the Town's Critical Area Map. The Town must address the provisions in

Section (i) of the new Modified Buffer Areas Ordinance, which require that the Town analyze the properties with regard to the functions of the Buffer. An example of a typical evaluation of Buffer functions is included as Enclosure (2). It is anticipated that the mapping of the Modified Buffer Areas will be handled with the new ordinance as an amendment to the Town's Critical Area Program.

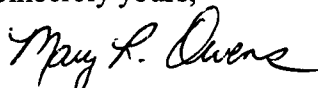
8. As part of the MBA designation of the properties included in this project, the Town should be prepared to conceptually discuss how the mitigation requirements for the project are proposed to be met. For the portions of the project that are in the final design phase, the applicant should quantify Buffer impacts in square feet and identify proposed mitigation locations and strategies. Applicants who cannot comply with the planting requirements specified in the ordinance may use offsets to meet the mitigation requirement. Offsets may include the removal of an equivalent area of existing impervious surfaces in the Buffer, the construction of Best Management Practices for stormwater in addition to those required by stormwater management regulations, the creation or restoration of wetlands, the implementation of nonstructural shore erosion control measures such as marsh creation, or other measures that improve water quality or habitat.

Leonardtown Waterfront Park

9. The Leonardtown Waterfront Park is included in the area proposed for designation as an MBA. It is anticipated that a significant portion of the mitigation for development and redevelopment in the 100-foot Buffer on the total project site will be accomplished within the Park through the removal of existing impervious surfaces within the 100-foot Buffer and the creation of a 25-foot wide "bufferyard" near the water's edge in the Park. The development of the Park has been determined to be a "major development" project involving a local agency action on land owned by a local jurisdiction. The Critical Area Commission will need to approve the project when the design is complete.

I hope this summary of the status of the various elements of the project will facilitate timely local approval and clarify what will be necessary for the Commission to review the various Critical Area Program changes associated with the project. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Ron Russo, RAR, Inc.
Mr. Larry Ludwig, D. H. Steffens, Inc.

BUFFER EXEMPTION AREA EVALUATIONS

Spa Creek BEA (Area 1 on Map 7-6)

Annapolis is requesting that the "Spa Creek BEA" identified as Area 1 on Map 7-6 be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

- 1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there are many existing structures in the Buffer. The area is developed primarily with single family residences on lots that are approximately a quarter of an acre or less. Houses are generally located 25 to 50 feet from the shoreline. There are numerous accessory structures and walkways to private piers located within the Buffer. Existing vegetation is primarily lawn grass and scattered trees and shrubs.
- 2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer and the shoreline is heavily developed and actively used.
- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with structures and is actively used by residents. There is little natural vegetation to provide food or cover for wildlife or to provide water quality protection or enhancement. Most of the shoreline has been altered through the installation of bulkheads and other structural erosion control measures.
- 4) The Buffer does not function to maintain the natural environment of streams because there are no streams on this particular property.
- 5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used as yard areas by property owners. Human disturbance to wildlife would be unavoidable because of the intensity of the development on this site.

- (i) Harford, Cecil, and Kent Counties;
- (ii) Queen Anne's, Talbot, and Caroline Counties;
- (iii) Dorchester, Somerset, and Wicomico Counties;
- (iv) Baltimore City and Baltimore County;
- (v) Charles, Calvert, and St. Mary's Counties; and
- (vi) Anne Arundel and Prince George's Counties.

(2) During the hearing process, the Commission shall consult with each affected local jurisdiction.

(3) Repealed.

(e) *Dredging not prevented.* — Nothing in this section shall impede or prevent the dredging of any waterway in a Critical Area; however, dredging in a Critical Area is subject to other applicable federal and State laws and regulations.

§ 8-1808.1. Growth allocation in Resource Conservation Areas.

(a) *Legislative intent.* — This section is intended to establish conditions for development in the Chesapeake Bay Critical Area in addition to those established in criteria of the Commission. However, in the event of any inconsistency between the Criteria and the provisions of this section, this section shall control.

(b) *Calculation of growth allocation.* — The growth allocation for a local jurisdiction shall be calculated based on 5 percent of the total Resource Conservation Area in the local jurisdiction at the time of the original approval of the local jurisdiction's Program by the Commission, not including tidal wetlands or land owned by the federal government.

(c) *Guidelines for locating new Intensely Developed or Limited Development Areas.* — When locating new Intensely Developed or Limited Development Areas, local jurisdictions shall use the following guidelines:

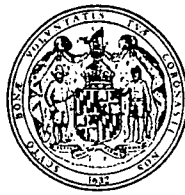
(1) New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;

(2) New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;

(3) Except as provided in paragraph (5) of this subsection, no more than one-half of the expansion allocated in the Criteria of the Commission may be located in Resource Conservation Areas;

(4) New Intensely Developed or Limited Development Areas to be located in the Resource Conservation Area shall conform to all criteria of the Commission for Intensely Developed or Limited Development Areas and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for Program approval or at a later date in compliance with § 8-1809(g) of this subtitle; and

(5) In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in paragraphs (1) and (2) of this subsection within or



Mary-Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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www.dnr.state.md.us/criticalarea/

August 12, 2003

Ms. Meaghan Longcor
Facilities Office
St. Mary's College
St. Mary's City, Maryland 20686-3001

RE: Landscape Plan for St. John's Entrance Road

Dear Ms. Longcor:

Thank you for providing a set of landscape plans for the St. John's Entrance Road Project. The project involves impacts to the Buffer, and requires 14,562 square feet of mitigation. The planting proposed adjacent to Wherrits Pond (wetlands shown on the plan) fully satisfies the Buffer mitigation requirement and meets the intent of establishing permeable areas in vegetation as required by the Criteria. The plan also provides for planting around the new entrance road. Mitigation credit as detailed in the table below equals 10,630 square feet and may be used to satisfy the outstanding planting requirements for the Somerset Hall Expansion and Renovation Project and the New Student Residence Project. The letters on these projects dated July 25, 2003 provide additional detail on the planting requirements.

I have prepared the attached table to indicate the square footage credit associated with the proposed plantings and to provide comments regarding how the credit was calculated. The herbaceous plants, groundcovers, and wetland plants have not been included in this table because mitigation credit is generally only provided for trees, shrubs, and typical forest understory plants. The species shown in bold italics have notes or recommendations associated with them. The recommendations below include some suggestions for alternative species, but other native species may be used to meet the design objectives of the plan. Adjustments to the plan as outlined below could allow for a substantial increase in the credit associated with the project. The following comments correspond with the numbered comments in the left column of the table:

1. Replace the 14 London Plane Tree with American Sycamore (*Platanus occidentalis*) for 1400 SF (14 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement. Is there a specific reason why this species, rather than the native sycamore, is proposed to be used? It

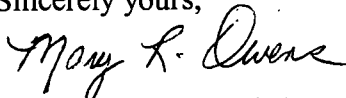
appears that the quantity shown on the plan is 16 rather than 14 as shown in the Plants Schedule.

2. Replace the 13 London Plane Tree with American Sycamore (*Platanus occidentalis*) for 1300 SF (13 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement. Is there a specific reason why this species, rather than the native sycamore, is proposed to be used?
3. Replace the 5 Golden Weeping Willow with Willow Oak (*Quercus phellos*) or Black Willow (*Salix nigra*) for 500 SF (5 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
4. Replace the 2 Weeping Willow with Willow Oak (*Quercus phellos*) or Black Willow (*Salix nigra*) for 200 SF (2 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
5. The plans indicate that 16 River Birch are proposed to be planted. The Plant Schedule uses the symbol BN (rather than BNH as shown on the plan) and the quantity on the schedule does not match the plans.
6. Replace the 20 Flowering Cherry with Black Cherry (*Prunus serotina*) or Redbud (*Cercis Canadensis*) for 2000 SF (20 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
7. The credit associated with the Summersweet Clethra is based on the spacing of the plants and the size of the area where they are proposed to be planted. Expanding the planting area or moving some of the plants to some of the areas that are proposed to be sod could allow for additional credit of 1500 SF for a total of 2500 SF (100 @ 25 SF).
8. The credit associated with the Virginia Sweetspire is based on the spacing of the plants and the size of the area where they are proposed to be planted. Expanding the planting area or moving some of the plants to some of the areas that are proposed to be sod could allow for additional credit of 3870 SF for a total of 6450 SF (258 @ 25 SF).

The plan as proposed will receive 10,630 square feet of mitigation credit. If the recommended changes are implemented, an additional 10,770 square feet of credit could be added to this project for a total of 21,400 square feet. It seems that the proposed changes are relatively easy to implement and because the planting requirement associated with this project is met by the plantings at Wherrits Pond, the 21,400 square feet of mitigation credit could be used towards the deficits associated with the Somerset Hall Project (2,235 square feet) and the Student Residence Project (37,030 square feet). If any of these changes are proposed to be implemented, a revised landscape plan should be provided to the Commission, so that compliance with the various planting requirements can be documented.

Thank you for the opportunity to comment of this plan, and I look forward to working with you to resolve the outstanding issues. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
 Program Implementation Division

cc: Mr. Michael Vergason, Michael Vergason Landscape Architects

CREDIT SUMMARY FOR SOMERSET HALL LANDSCAPE PLAN

COM.	SYM	COMMON NAME	BOTANICAL NAME	QNT	S.F. CREDIT	TOTAL CREDIT
	AR	Red Maple	Acer rubrum	13	100	1300 SF
1	PA1	London Plane Tree	Platanus x acerifolia	14	0	0 SF
2	PA2	London Plane Tree	Platanus x acerifolia	13	0	0 SF
3	SAT	Golden Weeping Willow	Salix alba	5	0	0 SF
4	SAT	Weeping Willow	Salix babylonica	2	0	0 SF
5	BNH	Heritage River Birch	Betula nigra	16	100	1600 SF
6	PY	Flowering Cherry	Prunus yedoensis	20	0	0 SF
7	CAH	Summersweet Clethra	Clethra alnifolia	100	10	1000 SF
	CS	Redtwig Dogwood	Cornus sericea	38	50	1900 SF
	IWR	Winterberry Holly	Ilex verticallata	24	50	1200 SF
8	IHG	Virginia Sweetspire	Itea virginica	258	10	2580 SF
	MP	Northetm Bayberry	Myrica pennsylvanica	21	50	1050 SF
TOTAL SQUARE FOOTAGE CREDIT						10630 SF



Mary Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 8, 2003

Mr. Stanley W. Hearne
Town Commissioners of Charlestown
P. O. Box 154
Charlestown, Maryland 21914

**RE: Town Commissioners of Charlestown
Ordinance No. 2003-02 (formerly 2003-01) "Special Buffer Area"**

Dear Mr. Hearne:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced Critical Area Ordinance and related maps. On August 8, 2003, the Critical Area Commission voted to approve the amendment to Chapter 175 (Zoning) of the Code of the Town of Charlestown pertaining to Special Buffer Areas and the designation of these areas on the Town's Critical Area Maps.

These changes shall be officially incorporated into the Code of the Town of Charlestown and shown on the Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the new pages for the Town Code and a signed (by the Commissioners or their designee) and dated copy of the previously submitted map to the Commission when it is available. Thank you again for all of your assistance during the development and review of these new regulations. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Mary Ann Skilling (MDP)



Mary Rade

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 30, 2003

Mr. William Ball
St. Mary's County Recreation and Parks
P.O. Box 653
Leonardtown, Maryland 20650

**RE: Boat Ramp and County Park at Cape St. Mary's
Tax Map 15 Parcel 16**

Dear Mr. Ball:

I am writing to follow up on our telephone conversation regarding my site visit to the referenced property on July 11, 2003. You asked for my thoughts on whether a County boating facility on the site would be consistent with the Critical Area regulations. As we observed in the field, the property is completely forested and consists of moderately steep hills and some wet low-lying areas. The site is bisected by several watercourses that appear to be intermittent streams. The streams appear to be part of a fairly extensive network of nontidal wetlands. Based on these observations, I would assume that almost all of the property is located within the 100-foot Buffer of tidal waters and tributary streams and the expanded Buffer based on contiguous steep slopes and nontidal wetlands.

The Critical Area Law encourages local governments to provide public access to the water including piers and beaches; however, the Critical Area Criteria also state that, insofar as possible, non-water dependent structures or operations (such as parking lots) associated with water-dependent projects or activities should be located outside the Buffer. It is likely that the proposed boat ramp will involve the construction of roughly an acre of parking, access roads, stormwater management measures, and restroom facilities (possibly temporary). All of these facilities, though not water-dependent, would be located in the Buffer and expanded Buffer on this site because the entire site is constrained by the Buffer.

The type of disturbance to the Buffer associated with this project would require conditional approval by the Critical Area Commission. In order to qualify for consideration by the Commission for conditional approval, the sponsoring agency must demonstrate that the project has the following characteristics:

- a) That there exist special features of a site or there are special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

Mr. Ball
July 30, 2003
Page 2

- b) That the project or program otherwise provides substantial public benefits to the Critical Area Program;
- c) That the project or program is otherwise in conformance with the Critical Area Criteria;

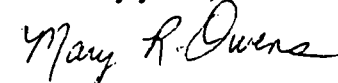
In addition, the request for conditional approval shall contain the following:

- a) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;
- b) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the criteria set forth in COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands.
- c) Measures proposed to mitigate any adverse effects of the project or program on the Criteria set forth in COMAR 27.02.05.

In summary, it appears that conditions on this site and the Critical Area Buffer requirements would significantly constrain the development of this site for a public boat ramp. Developing a project on this site would require the County to overcome the site's numerous physical limitations, as well as, provide mitigation for adverse impacts to large areas of natural resources including forest, wetlands, and the Buffer. It seems likely that the construction and mitigation portions of project may prove to be costly and could potentially offset any savings on the purchase price of the property.

Thank you for providing me with an opportunity to comment on this site at this early stage in the project development process. I look forward to working with you to identify an appropriate site on the northern Patuxent to provide a boat ramp and water access for the citizens of St. Mary's County. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Mike Ewing, DNR
Mr. Mark Spencer, DNR
Mr. Phil Rollins, St. Mary's County Recreation and Perks
Ms. Theresa Dent, St. Mary's County Department of Planning and zoning



Mary - Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 25, 2003

Ms. Meaghan Longcor
Facilities Office
St. Mary's College
St. Mary's City, Maryland 20686-3001

**RE: Landscape Plan for Student Residence Project
SMC 30-02**

Dear Ms. Longcor:

Thank you for providing a set of landscape plans for the Student Residence Project. The landscaping is proposed to satisfy the planting requirement associated with the Critical Area Commission's review of the project in August 2002. In accordance with the Commission's approval of this project, 47,480 square feet (1.09 acres) of planting are required.

I have prepared the attached table to indicate the square footage credit associated with the proposed plantings and to provide comments regarding how the credit was calculated. The flowering herbaceous plants have not been included in this table because mitigation credit is generally only provided for trees, shrubs, and typical forest understory plants. The species shown in bold italics will not receive any credit towards the Critical Area planting requirement because they are not native species. The recommendations below include some suggestions for alternative species, but other native species may be used to meet the design objectives of the plan. Adjustments to the plan as outlined below could allow for a substantial increase in the credit associated with the project. The following comments correspond with the numbered comments in the left column of the table:

1. Replace the 6 Sugar Maple with Willow Oak (*Quercus phellos*) for 600 SF (6 @ 100) of additional credit.
2. Replace the 2 Crabapple with Fringe Tree (*Chionanthus virginica*) for 200 SF (2 @ 100 SF) of additional credit.
3. The key for American Holly appears to be the number 7. Is this the quantity? Please clarify.

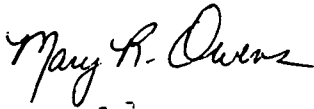
Ms. Longcor
July 25, 2003
Page 2

4. Replace the Siberian spruce with White Spruce (*Picea glauca*) or Red Spruce (*Picea rubens*) for 100 SF of additional credit.

The plan as proposed will receive 9,550 square feet of mitigation credit. If the recommended changes are implemented, an additional 900 square feet of credit could be added to this project leaving a deficit for this project of 37,030 square feet. It appears that there is ample area on the site to add additional plantings, and I would strongly recommend adding some understory tree species and shrubs in the areas where only trees are currently proposed. This could allow for the planting requirement to be completely satisfied on the site and will enhance the water quality and habitat function of the landscape plantings. If additional plantings are added and the other recommended changes made, a revised landscape plan should be provided to the Commission.

Thank you for the opportunity to comment on this plan, and I look forward to working with you to resolve the outstanding issues. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Catherine Mahan, Mahan Rykiel Associates, Inc.

CREDIT SUMMARY FOR STUDENT RESIDENCE LANDSCAPE PLAN

*	SYM	COMMON NAME	BOTANICAL NAME	QNT	S.F. CREDIT	TOTAL CREDIT
	AR	Red Maple	Acer rubrum	4	100	400 SF
1	AS	<i>Sugar Maple</i>	<i>Acer saccharium</i>	6	0	0 SF
	FAA	Purple Leaved White Ash	Fraxinus americana	26	100	2600 SF
	GT	Halka Honey Locust	Gladitsia triancanthos x hermis	5	100	500 SF
	LT	Tulip Poplar	Liriodendron tulipifera	5	100	500 SF
	NS	Black gum	Nyssa sylvatica	4	100	400 SF
	QR	Red Oak	Quercus rubra	8	100	800 SF
	UA	American Elm	Ulmus Americana	4	100	400 SF
	QP	Willow Oak	Quercus phellos	9	100	900 SF
	AA	Serviceberry	Amelanchier arborea	4	75	300 SF
	CC	Eastern Redbud	Cercis Canadensis	3	75	225 SF
	CL	Yellowwood	Cladrastis lutea	1	100	100 SF
	CR	Green Hawthorn	Crataegus viridis	1	100	100 SF
	HC	Carolina Silverbell	Halesia Carolina	4	50	200 SF
	HV	Common Witchhazel	Hamamelis virginiana	3	50	150 SF
	MG	Southern Magnolia	Magnolia grandiflora	1	100	100 SF
	MV	Sweet Bay Magnolia	Magnolia Virginiana	5	75	375 SF
2	MD	<i>Crabapple</i>	<i>Molus "Donaly Wyman"</i>	2	0	0 SF
	OA	Sourwood	Oxydendron arboreum	5	100	500 SF
3	IO	American Holly	Ilex opaca	10	100	1000 SF
4	PO	<i>Siberian Spruce</i>	<i>Picea amorika</i>	1	0	0 SF
TOTAL SQUARE FOOTAGE CREDIT						9550 SF



May-Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 25, 2003

Ms. Meaghan Longcor
Facilities Office
St. Mary's College
St. Mary's City, Maryland 20686-3001

RE: Landscape Plan for Somerset Hall Expansion and Renovation

Dear Ms. Longcor:

Thank you for providing a set of landscape plans for Somerset Hall Expansion and Renovation. The landscaping is proposed to satisfy the planting requirement associated with the Critical Area Commission's review of the project in August 2002. In accordance with the Commission's approval of this project, 40,510 square feet (0.93 acres) of planting are required.

I have prepared the attached table to indicate the square footage credit associated with the proposed plantings and to provide comments regarding how the credit was calculated. The vines and groundcovers have not been included in this table because mitigation credit is generally only provided for trees, shrubs, and typical forest understory plants. The species shown in bold italics will not receive any credit towards the Critical Area planting requirement because they are not native species. The recommendations below include some suggestions for alternative species, but other native species may be used to meet the design objectives of the plan. Adjustments to the plan as outlined below could allow for a substantial increase in the credit associated with the project. The following comments correspond with the numbered comments in the left column of the table:

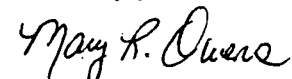
1. Replace the 16 Ginkgo with American holly (*Ilex opaca*) for 1600 SF (16 @100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
2. Replace the 13 London Plane Tree with American Sycamore (*Platanus occidentalis*) for 1300 SF (13 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
3. Replace the 23 Leyland Cypress with Eastern Red Cedar (*Juniperus virginiana*) for 2300 (23 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.

4. Replace the 5 Corneliancherry Dogwood with Flowering Dogwood (*Cornus florida*) or Fringe Tree (*Chionanthus virginica*) for 500 SF (5 @ 100 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
5. The credit associated with the Summersweet Clethra is based on the spacing of the plants and the size of the area where they are proposed to be planted. Expanding the planting area or moving some of the plants to some of the areas that are proposed to be sod could allow for additional credit of 2100 SF for a total of 3500 SF (140 @25 SF).
6. The credit associated with the "Summersweet" or Virginia Sweetspire is based on the spacing of the plants and the size of the area where they are proposed to be planted. Expanding the planting area or moving some of the plants to some of the areas that are proposed to be sod could allow for additional credit of 7860 SF for a total of 13100 SF (524 @ 25 SF).
7. Replace the 56 Tardiva Hydrangea with Oakleaf Hydrangea (*Hydrangea quercifolia*) and expand the area where they are proposed to be planted for 2800 SF (56 @ 50 SF) of additional credit. This species is not native to Maryland and generally should not be used to meet the Critical Area planting requirement.
8. Replace the 168 Dense Yew with Inkberry (*Ilex glabra*) or Wax Myrtle (*Myrica cerifera*) and expand the area where they are proposed to be planted for 8400 SF (168 @ 50 SF) of additional credit.

The plan as proposed will receive 11,415 square feet of mitigation credit. If the recommended changes are implemented, an additional 26,860 square feet of credit could be added to this project leaving a deficit for this project of 2,235 square feet. It appears that there is ample area on the site to add additional plantings, so that the planting requirement can be completely satisfied on the site. If any of these changes are proposed to be implemented, a revised landscape plan should be provided to the Commission.

Thank you for the opportunity to comment of this plan, and I look forward to working with you to resolve the outstanding issues. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Micahel Vergason, Michael Vergason Landscape Architects

CREDIT SUMMARY FOR SOMERSET HALL LANDSCAPE PLAN

COM.	SYM	COMMON NAME	BOTANICAL NAME	QNT	S.F. CREDIT	TOTAL CREDIT
	CK	American Yellowwood	Cladrastis kentuckea	2	100	200 SF
	FAA	Purple Leaved White Ash	Fraxinus americana	13	100	1300 SF
1	GBS	Ginkgo (male only)	Ginkgo biloba "Sentry"	16	0	0 SF
	LT	Tulip Poplar	Liriodendron tulipifera	3	100	300 SF
2	PAC	London Plane Tree	Platanus x acerifolia	13	0	0 SF
3	CL	Leyland Cypress	Cipressocyparis Leylandi	23	0	0 SF
	MG	Southern Magnolia	Magnolia grandiflora	3	100	300 SF
	AA	Serviceberry	Amelanchier arborea	5	75	375 SF
	BNH	Heritage River Birch	Betula nigra	34	100	400 SF
4	CM	Corneliancherry Dogwood	Cornus mas	5	0	0 SF
	MV	Sweet Bay Magnolia	Magnolia Virginiana	22	50	1100 SF
5	CAH	Summersweet Clethra	Clethra alnifolia	140	10	1400 SF
6	IVH	Summersweet	Itea virginica	524	10	5240 SF
	MP	Bayberry	Myrica pennsylvanica	16	50	800 SF
7	HPT	Tardiva Hydrangea	Hydrangea paniculata	56	0	0 SF
8	TMD	Dense Yew	Taxus x media	168	0	0 SF
TOTAL SQUARE FOOTAGE CREDIT						11415 SF



Mary-Deada

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 21, 2003

Mr. Reed Faasen
Charles County Department of Planning and Growth Management
P O Box 2150
La Plata, Maryland 20646

RE: SFD 03-0513, CS 496-03 (Garlenski, Lot 1)

Reed
Dear Mr. Faasen:

I am writing to follow up on our conversations this week regarding the proposed project and the letter from Ms. Regina Esslinger dated July 9, 2003. It is my understanding that Lot 1 of the Garlenski Subdivision was recorded pursuant to the intrafamily transfer provisions of the Charles County Critical Area Ordinance and the Critical Area Law. The project is being submitted for review as a project in the RCA that involves more than 5,000 square feet of disturbance; therefore, please disregard the comment in the July 9, 2003 letter regarding subdivision.

It is strongly recommended that a note be placed on the plat stating that the lot was created through the intrafamily transfer provisions of the Charles County Critical Area Program and stating that subsequent conveyance to a non-family member is restricted in accordance with those provisions. This alleviates confusion and establishes the necessary documentation to ensure that the County's process for recording lots through the intrafamily transfer process is legally enforceable.

The comments from the July 9, 2002 letter pertaining to a letter from the Department of Natural Resources Heritage Division and the use of a variety of native species for reforestation are still applicable and should be addressed before the building permit is issued.

Please provide a copy of the letter from the Heritage Division when you receive it. If you have any questions, please feel free to call me or Regina Esslinger at (410) 260-3460.

Sincerely yours,

Mary R. Owens
Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Wanda Cole



Mary Leader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

Mr. Stanley W. Hearne
Town Commissioners of Charlestown
P. O. Box 154
Charlestown, Maryland 21914

**RE: Town Commissioners of Charlestown
Ordinance No. 2003-01 "Special Buffer Area"**

Stan
Dear Mr. Hearne:

Thank you for providing information on the referenced ordinance. This ordinance amends Chapter 175 (Zoning) of the Code of the Town of Charlestown to allow limited use of shoreline areas designated as Special Buffer Areas on the Charlestown Critical Area Map dated December 2002. This amendment to the Town's Critical Area Program includes the designation and mapping of the shoreline areas to which the ordinance will apply. The information you have submitted has been determined to be a complete submittal. It is my understanding that the Town Commissioners approved this ordinance on May 13, 2003.

This ordinance was proposed as an amendment to the Town's Critical Area Program several months ago, and Chairman Madden has confirmed that this item will be handled as an amendment. He has appointed a panel of Commission members to hold a public hearing on the matter, and the hearing has been scheduled for July 16, 2003 at 4:00 p.m. at the Charlestown Fire House. Following the hearing, this issue will be placed on the agenda for review by the full Critical Area Commission on August 6, 2003. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Mary Ann Skilling (MDP)



JJ. May Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 12, 2003

Mr. Bill Watson
The Developer's Advocate
11215 Oakwood drive
Dunkirk, Maryland 20754

RE: Revised (5/15/03) Landscape Plan for Bayview Hills

Dear Mr. Watson:

Thank you for providing a revised set of landscape plans for the Bayview Hills Subdivision. As we discussed, the plans are being submitted as part of a proposal to satisfy the mitigation planting requirement for the Chesapeake Beach Sidewalk Improvement Project that was approved by the Commission in February 1998. In accordance with the Commission's approval of this project, 41,320 square feet of planting are required. The Town has proposed to use the square footage credit system that is currently used by Calvert County to calculate the required quantities of trees and shrubs.

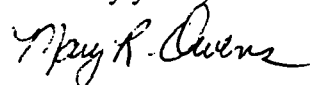
I have revised the attached table indicating the credit associated with the proposed plantings, based on the implementation of the recommendations in my letter dated May 8, 2003. It appears that all of the recommendations have been implemented except for the replacement of the forsythia. As you can see, the revised landscape plan will result in 64,600 square feet of mitigation planting which exceeds the mitigation requirement by 23,280 square feet. As we discussed, this 23,280 square feet of mitigation credit can be used as a "mitigation bank" for other projects in the Town.

It is strongly recommended that the Town obtain a two-year warranty on all planting being used for mitigation credit in order to ensure its survival. Once the plantings are installed, the Commission should be notified, so that a site inspection can be performed and the file closed. The Commission will keep track of the square footage credit in the Town's "mitigation bank,"

Mr. Watson
June 12, 2003
Page 2

and it is strongly recommended that you do so as well. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Claudia Jones, CAC
Ms. Julie Labranche, CAC

CREDIT SUMMARY FOR BAYVIEW HILLS LANDSCAPE PLAN
 Revised June 12, 2003

* SY M	COMMON NAME	BOTANICAL NAME	QNT	S.F. CREDIT	TOTAL CREDIT
AR	Red Maple	Acer rubrum	6	400	2400 SF
BN	River Birch	Betula nigra	10	400	4000 SF
VA	Low Bush Blueberry	Vaccinium angustifolium	16	25	400 SF
CA	Sweet Shrub	Clethra alnifolia	16	25	400 SF
AC	Shadbush	Amelanchier canadensis	3	25	75 SF
CS	Redtwig Dogwood	Cornus stolonifera	9	25	225 SF
IO	American Holly	Ilex opaca	56	200	11200 SF
IV	Virginia Sweetspire	Itea virginica	62	50	3100 SF
HV	Witch Hazel	Hamamelis vernalis	12	50	600 SF
CV	Fringe Tree	Cornus stolonifera	3	200	600 SF
MV	Sweetbay Magnolia	Magnolia virginiana	42	100	4200 SF
OA	Sourwood	Oxydendrom arboreum	26	200	5200 SF
CP	Washinton Hawthorn	Crataegus phaenopyrum	11	200	2200 SF
PS	White Pine	Pinus strobes	18	400	7200 SF
CC	Redbud	Cercis canadensis	41	200	8200 SF
TC	Littleleaf Linden	Tilia cordata	51	200	10,200 SF
TD	Bald Cypress	Taxodiun distichum	11	400	4400 SF
* FI	Forsythia	Forsythia intermedia	23	0	0 SF
TOTAL SQUARE FOOTAGE CREDIT					64,600 SF

Mary-Reader



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2003

Mr. Donnie Hammett
Department of Natural Resources
Greenwell State Park
P.O. Box 198
Hollywood, Maryland 20636

RE: Playground Construction Near Quarter Creek at Greenwell State Park

Dear Mr. Hammett:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced project. On June 4, 2003, the Commission approved the project which will be constructed in accordance with the attached sketch.

Thank you for your assistance in obtaining the information necessary for the Commission to review the project. If you have any questions, please do not hesitate to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Christine Holmberg, DNR
Ms. Kathy Sears, Greenwell Foundation

Mary Reader



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 12, 2003

Mr. Ken Pensyl
Water Management Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: 10% Rule Pollutant Removal Efficiency for Filterra™ Bioretention Filter System

Dear Mr. Pensyl:

I am writing to request your assistance in establishing a "removal efficiency rate" for the Filterra™ Bioretention Filter System. This manufactured bioretention stormwater best management practice is proposed to be used for compliance with the 10% pollutant removal requirement for the Critical Area as part of the Maryland 450/CSX At-Grade Crossings Project. This project is proposed by the State Highway Administration; therefore it must be reviewed and approved by the Critical Area Commission in accordance with COMAR 27.02.05, "State Agency Actions Resulting in Development on State-Owned Lands." The design for the project is being prepared by Whitman, Requardt and Associates, and Jason Cosler is the point of contact there at (443) 224-1559. Technical information about this practice can be reviewed at www.americastusa.com/media/Filterra.pdf.

The project has been tentatively placed on the agenda for the June meeting; therefore, we would need your removal rate recommendation for the Filterra™ by May 22, 2003, so that it can be included in the staff report prepared for the meeting.

If you have any questions, please contact me or Ms. Lisa Hoerger at (410) 260-3460. Thank you in advance for providing continued technical assistance on the implementation of innovative Best Management Practices for stormwater management. Your cooperation is greatly appreciated.

Sincerely yours,

Handwritten signature of Mary R. Owens in cursive.

Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Gary Setzer, MDE

May Reader



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 8, 2003

Mr. Bill Watson
The Developer's Advocate
11215 Oakwood drive
Dunkirk, Maryland 20754

RE: Landscape Plan for Bayview Hills

Dear Mr. Watson:

Thank you for providing a set of landscape plans for the Bayview Hills Subdivision. As we discussed, the plans are being submitted as part of a proposal to satisfy the mitigation planting requirement for the Chesapeake Beach Sidewalk Improvement that was approved by the Commission in February 1998. In accordance with the Commission's approval of this project, 41,320 square feet of planting are required, and the Town has proposed to use the square footage credit system that is currently used by Calvert County.

I have prepared the attached table to indicate the credit associated with the proposed plantings. As you can see, the current landscape plan will result in 42,325 square feet of mitigation planting which exceeds the mitigation requirement by 1,005 square feet. Those species that are marked with an asterick (*) will not receive any credit because they are not native species. The flowering herbaceous plants have not been included in this table because mitigation credit is generally only provided for trees, shrubs, and typical forest understory plants. Some minor changes to the species could allow for additional credit associated with the project. The following changes are recommended:

1. Replace the 16 Crimson Barberry with Lowbush Blueberry (16 @ 25) for 400 SF of additional credit.
2. Replace the 3 Kousa Dogwood with Shadbush (3 @ 25) for 75 SF of additional credit.
3. Replace the 12 Winter Jasmine with Witchhazel (12 @ 50) for 600 SF of additional credit.
4. Replace the 3 Crabapple with Fringe Tree (3 @ 200 SF) for 600 SF of additional credit.

Mr. Watson
May 8, 2003
Page 2

5. Replace the 11 Flowering Pear with Hawthorn (11 @ 200 SF) for 2200 SF of additional credit.
6. Replace the 41 Yoshino Cherry with Redbud (41 @ 200 SF) for 8200 SF of additional credit.
7. Replace the 51 Littleleaf Linden with Basswood (51 @ 200) SF for 10,200 SF of additional credit. (Although Basswood is a large tree and would normally receive 400 square feet of credit, the proposed locations adjacent to a road and parking areas would limit their growth and mature canopy size.)
8. Replace the 23 Forsythia with Northern Bayberry (23 @ 100) for 2300 SF of additional credit.

If the recommended changes are implemented, an additional 24,575 square feet of credit could be added to this project and used as a "mitigation bank" for other projects in the Town. If any of these changes are proposed to be implemented, a revised landscape plan must be provided to the Commission. The Commission will then send a letter to the Town documenting the available "credit" in the "mitigation bank."

I hope this letter clearly outlines how the landscape project at Bayview Hills can satisfy the Town's outstanding, and potentially future, mitigation requirements. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Claudia Jones, CAC
Ms. Julie Labranche, CAC

CREDIT SUMMARY FOR BAYVIEW HILLS LANDSCAPE PLAN

	* SYM	COMMON NAME	BOTANICAL NAME	QNT	S.F. CREDIT	TOTAL CREDIT
	AR	Red Maple	Acer rubrum	6	400	2400 SF
	BN	River Birch	Betula nigra	10	400	4000 SF
*	BT	Crimson Barberry	Berberis thunbergii atropurpurea	16	0	0 SF
	CA	Sweet Shrub	Clethra alnifolia	16	25	400 SF
*	CK	Kousa Dogwood	Cornus kousa	3	0	0 SF
	CS	Redtwig Dogwood	Cornus stolonifera	9	25	225 SF
	IO	American Holly	Ilex opaca	56	200	11200 SF
	IV	Virginia Sweetspire	Itea virginica	62	50	3100 SF
*	JN	Winter Jasmine	Jasminum nudiflorum	12	0	0 SF
*	MS	Crabapple	Malus 'sutyzam'	3	0	0 SF
	MV	Sweetbay Magnolia	Magnolia virginiana	42	100	4200 SF
	OA	Sourwood	Oxydendrom arboreum	26	200	5200 SF
*	PC	Flowering Pear	Pyrus calleryana 'aristocrat'	11	0	0 SF
	PS	White Pine	Pinus strobes	18	400	7200 SF
*	PY	Yoshino Cherry	Prunus yedoensis	41	0	0 SF
*	TC	Littleleaf Linden	Tilia cordata	51	0	0 SF
	TD	Bald Cypress	Taxodiun distichum	11	400	4400 SF
*	FI	Forsythia	Forsythia intermedia	23	0	0 SF
TOTAL SQUARE FOOTAGE CREDIT						42325 SF

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

April 29, 2003

Mr. Richard D. Klein
Community and Environmental Defense Services
8100 Greenspring Valley Road
Owings Mills, Maryland 21117

RE: Public Access Roads in Habitat Protection Areas

Dear Mr. Klein:

I am writing in response to your e-mail dated April 23, 2003 in which you raised several questions regarding "public" roads in Habitat Protection Areas (HPAs). You are correct in your interpretation that COMAR 27.01.02.04.C does include provisions that allow for "public" roads to cross habitat protection areas (HPAs) without a variance. Unfortunately, the Criteria do not include a definition of "public" road, but the Commission's interpretation has been that a "public" road is any road that the County or State maintains as a public right-of-way. Private roads, owned and maintained by one or more property owners, and driveways would not be considered "public" roads and a variance would be required to cross an HPA. A residential access road that was to be turned over to the County as a County road would be considered "public."

With regard to your specific question about a residential development access road crossing wetlands and steep slopes, it is important to understand that whether or not a variance is required depends to some extent on the actual site conditions. A "public" road could cross steep slopes without a variance only if they were part of the Buffer or expanded Buffer (an HPA), otherwise a variance would be required. (This may seem a little odd, but it is the way the Criteria were written.) If there were an existing road on steep slopes, and the project involved improving the road to County standards, it is possible that this would not require a variance.

With regard to impacts to wetlands, there will be some distinction as to whether they are tidal or nontidal and, if the wetlands are nontidal, whether they are contiguous to the Buffer or not. Regardless of whether they are tidal or nontidal, MDE authorization, and probably a wetlands license, would be required. Nontidal wetlands are no longer regulated as an HPA through the Critical Area Act; MDE regulates impacts to this resource. However, some counties require variances for nontidal wetland or wetland buffer impacts in addition to an MDE authorization. If the wetlands are tidal, then impacts to the 100-foot Buffer would definitely be involved but could be permitted without a variance under COMAR 27.01.02.04.C.

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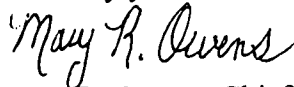
Mr. Klein
April 29, 2003
Page Two

In accordance with COMAR 27.01.02.04.C., the applicant would be required to demonstrate that there was no feasible alternative. The applicant is also required to show that the road has been "located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality." In some instances, these provisions are used to require a developer to locate the road where the wetland crossing is the narrowest or to provide a bridge.

With regard to the Boyd's Ridge project which you discussed with Ms. Lisa Hoerger, Commission staff have reviewed this project and provided comments to Anne Arundel County. It is our understanding that the road in question will be considered a public road and will not require a variance to the County's Critical Area requirements.

I hope this answers your questions. If you need additional information, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

MRO/jjd

Judge John C. North, II
Chairman



May-Reader

Ren Serey
Executive Director

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April 8, 2003

Ms. Linda Mott
Environmental Design Division
State Highway Administration
707 North Calvert Street
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: Critical Area Mitigation Planting at Historic St. Mary's City

Dear Ms. Mott:

I have reviewed the latest plans and planting specifications from Ernie Peek and Paige Ohliger. It appears that most of the issues that needed attention have been addressed; however, there are still a few items that need to be clarified as outlined below:

Area A

The New Area Calculations indicate that all of Areas A3 and A4 will be replanted. Planting in this area should be designed to accommodate the new pathway, but is not to serve as landscaping for the pathway. Separate mitigation plantings will be required for the pathway project because it involves impacts within the 100-foot Buffer. The number and location of the plantings will be determined when the Critical Area Commission reviews the pathway project.

As you proposed in your e-mail, the additional 2,804 square feet of planting that was originally proposed for a separate location may be added to Area A in order to provide a closer spacing of the plants and to facilitate maintenance. This will increase the quantities in Areas A1 and A2 as follows; however, the plants may be located anywhere in Area A:

Areas A1 and A2

Trees:

- 5 *Cercis Canadensis*
- 5 *Cornus florida*
- 3 *Quercus stellata*
- 4 *Liriodendron tulipifera*

Total

17

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Shrubs:

- 12 *Myrica pennsylvanica*
- 9 *Rosa Carolina*
- 12 *Cornus amomum*
- 8 *Ilex glabra*
- 12 *Viburnum acerfolium*

Total 53

Area B

Area B is acceptable as proposed. It should be noted that in Area B, tree locations will need to be specifically identified in the field by Historic St. Mary's City staff.

Area C

Area C is acceptable as proposed.

Area D

Area D15 should indicate full credit for an area that is ten (10) feet wide by 170 feet long for a credit of 1,700 square feet. Because of archaeological resources in the area, this area is proposed for primarily shrub planting, and Area D has been amended to include 7 trees. Four large trees (10 feet to 14 feet high) are proposed in the locations that have been evaluated by Historic St. Mary's City staff, and three sassafras trees may be planted in Areas D14 and D15. All other plantings in this area should be shrubs. I have discussed this area with Mary Alves, and we agree that the density of planting in this area should be increased in order to provide a closer spacing of the plants and to facilitate maintenance. This will increase the quantities as noted in bold as follows:

Shrubs:

- 16 *Ilex glabra*
- 36 *Rosa carolina*
- 24 *Rosa virginiana*
- 24 *Vaccinium angustifolium*
- 16 *Myrica pennsylvanica*
- 12 *Aronia arbutifolia*
- 12 *Lindera benzoin*
- 12 *Rubus occidentalis*
- 6 *Viburnum dentatum*
- 18 *Clethra alnifolia*
- 18 *Hamamelis virginiana*
- 9 *Viburnum acerfolium*
- 9 *Ceanothus americanus*
- 7 *Kalmia latifolia*

Total 219

Ms. Mott
April 8, 2003
Page 3

It is my understanding that plants for Areas A1 and A2, Area B, Area C, and Area D are proposed to be ordered now for spring planting. If this planting is to be accomplished by late May, it is very important that the herbicide spraying take place as soon as possible. As we discussed, two applications of herbicide are necessary to ensure that the complete eradication of vines and invasives will be successful. The plants for Areas A3 through A4 are proposed to be ordered later this summer for fall planting. This will allow the design of the new walkway to be incorporated into the planting scheme for these areas. It is my understanding that survival of the plants will be guaranteed for one year from the delivery date.

Thank you for your continued cooperation with the development of this mitigation plan. If you have any questions, please feel free to call me at (410)260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Mary Alves, HSMC
Ms. Paige Ohliger