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Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 30, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Centre at Edgewater
C 04-010

Dear Ms. Krinetz:

I have received the request for the above-referenced site plan review. The applicant proposes to redevelop an existing site into a commercial complex. I have outlined my comments below.

1. The 10% pollutant reduction calculations should be forwarded for review. They were not included in the materials submitted.
2. Please have the applicant prepare a site plan showing the proposed conditions. We only received an 8 1/2 x 11 copy of the existing conditions.

When the applicant has supplied this information, this office will be happy to provide the County with additional comments. In the meantime, thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 472-04

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June 15, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Shelley R. Muffley Property – Sketch Resubmittal
S 01-003, P 03-160

Dear Mr. Shaver:

I have received another set of revisions for the above-referenced subdivision request. The applicant has addressed some of the comments in my last letter dated May 6, 2004. I have outlined my remaining comments below.

1. The applicant provided a copy of the State tidal wetlands map to this office. It appears that some of the wetlands may be State-owned given the type listed. One area of the wetland is labeled as 41/51. The type 51 indicates Smooth Cordgrass, which can indicate State tidal wetlands. Any area that is State tidal wetlands cannot count towards the total area of the parcel. If after subtracting the area of State tidal wetlands results in an area of RCA less than 12 acres, then only two intrafamily transfer lots would be permitted. This acreage figure should also be used in calculating the overall impervious surface area. Please have the applicant determine how much acreage are State wetlands so we can determine the correct acreage figure for the parcel in terms of density permitted and impervious area. The determination includes verification by the Maryland Department of the Environment.
2. It appears the applicant believes the Buffer is not required to be shown on lot 4 since this portion of the shoreline is mapped as a Buffer Exemption Area (BEA). Regardless of the BEA status, the limits of the 100-foot Buffer should appear on the final plans and plat. Please have the applicant draw the Buffer on this lot.

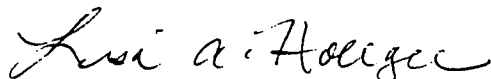


Mr. Shaver
June 15, 2004
Page Two

3. The expansion of the Buffer for hydric soils may be required when there are hydric soils that extend beyond the 100-foot Buffer line. It appears some areas of hydric soils were not included in an expansion of the 100-foot Buffer. Please clarify.
4. While the applicant has responded that the owner of lot 6 will have pedestrian access only, how will the integrity of the forest conservation easement be preserved (e.g. protected from clearing, disturbance, development activities)? This office recommends any riparian access not be gained through a forest conservation easement area.
5. The applicant responded that Anne Arundel County will enforce the forest conservation easement. Will that be the case for this subdivision or will a third party (e.g. local land trust) be responsible?
6. Our comment regarding the location of forest conservation easements on new lots still stands. It is the position of this office that these areas, which should be protected for a specified time frame, not be made part of a new, residential lot. It has been our experience that these areas cannot be effectively enforced and this has resulted in what were conservation areas being cleared for residential development activities.
7. Our comment regarding the placement of the easement should be one continuous block of forest that establishing a connection still stands. It is unclear how the environmental benefits associated with the location and configuration of the original easement area is maintained with the new configuration. We recommend the existing easement remain as platted and agreed upon by the relevant parties in 1997. If the County allows these easements to be manipulated over time to accommodate new development, then the integrity of the easement is violated.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 772-03

Robert L. Ehrlich, Jr.
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June 10, 2004

Mr. John Diehl
Environmental Consultants and Contractors, Inc.
43045 John Mosby Highway
Chantilly, Virginia 20152

Re: Waterside Conservation LLC, Waterford Cove
Alternate Storm Drain Outfall

Dear Mr. Diehl:

Thank you for the information you provided to our office concerning the above-referenced project. I have reviewed the materials and determined that I will need additional information before I can make a determination that this project on Federal lands is consistent with the Maryland Critical Area Law and Criteria in the Code of Maryland Regulations. I have outlined the additional items required for review below:

These figures can be reported in square feet or acreage:

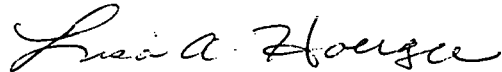
1. Area disturbed, graded, and cleared both inside and outside the 100-foot or expanded Buffer inside the Critical Area.
2. Nontidal wetlands disturbed.
3. Documentation as to whether the site supports any threatened or endangered species habitat. Absent other sources, the Maryland Department of Natural Resources, Heritage and Biodiversity Division typically provides this documentation. The contact at that office is Ms. Lori Byrne and her telephone number is (410) 260-8573.

A site visit may be required, but I will make that determination once I have received and reviewed the material requested above.

Mr. Diehl
June 10, 2004
Page Two

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Gayle Hazelwood, NPS
Mr. Richard Thompson, PG DER
Mr. Jim Stasz, MNCPPC
NPS 22-04

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June 8, 2004

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Bar Harbor - S #01-030, P #03-059
Resubmittal of Final Plat and Plans

Dear Ms. Allen:

I have received another resubmittal of the final development plans and plat for the above-referenced subdivision request. It appears the applicant has addressed most of the comments of my last letter. I have outlined my remaining comments below.

1. Aside from the language that will presumably be in the Conservation Easement Agreement, we still recommend that the plat and the individual deeds state that clearing is prohibited in the conservation easement area. Also, will these documents provide the distance from the front property line to the edge of the conservation area so a property owner, HOA, or county inspector could measure where the conservation area begins, as suggested in my last comment letter?
2. We recommend the Conservation Easement Language indicate the term of the easement (e.g. 15 years, perpetuity). We recommend perpetuity.
3. On sheet 4 of 7 in the "Typical House Blowup" there is a notation that states, "25' Minimum Clearing." We recommend the word minimum be changed to maximum.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 393-02



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June 7, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Mark Levine & Sarah Imershein - Appeal # 1332

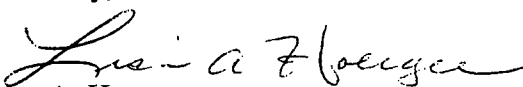
Dear Ms. Verdery:

I have received the above-referenced variance request for review and comment. This office reviewed an identical request for this property from a previous submittal but under the County's administrative variance process. It is our understanding that the process was changed as a variance before the Board of Appeals due to a Talbot County requirement that impervious surfaces in the Buffer cannot exceed 15%. While the State Critical Area Law limits the impervious surface allotment over the entire parcel, we support the County's decision to include an extra provision in its Critical Area Program that attempts to limit impervious area in the Buffer.

In regard to the previous comment letter dated April 2, 2004, this office did not oppose the requested variance; however, we recommended mitigation and stormwater management to treat the area of the new addition. I have enclosed that letter for your consideration.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: TC 299-04

Robert L. Ehrlich, Jr.
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April 2, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Mark Levine & Sara Imershein
A029

Dear Ms. Verdery:

Thank you for forwarding the above-referenced administrative variance request to this office for review and comment. The applicant proposes to construct a residential addition that appears to be no closer to the water than the existing residential structure. This office has no objection to reasonably sized additions when the only location is in the 100-foot Buffer. However, I have the following comments for the County regarding the site plan submitted versus the architectural drawings submitted.

The site plan appears to show two independent additions with the removal of 82 square feet of existing brick paving. The applicant is counting this 82 square foot removal in the total impervious area removed; however, the architectural drawings appear to show the area of the brick patio to be removed being replaced with an enclosed addition. Please clarify whether the 82 square foot area is being replaced with impervious area.

If this area is being replaced with new impervious area as a result of the proposed addition, will there still be a net reduction of overall impervious area on site?

Provided there are not outstanding impervious surface issues that need to be addressed and the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:



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June 4, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Samuel Hopkins - Appeal # 1329

Dear Ms. Verdery:

I have received the above-referenced allegation of error for review and comment. The applicant believes the Planning Officer erred in finding that the vertical expansion of a non-conforming accessory structure requires a variance. This office agrees with the Planning Officer that a variance is required. I will explain our reasons below.

According to the Talbot County Code, non-conforming structures in the 100-foot Buffer require an administrative variance upon expansion provided that expansion will be no further waterward than the existing setback line. Expansions of any structure in the 100-foot Buffer that will be waterward of the existing setback line requires a variance hearing before the Talbot County Board of Appeals. The fact that the expansion of this structure is vertical does not relieve the applicant from a variance process. The Critical Area Criteria at 27.01.02.07 A states, "If any existing use does not conform with the provisions of a local program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in COMAR 27.01.11."

Thank you for the opportunity to comment. Please submit this letter as part of the record for appeal, and please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 380-04

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June 3, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Kelley Cox & Lynne Cannon
Appeal #1331

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception to this office for review and comment. It appears the applicants are seeking an after-the-fact special exception to allow the continued use of a pier for commercial seafood offloading and boat docking, and for boarding and offloading of passengers. I have outlined my comments below.

1. According to the General Table of Land Use Regulations in the Zoning Ordinance, it appears that commercial marinas and piers must meet the requirements of Section 190-91 A (3). There was no information in the materials submitted to this office that addressed the requirements of these sections of the Zoning Ordinance. These issues should be addressed to the satisfaction of the Board of Appeals.
2. It appears that the findings in Section 190-91 A (1) may also need to be addressed if this use is considered by the County to be a commercial marina. If so, these findings were also not included in the application materials submitted to this office; however, if these findings are required they should be addressed to the satisfaction of the Board of Appeals.
3. This office has no comment regarding the use issue since the property is in the VC zone, which is the Limited Development Area (LDA) Critical Area designation. This type of use is consistent with the LDA designation.



Ms. Mary Kay Verdery
June 3, 2004
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 391-04

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June 3, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Duvall Farm, LLC - Parcel 7 (Lot 1 - L 954) (Lots 4 & 5 - L 954) (Lots 15-22 - L 956)
(Lot 23 - L 955)

Dear Ms. Verdery:

I have received the above-referenced lot line revisions for review and comment. I have outlined my comments below.

Parcel 7, Lot 1 - L 954

It appears the revision occurs outside the Critical Area portion of the site. Provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection issues that need to be addressed, then this office has no objection. However, it appears four development rights were assigned to this lot after the lot line revision. How is this possible? Also, those rights not used for lot 1 are being transferred to lot 23. Half of revised lot 23 is in the Critical Area. Where will these density rights be placed on lot 23 since it is half inside and half outside the Critical Area? It appears the Zoning Ordinance only allows for density transfers within the same district; therefore, it appears that these density transfers would not affect the RC (Critical Area) portion of lot 23. Please clarify.

Parcels 7, Lots 4 & 5 - L 954

Generally, this office has no objection provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection issues that need to be addressed. However, I have one question regarding the site plan, which I have outlined below.

Ms. Verdery
June 3, 2004
Page Two

The site plan includes a table indicating the development rights calculations associated with lot 4. It appears density from what was lot 5 is being transferred to lot 23. Given the size of lot 23 and the fact that it is encumbered with wetlands, how will additional density be accommodated on this lot? Will the development on lot 4 be located in the Critical Area? If so, any development right transferred to lot 23 cannot be located in the Critical Area. Also, according to the Zoning Ordinance at §190-58 F the County does not have the ability to transfer density from the Critical Area (RC district) to a non-Critical Area (RCA district). Please clarify.

Parcel 7, Lots 15-22 - L 956

It appears these revisions occur outside the Critical Area portion of the site. Provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection issues that need to be addressed, then this office has no objection. However, it appears the density afforded to those lots being lost as a result of these lot line revisions are being transferred to lot 23. Will the three remaining development rights transferred to lot 23 be located outside the Critical Area? Please clarify. As questioned with the previous lot line revisions for this parcel, it does not appear that the County can transfer density from the Critical Area to a non-Critical Area or with the RAC district. Please clarify.

Duvall Farm, LLC and Cyclops Family, Parcels 7 & 28, Lot 23 - L 955

Generally, this office has no objection provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection issues that need to be addressed. However, I have a few questions regarding the site plan submitted.

1. It appears the lot line revision occurs between the Duvall Farm property and the Cyclops property line in the area of the nontidal wetlands. On the final plat received by this office, the area of nontidal wetlands was labeled as open space, and did not appear to be part of lot 23. It seems this area will now be part of lot 23. If so, the revised acreage figures reported appear incorrect.
2. Any increase in the Critical Area acreage as a result of the lot line revision does not necessarily correlate with an increase in allowable impervious area or density if a portion of the newly acquired area contains State-owned tidal wetlands. Please verify.
3. The site plan includes a table indicating the development rights calculations associated with lot 23. It appears lots that are being removed as a result of other lot line revisions on the Duvall Farm are being transferred to this site. It appears, based on the County's Zoning Ordinance, these transfers may not be permissible, and it does not appear lot 23 can accommodate the additional density given the site constraints (buffers, wetlands). Please clarify why seven development rights are being transferred to lot 23.

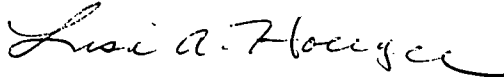
Ms. Verdery
June 3, 2004
Page Three

4. If the density can be transferred, how are the sending areas being restricted? Within the Critical Area, permanent protection measures must be implemented to ensure that 20 acres of RC are protected for each development right transferred to another RC parcel.
5. The impervious surface allocation also appears to be incorrect. I calculate 15% of 26.880 acres to be 4.032 acres or 175,634 square feet.
6. Since the Critical Area portion of revised lot 23 appears to be either tidal or nontidal wetlands, we recommend a note be added to the plat that further restricts any new development activities on this portion of the lot. The only exception would be for riparian access, which would require a permit from the Maryland Department of the Environment.

Based on the serious concerns raised by the Commission during the review of the Ratcliffe and Easton Village projects, it appears that future analysis of the County's TDR and density transfer provisions is warranted. Commission staff would like to meet with County staff to discuss this project before further approvals are given.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Marianne Mason, Assistant Attorney General

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June 1, 2004

Mr. Matthew R. Martin, P.E.
Project Manager
T.Y. Lin International
5285 Shawnee Road, Suite 210
Alexandria, Virginia 22312

Re: Anacostia Riverwalk Trail
Agency Scoping Meeting

Dear Mr. Martin:

Thank you for your letter inviting our office to the scoping meeting on June 2, 2004. While I plan to attend the meeting, I would like to take this opportunity to provide comments to your office and for the benefit of your client, the District of Columbia Department of Transportation (DDOT), on the above-referenced project.

From the information provided, it appears that a small section of the trail will occur on the Maryland side of the Anacostia River within Maryland's Critical Area. The Critical Area is measured 1,000 feet from the edge of mean high waters of all tidal tributaries within the State of Maryland. Since this portion of the project is within the Critical Area, it will require review by this office. It is my understanding the land inside the Critical Area proposed for use by the DDOT is owned by the National Park Service (NPS). While projects on Federal lands do not require approval by the Critical Area Commission, the project will require review by the Commission staff to ensure it is consistent with the goals of the Critical Area Law and Criteria. I have enclosed a checklist for your use when submitting the relevant information to this office.

In general, Commission staff review will look at the proposed impacts (e.g. amount of new impervious surface, total disturbance/grading, total clearing). Certain impacts will require mitigation. The majority of the trail should be located outside the 100-foot Buffer to the Anacostia River (measured from mean high water or the edge to tidal wetlands). In those instances where the trail is located in the Buffer, mitigation will be required at a 3:1 ratio. Any clearing outside the Buffer will require mitigation at a 1:1 ratio.

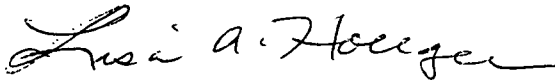
Mr. Martin
June 1, 2004
Page Two

Some type of stormwater management will be expected along the trail. Also, proper sediment and erosion control methods are expected during construction. The site should also be screened by the Maryland Department of Natural Resources for the presence of threatened or endangered species or species in need of conservation. The contact for that information is Ms. Lori Byrne and she can be reached at (410) 260-8573.

As you may be aware, the Maryland National Capital Park and Planning Commission (MNCPPC) is currently designing a trail on their property that runs parallel to the Anacostia River that will connect to the Bladensburg Marina. Perhaps the width and surface materials used can be coordinated between DDOT and MNCPPC. I have enclosed the Commission guidance paper on public trails for your information.

Thank you for the opportunity to provide comments and information. If you have any questions, please do not hesitate to telephone me anytime at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Ms. Eileen Nivera, MNCPPC

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May 28, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property -Resubdivision of Lot 2
S 02-089, P 04-117

Dear Mr. Shaver:

I have received the resubdivision of lot 2 for review and comment. The applicant proposes to further subdivide lot 2 into three residential lots. I have outlined my comments below.

1. The site plan shows the various soils in the key, however the soils are not indicated on the plan. Since some of the soils are considered hydric, these symbols should appear on the plan to determine whether expansion of the Buffer for contiguous hydric soils is required.
2. The Environmental Report indicates the existing stormwater management pond constructed by SHA for the Route 2 widening project will serve the proposed development. In the latest submittal for review of lot 1 of the Hardesty Tract it was stated that the SHA pond would not be used to treat stormwater. Has SHA agreed to allow its pond for treatment of these lots?
3. The final plat should indicate which areas are proposed to accommodate the required reforestation. We recommend areas that would either enhance the 100-foot Buffer and/or provide a wildlife corridor.
4. The total proposed impervious surface for lot 2R is at the maximum 15% limit. We recommend the applicant set aside a reasonable amount of impervious area for the future lot owner. Otherwise, a plat note should appear on the final plat that clearly states no further impervious area is permitted on lot 2R.

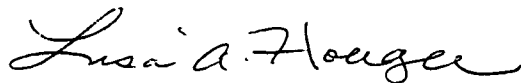


Mr. Shaver
May 28, 2004
Page Two

5. No details of proposed lot 2R were provided for review. Will there be a subsequent detailed plan?
6. We recommend the limit of the Buffer on proposed lots 3, 4, and 5 be established with fencing or signs so that future homeowners will be aware of the Buffer.
7. A note should appear on the final plat that instructs the owners of lots 3, 4 and 5 that no new development activities are permitted in the Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

Robert L. Ehrlich, Jr.
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May 25, 2004

Mr. Steve Callahan
MS 6305
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: The Villas at Severna Park (Formerly Sonneborne Land)
S 01-038, P 04-086

Dear Mr. Callahan:

I have received revised final plans for the above-referenced subdivision request. I have outlined my comments below:

1. I did not receive a copy of the final plat in this resubmittal package. In any case, in my previous comment letter dated June 25, 2001 I recommended certain notes be added to the final plat. The notes included the following: a note be added to the plat and community covenants indicating the maximum allowable impervious area for each lot in the Critical Area; a note be added to the plat and community covenants regarding the allowable clearing for each lot in the Critical Area. I understand the development will not involve lots but limited common elements, however, the total allowable impervious area and clearing per LCE and for the overall site, including roads and sidewalks, should be stated on the final plat.
2. Since the last letter from the Department of Natural Resources, Heritage and Biodiversity Division is more than three years old, the County should request an update. Has the applicant performed any surveys for those species indicated in the 2001 letter from DNR?

Mr. Callahan
May 25, 2004
Page Two

3. What is the difference between the Conservation Property and Recreation Easements areas, and what is the difference between Recreation Easement areas and Recreation areas?
4. It is my understanding the Critical Area designation is LDA. This should be indicated on the plans and plat.
5. Please have the applicant clarify the total number of acres to be put in an easement.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 347-01

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

May 25, 2004

Mr. Steve Callahan
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Oak Harbor (Formerly Hook Property)
S 86-017, P 04-113

Dear Mr. Callahan:

I have received the above-referenced site plan for review and comment. The applicant proposes to create ten residential lots from an existing parcel in the Limited Development Area. I have outlined my comments below.

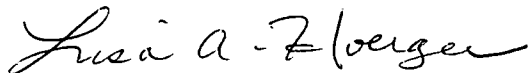
1. Item # 15 under the Site Analysis does not correspond with the acreage figure provided in item #3 of the Critical Area Analysis. Please have the applicant clarify.
2. Item #5 under the Critical Area Analysis appears incorrect. I calculate 30% of the existing forested area (6 acres) to be 1.80 acres. Please have the applicant clarify.
3. A table should be added to the final plat and plan that indicates the total impervious area provided on each lot, including any remaining impervious area allotted to each lot for future homeowners. This table should also include the impervious area for roads, sidewalks, etc.
4. Since any additional clearing that may occur above the 20% threshold would require additional mitigation, a note should be added to the final plat and plan indicating that no further clearing is permitted. Proposed lots 3, 4, and 5 appear to have forested areas that, if cleared by future property owners, would require mitigation potentially at a 1.5:1 ratio. Because monitoring this would be difficult, we recommend the lots be reconfigured to avoid this issue.

Mr. Callahan
May 25, 2004
Page Two

5. Can stormwater management measures be performed on each lot in order to avoid the additional clearing for the stormwater management area as proposed on the plan?
6. Since some of the 15% slopes extend beyond the limits of the 100-foot Buffer, it seems the property methodology for expansion would be to calculate 4 feet for every one percent of slope rather than expand the Buffer an additional 50 feet. Please verify if the Buffer is drawn as required by the County's Ordinance.
7. Has the applicant explored alternative configurations to avoid cutting down the specimen tree?

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have questions or require additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 379-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2004

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Stotz Subdivision - 99-016

Dear Ms. Chalkley:

The applicant's attorney hand-delivered the latest revised plat to this office last week. The issues in my last letter dated March 1, 2004 appear to be resolved; therefore, I have no further comments.

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Eileen Powers, Esquire
AA 67-99

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 21, 2004

Mr. Jeff Torney
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Jonas Green Park & Visitors Center
Final Plans

Dear Mr. Torney:

I have received the final plans that were also transmitted to your office for review for the above-referenced project. After meeting with a representative from the Department of Recreation and Parks and their consultant team, we determined that while the location of the septic field had changed since the last plans were submitted to my office, the limits of disturbance had not changed. Therefore, the mitigation required by the Critical Area Commission in its approval letter dated August 11, 2003 is still accurate. The updated landscape plans were also provided to this office and the species size, type and quantity are acceptable to this office.

I requested that the Critical Area Worksheet Summary Table submitted to the Commission also be provided to your office for your file. This table summarizes the amount of disturbance on the plans and was the basis for the Commission's mitigation requirements.

If you have any other questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Ronald Etzel, P.E. - Recreation and Parks
Mr. Christopher Goettge, The Faux Group

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 19, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Stoney Beach Reserve Parcel
S 72-056, P 04-112

Dear Mr. Callahan:

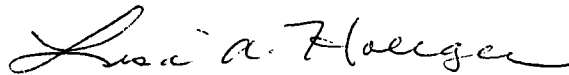
I have received the above-referenced subdivision request for review and comment. The applicant proposes to create two lots from one parcel in the Limited Development Area (LDA). I have outlined my comments below.

1. We recommend the following notes be added to the final plat:
 - The proposed and remaining impervious areas for each lot.
 - The allowable clearing for each lot.
 - No clearing beyond the existing edge of forest/vegetation is permitted on each lot.
 - Riparian access paths are limited to three feet in width.
2. The letter from the Department of Natural Resources, Heritage and Biodiversity Division, states that a recent breeding report exists in their database regarding the state rare Pied-billed Grebe. Please ensure DNR is contacted to determine whether any special measures are required to accommodate this species prior to final plat approval.
3. The Buffer should be shown in a conservation easement with notes that refer future lot owners to the Office of Environmental and Cultural Resources regarding any proposed clearing or disturbance to the Buffer since these activities would require a Buffer Management Plan.

Mr. Callahan
May 19, 2004
Page Two

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in dark ink and is positioned above the typed name.

Lisa A. Hoerger
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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May 19, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Bill and Linda Kirvan
200460538/04-WL-0650

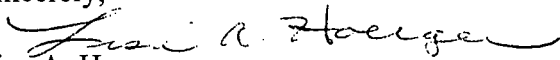
Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct a marsh creation project for shore erosion control. I have outlined my comments below.

- 1) We defer to your office regarding the design and proper application of a marsh creation project at this site. As you know, the Critical Area Criteria support and encourage nonstructural means where possible for the purpose of providing shore erosion control.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning Office



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 19, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Clifford B. Barksdale
200462277/04-WL-1113

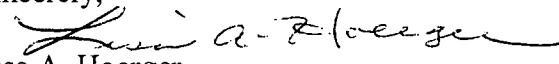
Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct a stone revetment for shore erosion control. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment. Generally we recommend less structural means, provided the site is suitable, in order to preserve the intertidal zone that may be used by several native species.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning and Zoning

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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May 18, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Bulli Farm
A 035

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to construct several additions to a grandfathered dwelling. Provided the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:

1. Mitigation is required at a 2:1 ratio for all new impervious areas.
2. The County works with the applicant to design some form of stormwater management for the new additions given their proximity to the water.
3. The total existing impervious surface after the additions total is amended to state 86,219 square feet on the plan.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 346-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 18, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Deane Shure
A 032

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to construct a porch on the waterward side of a grandfathered dwelling. Provided the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:

1. Mitigation is required at a 2:1 ratio for all new impervious areas.
2. The County works with the applicant to design some form of stormwater management for the new additions given their proximity to the water.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 345-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 18, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Charles Clark

Dear Ms. Verdery:

I have received the above-referenced request for a nonconforming structure. Provided there are no Habitat Protection Area issues, and the application meets the County's impervious surface and planting requirements, this office has no further comment.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 344-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Governor

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May 14, 2004

Mr. George Kinney, AICP
Director, Office of Planning and Zoning
108 Maryland Avenue, Suite 102
Easton, Maryland 21601

**Re: Talbot County Proposal
Program Amendment: Bill 933**

Dear Mr. Kinney:

This letter notifies you of action taken by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. At its regularly scheduled meeting on May 5, 2004 the Critical Area Commission considered County Bill #933, Talbot County's proposed amendment to its local Critical Area program concerning the reallocation of growth allocation reserve acres. Upon the recommendation of the panel of Commission members who conducted a public hearing on County Bill #933, and further upon consideration of the Panel's Report and its Supplement (both attached), statements made by members of the public who attended the Commission's meeting, and discussion among the Commission members, the Commission voted to deny approval of County Bill #933 as an amendment to Talbot County's local Critical Area program. The vote was unanimous, with one member abstaining.

The basis for the Commission's decision, as set out in the Supplement to the Panel Report, was as follows:

Accepting Bill 933 would negate at least one previous Commission action approving a local program change. This is the refinement to the St. Michaels program for the Strausburg growth allocation approved in October 2003.

Accepting Bill 933 would create conflicts between the County program and several approved municipal programs. The municipal programs have their own approved growth allocation procedures premised on the growth allocation reserves provided by the County. The conflict that Bill 933 would create is contrary to the Commission's oversight responsibility to ensure that local programs are implemented in a consistent and uniform manner.

TTY For the Deaf

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

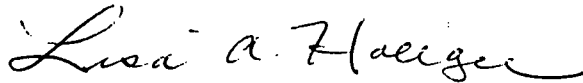


Mr. Kinney
May 14, 2004
Page 2

The Panel recommended and the Commission fully supported inviting Talbot County to work with the Commission and its staff to develop new growth allocation provisions that will be compatible with the State's Critical Area Act and Criteria. Commission staff are available at your convenience to discuss new growth allocation procedures or to arrange a meeting with the Commission's Program Implementation Subcommittee.

Please contact me if you have questions or need additional information.

Sincerely,



Lisa Hoerger
Natural Resource Planner

cc: Honorable Philip Carey Foster
Mr. R. Andrew Hollis, Talbot County
Mr. Mike Pullen, Talbot County
Ms. Mary Kay Verdery, Talbot County
Ms. Marianne Mason, DNR- AG

Robert L. Ehrlich, Jr.
Governor



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May 14, 2004

Mr. George Kinney
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: County Council Bills 922, 926, 927, 929, 931, 932

Dear Mr. Kinney:

This letter notifies Talbot County of action by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. At its meeting on May 5, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved County Council Bills 922 and 932 as amendments to the Talbot County Critical Area Program. The Commission unanimously approved Council Bills 926, 927, 929, and 931 with conditions as set forth below. These bills and the other information submitted by the County in accordance with § 8-1809(g) constitute the required comprehensive review of the local program. The next required comprehensive review of the Talbot County Critical Area program is due in 2010.

The Commission's approval of Bills 926, 927, 929, and 931 is subject to the following conditions:

Bill 926 – Chapter 190, Article II Definitions and Word Usage, § 190-14

1. Section Three, Dwelling Unit (See page 2) – Delete the existing definition of dwelling unit and substitute the following language. “Dwelling unit means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.”
2. Section Nine, Shoreline Development Buffer (See page 4) – Amend the definition of shoreline development buffer to state, “The area at least 100 feet wide measured

landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands.”

3. Section One, Development Activities (CA) (See page 2) – Delete the following language from paragraph b: ~~“Generally, substantial residential alterations would cause the total impervious area on a lot to exceed 15% of the lot or 5,000 square feet, whichever is less. Generally, substantial nonresidential alterations would add more than 5,000 square feet of impervious area.”~~

Bill 927 – Chapter 190, Article IV Land Use Regulations by Zoning Districts, § 190-19

4. Section Four, Parks and Playgrounds (Public and Private) (See page 3) – Add another bullet that states, “Limited to passive recreation.”
5. Sections Eighteen, Twenty, and Twenty-One, Treated Septage Land Applications, Community Sewage Treatment Plant, Sludge Application for Agricultural and Horticultural Purposes (See page 8-9) – Add the underlined language to the last bullet in each of these sections as follows: “No land application shall take place within 200 feet from Mean High Water, the edge of tidal wetlands, or tributary streams. This provision is not subject to a variance.”

As an alternative, the County may add a bullet that states, “No land application shall take place within the 100-foot Buffer of tidal wetlands.”

Bill 929 - Chapter 190, Article XI Critical Area Special Provisions, §190-88

6. 190-88 B (3) [h] (See page 8) – In place of [h] insert the following language:
“The Forest Preservation Plan shall include either of the following:
 - a. A time period for implementing the plan and provisions for a final inspection by the County after which the Plan will be certified complete;
or
 - b. Provisions for removal of invasive/exotic species and/or maintenance of native vegetation for a period of up to 5 years including provisions for annual inspections by the County.”
7. 190-88.1 B (6) (b) (See page 12) –Delete ~~“Mitigation equal to an area two times the square footage of the proposed impervious surface in the Buffer area ...”~~ Add “Mitigation equal to an area two times the square footage of the development activity in the Buffer area...”

Bill 931 – Chapter 190, Article XII Site Plan Review §190-92

8. 190-93 E (9) (a) (See page 31) - Delete references to parcels up to seven acres as follows: “A Forest Preservation Plan shall be approved for any development activity which results in the cutting or clearing of any portion of a forest or developed woodland or individual trees, or for development activities on parcels ~~existing as of August 13, 1989 of seven acres or more~~ that have less than 15% of the site in forest or developed woodland in accordance with § 190-88B.”

If it is the County’s intent to allow some flexibility for grandfathered parcels under seven acres, then the County may propose alternative provisions for specific situations. In general, any alternative provisions proposed by the County must ensure that the objective to maintain and increase the forested vegetation in the Critical Area will be achieved.

9. 190-93 E (9) (d) [c] (See page 33) – Amend the forest replacement provisions as follows, “An additional 10% of any forest or developed woodland may be removed from forest use provided that the replacement forest shall be 1.5 times the area ~~of this additional 10%~~ of the forest or developed woodland being removed.”
10. 190-93 E (9) (d) [i] (See page 34) – Delete references to parcels up to seven acres as follows: “Unforested or partially forested parcels or lots ~~existing as of August 13, 1989 of seven acres or more~~ shall be planted to provide a forest or developed woodland cover of at least 15%.”

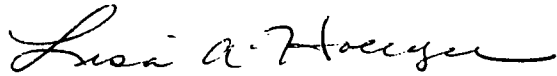
If it is the County’s intent to allow some flexibility for grandfathered parcels under seven acres then the County may propose alternative provisions for specific situations. In general, any alternative provisions proposed by the County must ensure that the objective to maintain and increase the forested vegetation in the Critical Area will be achieved.

Certain provisions in County Council Bills 926, 929, and 931, along with previously approved County Council Bill 891, effectively correct those mistakes and omissions cited by the Critical Area Commission in a letter to the County dated September 23, 2002. The only remaining item to be addressed in that letter relates to the County’s guest house provisions. At the County Council’s request, the Commission worked with the Maryland General Assembly in its last session to further define dwelling unit and seek provisions for accessory dwelling units that can be considered part of the primary dwelling unit for density calculations. After the Governor signs House Bill 1345, the Commission will provide draft ordinance language to all of the jurisdictions implementing Critical Area Programs. Commission staff will work with Talbot County to assist the County in incorporating the required provisions of House Bill 1345 into the County’s Program.

Mr. Kinney
May 14, 2004
Page 4

The County is required to finalize these changes in the applicable ordinances within 120 days of this notice. Please forward a copy of all revised ordinance sections or the entire reprinted zoning ordinance to this office. Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Honorable Philip Carey Foster
Mr. R. Andrew Hollis, Talbot County
Mr. Mike Pullen, Talbot County
Ms. Mary Kay Verdery, Talbot County
Ms. Marianne Mason, DNR- AG

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 14, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property -Resubmittal of the Final Plan and Plat
S 02-089, P 02-191

Dear Ms. Krinetz:

The applicant has provided this office with revised plan sheets that corrected the issues raised in my April 30, 2004 letter. The only outstanding item is that proposed lot 1 will be developed at the maximum impervious surface. We recommend a note be added to the final plat stating that no additional impervious area is permitted on lot 1.

Since the impervious surface limit appears to be the only remaining issue, this office is finished its review. Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 14, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: William Webb, Appeal #1328

Dear Ms. Verdery:

I have received the above-referenced variance request for review and comment. The applicant proposes to replace an existing dwelling damaged by Hurricane Isabel and is seeking relief from the County's Floodplain requirements. This office has no comment regarding this request.

Thank you for the opportunity to comment. Please submit this letter for the record and notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Governor

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 13, 2004

Ms. Kathy Shatt
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: BA 6-04V, Elm Street Development (Arrow Cove Subdivision)

Dear Ms. Shatt:

This office has received notice of the Board of Appeals hearing for the above-referenced case. Yesterday we received a copy of the revised plan of the property according to the conditions set out in the Administrative Hearing Officer's decision. It appears the applicant has reduced disturbance as instructed by the Hearing Officer and as requested by our offices. Since the County has determined this parcel has many grandfathered lots, and, as the Hearing Officer noted, the current plan shows significantly less than what might otherwise be permitted, this office has no further comments.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 446-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Edenton - Lot 2, Resubdivision of the Baker Property
S 90-216, P 04-106

Dear Ms. Krinetz:

I have received the above-referenced subdivision for review and comment. The applicant proposes to create a 12-lot subdivision with five lots in the Critical Area portion of the parcel. I have outlined my comments below.

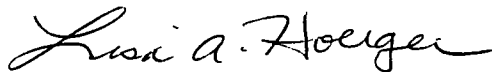
1. The letter from the Department of Natural Resources indicates the presence of Forest Interior Dwelling Bird (FID) habitat on the site. This is likely the case since the site appears to be contiguous to a larger block of forested area. Beverly Triton Beach Park is also nearby and has been documented as FID habitat. Since the non-Critical Area portion of the site will have the most impacts to this habitat, we recommend the applicant attempt to minimize clearing and disturbance on that portion of the parcel. Mitigation for FIDs habitat should be provided at a 1:1 ratio as FIDs habitat for the forest area cleared in the Critical Area
2. For those lots in the Critical Area, we recommend the limits of clearing be permanently delineated to avoid future clearing by lot owners since the developer is proposing to clear the maximum allowable area at the time of development.
3. We recommend notes be added to the plat and deeds that no further clearing on these lots is permitted.

Ms. Krinetz
May 11, 2004
Page Two

4. We recommend a table be added to the plat to include the impervious surface figures for each lot that includes the remaining allowable impervious area.
5. Since proposed lots 4, 5 and 6 include a nontidal wetland and its buffer, we recommend a note be added to the plat to recognize this Habitat Protection Area and that no clearing or disturbance is permitted in this area.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 326-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Brice Manor West - S 00-027, P 00-247

Dear Mr. Callahan:

Thank you for forwarding the final development plans for the above-referenced subdivision request. It appears I last commented on this request in December of 2002. I have outlined my remaining comments below.

1. The letter from the Department of Natural Resources, Heritage and Biodiversity Division is greater than three years old. This office recommends an updated letter be obtained prior to final recordation.
2. The Critical Area Calculations table still states that lots 4 and 5 will have no clearing; however, the septic areas for each of these lots are partially in the critical area, and it appears clearing may be necessary. Please have the applicant clarify this issue.
3. The Critical Area Calculations table appears to have errors. I calculate the total impervious area allowed column to equal 31,232 square feet, and the total clearing allowed column to equal 53,579 square feet. Please have the applicant recheck these figures.
4. We recommend this table appear on the final plat, along with the appropriate Critical Area notes.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA591-00

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 10, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Margate Lot 47 Resubdivision - S 98-107, P 04-081

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create eight lots in an Intensely Developed Area (IDA) in the County's Critical Area. I have outlined my comments below.

1. Since the site is in an IDA, the 10% pollutant reductions calculations should be performed prior to final review to ensure this requirement is being met on-site with the proposed Best Management Practices.
2. We recommend a note be added to the final plat indicating the removal requirement calculated by the 10% pollutant reduction calculation, and those Best Management Practices that will be satisfying that pollutant removal.
3. We recommend a note be added to the final plat indicating that the 10% Rule is required for any future development that may occur on the Recreation Area.
4. Any proposed planting that may occur should follow the County's recommended list of native species.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 232-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: The Shoppes at Bay Hundred
Site Plan

Dear Ms. Verdery:

I have received the plans submitted for final review. I have outlined my remaining comments below.

1. The applicant previously forwarded the 10% pollutant reduction calculations and they were incorrect. I have attached my March 19, 2004 letter to you that references this item and requested the applicant resubmit the 10% calculations.
2. We recommend a note be added to the final plat that references compliance with the 10% calculations, and which Best Management Practices (perhaps number them on the plan) will achieve compliance with the 10% Pollutant Reduction requirement.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 930-03



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2004

Mr. Jeff Torney
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Scott Mielke Property - S 03-055, P 04-098

Dear Mr. Torney:

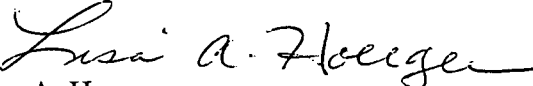
I have received the above-referenced final development plan for review and comment. The applicant proposes to create four parcels in the Limited Development Area of the County's Critical Area. I have outlined my comments below.

1. Please forward a copy of the proposed plat. This office did not receive a copy in the initial mailing of the package.
2. The Critical Area Report mentions that the Department of Natural Resources has reviewed this property for threatened or endangered species habitat. Please forward a copy of the letter to this office.
3. We recommend the final plat include the Critical Area site tabulations as attached to the Critical Area Report.
4. We recommend the final plat include those areas set aside as forest conservation easements and that they be clearly identified.
5. Proposed lot 4 includes riparian access. We recommend the final plat include a note that specifically states that the riparian access path is limited to a 3-foot wide surface with a 6-foot wide maximum clearance. Any required clearing for the path should be minimized, and according to the allowable clearing provided on the tabulations chart for lot 4.

Mr. Torney
May 10, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 291-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Daniel & Laura Dorey
MS 02-045

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create two lots. I have outlined my comments below.

1. This office did not receive a copy of the plat. Please have the applicant forward a copy so I can see the proposed lot lines.
2. We recommend the final plat include a table that outlines the allowable impervious surface limits for each lot.
3. What is the total forest area on site? We will need this information to determine whether afforestation is required?
4. If the County determines afforestation is required, we recommend a portion of that requirement be planted in the 100-foot Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 273-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 7, 2004

Ms. Cheril Thomas
Town Manager
Town of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

**Re: Ordinance No. 304
Text Changes to Amend the Growth Allocation, Zoning, and Critical Area
Map Amendment Procedures**

Dear Ms. Thomas:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced ordinance, which revises various sections of the St. Michaels Zoning Ordinance involving the process and procedure for reviewing text and map amendments. At its meeting on May 5, 2004, the Critical Area Commission approved Ordinance 304 as an amendment to the Town of St. Michaels Critical Area Program.

This change shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please forward a copy of the revisions to this office, so that the Commission's copy of the Town's ordinance can be amended. Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 7, 2004

Ms. Cheril Thomas
Town Manager
Town of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

Re: **Resolution 2003-06**
Annexation of the Miles Point, LLC Property

Dear Ms. Thomas:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced map amendment. At its meeting on May 5, 2004, the Critical Area Commission approved the annexation of 17.156 acres, identified as Parcels 98 and 60 on Tax Map 23 and known as the Mile Point LLC Property, into the Town of St. Michaels.

The Town is required to finalize this change to the Town's official Critical Area map within 120 days of receipt of this letter. Please forward a copy of the revised map to this office. Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 7, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Richard and Kathleen Hargrove
L 953

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. Provided there are no Habitat Protection Area issues that need to be addressed, and the revision is otherwise consistent with the Talbot County Critical Area Program, this office has no comment on the proposed lot line revision. However, the remaining impervious surface allowed that is reported for parcel 2 should be .089 acres.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 281-04

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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May 7, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Boutte and Gray
L 951

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. Provided there are no Habitat Protection Area issues that need to be addressed, and the revision is otherwise consistent with the Talbot County Critical Area Program, then this office has no comment.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 278-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

**STATE OF MARYLAND
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May 7, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: John Thomas Smith & John H. Carman & Nancy M. Carman
L 950

Dear Ms. Verdery:

I have received the proposed lot line revision for review and comment. Provided the request is consistent with the Talbot County Critical Area Program, this office has no comment on the lot line revision. However, we recommend the County remind the applicant that any proposed disturbance or clearing for the portion of the lot owned by the Carmans that will be in Talbot County will require a Forest Preservation Plan.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tom Hamilton, Easton Town Planner
TC 279-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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May 7, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Marion E. Frost
S 971

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. Provided there are no Habitat Protection Area issues that need to be addressed, and the revision is otherwise consistent with the Talbot County Critical Area Program, then this office has no comment.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 277-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

**STATE OF MARYLAND
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May 7, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Timberneck Farms – N & E Investment Partnership
M 1053

Dear Ms. Verdery:

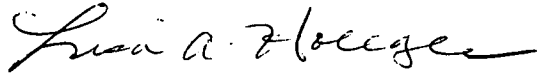
I have received the above-referenced subdivision request for review and comment. It appears only one lot is currently proposed in the Critical Area portion of the parcel. I have outlined my comments below.

1. We recommend the County receive comments from the Department of Natural Resources, Heritage and Biodiversity Division prior to final recordation.
2. The site plan provided indicates the tidal wetlands are private based on the DNR maps. Since the reported acreage is 40 acres, we recommend the County require a field delineation of the wetland types and an elevation survey occur to determine the ownership of the tidal wetland areas.
3. Any areas determined to be State-owned wetlands cannot be used for the purpose of calculating density or determining allowable impervious area.
4. We recommend a table be added to the final plat that shows the allowable impervious surface limits for all lots and the clearing and/or afforestation requirements for each lot.
5. The Critical Area designation shown on the site plan is VC; however, after checking the Talbot County Critical Area maps on file in this office, it appears the Critical Area portion of the parcel is RC. Please verify this information.

Ms. Verdery
May 7, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 280-04

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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May 6, 2004

Mr. Roby Hurley
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: Comprehensive Review

Dear Mr. Hurley;

This office has received your letter providing information about the Town's Comprehensive Review and requesting Critical Area Commission review and approval of a revised ordinance, several map amendments, and the designation of several new Buffer Exemption Areas. It is my understanding that the Planning Commission approved these changes to the Town's Critical Area Program on April 15, 2004.

As you know, the Town of St. Michaels recently submitted a request for Commission review and approval of Ordinance No. 304, which amended the Town's local process for approving these types of Critical Area Program changes. At its meeting on May 5, 2004, the Critical Area Commission approved Ordinance 304. Ordinance 304 requires approval of all changes to the Town's Critical Area Program by the Town Commissioners prior to submission to the Critical Area Commission. Therefore, it appears that under the Town's amended process, the request for review and approval by the Critical Area Commission is premature and cannot be accepted for processing until the Town Commissioners have reviewed and approved the changes to the Town's Program.

If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Cheril Thomas, Town of St. Michaels

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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May 6, 2004

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Phelps Property Revised Sketch
S 98-073, P 98-165-1

Dear Ms. Allen;

I have received the final plan and written responses from DFI, Inc. for the above-referenced subdivision request. The applicant has addressed the comments of my last letter dated December 30, 2003. I have outlined my remaining comments below.

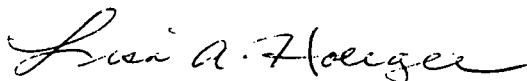
1. This office did not receive sheet 6 of 6 of the Final Development Plans. Please forward a copy since this sheet should show lots 16-19.
2. There still appears to be some impacts to nontidal wetlands buffers for portions of Dixon Drive. This may require a variance unless the County deems this a public road, and it is demonstrated to the County's satisfaction that impacts have been minimized and the applicant has secured a permit from the Maryland Department of the Environment.
3. Why is there a 60-foot setback on lots 11-14? We recommend these lots have some flexibility so that future lot owners will not encroach into the area beyond their rear yards with lawns and various other activities associated with residential development.
4. A portion of Forest Conservation Area C appears to overlap on lot 16. We recommend this area not overlap on a proposed residential lot to avoid conflicts with the future lot owner.

Ms. Allen
May 6, 2004
Page Two

5. We recommend that fencing be installed at the rear of those lots in the Critical Area to avoid disturbance by future lot owners into the wetlands or the Forest Conservation Easement areas.
6. General Notes numbers 3 and 4 on the plat and the plans reference waivers for disturbance to nontidal wetlands and their buffer and steep slopes. These are considered Habitat Protection Areas in the Critical Area portion of this parcel and any disturbance to these areas would require a variance. The only exceptions would be disturbance for water-dependent facilities or for public roads provided no feasible alternatives exist.

Thank you for the opportunity to comment. If you have any questions please contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Philip C. Jimeno
The Honorable Joan Cadden
Mr. Frederick W. Hager, Citizen
Ms. Katherine McCarthy, DNR
Ms. Judy Cole, MDE
AA 394-98

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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May 6, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Shelley R. Muffley Property
S 01-003, P 03-160

Dear Mr. Shaver:

I have received revisions of the above-referenced subdivision request. The applicant has addressed some of the comments in my last letter dated November 18, 2003. I have outlined my remaining comments below.

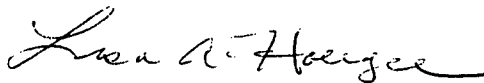
1. It is our understanding the current configuration of this parcel was created by deed and that the County is requiring the applicant to restore the parcel to its original configuration prior to the adoption of the County's Critical Area program before an intrafamily transfer will be considered on this parcel. This office has no objection to this proposal provided the parcel and/or lot lines are not permitted to be further adjusted in the future.
2. The applicant responded that no wetlands on this site are owned by the State. The response stated that a map was attached. We did not receive said map unless the map being referenced was the site plan. In any case, this office will need to know how the applicant reached this conclusion. Typically, a qualified individual must evaluate the type of species growing in the wetland and/or provide an elevation survey in order to determine whether a tidal wetland is State or privately-owned.
3. The Buffer does not appear on lot 4. Please have the applicant draw the Buffer on this lot.

Mr. Shaver
May 6, 2004
Page Two

4. While the area of hydric soils is shown on the site plan it is still unclear whether an expanded Buffer is required on any portion of the parcel, particularly where hydric soils are contiguous to the 100-foot Buffer. Please clarify.
5. It is still unclear how the owner of lot 6 will have full riparian access given the location of the forest conservation easement.
6. How will the forest conservation easements on lots 4, 5 and 6 be enforced? We recommend an alternative design that precludes the forest conservation easement from being located on lots.
7. In addition, the easement should be one continuous block of forest that has a connection, if possible, to offsite forested areas. The proposed Forest Conservation Area 2 appears to create an isolated, less than half acre, forested area.
8. It is our understanding the existing forest conservation easement is being moved to accommodate development of this parcel. The easement was not attached to the material sent to this office. Where is the area of the existing easement and what is the minimum area required for that project?
9. Will this subdivision require afforestation?

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 772-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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(410) 260-3460 Fax: (410) 974-5338
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April 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Raymond Adams
A 034

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to convert an existing deck into a sunroom addition. Provided the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:

1. Mitigation is required at a 2:1 ratio for all new impervious areas.
2. The County work with the applicant to design some form of stormwater management for the new addition given its proximity to the water.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 294-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 30, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property -Resubmittal of the Final Plan and Plat
S 02-089, P 02-191

Dear Ms. Krinetz:

I have received another resubmittal for the above-referenced subdivision. The applicant has addressed the comments of my last letter dated March 2, 2004. I have outlined my remaining comments below.

1. It appears one of the tables on Plat 1 of 2 may be labeled incorrectly. Should the table labeled "LDA/IDA Critical Area Clearing Calculations" instead state "RCA/LDA Critical Area Clearing Calculations?"
2. The total shown for proposed lot 2 in both tables does not match the total shown for lot 2 in the table labeled "Lot Areas." Please clarify.
3. The proposed impervious surface for lot 1 is at the 15% maximum. This office strongly recommends the applicant not use the maximum allotment at the time of initial development, but instead set aside some impervious area in reserve in the case of future expansions. Since this lot will not be considered grandfathered, this office will likely not support future variances to the impervious surface limits.
4. The net tract area reported for lot 2 is 5.01 acres; however, when I add the acreage figure supplied in the "Critical Area Breakdown" table I get 4.99 acres. Please clarify.

Ms. Krinetz
April 30, 2004
Page Two

Provided there are no other significant changes to the plans and the applicant has addressed the comments above to the County's satisfaction, this office should be finished its review. Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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April 30, 2004

Ms. Lori Allen
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Creekside at Osprey Landing
S 01-074, P 02-194

Dear Ms. Allen:

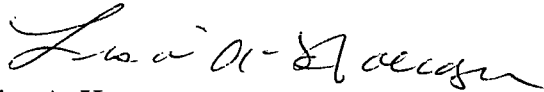
I have received the final submittal for the above-referenced project. It appears the applicant addressed some of the comments of my last letter dated January 30, 2004. I have outlined my remaining comments below.

1. While the boxes shown on the plans may encompass the area set aside for not only the dwelling, but also any accessory structures, it appears the applicant is using the entire impervious surface allotted to the subdivision once the dwellings are constructed; therefore, it appears future homeowners will not have the opportunity to expand.
2. The proposed impervious area is at the 15% limit. This office strongly recommends the County require the applicant to set aside a reasonable amount of impervious surface per lot so that future homeowners will not exceed the impervious surface limits of the subdivision. Since 88 lots are proposed, the potential for numerous, unintentional violations of the impervious surface limits are possible. The County has already dealt with this situation in another non-grandfathered subdivision and it has caused unnecessary staff time on the part of the inspectors in trying to correct this situation.
3. The impervious surface totals on sheet 1 of 21 of the Final Development Plan do not agree. See the totals for the lots and the boat storage. Please clarify.

Ms. Allen
April 30, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 144-01

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 28, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Robert Wagner
200461358/04-WL-0863

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to emplace 1200 feet of stone revetment for shore erosion control. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment as a means of controlling shore erosion at this site. Generally we recommend less structural means, provided the site is suitable, in order to preserve the intertidal zone that may be used by several native species.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning and Zoning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 28, 2004

Ms. Elinor Gawel
Anne Arundel County Environmental and Cultural Resources Office
2663 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Comprehensive Review
County Council Bills #49-03 and #78-03

Dear Ms. Gawel:

At its meeting on April 7, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved County Council Bills #49-03 and #78-03 with the following conditions:

Amend Section 3-205 of Article 21 to state that *these provisions are applicable only to grandfathered, residential development projects involving less than 1,000 square feet of disturbance.*

Amend Section 1A-103 of Article 28 by inserting, "...public and community parks, playgrounds, and other recreational uses consistent with preservation of natural habitat *and which are limited to only passive recreational uses.*"

Amend Section 1A-109 (C)(5) so that it clearly states that 2:1 mitigation is required for the extent of the proposed footprint of development activity in the Buffer, regardless of whether or not that footprint is constructed on an existing impervious area OR the County may provide alternative provisions for meeting the water quality and habitat protection objectives of the Buffer provisions in COMAR 27.01.09.02. These alternative provisions would need to be approved by the Critical Area Commission.

Intrafamily Transfer Provision - The Commission understands, based on information provided by the County, that the County finds that the provisions of §8-1808.2 of the Annotated Code of Maryland, regarding intrafamily transfers, cannot be effectively implemented; therefore, the County agrees to notify the Commission when

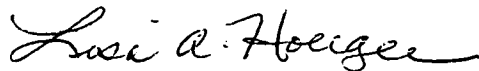
Ms. Gawel
April 28, 2004
Page Two

it receives requests for such intrafamily transfers between the time of this approval and when the County is able to promulgate its new zoning regulations. If the new zoning regulations do not include provisions for effective implementation of the intrafamily transfer regulations, the Commission will revisit this issue to determine what action is necessary to resolve the problems that have been identified.

Commission staff and Commission Counsel are reviewing the handout entitled "Buildable Lots" provided by County staff. It is possible that the Commission may request additional information about how the County determines the grandfathered status of lots, outparcels, residues, etc., and may request further action.

The County is required to finalize these changes in the applicable ordinances within 120 days of this notice. Please forward a copy of the revisions to this office. Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Sally Iliff, Esquire, Attorney for Anne Arundel County Planning and Zoning
Marianne Mason, Esquire, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor

Chesley S. Steele
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 26, 2004

Mr. David Wallace
RK & K
81 Mosher Street
Baltimore, Maryland 21217

Re: Project Coordination @ 90% Design Completion
Final Review Meeting

Dear Mr. Wallace:

This office is in receipt of the above-referenced plans. Although I am unable to attend your meeting tomorrow, I would like to provide comments concerning those sheets that show the Rosalie Island plans. I have outlined those comments below.

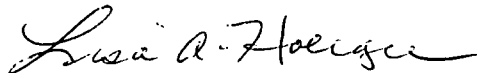
1. The Park Plant Schedule on sheet LR-17 appears to list all native plants with the exception of the juniper. If possible, we recommend the juniper be replaced with a native species.
2. Generally, the Commission would prefer to see more canopy closure in the Buffer than proposed since the Buffer should be an area that provides both water quality and habitat benefits. This office will be meeting with the landscape designers in early May and will provide more detailed comments at that time. The final Buffer Management Plan will require review and approval by the Commission.
3. The future pavilion overlook that appears on several sheets does not appear on the plan originally approved by the Commission. Since this design feature appears to be inside the 100-foot Buffer, it must be accommodated outside the Buffer or it will require approval by the Commission.

Mr. Wallace
April 26, 2004
Page Two

4. We have no comments at this time on the remaining sheets that show the bridge over Smoot Cove and beyond. We have noted the change in design of this section of the trail and it will require Commission review and approval.
5. All plantings inside the Critical Area that are within the ramp interchanges or stormwater management facilities should be native species.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 26, 2004

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: David Taylor Research Center
C 04-006

Dear Ms. Chalkley:

This office has received the above-referenced site plan for review and comment. I have outlined below our comments regarding the latest plans.

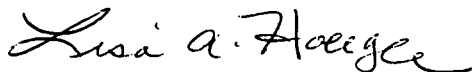
1. We recommend that all plantings both inside and outside the Buffer be native species. There are several species, particularly on the list for planting outside the Buffer, that are not native. Please have the applicant substitute native species from the County's native plant booklet.
2. We recommend the proposed walkway in the Buffer meander outside of the Buffer where possible to minimize its impact and to provide more planting area for the required mitigation.
3. Certain portions of the walkway may require clearing or require grading. We recommend the walkway be adjusted to avoid additional clearing or grading in the Buffer.
4. The proposed decks at the lookout points are excessive in size. Both exceed 1,000 square feet. A substantially smaller deck can serve the same purpose.
5. We request some clarification regarding the notes that appear on sheet L-10. The figure 151,397 square feet under step 1 in the large box is labeled as "cleared or disturbed", whereas it is labeled as "total impervious surface area" in the small box to the right. Please clarify.

Ms. Chalkley
April 26, 2004
Page Two

6. It appears the applicant has correctly calculated the required 2:1 mitigation, assuming 151,397 square feet is the total impervious area in the Buffer after development takes place; however, the credit given appears to be incorrect. If 302,794 square feet is the required 2:1 mitigation requirement, then the applicant should be subtracting the impervious area removed which I calculate to be 154,177 square feet. Therefore, the total 2:1 mitigation requirement is 148,617 square feet (302,794-154,177).
7. The other Buffer planting requirement of a minimum 25% of the total Buffer area appears to be correctly calculated.
8. Assuming the 103,704 square feet (minimum 25% mitigation requirement) will be planted in the Buffer, it appears that there is 159,715 square feet of pervious area remaining in the Buffer based on the figures provided in the table titled "Tabulation of Surfaces in the 100' Buffer After Development" (263,419-103,704). Please clarify.
9. The number of plantings provided should satisfy the County's requirements.
10. A Buffer Management Plan should be submitted and reviewed by the County foresters prior to planting the site. The plan should outline the proposed planting dates on each phase of the construction.
11. Please have the applicant clarify which surfaces in the Buffer are considered pervious. For example, is the decking area considered pervious? If so, what material will be located underneath the decking area?
12. Will the stormwater management trenches located in the expanded Buffer area require a variance?

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Governor

Ren Serey
Executive Director

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April 23, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Avalon Limited Partnership
Appeal # 1325

Dear Ms. Verdery:

I have received the above-referenced variance request to construct a tennis court within a nontidal wetland and its 25-foot buffer. This office does not support the placement of recreational amenities in a designated Habitat Protection Area. I have outlined our remaining comments below.

1. It is the understanding of this office that this subdivision was platted after the Critical Area Program took effect in Talbot County; therefore, if recreational amenities were planned for this subdivision, the applicant should have set aside an alternative site that would have accommodated these amenities and avoided disturbance to a designated Habitat Protection Area.
2. Regardless of whether the applicant can secure a permit from the Maryland Department of the Environment, the applicant must also be able to meet all five Critical Area variance standards, including the unwarranted hardship standard, under the Talbot County Critical Area Program. In order to meet this standard, the applicant must show that when the entire parcel is considered, the applicant would be denied reasonable and significant use of its property. Moreover, the applicant's requested use must be evaluated in comparison to the uses allowed to others under the County's Critical Area Program.

Ms. Verdery
April 20, 2004
Page Two

3. I have seen this site and understand that MDE considers this type of wetland to be a low priority for protection purposes; nevertheless Talbot County has specifically identified nontidal wetlands, regardless of their value by the State, to be a Habitat Protection Area that is afforded certain protections under the County's Critical Area Program.
4. Perhaps an alternative arrangement that would greatly reduce impacts would be to limit the site to one tennis court or to place the tennis courts in a lengthwise fashion.
5. The proposed roadway that leads to what appears to be a six-space parking area could be removed to further accommodate the tennis courts. This would also reduce impervious areas on this site.
6. Unless there is a specific requirement in the County's Zoning Ordinance that precludes the six parking spaces from being placed along the street, it appears that these spaces could be eliminated from the tennis court areas. The remaining portion of that road will only be serving five lots.

Based on the above comments, this office recommends denial of the requested variance to disturb a nontidal wetland and its buffer for a recreational amenity.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 205-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 23, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Steven Guttman

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to reconfigure an existing swimming pool in the 100-foot Buffer. I have outlined my comments below.

1. Provided this lot was existing prior to the County's Critical Area program, and the proposed reconfiguration will be no further waterward than the existing nonconforming structure, this office has no objection to the request.
2. The applicant should perform mitigation at a 2:1 ratio in the form of native Buffer plantings.

Thank you for the opportunity to comment. Please include this letter in your file and notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 231-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 23, 2004

Mr. Tom Hamilton
Town of Easton
P. O. Box 520
Easton, Maryland 21601

Re: Cooke's Hope Growth Allocation

Dear Mr. Hamilton:

This office has received the above-referenced growth allocation request for review. Before we can accept this package as a complete submittal for processing, we will need the following information.

1. The parcel history of Cooke's Hope phases 4 and 5, including the tax map and parcel information.
2. An updated environmental review letter from DNR.
3. The number of acres that are State tidal wetlands versus private tidal wetlands.
4. The Critical Area designations of the adjoining parcels and lots.

The Chairman will have 30 days to make an amendment or refinement determination once this office receives the information requested above. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney, Planning Officer, Talbot County

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 22, 2004

Ms. Elinor Gawel
Anne Arundel County Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Proposed Buffer Exemption Area – 1507 Circle Road, Annapolis
William B. and Patricia K. Hankins Property

Dear Ms. Gawel:

This office is in receipt of the above-referenced Buffer Exemption Area designation request for review and comment. Based on our knowledge of the site and subsequent to our site visit with you last week, this office is unable to conclude that the site qualifies for designation as a Buffer Exemption Area. The basis for this conclusion lies with the standard set forth in the Code of Maryland Regulations 27.01.09 C (8) where it states the following:

As part of the local Critical Area program to be submitted to the Commission, 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 residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the functions stated in §B of this regulation.

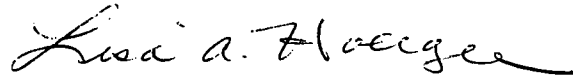
Section B of COMAR 27.01.09 B refers to the policies that local jurisdictions shall develop in regard to the Buffer. These policies include the water quality and habitat functions of the Buffer.

In evaluating the subject property, much of the land within the 100-foot Buffer consists of natural vegetation including trees, shrubs and herbaceous plants. The Buffer appears to be providing the water quality and habitat functions outlined in COMAR. The proposal consists of a single residential lot and is not adjacent to a previously designated BEA; therefore there appears to be no pattern of residential development of sufficient scale to justify mapping this site as a Buffer Exemption Area.

Ms. Gawel
April 22, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in black ink and is positioned below the word "Sincerely,".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 20, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Maryland Port Administration
200462102/04-WL-1045

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct a 25-foot wide by 100-foot long stone groin, and to plant marsh vegetation along 900 feet shoreline for shore erosion control. This office is aware of the Maryland Port Administration's plans, and we defer to your office regarding the proposal for this site. I have outlined my remaining comments below.

- 1) Since this project involves a State agency conducting development activities, this project will require review and approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
- 2) Any upland vegetation that may require removal will require mitigation at a 1:1 ratio of native Buffer Plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning and Zoning
Mr. Nathaniel K. Brown, Maryland Port Administration

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 20, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Boathouse at Easton Point, LLC
200460343/04-PR-0605

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct a floating platform and floating dock to establish a commercial marina. This office defers to your office concerning the proper construction and configuration when establishing commercial marinas. I have outlined my remaining comments below.

In the previous submittal for this property under wetlands license 03-WL-1070, this office provided comments concerning a walkway shown on the plans. The current request appears to show the same walkway that is labeled as being permitted under the wetlands license number indicated above. Based on our telephone conversation the other day and your subsequent email correspondence, it is my understanding that the previous wetlands license did not authorize the construction of the walkway. By copy of this letter, I am informing the Talbot County Planning Office of the applicant's intentions, assuming the walkway has not already been constructed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning and Zoning

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/

April 20, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Tom Nigra
200461495/04-WL-0949

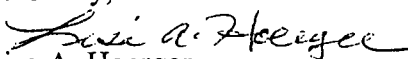
Dear Mr. Causey:

Thank you for forwarding the above-referenced request to emplace 4000 feet of stone revetment for shore erosion control. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment as a means of controlling shore erosion at this site. Generally we recommend less structural means, provided the site is suitable, in order to preserve the intertidal zone that may be used by several native species.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 20, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Sergio Proserpi
200462031/04-WL-1029

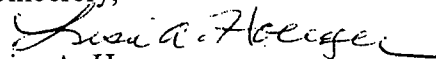
Dear Mr. Causey:

Thank you for forwarding the above-referenced request to emplace 525 feet of stone revetment for shore erosion control. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment as a means of controlling shore erosion at this site. Generally we recommend less structural means, provided the site is suitable, in order to preserve the intertidal zone that may be used by several native species.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 15, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Furnace Branch - MS 04-036

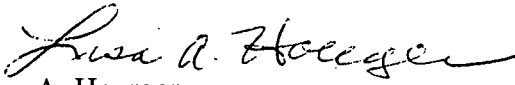
Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create three lots. I have outlined our comments below.

1. The 10% Rule calculations should be forwarded to this office for review. The applicant should be using the Critical Area Commission's recently updated (12/03) Critical Area 10% Rule Guidance Manual. One important change to the formula is that the "c" value remains a constant .3. If the County or the applicant needs copies of the updated manual, please let me know. The manual is also available on our website at www.dnr.state.md.us/criticalarea.
2. The Environmental Report states that bioretention is proposed to address stormwater; however, the site plan only shows water quality trenches and dry wells. If bioretention is proposed where does the applicant propose to locate it on each lot?
3. We encourage the applicant to replace the non-native, invasive species with native species on the perimeter of the lots to provide some additional habitat and water quality benefits. This will also provide a screen from the road.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 207-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Mark S. Somers & Motoko Somers
Appeal # 1318

Dear Ms. Verdery:

I have received the above-referenced allegation of error for review and comment. The applicant appealed a decision of the Talbot County Zoning Inspector claiming she erred by enforcing the removal of a shed within the 100-foot Buffer. The Commission has no information in our files concerning any evidence to support or oppose the claims made in this case. Absent that information, this office can only offer the following recommendation at this time. If the Board of Appeals determines this shed is not grandfathered, the Commission would oppose its location in the Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 265-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2004

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetland and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Anne Arundel County Department of Public Works - 200366126/04-WL-0352

Dear Mr. Cuthbertson:

I have received the above-referenced notice for the proposed dredging in Blackwalnut Creek and subsequent beach nourishment project at Highland Beach. This office has no comment regarding the proposed dredging project; however, we would like to comment on the beach nourishment.

The Commission's Science Advisor, Ms. Claudia Jones, participated in those discussions and supported the Town's overall proposal for the beach nourishment due to the effects of Hurricane Isabel. However, we were presented with several scenarios for placement of the beach fill and would ask that the final design selected by the Town and acceptable to your office be forwarded to this office for our records.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Crystal R. Chissell, Mayor
The Honorable Raymond L. Langston, Vice Mayor
Ms. Zora Lathan, Town Manager
Ms. Claudia Jones, CAC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Alex Collins, III - Appeal # 1327

Dear Ms. Verdery:

I have received the above-referenced variance request to locate a residential addition in the 100-foot Buffer to Bearskin Cove. Generally, this office does not oppose reasonably sized residential additions on grandfathered lots provided the applicant can demonstrate that the location in the Buffer is the only reasonable location for that expansion. Provided the Board of Appeals can make the required variance findings, this office offers the following recommendations:

1. Mitigation at a 3:1 ratio for the new area of disturbance in the Buffer is planted with native Buffer species inside the Buffer.
2. The applicant coordinate with the County to design some type of functional stormwater management device to offset the additional stormwater generated by this addition.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 144-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2004

Mr. Roy Little
Terrain, Inc.
106 Old Solomons Island Road
Annapolis, Maryland 21401

Re: Turkey Point Property

Dear Mr. Little:

At your request, I am providing you with written documentation of the findings of the Commission's Science Advisor, Ms. Claudia Jones, with respect to the site visit performed at the above-referenced property. I spoke with Ms. Jones this morning via telephone to confirm her findings and I have provided them below.

Regarding the watercourse on the right side of the dwelling (viewing the dwelling from the street side), Ms. Jones determined this was not a stream and therefore a 100-foot Buffer is not required. Nevertheless, Ms. Jones indicated that in order to achieve some water quality functions on this site, the 15% afforestation requirement and any other required mitigation be planted along this watercourse and around the small wetland in the middle of the property.

Thank you for coordinating with Commission staff regarding this request. If you have any questions, or require additional information please do not hesitate to contact us at (410) 260-3460.

Sincerely

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones, CAC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 8, 2004

Ms. Lorraine Strow
State Highway Administration
Project Planning Department
707 N. Calvert Street
Baltimore, Maryland 21202

Re: MD 450/CSX Railroad Grade Separation – Mitigation
Completion of Remaining Mitigation Requirement

Dear Ms. Strow:

At its meeting on April 7, 2004 the Project Subcommittee of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays accepted the final mitigation site at the University of Maryland, College Park campus in order to satisfy the remaining 5.74 of phosphorus required for removal for the project. The University of Maryland location was deemed acceptable since it is adjacent to the Little Paint Branch, which empties into the Northwest Branch of the Anacostia River.

Please provide me with the estimated installation dates of all the approved mitigation sites for this project within 30 days. Thank you for your cooperation and for your assistance with the project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Jason Cosler, Whitman, Requardt & Associates, LLP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 2, 2004

Mr. Ray C. Dintaman, Jr.
Environmental Review Unit
Department of Natural Resources
580 Taylor Avenue, B-3
Annapolis, Maryland 21401

Re: Blue Plains to Palmers Corner 230kV Feasibility Study - Prince George=s County
ERU 04-MIS-27

Dear Mr. Dintaman:

I have received the above-referenced project for review and comment. It appears the only portion of the project inside the Critical Area is on the Oxon Hill Farm property owned by the National Park Service. All other areas of the project are outside the Critical Area and are not subject to the State law.

If any clearing is proposed or disturbance to any Habitat Protection Areas (100-foot Buffer from mean high water, edge of tidal wetlands or streams, threatened or endangered species, forest interior dwelling bird habitat, etc.) is proposed, mitigation should be required. We have a concern with the alignment within the Oxon Hill Farm since two areas of that property area are being utilized to meet some of the reforestation requirements for the Woodrow Wilson Bridge project. Any disturbance of these reforestation areas must be restored by PEPCO.

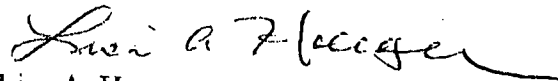
The applicant should provide Critical Area Commission staff with a copy of the proposed project where it occurs within the Critical area and list any applicable HPAs and the amount of disturbance and/or clearing in square feet. The applicant should also be coordinating with staff at the Prince George's County Department of Environmental Resources. I recommend the applicant contact Mr. Richard Thompson at (301) 883-5919.

Mr. Dintaman
April 2, 2004
Page Two

While this project will not require approval by the Critical Area Commission, all information should be sent to Commission staff for a more detailed review and comment.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Richard Thompson, Prince George's County DER

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 2, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Robert & Patricia Haase
A 031

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to construct a patio and deck addition. Provided the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:

1. Mitigation is required at a 2:1 ratio for all new impervious areas.
2. The County work with the applicant to design some form of stormwater management for the new addition given its proximity to the water.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 228-04

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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April 2, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: A. Jay Peikin
A 030

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to enlarge an existing deck and convert it into a screen porch. Provided the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:

1. Mitigation is required at a 2:1 ratio for all new impervious areas.
2. The County work with the applicant to design some form of stormwater management for the new addition given its proximity to the water.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 227-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 2, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Mark Levine & Sara Imershein
A029

Dear Ms. Verdery:

Thank you for forwarding the above-referenced administrative variance request to this office for review and comment. The applicant proposes to construct a residential addition that appears to be no closer to the water than the existing residential structure. This office has no objection to reasonably sized additions when the only location is in the 100-foot Buffer. However, I have the following comments for the County regarding the site plan submitted versus the architectural drawings submitted.

The site plan appears to show two independent additions with the removal of 82 square feet of existing brick paving. The applicant is counting this 82 square foot removal in the total impervious area removed; however, the architectural drawings appear to show the area of the brick patio to be removed being replaced with an enclosed addition. Please clarify whether the 82 square foot area is being replaced with impervious area.

If this area is being replaced with new impervious area as a result of the proposed addition, will there still be a net reduction of overall impervious area on site?

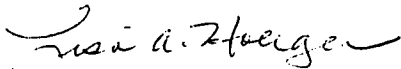
Provided there are not outstanding impervious surface issues that need to be addressed and the Planning Officer finds the applicant has met the variance standards, we recommend the following conditions:

Ms. Verdery
April 2, 2004
Page Two

1. Mitigation is required at a 2:1 ratio for any new impervious areas.
2. The County work with the applicant to design some form of stormwater management for the new addition given its proximity to the water.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 229-04

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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March 26, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Stoltz
M 1051

Dear Ms. Verdery:

I have received the above-referenced subdivision request for review and comment. It appears the applicant proposes to create three new lots although the site plan provided was not accompanied by any supporting documentation. I have outlined my comments below.

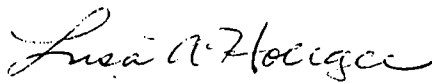
1. Since this subdivision request is in the sketch plan phase please have the applicant provide a description of the request for the next review. For example, it appears there is a lot line abandonment between parcels 28 and 155. Where was the old property line?
2. If new lots are being created, we recommend the County receive comments from the Department of Natural Resources, Heritage and Biodiversity Division prior to final recordation.
3. A note concerning Delmarva Fox Squirrel may be required given the location of this subdivision. The DNR letter should be able to clarify this item.
4. General Note # 14 should be amended to reflect the non-breeding season of FIDs to be September-February.

Ms. Verdery
March 26, 2004
Page Two

5. The lot numbers in General Note #16 do not correspond with the sketch plan. Please have the applicant clarify this item.
6. The site plan shows an area of tidal wetlands labeled "private." Please have the applicant provide information that indicates these wetlands are private.
7. Any areas determined to be State-owned wetlands cannot be used for the purpose of calculating density or determining allowable impervious area.
8. We recommend a table be added to the final plat that shows the allowable impervious surface limits for all lots and the clearing and/or afforestation requirements for each lot.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 203-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 26, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Listman Property - MS 04-029

Dear Mr. Callahan:

I have received the site plan for the above-referenced property. The applicant proposes to create one lot from the existing lot. I have outlined my comments below.

1. The letter from the Department of Natural Resources mentions three species that may occur on the site if appropriate habitat exists. What are the existing conditions of the site? Do the existing conditions match the habitat for any of the listed species? If so, we recommend a more detailed analysis of the dwelling location should be performed.
2. We recommend the plat include the allowable impervious surface and clearing limits for each lot.
3. The forest areas to remain should be placed in perpetual easements.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 193-04



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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March 26, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Harkers Point
MS 04-034

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to subdivide an existing lot into two lots. I have outlined my comments below.

1. We recommend notes be added to the plat to clearly state the impervious surface limits and clearing limits given both lots will have conservation easements.
2. While no water-dependent facilities are shown on the current plan, we recommend a note be added to the plat and deed alerting the future lot owner that the Department of Natural Resources be contacted prior to siting any water-dependent facilities.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 206-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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March 26, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: McCray Property
S 04-033, P 04-072

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create nine building lots on the non-Critical Area portion of the property and a stormwater management area and recreation area in the Critical Area portion of the site. I have outlined my comments below.

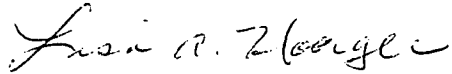
1. Stormwater management cannot be located in the Resource Conservation Area (RCA) when it is serving development outside the RCA and/or the Critical Area since stormwater management devices are considered a development activity.
2. Can the stormwater management be accommodated on each lot?
3. We recommend notes be added to the plat to clearly state the impervious surface limits and clearing limits of the Critical Area.
4. The recreation area in the RCA should be labeled as "Passive Recreation" to ensure the integrity of the RCA character remains.



Mr. Callahan
March 26, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 204-04

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

March 26, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bahama View
S 04-035, P 04-074

Dear Ms. Krinetz:

I have received the site plan for the resubdivision for the above-referenced property. The applicant proposes to resubdivide several lots into three lots. I have outlined my comments below.

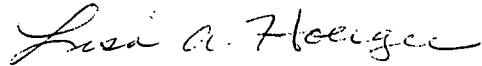
1. What is the purpose of the area labeled as "Reserved Area"? It is our understanding the County no longer plats these types of areas outside of recreational areas. Please clarify this item.
2. In order to determine the true acreage figure for proposed lot 64R, the wetland delineation must be completed. After the delineation occurs, the area of State-owned tidal wetlands cannot be counted in the total acreage figure when determining the allowable impervious area.
3. We recommend the access closest to proposed lot 13R be used to access proposed lot 64R.
4. Riparian access should be located to minimize disturbance to the nontidal and tidal wetlands on the site. While the proposed path may exist, it may not provide the minimum disturbance.



Ms. Krinetz
March 26, 2004
Page Two

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 169-04

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 26, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Cedar Park Farm
S 01-066, P 02-119

Dear Mr. Shaver:

I have received the revised plat and site plan for the above-referenced property. It appears the applicant addressed the comments of my last letter dated June 11, 2003, and I have no further comments based on the revised plat and plans.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 338-02



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 19, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: The Shoppes at Bay Hundred
373

Dear Ms. Verdery:

I have received the 10% Pollutant Reduction calculations and revised plantings plan for the above-referenced project. The application indicates there will be no post-development impervious area for purposes of the 10% calculations. This is incorrect. Please have the applicant recalculate the 10% worksheet with the post development impervious area that will be on the site.

The planting plan has been updated to include native species except for the shrubs and ground cover. If these species are not being used to satisfy a mitigation requirement, then this office defers to the County regarding their use on this site; however, there are species of Barberry that can be invasive and we would caution the applicant and the County from using this species. Thank you for the opportunity to comment. Please telephone me if you have questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 930-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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March 19, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Christopher and Beverly Spurry - Appeal 1320

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request. The applicant proposes to construct two residential additions in the 100-foot Buffer. Contrary to the applicant's response to the variance standards, the Critical Area Commission views reasonable expansions on grandfathered lots to be permitted in the 100-foot Buffer. This office has no objection to either addition provided the Board of Appeals is able to find that the applicant's request is the minimum necessary to afford relief.

We recommend 3:1 mitigation for the new area of disturbance created by both of the additions. We would like to take this opportunity to mention that the allowable impervious area on this lot is 25%, and that it appears the applicant will decrease the overall impervious area on the lot.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 167-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 19, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Donald D. Foster
M 1046

Dear Ms. Verdery:

I have received a revised plan for the above-referenced subdivision request. The applicant proposes to create six lots in the Resource Conservation Area. I have outlined our comments below.

- 1) Since the date of my last comment letter (11/25/03) I have received a copy of the comment letter from the Department of Natural Resources.
- 2) The DNR letter indicates the site either supports or is in the vicinity of Delmarva Fox Squirrel habitat. We recommend DNR and the U.S. Fish and Wildlife Service be contacted to ensure the lot locations will not impact the squirrel habitat.
- 3) The DNR letter also states the site may support FID habitat. Since the immediate parcel, and the area of the proposed lots do not appear to be in or near contiguous forested areas of 50 acres or more, the FID guidelines outlined in the DNR letter do not apply.
- 4) The notation on the plat indicates the stream determination is pending an Army Corps of Engineers field determination. This office may wish to accompany County staff to this site to make this stream determination and to search for alternative access locations.

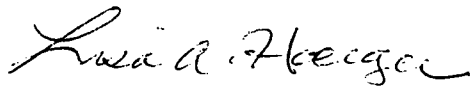


Ms. Verdery
March 19, 2004
Page Two

- 5) As stated in my last letter, the applicant may be required to seek a variance for the proposed private road to access the lots if these streams exist.
- 6) We assume the Army Corps of Engineers visit will also verify the presence or absence of any wetlands on the site. If tidal wetlands are found, the applicant must provide information as to whether they are State or privately-owned for the purpose of calculating density.
- 7) The 100-foot Buffer must be reestablished on those lots were the Buffer is not fully forested. Any areas established can be used as credit for any required afforestation.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 828-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 16, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: David Wheeler Honda, Site Plan - 381

Dear Ms. Verdery:

Thank you for providing the site plan for the above-referenced property. The applicant proposes to expand an existing building in the Critical Area. I have outlined my comments below.

1. It appears this parcel received a growth allocation from an RCA to an LDA in 1992; therefore, impervious surfaces are limited to 15% of the parcel. Apparently this site was nonconforming prior to mapping with regard to the impervious coverage. Nevertheless, the applicant is maintaining the existing limit by constructing over existing pavement area.
2. It appears no Habitat Protection Areas will be impacted based on the proposed disturbance and construction.
3. We recommend the County work with the applicant to establish, if none currently exists, some form of stormwater management measures given the amount of impervious coverage on site.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 150-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 16, 2004

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Bette S. Kenzie
M 1028

Dear Ms. Verdery:

Thank you for forwarding a revision to the above-referenced subdivision request. It appears the applicant amended the site plan so that all four lots are almost entirely outside the Critical Area portion of the parcel. I have outlined my comments below.

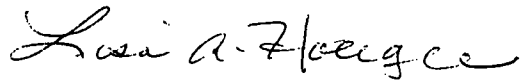
1. Prior to final plat approval, the County should receive a letter from the Department of Natural Resources, Heritage and Biodiversity Division, to determine whether any threatened or endangered species or their habitats are located on or near the site.
2. The Development Rights Summary indicates there are zero development rights remaining in the Critical Area. Please provide information on where the permitted density right was used.
3. In case the applicant or the County discovers there is potential for lots in the RCA, the applicant should be made aware that changing the area of a parcel inside the Critical Area by subdivision changes the parcel history. If the parcel history is changed since the grandfathering date, future subdivision in the Critical Area via the intra-family transfer provision is prohibited.
4. Based on the site plan provided, it appears the location of the access road and a portion of lot 4 would be platted in the Critical Area and therefore have the effect of changing the overall parcel history.

Ms. Verdery
March 16, 2004
Page Two

5. Future subdivision by density would not be affected.
6. We recommend notes be added to the final plat indicating the amount of impervious area inside the Critical Area portion of the parcel.

Please telephone me at (410) 260-3478 if you have any questions, or if I can provide you with additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 503-02

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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March 15, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Thomas K. Hodges and Halina K. Hodges - M 1052

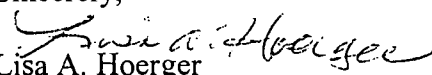
Dear Ms. Verdery:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create two lots from one existing parcel in the Resource Conservation Area. I have outlined my comments below.

1. Has the County received a comment letter from the Department of Natural Resources, Heritage and Biodiversity Division? If not, this letter should be received prior to final plat approval.
2. The survey does not appear to be sufficiently detailed to provide the true acreage figure of the parcel. It is important that this information is as accurate as possible since the area of the site is used for density purposes. For example, there appear to be areas of open water that are included in the parcel acreage figure.
3. The tidal wetland information appears to be based on the 1971 DNR maps and the NWI maps? Will the County require a field survey to determine whether there have been any changes since the time these maps were prepared? How did the applicant determine the acreage figure is .008 acres if they were using two maps?

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions or if I can provide you with additional information.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 151-04

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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March 15, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Tinsley Meekins, Jr. and Cheryl B. Meekins
L 947

Dear Ms. Verdery:

I have received the above-referenced plat revision for review and comment. It appears the revision occurs outside the Critical Area portion of the site. Provided the revision is otherwise consistent with the Talbot County Critical Area Program, and there are no Habitat Protection Area issues that need to be addressed, then this office has no objection.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 155-04

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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March 15, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Millstone Residence
A 028

Dear Ms. Verdery:

I have received the above-referenced administrative variance request for review and comment. The applicant proposes to construct a residential addition in the 100-foot Buffer. I have outlined my comments below.

1. Provided this lot was existing prior to the County's Critical Area program, and the proposed addition will be no further waterward than the existing structure this office has no objection to the request.
2. The applicant should perform mitigation at a 2:1 ratio in the form of native Buffer plantings.

Thank you for the opportunity to comment. Please include this letter in your file and notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 152-04

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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March 15, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Woodward Investments, LLC
L 949

Dear Ms. Verdery:

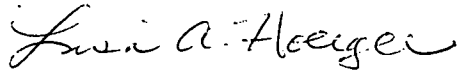
I have received the above-referenced lot line revision for review and comment. I have outlined my comments below.

1. Provided the revision is consistent with the Talbot County Critical Area Program, and there are no Habitat Protection Issues that need to be addressed, then this office has no objection.
2. It appears the reported allowable impervious surface figures are correct.
3. There is a setback line established on the plan for parcel 2. It appears the applicant is calculating the allowable setback on the basis that Talbot County has mapped these parcels as a Buffer Management Area (BMA); however, it is our understanding that the County Council has not yet adopted these maps. In that regard the current setback for lot 2 is 100 feet until the time the official BMA maps area adopted and approved by the County Council and the Critical Area Commission.
4. When and if the County Council adopts the BMA maps, and subsequent Critical Area Commission approval is received, the setback determination is based on the use of the site. The setback language passed by the County Council and currently pending Critical Area Commission review and approval are as follows: Residential uses in a BMA in the VC zone have a setback based on calculating the average setback of existing principal structures; commercial, industrial or institutional uses in the VC zone in a BMA have a fifty-foot setback.

Ms. Verdery
March 15, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 154-04

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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March 15, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Donald A. Albright, Sr. and Mary E. Albright
L 948

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. It appears the revision is consistent with the Talbot County Critical Area Program. Provided there are no Habitat Protection Issues that need to be addressed, then this office has no objection.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 153-04

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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March 11, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cherry Blossom View - MS 03-061

Dear Mr. Shaver:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has addressed the comments of my last letter dated December 1, 2003. I have outlined my remaining comments below.

1. The total site area report appears to include the sum of the three lots plus the area of the widening strip. Why is this necessary if the widening strip will be deeded over to the County? If this information must be included, we recommend the information be presented more clearly in the table rather than inserting the widening strip information in the total site area row.
2. What does the 61,615 square foot figure represent? Please have the applicant clarify.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 571-03



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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March 11, 2004

Mr. Nathaniel K. Brown
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore Maryland 21224-6621

Re: Cox Creek Dredged Material Containment Facility – Unloading Pier

Dear Mr. Brown:

Thank you for the information on the above-referenced project. It appears the Maryland Port Administration is in the preliminary design stages of the unloading pier. Once the plans are finalized, please forward the specific disturbance information to the 100-foot Buffer. Disturbance includes any clearing, grading and footprint, where applicable. Any other permits required should be in hand prior to approval by the Critical Area Commission.

Please notify me when the plans are finalized so we can schedule this project on the Critical Area Commission's agenda. All information should be received no later than one month prior to the Commission meeting. The Commission meets the first Wednesday of each month.

Thank you again for the information. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Bill Lear, MPA
Larry Walsh, MES

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Dan Cowee
A 025

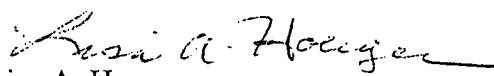
Dear Ms. Verdery:

I have received the above-reference administrative variance request for review and comment. The applicant proposes to convert an existing deck into a screen porch, construct a second deck, and construct a residential addition in the 100-foot Buffer. I have outlined my comments below.

1. Provided this lot was existing prior to the County's Critical Area program, and the proposed addition will be no further waterward than the existing structure this office has no objection to the request.
2. The applicant should perform mitigation at a 2:1 ratio in the form of native Buffer plantings.

Thank you for the opportunity to comment. Please include this letter in your file and notify the Commission of the decision made in this case.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 145-04



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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March 5, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Pleasant Plains
S 90-392, P04-050

Dear Mr. Callahan:

I have received the above-referenced site plan for review and comment. The applicant proposes to consolidate three lots into one building lot. From the information provided, and statements in the application it appears the resulting single lot will provide adequate room for a dwelling and any associated uses without the need for variances; therefore, this office has no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 123-94



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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March 5, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Stusek and Lawson Property
MS 04-023

Dear Mr. Shaver:

I have received the above-referenced subdivision request for review and comment. The applicants propose to create a three-lot subdivision. According to the site plan provided, only two areas of the existing parcel are in the Critical Area. Except for the new driveway, there will be no other disturbance to the Critical Area portion of this parcel; therefore, we have no further comment

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 108-04

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/

March 5, 2004

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: David Taylor Mitigation

Dear Ms. Chalkley:

At your request, this office is providing guidance to the County regarding the mitigation requirements for Government Reuse Facilities that are in a Buffer Exemption Area. The County's ordinance requires a two-prong mitigation strategy, and the Commission's interpretation of how this would be applied is as follows:

1. The first prong involves calculating 25% of the entire 100-foot Buffer area. This acreage (square footage) should then be planted with native trees and shrubs in the Buffer at widths not less than 10-feet.
2. The second prong requires the applicant to calculate the total impervious surface in the Buffer at the post development stage and multiply that figure by two to generate the 2:1 mitigation requirement prescribed in the ordinance.

Section 1A-109 d (5) (II) of the Zoning Ordinance also allows credit to be given if there is an overall reduction in impervious area; therefore, the applicant may subtract the net reduction in impervious area from the total 2:1 mitigation acreage.

If you have any questions, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Betty Dixon, Planning and Zoning
Ms. Elinor Gawel, Environmental and Cultural Resources
Mr. Pearse O'Doherty, O'Doherty Landscape Architecture

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Ren Serey
Executive Director

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March 5, 2004

Mr. Robert E. Anderson
Transportation Engineering Division
Maryland Transportation Authority
300 Authority Drive
Baltimore, Maryland 21222-2200

Re: U.S. 50 Toll Plaza Widening – Update on 10% Pollutant Removal Requirement

Dear Mr. Anderson:

At its meeting on March 3, 2004, the Project Subcommittee of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays accepted MdTA's proposal that the grass channel installed for the original lane expansion project is capable of providing adequate pollutant removal to satisfy the 10% removal requirement. This proposal was based on recalculating the 10% formula using the new "C" value provided in the Commission's updated Critical Area 10% Rule Guidance Manual.

Please remember to forward your approved MDE permits. Also, please amend your planting plan to include two trees to replace the two dead trees removed within the last month at this location.

Thank you and Mr. Ramsay for attending the subcommittee meeting. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Keith Ramsay, RK & K
Ms. Sarah Williamson, Coastal Resources, Inc.

Robert L. Ehrlich, Jr.
Governor



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March 4, 2004

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva, MS 6303
Annapolis, Maryland 21401

Re: Tanyard Cove Pre-Submittal

Dear Ms. Allen:

We have received the pre-submittal plans dated January 2004 and February 4, 2004 from the applicant. It is our understanding the applicant will be submitting a special exception for a Planned Unit Development (PUD) in the near future. If the PUD is approved, we will provide more detailed comments at that time. I have outlined our preliminary comments below.

1. Our primary concern is the conservation and protection of the Forest Interior Dwelling Bird (FID) habitat. Ms. Claudia Jones, the Commission's Science Advisor, reviewed the latest plan submitted by the applicant. She determined that it appears the applicant has met the guidelines in the Commission's FID guidance document. Mitigation will be based on area cleared, and that mitigation shall create new FID habitat.
2. It appears there are several areas where the pre-development edge line and the post-development edge line are drawn incorrectly. Despite this we believe the FID guidelines have been met.
3. We understand a parcel along the northern tip of Solleys Cove was deeded over to Anne Arundel County Department of Recreation and Parks. In order for this project to continue to meet the FID guidelines, the development of this parcel must minimize clearing to avoid impacting additional interior FID habitat.

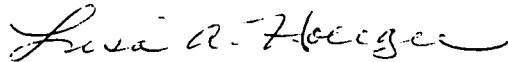


Ms. Lori Allen
March 4, 2004
Page Two

4. In addition, the Recreation and Parks parcel appears to be designated as an RCA; therefore, this area should be limited to passive recreation.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones, CAC
AA 118-04

Robert L. Ehrlich, Jr.
Governor



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Chairman

Ren Serey
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March 2, 2004

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property – Resubmittal of the Final Plan and Final Plat
S 02-089, P 02-191

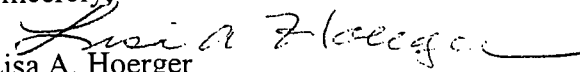
Dear Ms. Krinetz;

I have received another resubmittal for the above-referenced subdivision request. It appears the applicant has addressed the comments of my last comment letter dated November 18, 2003. I have outlined my remaining comments below.

1. The area of State-owned wetlands should be subtracted from the net lot areas when calculating the allowable impervious area.
2. On sheet 1 of 12 in the Lot Summary chart, the total net tract area should be 13.63 acres rather than 13.61 acres.
3. One plat 1 of 2 in the LDA/IDA Critical Area Clearing Calculations chart, the total LDA/RCA maximum clearing permitted the total for lot 2 should be 26,209 and the resulting total for that would be 35,526.

Thank you for the opportunity to comment. If you have any questions please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

Robert L. Ehrlich, Jr.
Governor

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March 2, 2004

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road
Annapolis, Maryland 21401

Dear Ms. Gawel:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that Anne Arundel County Council Bills 49-03 and 78-03 are amendments to the County's Critical Area Program. Commission staff will notify you of the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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March 2, 2004

Mr. George Kinney, Planning Officer
Talbot County Office of Planning and Zoning
Courthouse, 11 N Washington Street
Easton, Maryland 21601

Re: Talbot County Council Bills 922, 926, 927, 929, 931, 932

Dear Mr. Kinney:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that Bills 922, 926, 927, 929, 931 and 932 are amendments to the Talbot County Critical Area Program. Commission staff will notify you of the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Cheril Thomas, Town Manager – Town of St. Michaels

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Executive Director

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March 2, 2004

Mr. George Kinney, Planning Officer
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Talbot County Bill 933

Dear Mr. Kinney:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined County Council Bill 933 to be an amendment to the County's Critical Area Program. Commission staff will notify you of the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Cheril Thomas, Town Manager – Town of St. Michaels

Robert L. Ehrlich, Jr.
Governor



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Chairman

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Executive Director

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March 2, 2004

Ms. Cheril S. Thomas
Commissioners of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

**RE: Town of St. Michaels, Program Text Amendment
Ordinance No. 304**

Dear Ms. Thomas:

Thank you for providing information on the referenced change to the St. Michaels Critical Area Program. Ordinance No. 304 amends various provisions of Section 5 (Zone Regulations), Subsection 11 (Growth Allocation District) and Subsection 14 (Amendments in the Critical Area District) of the St. Michaels Zoning Ordinance. The Ordinance reflects an analysis of the Town's Program Document and Zoning Ordinance and revisions to eliminate duplication in approval of map amendment and growth allocation processes, and a correction in the order for Town Commission and Critical Area Commission approval of map amendments. The Chairman determined this change is an amendment to the Town's Critical Area Program. Commission staff will contact you to discuss the public hearing procedures.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. George Kinney, Planning Officer Talbot County

Robert L. Ehrlich, Jr.
Governor



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March 2, 2004

Ms. Cheril S. Thomas
Town of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

Re: Miles Point Property III – Growth Allocation

Dear Ms. Thomas:

Thank you for forwarding the above-referenced growth allocation request. The Commission staff has accepted the materials forwarded by the Town to be a complete submittal. The Chairman determined this request is an amendment to the Town's Critical Area Program. Commission staff will contact you to discuss the public hearing procedures.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3480.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney, Planning Officer Talbot County

Robert L. Ehrlich, Jr.
Governor



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March 2, 2004

Ms. Deborah Renshaw
Town of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

Re: Miles Point Property, LLC - Annexation

Dear Ms. Renshaw:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that the Miles Point Property annexation request is an amendment to the Town's Critical Area Program. Commission staff will contact you to discuss the public hearing procedures.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3480.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney, Planning Officer Talbot County



Robert L. Ehrlich, Jr.
Governor

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March 1, 2004

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Stotz Subdivision - 99-016

Dear Ms. Chalkley:

I have received another resubmittal for the above-referenced subdivision request. I have outlined my comments below.

1. The impervious surface information in note #10 is still not clear. What does "remainder for lots 2-4" mean? This appears to provide more impervious area than permitted.
2. Please ensure the applicant is including and planning for the area of the existing and proposed driveways in their impervious surface calculations.
3. Please ensure the septic line location is not in the expanded Buffer for hydric soils. It is my understanding the location is consistent with the soils analysis performed by an independent soil scientist confirmed by the Natural Resources Conservation Service.
4. Where is the location of the easement and how many acres are proposed in the easement?

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 67-99

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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March 1, 2004

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

**RE: Critical Area Reclassification 2003-0524-C,
Pleasure Cove Marina**

Dear Mr. Konowal:

Thank you for providing information on the above-referenced zoning and Critical Area reclassification request. The applicant is proposing that 12.03 acres of a 27-acre parcel be reclassified from MB to R2 and from RCA to LDA. The parcel is partially developed as a marina. The RCA portion of the site is currently undeveloped.

This office has no comment on the zoning reclassification. In regard to the Critical Area reclassification request, your office has asked us to comment on the existing uses on the RCA portion of this property. The information contained in the application indicates that a relatively small portion of the site proposed for a reclassification from RCA to LDA is an authorized spoil site. Sites of this size and scope reserved for the placement of spoil are consistent with the RCA character. In addition, the remaining portion of the RCA on this site is forested and contiguous to a large undeveloped forested area, and also appears consistent with the character of a RCA.

Thank you for the opportunity to comment. Please notify the Commission of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Elinor Gawel
AA 34-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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February 27, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Doncaster Subdivision – Passyn & Passyn, L 938

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. It appears the purpose of this revision is to comply with the Health Department regulations. I have outlined my comments below.

1. Provided the revision is consistent with the Talbot County Critical Area Program, and there are no Habitat Protection Issues that need to be addressed, then this office has no objection.
2. The allowable impervious surface figures need to reflect the area of Shawnee Avenue. This should be listed along with the area for the proposed lots. Consequently, the allowable impervious area may need to be adjusted when the area of the road is added in order to maintain the 15% limit for the overall subdivision.
3. We recommend that the County's standard note be added to the plat regarding the 100-foot Buffer on Parcel 115, and that any cutting or clearing must be approved by the Office of Planning and Zoning.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 44--04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 27, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Tilghman Volunteer Fire Company, Inc.
L 945

Dear Ms. Verdery:

I have received the above-referenced lot abandonment for review and comment. This office is aware of the development plans for these lots as we have visited the site and have provided comments on the site plan and subsequent variance request; therefore, we have no comment regarding this request.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 749-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Lt. Governor

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February 27, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Jonathan P. Moore - 1310

Dear Ms. Verdery:

I have received the above-referenced variance request to construct an accessory structure within the 100-foot Buffer to a tributary stream. I have outlined my comments and recommendation below.

I accompanied County staff to this site on Tuesday, February 24, 2004. We observed two streams that border both sides of the property, and a wetland to the rear of the property. In addition to the 100-foot Buffer, this site also has slopes that appear to be 15% or greater and are within the Buffer; therefore, it appears the majority of this lot falls within the expanded Buffer for steep slopes.

It is our understanding from County staff that the applicant was told by a building inspector, contracted out by the County, that the location of the accessory structure was in compliance with all setbacks; however, the applicant failed to receive written approval by the planning office for the new location.

Since the majority of the site is in the expanded Buffer, it seems the primary structure would also require a variance to be sited in the Buffer. This office was provided a copy of the original building permit for the accessory structure that did not provide topography to determine the extent of actual location of the Buffer. If the information provided for the building permit for the primary structure also did not include this information, then we assume the County was not aware of the contiguous steep slopes that necessitated the variance.

Ms. Verdery
February 27, 2004
Page Two

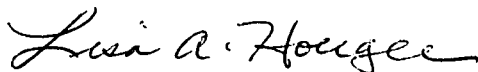
If the Board finds the applicant has met the variance standards, we recommend the following conditions:

1. The applicant performs mitigation in the form of native Buffer plantings at a 3:1 ratio based on the footprint of the accessory structure and adjoining parking area to be established around the perimeter of the property to establish a vegetated Buffer.
2. The applicant performs mitigation in the form of native Buffer plantings for the footprint of the primary dwelling in the expanded Buffer.
3. The applicant install proper sediment and erosion control measures in those unstable areas on the property, particularly along the southern property boundary near the stockpile areas until all grading is completed.
4. The concrete cinder blocks and other debris are removed from the edge of the stream bank.
5. The County staff assists the applicant in installing various stormwater management devices to offset the additional runoff created by the accessory structure.
6. The center driveway is removed since the site already supports two driveway access areas in the Buffer that serve the dwelling and the accessory structure.

Finally, we understand the County is in the process of creating its own building permit division, which will include inspectors. We strongly recommend these inspectors be cross-trained to ensure they are aware of the environmental setbacks found in the County's Zoning Ordinance. We also recommend that any changes to a structure's location be reviewed, with adequate site information provided by the applicant, to include written authorization by the Planning and Zoning office to ensure compliance with the County's Zoning Code.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 17-04

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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February 25, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Evelyn Reeser & Raymond Alcorn
1315

Dear Ms. Verdery:

I have received the above-referenced variance request to construct a residential addition and deck within the 100-foot Buffer and to exceed the impervious surface limitations. It is my understanding the last plat that was signed by the Planning and Zoning Officer on July 19, 2000 included a plat note that limited additional impervious area on Lot 1 to 300 square feet. There was an additional plat note that limited the overall subdivision to 15% impervious coverage.

The impervious surface information provided indicates the request is for an additional 706 square feet, which is 406 square feet over the allowable limit established by the plat. I understand there is little or no opportunity on-site to remove existing impervious area. Absent that option, can the applicant reduce the footprint of the addition or eliminate the porch area?

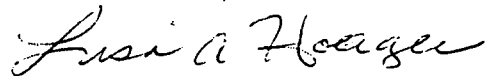
If the Board of Appeals determines this request can be approved, we recommend the following conditions:

1. Mitigation at a 3:1 ratio for new disturbance to the Buffer (grading, footprint and clearing).
2. Some form of stormwater management be installed to minimize impacts from the additional impervious surface in the Buffer.

Ms Verdery
February 25, 2004
Page Two

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 94-04

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

February 26, 2004

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

Re: POS Project # 4519-9-105
Vienna Town Park -Boardwalk, Dorchester County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. From the site plans provided it appears the proposed boardwalk project will occur in the Limited Development Area and in a Buffer Exemption Area within the Town of Vienna's Critical Area; therefore, this development activity must comply with the requirements of the Town's Critical Area program.

Minimizing impervious surfaces, clearing and disturbance, and providing adequate stormwater and sediment and erosion control will be required. In addition, mitigation will be required for disturbance to the wetland and for any clearing of vegetation inside and outside the Buffer. The Town will be required to receive approval for the project by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Thank you again for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Tracey Gordy, Critical Area Circuit Rider – Town of Vienna

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/

February 23, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: John O. Brooks
M 1035

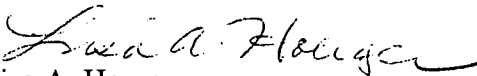
Dear Ms. Verdery:

I have received a revision to the above-referenced subdivision. It appears the applicant has addressed some of the comments of my previous letter dated November 25, 2003. I have outlined my remaining comments below.

1. Please have the applicant provide information regarding the note on the plat indicating density that was previously transferred.
2. Has the County received a comment letter from the Department of Natural Resources, Heritage and Biodiversity Division? If not, this letter should be received prior to final plat approval.

Thank you for the opportunity to comment. Please telephone me if you have any questions or if I can provide you with additional information.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 829-03

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 23, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: William Ford – Travelers Rest
L 944

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. It appears the applicant proposes to adjust the lot line to accommodate an additional septic area. Provided the lot line revision otherwise conforms to the Talbot County Critical Area program, this office has no further comment.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 91-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 23, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Carolyn R. Cuneo
M 1050

Dear Ms. Verdery:

I have received the above-referenced minor subdivision for review and comment. The applicant proposes an intra-family transfer on a 12.429 acre parcel. I have outlined my comments below.

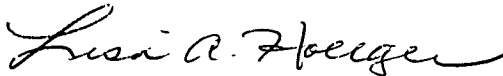
1. While the site plan stated the wetlands were private, there was no other information indicating vegetation type and the size of the wetlands. The County should verify this information since a parcel must be 12 acres or more to be eligible for three intra-family transfer lots, and state wetlands cannot be used towards parcel size.
2. A letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species must be received by the County prior to final subdivision approval.
3. It appears afforestation is required on this site since the reported existing forested area is below the 15% threshold; therefore, .796 acres of afforestation is required since 15% of 12.429 acres is 1.864 and the site currently has 1.068 acres of forest.
4. We recommend the required afforestation be planted within the 100-foot Buffer to Spencer Creek to aid in re-establishing those areas of the Buffer that are not currently vegetated.

Ms. Verdery
February 23, 2004
Page Two

5. Note 11 refers to DNR. It should refer to the Maryland Department of the Environment (MDE), and should include MDE at the end of the last sentence since MDE would also need to issue any required permits.
6. We recommend the intra-family transfer regulations contained in the County's Zoning Ordinance in Section 190-58 G should be included in the notes on the final plat and in the deeds for each lot.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 92-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 17, 2004

Mr. Michael Murray
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Albert Retowsky
MS 01-102

Dear Mr. Murray:

I have received a second resubmittal for the above-referenced subdivision request. The applicant addressed my comments from my last letter dated January 7, 2004 concerning the 10% impervious surface limitation and adding notes to the final plat that include the contributing drainage area and limited activity area. I have outlined my remaining comments below.

1. The tabulations table indicates that total clearing is 30%; however, this may be misleading since once the initial clearing is completed, the remaining areas of all three lots will be in an easement and will preclude additional clearing up to 30%.
2. Additionally, any future clearing above 20% of the original forested area would require 1.5:1 mitigation or a higher fee-in-lieu; therefore, we recommend the clearing be limited to 20% on the plat or within the area outside the easement, whichever is less.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 682-01



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 17, 2004

Ms. Deborah Renshaw
Town of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

Re: Miles Point Property, LLC – Annexation

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced request for a change to the Town's Critical Area maps. The Chairman will review this map change annexing additional land into the Town of St. Michaels, and will make an amendment or refinement determination within 30 days of the date of this letter. Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Please telephone me at (410) 260-3478 if you have questions or comments regarding this process.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney, Planning Officer Talbot County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

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Executive Director

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February 10, 2004

Ms. Lori Allen
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Nantucket on the Severn- Resubmittal for the Resubdivision of Lots 1 & 2
S 01-074, P 03-157

Dear Ms. Allen;

I received the resubmittal for the above-referenced subdivision. It appears the comments of my last letter dated December 16, 2003 were addressed. Please forward a copy of the Buffer Management Plan when it becomes available.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Doug Musser, County Forester

Robert L. Ehrlich, Jr.
Governor



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Chairman

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February 10, 2004

Mr. Steve Callahan
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Mark Hestrin
MS 04-010

Dear Mr. Callahan:

I have received the above-referenced subdivision request to create three lots. I have outlined my comments below.

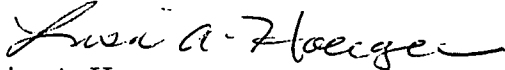
1. With the creation of a new waterfront lot, any development must comply with all Buffer requirements, regardless of whether the original parcel was mapped as a Buffer Exemption Area.
2. We recommend all nonconforming structures inside the 100-foot Buffer be removed prior to redevelopment of the site.
3. The location of the dwelling on proposed lot 3 should be sited further back from the edge of the 100-foot Buffer. The current location allows no room for future additions or expansions (i.e. decks, patios).
4. The final plat should include existing, proposed for removal, proposed and remaining allowable impervious area for each lot.
5. I calculate 15% of 210,891 square feet to equal 31,634 square feet. Please have the applicant correct this figure.

Mr. Callahan
February 10, 2004
Page Two

6. The area of the driveway needs to be calculated in the overall impervious area used on the site.
7. Where does the applicant propose replanting? Will this occur on-site?
8. A note should be added to the final plat alerting the lot owner of proposed lot 3 that no clearing is permitted in the 100-foot Buffer without an approved plan from the County.
9. A note should be added to the final plat for all three lot owners instructing them to contact the County for approval of any clearing on their lots.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 68-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 6, 2004

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Osprey Landing (formerly Carolstown Landing)
S 97-095, P 00-214

Dear Ms. Allen:

I have received another revision to the final development plans for the above-referenced subdivision request from the applicant in response to my December 23, 2003 comment letter. It appears the applicant has adequately addressed those comments; however, I have one remaining suggestion, which I have outlined below.

The plat note regarding the maximum allowable impervious area might be made clearer. I recommend it state that any remaining impervious area is equal to the maximum allowable impervious area minus the impervious per plan (last column). Alternatively, a final column could be added that states the remaining allowable impervious area.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 651-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Ren Serey
Executive Director

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February 6, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Edward Einhorn
200460342/04-WL-0604

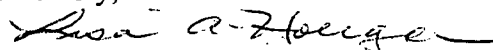
Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct low profile stone edging and two stone groins for shore erosion control. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone edging and groins. Generally we recommend less structural means, provided the site is suitable, in order to preserve the intertidal zone that may be used by several native species.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 6, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Harbourside, Inc.
04-WL-0789

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to excavate existing fast land, and to remove and reconfigure an existing marina. I have outlined my comments below.

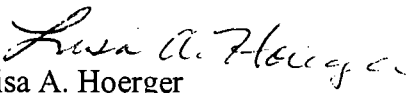
- 1) We defer to your office regarding the marina configuration.
- 2) The applicant proposes to excavate a portion of the 100-foot Buffer, which is a regulated Habitat Protection Area in the Town of St. Michaels. In addition, the Town has an ordinance that specifically addresses excavation issues; therefore, the applicant should be informed that coordination with the Town of St. Michaels is required and that a permit from your agency does not automatically permit excavation.
- 3) If the Town permits this excavation, mitigation in the form of plantings or a fee-in-lieu of may be required.
- 4) The applicant also proposed a boardwalk. This will also require the Town of St. Michaels input and approval, which may include relocating the walkway and planting along the shoreline. Please direct the applicant to contact the Town.



Mr. Causey
February 6, 2004
Page Two

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Deborah Renshaw, Zoning Inspector – Town of St. Michaels
Mr. Roby Hurley, Critical Area Circuit Rider
Mr. Roland Limpert, Department of Natural Resources
Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor



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Executive Director

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February 5, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21610

Re: Tilghman Volunteer Fire Department
Appeal # 1314

Dear Ms. Verdery:

I have received the above-referenced variance request for greater impervious area than allowed in a Limited Development Area. As you know, this office has provided the County with preliminary comments regarding the site plan review and I had the opportunity to visit the site with you. I have outlined my comments below concerning the variance request.

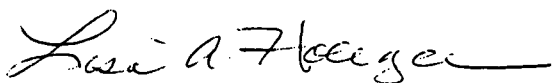
1. In my last comment letter regarding the site plan, dated January 6, 2004 (attached), I indicated that this office considers the overall site to have no more impervious area than the existing impervious area.
2. I also stated that if the County still required a variance, this office would not oppose the variance.
3. If the Board of Appeals grants the request, I recommend the approval be conditioned that no further impervious area be permitted on either parcel.
4. The application indicates the site is meeting the 10% Pollutant Reduction rule but does not indicate how that is being achieved. I recommend the applicant install site-appropriate Best Management Practices to offset any additional stormwater leaving the site.

Ms. Verdery
February 5, 2004
Page Two

5. I recommended in my previous letter that the applicant substitute native species in place of the nonnative species that appear in the landscaping schedule on sheet six of six. I continue to make this recommendation if the variance is granted.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 49-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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February 5, 2004

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Map Amendment
Pennington/Koch Associates, LLC Property

Dear Ms. Gawel:

At its meeting on February 4, 2004, the Critical Area Commission concurred with the Chairman's determination that the above-referenced Critical Area Map amendments were refinements to the Anne Arundel County Critical Area Program, and they were approved. The County reclassified a total of 2.04 acres of LDA to RCA, and .42 acres of RCA to LDA. Both changes involved the correction of a mistake made in the original mapping.

Since .42 acres of RCA was changed to another classification the County must deduct .02 acres (5% of .42 acres) from the County's available growth allocation reserves. Similarly, the County should add .10 acres (5% of 2.04) to its growth allocation reserves since 2.04 acres were reclassified to RCA. Overall, there should be a net increase of .08 acres to the County's growth allocation reserves.

The County is required to finalize the map changes within 120 days of this notice. Please provide a copy of the amended Critical Area map to the Commission. If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA Refinement File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 5, 2004

Mr. Robert E. Anderson
Transportation Engineering Division
Maryland Transportation Authority
300 Authority Drive
Baltimore, Maryland 21222-2200

Re: Bay Bridge Toll Plaza Widening
Redline Revisions to EZ Pass and Departure Lanes, US 50

Dear Mr. Anderson:

At its meeting on February 4, 2004, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Bay Bridge Toll Plaza Widening project with the following conditions:

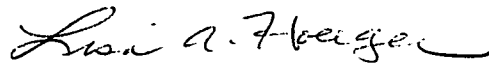
1. The MdTA shall work with Commission staff in finalizing the Planting Plan.
2. The MdTA shall complete all required 10% Pollutant Reduction Calculations. If the removal requirement cannot be met on-site, then MdTA will return to the Project Subcommittee within 30 days with an acceptable off-site location.
3. Any outstanding permits from MDE shall be secured prior to construction.

As you know, I have accepted the Planting Plan submitted by Coastal Resources, so condition 1 is satisfied. In regard to condition 2, please contact me as soon you have determined which course of action the MdTA proposes in order to fully comply with the 10% Pollutant Removal Requirement. I will consider condition 3 completed when I receive copies of all MDE permits.

Mr. Anderson
February 5, 2004
Page Two

Thank you and your consultant team for attending and assisting in yesterday's presentation to the Commission. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Sarah Williamson, Coastal Resources
Mr. Keith Ramsay, RK & K

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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February 5, 2004

Mr. George Kinney, Planning Officer
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Talbot County Bill 933

Dear Mr. Kinney:

This office has received County Council Bill 933 for processing. This bill pertains to the review and reallocation of growth allocation acres reserved for the towns in Talbot County.

The Critical Area Commission is today accepting Bill 933 for processing. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Handwritten signature of Lisa A. Hoerger in cursive script.

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd

cc: The Honorable Richard F. Colburn
The Honorable Jeannie Haddaway
The Honorable Adelaide C. Eckardt
The Honorable Sidney S. Campen, Jr.
The Honorable Robert C. Willey
The Honorable Cheryl Lewis
The Honorable Philip C. Foster, Esq.
The Honorable Robert T. Snyder
Mr. R. Andrew Hollis
St. Michaels Planning Commissio

Robert L. Ehrlich, Jr.
Governor



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Lt. Governor

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February 5, 2004

Mr. George Kinney, Planning Officer
Talbot County Office of Planning and Zoning
Courthouse, 11 N Washington Street
Easton, Maryland 21601

Re: Talbot County Council Bills 922, 926, 927, 929, 931, 932

Dear Mr. Kinney:

This office has received Bills 922, 926, 927, 929, 931 and 932 for processing. Portions of Bills 926, 929 and 931 include changes to deficiencies in the County's program. The Commission notified the County of these deficiencies in a letter dated September 23, 2002, and requested that the County make appropriate revisions to their Critical Area Program to correct them. The other provisions in these bills and the remaining bills relate to the comprehensive review of the County's Critical Area program.

The Critical Area Commission is today accepting the bills referenced above for processing. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd

cc: The Honorable Richard F. Colburn
The Honorable Jeannie Haddaway
The Honorable Adelaide C. Eckardt
The Honorable Sidney S. Campen, Jr.
The Honorable Robert C. Willey
The Honorable Cheryl Lewis
The Honorable Philip C. Foster, Esq.
The Honorable Robert T. Snyder
Mr. R. Andrew Hollis
St. Michaels Planning Commission

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

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Executive Director

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February 2, 2004

Mr. Bill Stagg
Stagg Design and Lane Engineering, Inc.
P. O. Box 1767
408 N. Washington Street
Easton, Maryland 21601

Re: Ratcliffe Farm Critical Area Compliance

Dear Mr. Stagg:

I would like to take this opportunity to provide you with a response to your inquiry regarding the above-referenced property. As you know, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved a growth allocation request, which resulted in two conditions concerning the Ratcliffe Farm subdivision. It appears your questions are related to the satisfaction of these conditions.

In response to your first question about the enforceable regulations regarding establishment of the Buffer, Article IV, Section 402 – Definitions, in the Town's Zoning Ordinance defines the Buffer as follows:

Buffer (spelled with a capital B) - means a naturally vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area Overlay District ("CAO"), the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of one hundred (100) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

This definition of the Buffer requires the Buffer to be "established or managed" to protect various resources from man-made disturbances. The only exception to establishing a 100-foot Buffer would be in the case of an agricultural land use which allows for a 25-foot filter strip.

Mr. Stagg
February 2, 2004
Page Two

Page 16 of the Town's Critical Area Program Document provides a similar definition, which includes establishment of the Buffer. The Program Document also includes objectives that reference the Critical Area Criteria and further state that the Buffer shall be established.

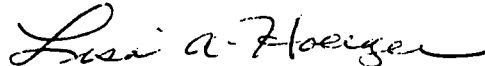
In addition to the Town's regulations requiring establishment of the Buffer, the Critical Area Commission's approval of the growth allocation request for Ratcliffe Farm and Easton Village included conditions specifying that the 100-foot Buffer be established and providing appropriate implementation strategies. The conditions require the Town to secure Forest Management Plans for all undeveloped properties and to ensure that the property owners comply with the Town's Critical Area Buffer Development Request Process prior to issuing permits.

With regard to your second question, I have consulted with Mr. Tom Hamilton, Easton's Town Planner. For purposes of creating a Forest Management Plan, you may use the form created by the Town or the Commission. Either form will provide the necessary documentation needed for Buffer establishment and management activities. Regardless of which form is used, it is required to be accompanied by a site plan that includes the number, size, spacing, location, species and time of planting.

In regard to your third question, Tom and I agree that you may document the type of cutting and clearing that has already occurred in order to determine the applicable mitigation rate. However, it should be made clear to the responsible parties that even permitted clearing requires approval from the Town prior to clearing and that once the Forest Management Plan is approved by the Town, all Buffer management activities shall be undertaken in accordance with the approved Plan. In general, most jurisdictions require three-to-one mitigation, regardless of the type of clearing, if that clearing was done without approval by the local government.

I hope this helps clarify these issues for you. As I told Tom Hamilton, please contact us at any time for assistance. I have spoken with Claudia Jones and she has agreed to assist you and the Town with the development of the required Plans. If you have any other questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Tom Hamilton, Town of Easton

Hoerger, Lisa

From: Stagg, Bill [bill@leinc.com]
Sent: Thursday, January 22, 2004 2:46 PM
To: Hoerger, Lisa
Subject: ratcliffe farm critical area compliance

Lisa, I am now in the middle of this quagmire that Tom Hamilton, Hugh Smith and several property owners have wrought relating to your letter of 1-8-04 requiring a Forest Management Plan for the buffer on Lots 1-15, plus remedial action required for removal of buffer vegetation on same lots, both relating to your items 1 and 2 in the letter. The requirements for lot 16 are related, but different and not part of my concern right now.

For lots 1-15, relating to items 1 and 2 of your letter, please help if you can as follows:

1. In Easton's enforceable, regulatory documents, where does it absolutely require land owners to establish in natural vegetation any portion of the 100' buffer not otherwise so established whenever land use changes?? Same old question! I know the State law has this, but Easton's enforceable reg's don't include this requirement I think?
2. Assuming that you answer question 1 like I know you'll try and probably succeed, is the Forest Management Plan the 4 page form typically used by various counties and towns as drafted by the CAC many years ago, or are you looking for a detailed landscape enhancement planting plan and specs?
3. under item 2 in your letter, historically the town has regulated and permitted the removal of any size dead or diseased trees, any size trees endangering the erosion stability of the bank, any size trees damaging the natural and healthy growth of other "better trees", removal for pier accesses and the removal of invasive understory species, green brier, honeysuckle, etc, without removing other ground plain plantings. I'm not pretending that may more than this has happened on one or more of the lots in question, but to the extend I can verify that removal of the above outlined types of buffer has been completed, can we document that and provide whatever mitigation would have been required for this removal had it been property approved prior to removal?

Thanks for any clarification.

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/

January 30, 2004

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Creekside at Osprey Landing – (Formerly Marvista)
S # 01-017, P # 02-194

Dear Ms. Allen:

I have received another resubmittal of the final development plans and plat for the above-referenced project. It appears the applicant has addressed some of the comments in my last letter to you dated September 10, 2003. I have outlined my comments below.

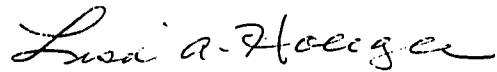
1. The Limits of Disturbance are as little as five feet behind some units. How will this provide the property owners with any room for patios, decks or other accessory structures that may otherwise be permitted by the HOA and are in compliance with the impervious surface limitations?
2. The Allocation of Woodlands Cleared and Impervious Area figures and the Critical Area Analysis figures on both the plat and the Final Development Plan do not agree. Please have the applicant correct these figures.
3. We recommend the final plat and individual deeds contain the allowable impervious surface information per limited common element to alert future homeowners and avoid future violations. This information should include existing and remaining area. This will ensure that each homeowner is aware of their total allowable impervious area, minus what the developer used for the footprint, driveway and sidewalks.
4. The final plat and individual deeds should also state that no clearing or storage of materials is permitted beyond the fence, and that the fence cannot be removed.

Ms. Allen
January 30, 2004
Page Two

5. We are aware of a pending appeal of variances granted by the Administrative Hearing Officer for a community marina facility, including a clubhouse and sanitary facilities with less buffer and parking than required. We assume the County will withhold final subdivision approval pending a decision from the Board of Appeals.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 144-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Arthur Webb
L 940

Dear Ms. Verdery:

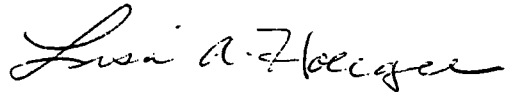
I have received the above-referenced lot line revision for review and comment. I have outlined my comments below.

1. Provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection Area issues that need to be addressed, then this office has no objection.
2. Please verify that the feature labeled "ditch" along the northern property boundary is not a tributary or intermittent stream. If it is a stream, then a 100-foot Buffer should be shown along that portion of parcel 2.
3. I calculate the allowable impervious area to be 31,807 square feet.
4. Does the County require an environmental review by the Department of Natural Resources for lot line revisions? If not, the County may request the applicant to provide existing forest cover information to determine whether the site contains Forest Interior Dwelling Bird habitat or Delmarva Fox Squirrel habitat.

Ms. Verdery
January 30, 2004
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 42-04

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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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street - Courthouse
Easton, Maryland 21601

Re: Penn-Rail LLC
M 1048

Dear Ms. Verdery:

I have received the above-referenced subdivision request for review. The applicant proposes to subdivide an existing parcel into 24 lots with six lots inside the Critical Area. I have outlined my comments below.

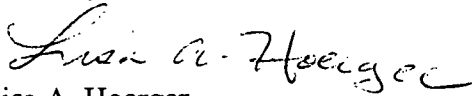
1. Prior to final plat recordation, the County should receive an environmental review letter from the Department of Natural Resources.
2. Based on the aerial photography and the acreage in forested area, this site may support Forest Interior Dwelling Bird habitat. In order to protect and preserve this habitat, the applicant must site all development activities either outside the existing forested area or locate the development activities to the first 300-feet from the existing edge of forest. Any break in the canopy will result in a loss of interior habitat.
3. Lots 1-4 are the lots of primary concern with regard to the FID habitat issue. Our office will provide technical assistance at the County's or applicant's request.
4. The site may also support Delmarva Fox Squirrel habitat. This should be confirmed through the Department of Natural Resources and the U.S. Fish and Wildlife Service. If the squirrel is present, additional-site design considerations may be required.

Ms. Verdery
January 30, 2004
Page Two

5. The final plat should include a table or description of the allowable, existing, proposed and remaining impervious area for each lot.
6. The final plan should provide details of the limits of disturbance for each lot.
7. The note on the current sketch plan indicates a 50-foot Buffer is required from intermittent streams in the RC. This should be corrected to state a 100-foot Buffer is required.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 47-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 30, 2004

Mr. Steve Callahan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Citrano - Huffard Property
MS 04-002

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicants propose to resubdivide five existing parcels. I have outlined my comments below.

1. Does the County consider parcel 2 to count as two separate parcels because it is separated by a County road? If not, then it appears there are only four existing parcels. Please clarify this issue.
2. Assuming the County does consider parcel 2 to count as two separate parcels, then it would appear that the applicant has five existing legal parcels. Since the majority of the parcels are in the RCA, no more than the allowable number of legally, existing parcels, as determined by the County, can result from the resubdivision process.
3. According to the site plan submitted, it appears the resulting subdivision will have six parcels instead of five. Please clarify this issue.
4. In any case, the portion of parcel 2, part 2 (as it is referred to in the Critical Area Report) seems to be the area where an additional parcel is created. This action further reduces any buildable area for proposed lot 3 and creates the need for variances for steep slopes and Buffer.

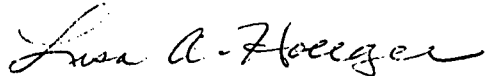
5. Given the sensitive features of this area, this office recommends all residential development activities be sited in less sensitive areas of parcel 2, part 2. This would also involve reducing the footprint and the configuration of the dwelling and its LOD.
6. Alternatively, all residential development could be sited on the western side of Eagle Hill Road, thereby eliminating any disturbance to the steep slopes or wetlands of parcel 2, part 2.
7. Since the June 2002 Critical Area Report indicates Black Hole Creek may support Submerged Aquatic Vegetation we recommend the County restrict individual piers on lots 1-3 and parcel 272 since presumably, these lots will also enjoy the water access benefits to be provided by the community recreation area.
8. The final plat should contain a table of allowable impervious area for each lot. The table should include existing, proposed and remaining impervious area.
9. Please have the applicant check the total area in square feet reported in the table on the second page of the Critical Area Report. I get a total of 1,221,884 square feet.
10. Does the area reported for Parcel 2, part 2 subtract out the area of the tidal pond?
11. The final plat and individual deeds should also include a note that alerts future lot owners that clearing or disturbance to the 100-foot and expanded Buffer is not permitted, unless a Buffer Management Plan is secured from the County.
12. The letter from the Department of Natural Resources, dated July 23, 2002 indicates its review was for parcels 272 and 273; therefore, it appears parcels 694 and both portions of parcel 2 may not have been screened. Please verify with DNR as to whether a second review is required.
13. The July 23, 2002 letter from DNR indicates the site may support three rare or threatened species and the letter recommended a survey be performed for Giant Cane. Has a survey been performed to the satisfaction of DNR and the County?
14. The July 23, 2002 letter also suggests the parcels may support FID habitat. Our office has reviewed the aeriels and it appears there are numerous breaks in the canopy on adjoining parcels, which would preclude or reduce the potential for FID habitat on this parcel. Also, this parcel and any contiguous forest are well under the minimum 50 acre threshold usually needed to support FID habitat.

Mr. Callahan
January 30, 2004
Page Three

15. Please verify whether these parcels are located in one of the County's Bog Protection Areas.
16. Any proposed riparian access to the shoreline should be restricted to a three-foot wide path, and any clearing associated for that path should be mitigated on a 2:1 ratio.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 476-02

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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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: The Shoppes at Bay Hundred
373

Dear Ms. Verdery:

I have received a second submittal for the above-referenced project. It appears these are the same set of plans sent to this office in December. Therefore the comments of my January 6, 2004 letter still stand since the package did not include any responses to the issues raised in that letter.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 930-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Lynx Development Associates
S 794

Dear Ms. Verdery:

I have received the above-referenced subdivision request. From the information provided it appears the property does not lie within the County's Critical Area; therefore, this office has no further comment.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Choptank Community Health Systems
377

Dear Ms. Verdery:

I have received the above-referenced site plan for review and comment. According to the information provided, it appears this project entails the renovation of interior space of a commercial building; therefore, this office has no comment.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 46-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: David Paul Carouge & Kelly Heckler

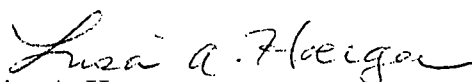
Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. It appears the revision occurs outside the Critical Area portion of the site. I have outlined my comments below.

1. Provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection Area issues that need to be addressed, then this office has no objection.
2. The allowable impervious surface figure for parcel 1 is incorrect. The 15% allotment for that portion of the parcel inside the Critical Area (3.654 acres) is 23,875 square feet, and this should be the limit of impervious area for the portion of the parcel inside the Critical Area.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 44-04

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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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Otwell & Cannon, L 939

Dear Ms. Verdery:

I have received the above-referenced lot line revision for review and comment. I have outlined my comments below.

1. Provided the revision is consistent with the Talbot County Critical Area Program, and there are otherwise no Habitat Protection Area issues that need to be addressed, then this office has no objection.
2. The existing impervious area and remaining impervious area figures provided may not be accurate. For example, there should be an existing impervious area listed for Parcel C since it appears a dwelling currently exists on this parcel. Please have the applicant recheck all the impervious surface figures prior to final plat approval.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 41-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 30, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street - Courthouse
Easton, Maryland 21601

Re: Marion Frost et al, S 971

Dear Ms. Verdery:

I have received the above-referenced subdivision request for review. The applicants proposes to subdivide an existing parcel into one lot with remaining lands. I have outlined our comments below.

1. Prior to final plat recordation, the County should receive an environmental review letter from the Department of Natural Resources.
2. Since the site is in an Intensely Developed Area, the applicant will be required to perform the 10% Pollutant Reduction calculation at the time of building permit.
3. The 15% impervious surface does not apply since the site is an IDA.
4. The current plan does not show existing forest cover. Please have the applicant provide any existing forest information to determine whether replacement will be required.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 43-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 26, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21410

RE: City of Annapolis Critical Area Program Code Amendments

Dear Mr. Smith:

Thank you for providing information on the proposed changes to the City of Annapolis Code which implements the City's Critical Area Program. Critical Area staff understands that the City Council of Annapolis approved Ordinance O-26-03 on October 13, 2003. The ordinance amends multiple sections within the City of Annapolis Municipal Code, including various parts of the Critical Area Section. These amendments were made in order to create and incorporate the new City Department of Neighborhood and Environmental Programs, outline the new Department's authority and responsibilities, and clarify some procedures relating to implementation of the City's Critical Area Program.

The Critical Area staff received your letter on January 14, 2004, and is accepting the information as a complete submittal. Chairman Madden will make a refinement determination within 30 days of the date of this letter, and the Program Subcommittee will review for information only these changes at the February 7, 2004 Commission meeting. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Mary Owens
Amendment\Refinement File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 23, 2004

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: 04-WL-0728, Jim McCaffrey

Dear Mr. Cuthbertson:

I have received the above-referenced request to emplace 400 linear feet of stone revetment and 800 cubic yards of clean fill within 18.5 feet channelward of the mean high water line. We defer to your office concerning the type of erosion control method required for this site.

From the site plan provided it appears the installation of the stone revetment may require some vegetation removal from the shoreline. If this is the case, we recommend 1:1 replacement for any clearing associated with the installation of shore erosion control measures. Please direct the applicant to the Anne Arundel County Department of Environmental and Cultural Resources Office to institute a Buffer Management Plan. The County Foresters can be reached at (410) 222-7441.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Jim Johnson, Anne Arundel County Forester
Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

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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January 20, 2004

Mr. Jeff Torney
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Will-O-Brook, Section 2 Addition of Reserve Parcel - S # 01-044, P # 04-009

Dear Mr. Torney:

Thank you for forwarding the above-referenced subdivision request to recognize parcel 420 as a buildable lot. I have outlined my comments below.

1. The remaining areas of lot 4 should remain undisturbed. We recommend a plat note stating no further development activities are permitted outside the limits of disturbance as depicted on the sketch plan. These activities include stormwater management, septic disposal areas and accessory structures.
2. Any riparian access should be a single path, no wider than three feet and be sited to avoid clearing of trees in the 100-foot Buffer.
3. In order to further minimize clearing we recommend the dwelling be sited closer to the property line of adjoining parcel 435.
4. The plat and deed should include the allowable impervious surface and clearing limitations for this lot.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 267-02

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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January 15, 2004

Mr. Chris Soldano
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wilmer Smith – REVISIONS
S 82-143, P 02-216

Dear Mr. Soldano:

I have received revisions to the above-referenced subdivision request. It appears the applicant adequately addressed the comments of my last letter dated December 18, 2003. I have outlined my remaining comments below.

1. Please have the applicant check the figure listed for Lot 2R that reports 13,760 square feet is 30% of 48,835 square feet. I calculate 30% of 48,835 square feet to be 14,650 square feet.
2. We recommend the notes include information indicating the 100-foot Buffer is an area of no new disturbance and that any activities proposed in the Buffer require a Buffer Management Plan approved by the County.
3. A note should also be added alerting future lot owners to the maximum impervious limit on their lots.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 899-03



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

January 15, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Oyster Harbor, Lots 8 & 9
Resubdivision/ Singleton P 163

Dear Mr. Shaver:

I have received the above-referenced subdivision request. The applicant proposes to create three building lots. I have outlined my comments below.

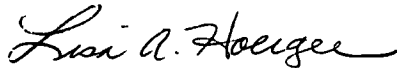
1. It appears the limits of disturbance (LOD) for lots 1 and 2 may not be realistic. The corner of the proposed dwelling on lot 2 is only a few feet away from the LOD and the edge of the 100-foot Buffer, and there is only ten feet, at its closest point, of area between the corner of the dwelling on lot 1 to the LOD and Buffer.
2. How will the applicant ensure future lot owners will not disturb the 100-foot Buffer? We recommend fencing or some other method to avoid violations to the County's Critical Area Program.
3. We recommend the dwelling on lot 2 be reconfigured so as to provide more area outside the Buffer for future residential expansions (i.e. additions, decks, patios, sheds).
4. The allowable impervious surface should be generated based on the area of the lots outside any State-owned wetlands.
5. For lots one acre or less, 25% impervious area is permitted provided the overall subdivision does not exceed 15%; therefore, lot 8R may have additional impervious area afforded to it.

Mr. Shaver
January 15, 2004
Page Two

6. I calculate the maximum allowable impervious area for lot 2 based on 50,154 square feet to be 7,523 square feet.
7. Please have the applicant provide the existing forest cover so that it can be determined what percent of clearing is proposed.
8. We recommend notes be added to the final plat and individual deeds that alert future lot owners to the impervious surface limitations and that the Buffer is an area of no new disturbance, and any activities proposed in the Buffer requires a Buffer Management Plan issued by the County.
9. We recommend a note that limits the width of the riparian access paths to no wider than three feet.
10. Will the existing gravel parking in the Buffer be used for future activities? Is so, how is it currently accessed?

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 20-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 13, 2004

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, 6402
Annapolis, Maryland 21401

Re: Critical Area Map Designation Change
Pennington Property/ G.W. Koch & Associates, Inc.

Dear Ms. Gawel:

The Critical Area Commission received the above-referenced map amendment approved by the Administrative Hearing Officer. The map amendment reclassifies 2.04 acres to a Resource Conservation Area from a Limited Development Area, and reclassifies .42 acres to a Limited Development Area from a Resource Conservation Area on the basis that a mistake was made at the time of the original mapping. We are accepting the application as a complete submittal. Chairman Madden will review this request and will make a refinement determination within 30 days. Commission staff will notify you regarding his decision and consideration of this issue at a future Commission meeting.

Please telephone me at (410) 260-3478 if you have questions or comments regarding this process.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 12, 2004

Mr. Michael Murray
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Green Haven, Plat "A"
S 97-059, P 03-204

Dear Mr. Murray:

I have received the above-referenced resubdivision request for review. I have outlined my comments below.

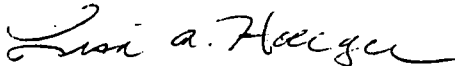
1. Please have the applicant clarify the total acreage figure and total proposed impervious figure. Both figures are reported differently on the Critical Area Site Plan versus the Critical Area Report.
2. In any case, it appears the subdivision will be at, or near the 15% impervious surface limit. We recommend the applicant reduce the initial impervious area in order to reserve impervious area for the future lot owners. Perhaps the existing concrete pads and driveway inside and outside the Buffer could be removed.
3. The final plat should include a table that provides existing, proposed, and future allowable impervious area for each lot. These figures should be totaled to show that the 15% impervious surface limitation would not be exceeded with this subdivision request.
4. It appears the applicant proposes to clear more than 30%. Please verify this information. If clearing over 30% is unavoidable, then 3:1 mitigation will be required. We recommend the planting occur on-site in those areas of the 100-foot and expanded Buffer that can be reestablished in three tier, native vegetation.

Mr. Murray
January 12, 2004
Page Two

5. The limits of the expanded Buffer may require further expansion on lots 7R and 5R. Please have the applicant scale these areas again to ensure the expanded Buffer is properly labeled on the plan.
6. Lots 1R-5R show dwellings as close as ten feet from the edge of the expanded Buffer. We recommend the dwellings be setback further to provide future homeowners the opportunity to expand (within their allowable impervious surface limits) without the need for a Buffer variance.
7. The final plat and individual deeds should contain notes that indicate the location of the Buffer and that it is an area of no new disturbance. The note should also reference the Buffer Management Plan that is required for any activities in the Buffer.
8. Provided there was six riparian lots existing prior to December 1, 1985, the resulting six riparian lots may maintain their Buffer Exemption Area status.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 926-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 9, 2004

Ms. Debbie Renshaw
Zoning Inspector
Town of St. Michaels
P. O. Box
St. Michaels, Maryland 21663

Re: Chesapeake Bay Maritime Museum
Recreation on the Bay Building

Dear Ms. Renshaw:

Thank you for forwarding the supplemental review materials to this office concerning the above-referenced project. As you are aware, this office has previously meet with the town staff, the Critical Area Circuit Rider, and representatives of the Chesapeake Bay Maritime Museum concerning this project. It was agreed, based on language in the Town's Critical Area Program, that this building is considered a water-dependent facility and that its location in the 100-foot Buffer to the Miles River is permitted. Nevertheless, the project must meet all other Critical Area requirements. I have outlined my remaining comments below.

1. Since this site is located in an Intensely Developed Area (IDA), the applicant is required to perform 10% calculations. I have reviewed the 10% calculations and they appear to be correct.
2. The proposed dry swales should be constructed as specified by the Maryland Department of the Environment.
3. The required Buffer plantings should be according to the Town's program. It is my understanding that because this site is a mapped Buffer Exemption Area, mitigation shall be performed at a 2:1 ratio.

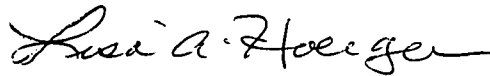


Ms. Renshaw
January 9, 2004
Page Two

4. It appears several of the species listed on the plans are not native (i.e. both junipers, Big Blue Lily Turf and Tufted Hairgrass). Please have the applicant substitute native species.
5. We recommend the applicant provide a map of the site to be attached to the planting plan that shows the location of all proposed on-site plantings.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Roby Hurley, Critical Area Circuit Rider
ST 892-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 9, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Harley Davidson Repair Shop
Site Plan

Dear Ms. Verdery:

Thank you for providing the site plan for the above-referenced property. Based on the maps in my office and in conversations with your office, it appears this site is not in the Critical Area; therefore, this office has no comments.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 1-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 9, 2004

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Kasimer & Donna Jarosz
200366246/04-WL-0390

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct a stone revetment, low profile stone edging, and repair an existing stone revetment. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetments and stone edging. Generally we recommend less structural means, provided the site is suitable, in order to preserve the intertidal zone that may be used by several native species.
- 2) All vegetation that is removed above mean high water for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 8, 2004

Mr. Tom Hamilton, Town Planner
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Town of Easton, Ordinance #461
Ratcliffe Farm Subdivision Growth Allocation

Dear Mr. Hamilton:

At its meeting on January 7, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved, with one abstention, the Ratcliffe Farm Subdivision growth allocation request. The Ratcliffe Farm Subdivision request changed 58.80 acres from a Resource Conservation Area to a Limited Development Area. This approval included the following conditions:

1. No permits shall be issued nor shall any development activities, as defined in COMAR 27.01, take place on any undeveloped lot in the Ratcliffe Farm Subdivision prior to development and approval of a Forest Management Plan in accordance with Section 510.2.C of the Town Zoning Ordinance, and fulfillment of the Town's requirements of the "Critical Area Buffer Development Request" process.

The Plan shall meet the following provision of the Town's Critical Area Program:

"The Criteria, as they affect the Town of Easton, generally require the establishment of a naturally vegetated or planted buffer, established landward from the Mean High Water Line of tidal waters (or from the edge of tidal wetlands or tributary streams), having a width of no less than one hundred (100) feet." The plan shall address the conservation and enhancement of habitat for the Delmarva Fox Squirrel, a federally endangered species.

The Plans shall be reviewed and approved by the Critical Area Commission staff, or, if appropriate the Commission.

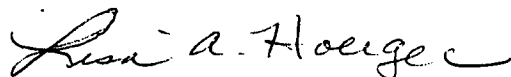
Mr. Hamilton
January 8, 2004
Page Two

2. On any lot in the Ratcliffe Farm Subdivision on which a building permit has been issued, and where natural vegetation has been removed from the 100-foot Buffer, the Town shall immediately take appropriate enforcement action, including, but not limited to, the requirement to prepare a Forest Management Plan in accordance with Section 510.2.C of the Town Zoning Ordinance, and fulfillment of the Town's requirements of the "Critical Area Buffer Development Request" process to remedy the unauthorized activity. The Town shall report to the Critical Area Commission on the enforcement action and provide copies of the required Forest Management Plans, and other relevant documentation, at the regular Critical Area Commission meeting on March 3, 2004.

Please incorporate this amendment into the Town's Critical Area program within 120 days from the date of this letter, and provide this office with an updated map reflecting the growth allocation.

Thank you for attending the Commission's public hearing and monthly meeting concerning this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney

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

January 8, 2004

Mr. Tom Hamilton, Town Planner
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Town of Easton, Ordinance # 461
Easton Village PUD Growth Allocation

Dear Mr. Hamilton:

At its meeting on January 7, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved, with two abstentions, the Easton Village PUD growth allocation request to change 97.20 acres from a Resource Conservation Area to an Intensely Developed Area. This approval included the following conditions:

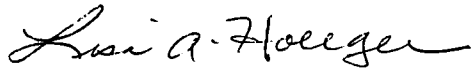
1. No permits shall be issued, nor shall any lots be conveyed, nor shall any development activities as defined in COMAR, Title 27.01 take place prior to Commission review and approval of a Habitat Management Plan, conservation plan or similar mechanism for protection of Delmarva Fox Squirrel habitat. The U.S. Fish & Wildlife Service shall have approved this plan before being submitted to the Commission.
2. No permits shall be issued, nor shall any lots be conveyed, nor shall any development activities as defined in COMAR, Title 27.01 take place prior to Commission review and approval of a Buffer Management Plan (including provisions for maintenance) for Easton Village.

Please incorporate this amendment into the Town's Critical Area program within 120 days from the date of this letter, and provide this office with an updated map reflecting the growth allocation.

Mr. Hamilton
January 8, 2004
Page Two

Thank you for attending the Commission's public hearing and monthly meeting for this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney
Mr. Joe Stevens, Esquire

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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January 8, 2004

Mr. George Kinney
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: County Council Bill #925
Supplemental Award of Growth Allocation to the Town of Easton

Dear Mr. Kinney:

At its meeting on January 7, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved County Council Bill #925 which awarded 156 acres of supplemental growth allocation to the Town of Easton. Please incorporate this amendment into the County's Critical Area program within 120 days from the date of this letter.

Thank you for attending the Commission's public hearing on County Council Bill #925 and for attending the monthly Commission meeting yesterday. If you have any questions, please telephone me at (410) 260-3478,

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Andy Hollis, Talbot County Manager
Mr. Mike Pullen, County Attorney
Mr. Tom Hamilton, Easton Town Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 6, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: William C. Forlifer - REVISION
L 937

Dear Ms. Verdery:

I have received a revised plan for the above-referenced application. It appears the applicant has addressed the comments of my last letter dated December 18, 2003; therefore, this office has no further comments on this lot line revision.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 896-03

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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January 6, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21610

Re: Tilghman Volunteer Fire Department
366

Dear Ms. Verdery:

Thank you for meeting with me to perform a site visit on the above-referenced property. As you know, I provided your office with some preliminary comments in a letter dated December 4, 2003. Since that time you provided me with updated plans and information, which have addressed some of the issues of my last letter; however, I have some additional comments below.

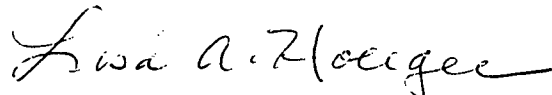
1. Based on the updated plans it appears there will be no net increase in impervious area among parcels 276 and 102. It is our understanding the County may be required to view these parcels as two noncontiguous parcels since they are separated by a road; however, the Commission views the overall site development (if the figures provided on the plan dated December 2003 are correct), as having no net increase in impervious area. Therefore, it is our position that a variance may not be required.
2. If your office determines a variance is still required, this office would likely not oppose the variance, but would recommend some mitigation be provided either through additional landscape plantings or stormwater offsets.
3. Please have the applicant correct an inconsistency in the notes on sheet 1 of 12 that states the current zoning is VC and then later indicates the site has an IDA designation. It is our understanding VC would indicate an LDA designation. Please have the applicant amend this item.

Ms. Verdery
January 6, 2004
Page Two

4. Please have the applicant change the reference from Kent County to Talbot County in the note on sheet 1 of 12 that addresses the stormwater management facility.
5. Has afforestation been addressed for this site? If not, the landscaping requirements reported on sheet 6 of 6 may count towards any afforestation requirements. I calculate that 15% of the total acreage of both parcels is .18 acres or 7,965 square feet.
6. Based on the size and number of species listed in the landscaping schedule it appears there will be 8,300 square feet of planting, which is more that would be required for 15% afforestation.
7. It appears five of the shrub species are not native. They include Zelkova serrata 'Green Vase', Ilex x meserveae 'Blue Princess', Ilex x meserveae "Blue Stallion", Photinia fraserii, and Weigela florida 'Red Prince'. Please have the applicant substitute native species using the County's or the Commission's list of natives.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 747-03

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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January 6, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: The Shoppes at Bay Hundred
Site Plan

Dear Ms. Verdery:

Thank you for providing the site plan for the above-referenced property. I have outlined my comments below.

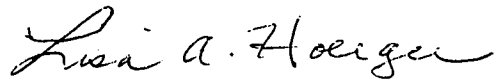
1. The plan indicates the zoning is GC. Is this property considered to have an LDA or IDA Critical Area designation?
2. If the site is LDA, then it appears the impervious surface is decreasing due to landscape islands. Will stormwater be able to filter into these islands from adjoining impervious areas? Are there opportunities on this site to create more pervious areas?
3. If the site is IDA then the applicant must forward the 10% Pollutant Reduction Calculations to your office and this office for review and comment.
4. The applicant should address any required reforestation or afforestation. Any required landscaping requirements can be used to address these items.

Ms. Verdery
January 6, 2004
Page Two

5. Not all species on the planting schedule are native. Please have the applicant substitute native species using either the County's or the Commission's native species lists.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 5, 2004

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Robert & Desne Roe – **REVISED COMMENTS**
Appeal #1307

Dear Ms. Verdery:

At the request of the Board of Appeals Chairman, Mr. Russel Kacher, I am providing the County with revised comments for the above-referenced case. Based on information provided to our office this morning, it is my understanding the County now considers the proposed garage to be a separate, accessory structure rather than a residential addition as proposed in the original application to this office; therefore, I have provided some amended comments for the Planning Office and Board of Appeals consideration below:

1. It is our understanding that the proposed location of the garage will be over existing impervious area, and that the overall impervious area inside the 100-foot Buffer may decrease. The Commission views these factors to be in the applicant's favor provided the applicant can show the Board that other locations outside the Buffer are not possible.
2. If the Board finds that an alternate location outside the 100-foot Buffer is possible, this office would support that location over the one proposed inside the Buffer; however, this office is unable to offer a specific, alternative location since the site plan provided does not show other potential constraints of the site that are referenced in the application (i.e. septic, well, vegetation).
3. If the Board finds that the variance for the garage inside the 100-foot Buffer can be granted, we recommend mitigation in the form of native Buffer plantings, and that efforts to offset the stormwater generated by this new structure be utilized.

Ms. Mary Kay Verdery
January 5, 2004
Page Two

Thank you for the opportunity to comment. Please include this letter in your file and notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 895-03

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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January 1, 2004

Mr. George Kinney
Talbot County Planning Office
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Talbot County Council Bill #925 – Supplemental Award of Growth Allocation

Dear Mr. Kinney:

Thank you for providing information on the above-referenced County legislation. County Council Bill #925 awards supplemental growth allocation to the Town of Easton in the amount of 156 acres. The information you have submitted has been determined to be a complete submittal. It is my understanding that the County Council approved Bill #925 on December 16, 2003.

Chairman Madden has confirmed that Bill #925 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 January 5, 2004 at 4:00 p.m. at the Talbot County Free Library in Easton. Following the hearing, the issue will be placed on the agenda for review by the full Critical Area Commission on January 7, 2004. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tom Hamilton
Ms. Mary Kay Verdery

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/

June 10, 2004

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

RE: Stericycle
5901 Chemical Road

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to add a small addition to an existing medical waster incinerator facility and rebuild and expand an existing stormwater management pond to treat the entire facility. The entire site is 2.429 acres and in an Intensely Developed Area.

It appears this proposal falls under COMAR 27.01.02.02 G (1):

Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature, or because of their potential for adversely affecting habitat and water-quality, may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include solid or hazardous waster collection or disposal facilities.

Please provide information that addresses this provision. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 388-04

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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June 8, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Chesapeake Children's Museum Consistency Report

Dear Mr. Smith:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. This office understands that the City is proposing to install five interactive wooden sculpture pieces within the perimeter of the Spa Creek Conservancy at 25 Silopanna Road.

The total proposed development area is 5.24 acres and is located entirely within the Resource Conservation Area. The sculptures will not impact the 100-foot Buffer, areas of steep slopes, root zones of existing trees or areas of endangered or threatened plant species. The proposed sculpture installation will be adding approximately 131 square feet of impervious surface for a total of 3,559 square feet.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Continued, Page Two
Chesapeake Children's Museum
Report Consistency
June 8, 2004

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 615-02

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 3, 2004

Mr. Roby Hurley
Critical Area Circuit Rider
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801

RE: Choptank River Park Consistency Report
Town of Greensboro

Dear Mr. Hurley:

Thank you for providing "Notification of Certification" on the above project. This office understands that the Town of Greensboro is proposing to add two pavilions on two separate parcels as part of its plan to develop its Choptank River Park. Both parcels are in an Intensely Developed Area.

Based on the information submitted, Parcel 712 is consistent with the Town's Critical Area Program. This office understands that a 452 square foot pavilion is proposed. No Habitat Protection Areas will be impacted. It will replace a single-family structure of approximately 1,200 square feet. Because of the high water table in the area of Parcel 712, a small Best Management Practice will be ineffective. Therefore, the Town will propose to plant five trees or ten shrubs to mitigate for the stormwater impacts.

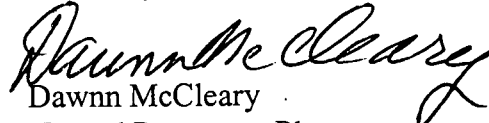
Commission staff has determined that Parcel 712: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*). Therefore, approval of the above project by the Commission is not necessary.

Continued, Page Two
Choptank River Park Consistency
and Conditional Approval
June 3, 2004

However, Parcel 1148 will need conditional approval and must be approved by the Commission because of the impacts to the 100-foot Buffer. Please address COMAR 21.02.06.01 B(1-3) and C(1-3). We need this information to complete the application. We will need the Conditional Approval information by June 18, along with a full site plan showing the location of the structure on Parcel 1148 if the Town wants this project on the July agenda.

Any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jeanette DeLude
Regina Esslinger
GR 386-04

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/

June 2, 2004

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

RE: Eden Street Garage Consistency Report

Thank you for sending the revised 10 % calculations for the above project. We have reviewed the revisions and find they are consistent with the City's Critical Area program. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 856-03

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

MEMORANDUM

To: Margo Bailey, Chair, Frank Dawson, Dr. Chambers, Bill Giese, and Louise Lawrence

From: Dawnn McCleary

Date: June 1, 2004

Subject: Town of Hillsboro Comprehensive Review

Thank you for agreeing to serve on the Hillsboro Panel. The public hearing is scheduled for Tuesday, June 8, 2004 at 6:00 p.m. at the Hillsboro Town Hall located at 22043 Church Street in Hillsboro. Directions to this location are attached.

The hearing is a joint hearing with the Town Commissioners of Hillsboro. The purpose of the hearing is to review the Town's new Critical Area Ordinance, which will replace the Town's Critical Area Program document and the Critical Area sections of the Town of Hillsboro Zoning Ordinance. The new ordinance is the result of the completion of the Town's required comprehensive review of their Critical Area Program. The Planning Commission unanimously recommended approval of the proposed Critical Area Ordinance and Map on April 5, 2004. The Town's current Critical Area Program places approval by the Critical Area Commission before approval by the Town of Commissioners; therefore, the Commissioners have not yet formally approved the new ordinance.

ZONING ORDINANCE/PROGRAM CHANGES

The Town's new Critical Area Ordinance was designed to be sufficiently comprehensive so that a separate Program document would no longer be required. The new ordinance is based on the model program prepared by the Commission staff. It has been customized to address the specific conditions in the Town of Hillsboro, and it is designed as a stand-alone document. Substantive changes include clarification of the land use classifications and standards for development, clarification of provisions pertaining to the protection of Habitat Protection Areas, and reorganization of the provisions for water-dependent facilities. Other changes include the addition of required provisions for grandfathering, enforcement, and shore erosion control. Sections on growth allocation, structures on piers, and the Critical Area Program amendment process have also been added.

During the time that the Town has been working with the model ordinance, several paragraphs in the model have been amended to be more consistent with the Critical Area Criteria. The

following amendments represent changes made to the current version of the model and are proposed for the Panel's consideration as potential conditions of approval. (Language to be removed is shown as ~~struckthrough text~~ and new language is shown as **bold text**.)

1. Section 1-112.Variances [Page 33] – Add the following language to this section and recodify as necessary:

(g) **Reasonable accommodations for the needs of disabled citizens.** The Board of Appeals may make reasonable accommodations to avoid discrimination on the basis of a physical disability. Reasonable accommodations for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in the following paragraphs.

- (1) An applicant shall have the burden of demonstrating the following:
 - A. The existence of a physical disability;
 - B. Literal enforcement of the provisions of this ordinance would result in discrimination by virtue of such disability;
 - C. A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this ordinance;
 - D. The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this ordinance as applied to the property;
 - E. Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the particular disability of the applicant.
- (2) The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
- (3) The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this ordinance. Appropriate bonds may be collected or liens placed in order to ensure the Town's ability to restore the property should the applicant fail to do so.

2. Section 1-108.(c)(4) [Page 24] – Delete the last sentence which reads, “~~Non-industrial activities which support surface mining, agriculture, and forestry may be established or expanded provided they conform with the other requirements of this ordinance.~~” This provision is not included in the Criteria and could be interpreted in a manner that is inconsistent with other provisions in the ordinance.
3. Section 1-109. Growth Allocation [Page 25] – It is recommended that minor modifications be made to this section to combine the two versions of this section that have been reviewed by the Planning Commission and to clarify how the Town will coordinate with the County. The recommended revisions are included in the paragraph with italicized text.
4. Section 1-124.(e) Public notice [Page 56] – Delete the second and third sentences, “~~Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If additional habitat areas are designated in the future, as desired by the local government or if the Secretary of the Department of Natural Resources designates additional species and/or habitat areas, a public hearing, as appropriate, shall be held to consider comments on these areas and protection measures proposed.~~” Add the following, “**If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, additional local public hearings, as appropriate, shall be held to consider comments on the protection measures proposed for these species.**”
5. Section 1-125. Plant and Wildlife Habitat and Nontidal Wetlands Protection [Page 60] – Add the following provisions as paragraph (f):

(f) Public notice. The determination of the existence and extent of these habitats and protection areas shall result from a cooperative effort between the Town and public agencies or private organizations. If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, public hearings, as appropriate, shall be held to consider comments on these areas and the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary’s designation.

The following issues are the result of the passage of two pieces of legislation this spring that affect implementation of local Critical Area Programs. The following changes represent required amendments to local Critical Area Programs Resulting from House Bill 1009 and House Bill 1345:

6. Section 1-102. Definitions [Page 2] and Section 1-123 The 100-foot Buffer [Page 53] – Replace the current definition of Buffer with the following definition: “**Buffer means an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.**”

7. Section 1-102. Definitions [Page 2] – Add the following definition, **“Dwelling unit means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.”**
8. Section 1-102. Definitions [Page 2] – Add the following definition, **“Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.”**
9. Section 1-104. Program Enforcement [Page 12] – Add the following language to this section:
 - (c) **Violations. In addition to any other penalty applicable under state or municipal law, a person who violates a provision of Natural Resources Article, Title 8 Subtitle 18, or the Town’s Critical Area Program, ordinance, or regulations is subject to a fine not exceeding \$10,000.**
 - (1) **In determining the amount of the penalty to be assessed under paragraph (c), the Town may consider the following:**
 - A. **The gravity of the violation**
 - B. **Any willfulness or negligence involved in the violation; and**
 - C. **The environmental impact of the violation**
10. Section 1-112. Variances [Page 32] – Add the following language to paragraph (a) as indicated, **“... variance may be obtained. In considering an application for a variance, the Town shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of the Town’s Critical Area Program. The provisions for granting such a variance ...”**
11. Section 1-112. Variances [Page 33] – Add the following language to paragraph (b)(4) as indicated, **“... which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from ...”**
12. Section 1-112. Variances [Page 33] – Add the following language to paragraph (c) as indicated, **“... the Board of Appeals shall make written findings reflecting analysis of each standard. The applicant has the burden of proof and the burden of persuasion**

to overcome the presumption of nonconformance established in paragraph (a) above. The Town shall notify the ...”

13. Section 1-112. Variances [Page 33] – Add the following language to this section and recodify as necessary:

(d) Findings. Based on competent and substantial evidence, the Town shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in paragraph (a) above. With due regard for the person’s technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

- (1) The applicant;**
- (2) The Town or any other government agency; or**
- (3) Any other person deemed appropriate by the Town.**

ACREAGE CALCULATIONS AND GROWTH ALLOCATION

The Town of Hillsboro has 54.45 acres of land that is regulated by its Critical Area Ordinance, with 0 acres of IDA, 25.35 acres of LDA, and 29.10 acres of RCA. The State Critical Area Law permits Caroline County to use “growth allocation” equal to 5 percent of its RCA acreage, to change the Critical Area designation of RCA and LDA lands to a more intense classification. The County has not reserved or given any “growth allocation” acreage to the Town of Hillsboro, and the Town has not requested to use any the growth allocation acreage.

MAP CHANGES

The Town’s map was prepared by the Maryland Department of Planning. The new map includes more detailed parcel information than what was on the original map. The Heritage Division of the Department of Natural Resources was contacted regarding updated information on Habitat Protection Areas and that information is shown on the new map.

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/

May 28, 2004

Mr. Donald Sparklin
Project Planning Division
State Highway Administration
707 North Calvert Street, Mail stop MSC-301
Baltimore, Maryland 21202-0717

RE: MD 181 Bridge (Compromise\Sixth Streets), Project No. 2380202-B05300

Dear Mr. Sparklin:

Thank you for submitting the State Highway Administration's (SHA) proposal for bridge remedial repairs on MD 181 over Spa Creek in Anne Arundel County. This work will include removing and replacing the top surface of the approach spans concrete deck including sidewalks, cleaning, and painting. Access to the work area will be by barges and floats. The site is 0.85 acres in size and is an area of intense development.

Critical Area Commission staff have reviewed this project in accordance with the Memorandum of Understanding between the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays and the Maryland Department of Transportation. Staff has determined that the proposed bridge remedial repairs on MD 181 over Spa Creek is consistent with Exhibit B1, A 3(b) on routine maintenance projects where clearing in the buffer is not anticipated. Therefore, formal approval of this project by the Commission is not necessary.

However, if there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Angela Willis
Megan Owen
Regina Esslinger
State 15-04

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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May 28, 2004

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

RE: Hawkins Point Road Sewer Main Consistency Report

Dear Mr. Stuart:

This office has reviewed the revised 10 % calculations. The 10 % calculations and the proposed redevelopment activity are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 770-03

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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May 27, 2004

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

RE: Frederick Douglass-Isaac Myers Maritime Park
Living Classrooms Foundation

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to restore and renovate the existing shipyard and to build a new education center. The entire site is 0.722 acres in size and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the proposed development. The applicant has minimized new impervious surface on site by reducing the amount of parking spaces. However, the applicant will pay an offset fee to fulfill the 10 % pollutant reduction requirements as the high water table precludes infiltration on site.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 324-04

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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May 28, 2004

Ms. Lori Schmick
Caroline County Dept. of Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Blades Road Bridge Consistency Report

Dear Ms. Schmick:

Thank you for providing "Notification of Certification" that the above project is consistent with the City's Critical Area program. This office understands that the Caroline County Department of Public Works is proposing to replace Hunting Creek Bridge over Hunting Creek near the Village of Choptank, Maryland.

The existing 16 span, 276 +/- long timber bridge that carries one lane of traffic with an 18.4' +/- wide typical section will be replaced with a 12 span 300 foot long timber deck panel bridge which will carry two lanes of traffic and two timber traffic barriers on 30 foot wide section. There will be an increase of impervious of 7,400 square feet.

This office understands:

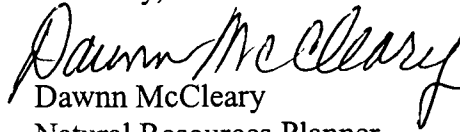
1. That the project will have a disturbed area of approximately 20,200 square feet;
2. That the majority of the disturbance will be located within the existing bridge and road way footprint;
3. That road way widening will take place adjacent to the bridge;
4. That no treed areas will be disturbed by the proposed project;
5. That there will be no impacts to rare, threatened and endangered species; and,
6. That all MDE approvals are done before construction begins.

Continued, Page Two
Blades Road Bridge Consistency Report
May 28, 2004

Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 634-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
LL Governor

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 24, 2004

Ms. Brynja M. Booth
Attorney for the Town of Denton
Cowdrey, Thompson, and Karsten
130 North Washington Street
P.O. Box 1747
Easton, Maryland 21601

RE: Resolution No. 642
(Gannon's Purchase, LLC and Donald N. Trice) Annexation
Town of Denton

Dear Ms. Booth:

Thank you for providing information regarding the proposed annexation of the 101.961 acres of land from Caroline County into the Town of Denton. The land is situated adjacent to Maryland Route 404. This office understands that a portion of the land proposed to be annexed is located within the Critical Area. Currently the area is designated Resource Conservation Area, and it is proposed to be annexed into the Town with this designation.

Base on the information provided, it appears that the Denton Town Council will conduct a public hearing on June 7, 2004 to review the annexation. Following approval of the annexation, in accordance with the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the Town will submit a request for approval of this map change to the Critical Area Commission for review and approval.

Continued, Page Two
Resolution No. 642
Gannon's and Trice Annexation
May 24, 2004

If you have any questions about the Critical Area map amendment process, please feel free to call me at (410) 260-3583.

Sincerely,



Dawnn McCleary
Natural Resources Planner

Cc: Roby Hurley
Jennifer Shull
Mary Owens
File Copy

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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May 20, 2004

Ms. Jackie Rouse
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Bywater Estates
Proposed Concept Development Plan

Dear Ms. Rouse:

Thank you for meeting with us and Sigma Engineering to go over the proposed concept plan for Bywaters Estates. Since our December 12, 2003 letter, we have received the subdivision history and information on the development potential in the Resource Conservation Area (RCA). The property has no development rights available in the RCA and none is proposed. The annexation for the Sigma Property was approved by the Commission on January 12, 2004. Finally, the proposed development will connect to public water and sewer, therefore, location of the septic reserve areas is not an issue.

It is our understanding that this project will come back for subdivision review if it is approved by the Planning Commission. We have no further comments on the concept plan. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Dimitri Sfakiyanudis
Vernon Hustead
Megan Owen
Regina Esslinger
AN 836-03



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

May 18, 2004

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

RE: New Rukert Terminal Building
2400 South Clinton Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a new water-dependent warehouse on an old industrial parcel. Both parcels are 7.94 and 2.17 acres in size and in an Intensely Developed Area. The new building is being built on the 7.94 acre parcel.

This office understands that the applicant is proposing to convert 0.39 acres of the 2.17 acre site to a pervious area. In the new pervious area, the applicant is proposing to vegetate with a variety of native species. This will satisfy a portion of the pollutant removal requirements. The remainder will be met through the payment of \$26,986 into the City's Stormwater Offset fee account.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 323-04



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

May 11, 2004

Ms. Dianne Klair
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Havre de Grace Maritime Museum
Shoreline Restoration (Phase II) HG 675-03

Dear Ms. Klair:

This office understands that the Maritime Museum is proposing to remove additional invasive species within the 100-foot Buffer. The Museum will be working in a 20,000 square feet area where Japanese knot weed, phragmites and other invasive weeds have impacted the shoreline of the museum. The museum is also working on a small area where four trees-of-heaven located immediately adjacent to the City's Promenade will be removed. All work is being done under the guidance of the Department of Natural Resources, State Forester and Department of Agriculture Noxious Weed Specialist. The location of the area of the removal starts from the museum to the southern point of their leased land.

The area circled on the aerial site plan is the area that will be sprayed. The City will replant on a 1:1 ratio with all native shrubs and small trees. Six native trees will replace the trees-of-heaven that will be removed. This office does not oppose the removal of the above invasive species. This office has determined that the activity is consistent with the City's Critical Area Program. If there are any questions, please feel free to call at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HG 675-03

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

May 11, 2004

Mr. Michael Hild
Chief Engineer
Maryland Port Administration
2300 Broening Highway
Baltimore, Maryland

RE: Critical Area Institutional Management Plan

Dear Mr. Hild:

On May 5, 2004, the Critical Area Commission unanimously approved the Critical Area Institutional Management Plan. The plan provides possible offsite mitigation options to meet the 10 % pollutant reduction requirements for the five Maryland Port Administration properties where on-site stormwater treatment may be infeasible.

I would like to thank Phil Lee, from Moffat and Nichol Engineers and Mark Kreafler from your office for working diligently with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Phil Lee
Mark Kreafler
Regina Esslinger
State File: MPA

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

May 10, 2004

Mr. Donald J. Bautz
Manager of Development Services
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Superior Heights Subdivision
Juanita and Superior Street (Local Case Number: 147\04)

Dear Mr. Bautz:

Thank you for providing information on the above subdivision application. This office has reviewed the applicant's proposal to build eight (8) single family attached dwellings within the Critical Area. The site is approximately 0.4442 acres in size and within the Intensely Developed Area.

After reviewing the site plan, this office does not oppose the redevelopment of this site. However, the Maryland Department of the Environment does not accept grass filter strips and grass channels as Best Management Practices (BMP) since the publication of their 2000 stormwater manual. Suggested BMPs for the remaining phosphorus could be a dry swale, wet swale or bioretention facility. Please see attached, Table 4.8, BMP Removal Rates for Total Phosphorus from our new 10 % manual. Please revise Step 5 of Worksheet A and submit to our office for review.

If there are any questions, please feel free to call me (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HG 316 - 04

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

May 7, 2004

Mr. Michael Hild
Division Chief
Engineering Division
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224

RE: Critical Area Commission Approval
Gunpowder Falls State Park

Dear Mr. Hild:

On August 6, 2003, the Chesapeake Bay Critical Area Commission approved five stormwater management areas in the Hammerman area at Gunpowder Falls State Park. These best management practices were proposed as a way for the Port to fulfill the 10 % phosphorus reduction requirement they could not meet on-site at Dundalk Marine Terminal. The Commission discussed this proposal at length to treat stormwater offsite, and ultimately concluded that it was acceptable. This offsite mitigation project will treat 29.61 pounds of phosphorus.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawn McCleary".

Dawn McCleary
Natural Resources Planner

cc: Mark Kreadle
Phil Lee
Regina Esslinger
State 52-02

Critical Area Commission

STAFF REPORT

May 5, 2003

APPLICANT: Maryland Port Administration

PROPOSAL: Critical Area Institutional Management Plan

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

DISCUSSION:

At the direction of the Project Subcommittee, the Maryland Port Administration (MPA) has developed a plan to address the difficulties they have had in meeting the 10 % phosphorus reduction requirements. For the last several months, the Project Subcommittee has been discussing the MPA Critical Area Institutional Management Plan. The Plan discusses potential proposed development projects at the five port sites and the projected phosphorus removal requirements for each. The five port sites are: Dundalk Marine Terminal, Seagirt Marine Terminal, North Locust Point, South Locust Point and Masonville Marine Terminal.

The Port and Critical Area staff have been exploring a variety of offsite mitigation options to meet the 10 % pollutant reduction requirements for the five MPA properties where on-site stormwater treatment is infeasible. In this plan, the Port lists all the offsite options they have researched and may eventually propose to use as projects on the Port sites come forward. The Port will track how much phosphorus will need to be removed with each development project and how much phosphorus will be removed with each mitigation option. The goal will be to get some of these mitigation proposals in place before the projects come on line so that they will not end up in a deficit situation, as they have been in the past. The Plan will be updated on a regular basis so as both development projects and mitigation options change we will have a current record. Each development project will still come to the Commission for approval, and at that time the Port will address whether they can meet the 10 % requirements on site. The Commission will also have to approve each offsite mitigation proposal as it moves forward. Therefore, approval of this plan does not confer approval on any specific offsite mitigation option nor any specific development proposal.

AMENDMENT/REFINEMENT DETERMINATION

To: Martin G. Madden, Chairman

From: Dawnn McCleary

Date: May 4, 2004

Date Accepted by CAC: April 9, 2004

Jurisdiction: Town of Hillsboro

Proposal: Six-Year Comprehensive Review for the Town of Hillsboro

Description: The Town of Hillsboro has completed the required comprehensive review of their Critical Area Program and has submitted a revised Critical Area Ordinance and Map for review and approval. The new ordinance will replace the existing Critical Area Program and various sections in the Town's Zoning Ordinance. The Planning Commission unanimously recommended approval of the proposed Critical Area Ordinance and Map on April 5, 2004. The Town's current Critical Area Program places approval by the Critical Area Commission before approval by the Town Commissioners; therefore, the Commissioners have not yet formally approved the new ordinance. However, it is my understanding that they have reviewed it and have expressed support of the new ordinance and map.

The new ordinance is based on the model prepared by Commission staff and is considered to be sufficiently comprehensive, so that a separate Program document is no longer necessary. Substantive changes include clarification of the land use classifications and standards for development, clarification of provisions pertaining to the protection of Habitat Protection Areas, and reorganization of the provisions for water-dependent facilities. Other changes include the addition of required provisions for grandfathering, enforcement, and shore erosion control. Sections on growth allocation, structures on piers, and the Critical Area Program amendment process have been added.

The Town's new Critical Area Map was prepared by the Maryland Department of Planning and includes more detailed parcel information than the original map. The Heritage Division of the Department of Natural Resources was contacted regarding updated information on Habitat Protection Areas and that information is shown on the new map.

Local Request for Processing: () Refinement (X) Amendment

Staff Recommendation for Processing: () Refinement (X) Amendment

Chairman Determination for Processing: () Refinement (X) Amendment

Staff Recommendation: (X) Approve
() Approve with Conditions (See Attachment)
() Deny

Chairman Refinement Decision:

- Approve
- Approve with Conditions
- Deny

Martin G. Madden
Martin G. Madden, Chairman

May 11, 2004
Date

s:\cac\planr\amenref

**CRITICAL AREA COMMISSION
FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

A panel of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays will conduct a joint public hearing with the Hillsboro Town Commissioners for the purpose of hearing public comments on a new Critical Area ordinance and map, which will replace the Town's existing Critical Area Program, various sections in the Town's Zoning Ordinance, and the Town's Critical Area Map. Substantive changes include clarification of the land use classifications and standards for development, clarification of provisions pertaining to the protection of Habitat Protection Areas, and reorganization of the provisions for water-dependent facilities. Other changes include the addition of required provisions for grandfathering, enforcement, and shore erosion control. Sections on growth allocation, structures on piers, and the Critical Area Program amendment process have been added. The Town's new Critical Area Map was prepared by the Maryland Department of Planning and includes more detailed parcel information than the original map. The Heritage Division of the Department of Natural Resources has provided updated information on Habitat Protection Areas and that information is also shown on the new map. The public hearing is scheduled for June 8, 2004 at 6:00 p.m. in the Hillsboro Town Hall located at 22043 Church Street, Hillsboro, MD 21641. Comments are encouraged prior to or at the public hearing. Copies of the new ordinance are available from the Town and will be available at the public hearing. For additional information, please call the Critical Area Commission in Annapolis at (410) 260-3460 or Town Circuit Rider at (410) 822-3744. Sign language interpreters and other appropriate accommodations for individuals with disabilities will be provided upon request.

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

May 4, 2004

Mr. Dirk Geratz
Senior Planner
City of Annapolis Dept. of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Old Towne Manor
1 Shipwright Street (SDP-2004-3-106)

Dear Mr. Geratz:

This office has reviewed the applicant's proposal to remove two existing residential and office buildings and replace them with two new residential and office buildings. The site is approximately 0.15 acres in size, in an Intensely Developed Area and in a Buffer Exemption Area (BEA). The existing impervious surface on site is 40 %; new impervious surface will be 34.0 %.

This office does not oppose the redevelopment of this site. However, no mitigation information was provided. Mitigation at a 2:1 ratio must be provided as specified in the City's provisions. The applicant should also provide written responses to the BEA standards.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 285-04

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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April 30, 2004

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

RE: Canton Crossing
1501 South Clinton Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a 17-story office tower, heating and cooling plant, a new pedestrian plaza, a parking garage and retail space. The development is proposed on the former Exxon asphalt plant site. The entire site is 7.66 acres in the Critical Area and is in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the proposed development. This office understands that the applicant is proposing two bioretention facilities to satisfy the 10 % pollutant reduction requirements. Please notify us if the Dept. of Public Works determines that the two bioretention facilities will not work.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 591-01



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

April 30, 2004

Ms. Marti Sullivan
Program Open Space
Tawes State Office Building
Department of Natural Resources
580 Taylor Ave.
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local POS\CPP Project (# 4452-5-128)
Wheeler-Lockerman Park (Phase 2), Town of Denton

Dear Ms. Sullivan:

Thank you for the opportunity to review the above project. This office understands that there is a proposal to construct a pavilion, athletic fields, access ways, accessible parking lots and fencing for park improvements at Wheeler-Lockerman Park. Development activities on Town property in the Critical Area must be submitted to this office for consistency review under COMAR 27.02.02. Based on the information provided, I cannot determine if this proposal is consistent.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Jennifer Shull
Roby Hurley
Regina Esslinger
General File



CLEARINGHOUSE REVIEW

April 19, 2004

RECEIVED

APR 27 2004

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
Tammy Broll, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *JW* James W. Price, Director, Program Open Space
MLW Marketa L. Walker, Program Manager, Community Parks & Playgrounds

SUBJ: DNR Clearinghouse Review of Local POS/CPP Project #4452-5-128, Wheeler-Lockerman Park (Phase 2), Town of Denton, Caroline County

Park improvements will include: constructing a pavilion, access ways, athletic fields, accessible parking lot, and fencing.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

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

DM

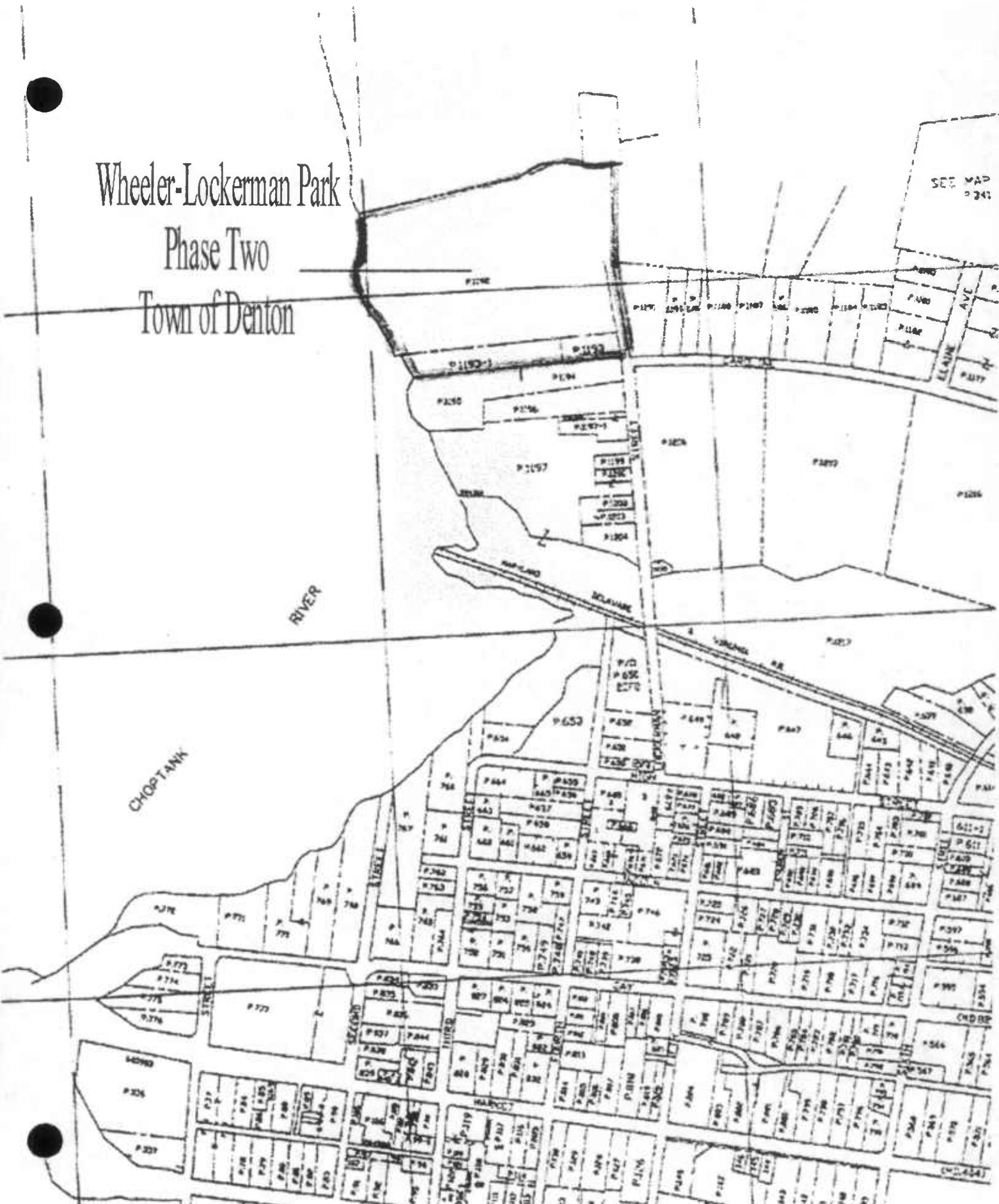
4/30/04

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

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

Wheeler-Lockerman Park

Phase Two
Town of Denton



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

April 22, 2004

Mr. Donald J. Bautz
Manager of Development Services
Department of Economic Development and Planning
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Riegelhaupt Property
600 to 610 Young Street (Local Case Number: 422-04)

Dear Mr. Bautz:

Thank you for sending us the additional information requested. This office has reviewed the applicant's proposal to build six single family attached dwellings. The site is approximately 0.372 acres and within the Intensely Developed Area.

This office does not oppose the redevelopment of this site. The applicant is proposing to put in a dry swale to meet the 10 % calculations. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Diane Klair
Regina Esslinger
HC 269-04

PUBLIC HEARING INSTRUCTIONS

1. Call the hearing to order, welcome everyone, state that this hearing is to consider the following issue:

“The purpose of this hearing is to hear public comment on the Town of Hillsboro which comprise amendments to the Town’s Critical Area Program associated with a comprehensive review of the Program.”

2. **The Town approved these changes to their Critical Area Program on April 5, 2004, and they were submitted to the Critical Area Commission. On April 22, 2004, Commission staff determined that the submittal was complete. On May 4, 2004 Chairman Madden determined that this change was an amendment to Town of Hillboro’s Critical Area Program and appointed a Panel to hold a public hearing.**

3. Introduce the Panel Members:

**Margo Bailey – Chair, Kent County
Frank Dawson – Department of Natural Resources
Louise Lawrence – Department of Agriculture
Dr. Chambers – Queen Ann’s County
Bill Giese – Dorchester County**

4. State the following,

“This hearing is conducted in accordance with the provisions of the Annotated Code of Maryland, Natural Resources Article §8-1809(o). This section of the Code requires a panel of Commission members to conduct a public hearing in the local jurisdiction submitting the proposed amendment to its Critical Area Program. This hearing is part of the Critical Area Commission’s duty under state law to evaluate these changes.”

5. State the Panel’s purpose:

“This Panel’s purpose is to gather information about the proposed amendments to the County’s Critical Area Program. The Panel will not make a decisions on these Bills tonight. The Panel’s role is to hear comments and evaluate the information received tonight, and information that may be submitted by members of the public after tonight until the record of the hearing is closed.”

6. Establish the order of the proceeding:

Town Staff (Roby Hurely & Melinda Stafford)
Commission Staff (**Dawnn McCleary and Mary Owens**)
Proponents
Opponents

7. Explain the process for those wishing to speak

“If you wish to speak tonight, please be sure that you have signed the attendance sheet and provided your full name and address. Statements will be recorded, and speakers should limit comments to 5 minutes. If several speakers from one group are in attendance, please choose a spokesperson for the group’s comments.”

8. Explain about the public comment period:

This hearing was advertised in *Star Democrat* inn May 25, 2004, and an address was provided for written comments. To date, no written comments have been received. The Panel intends to close the record tonight following the hearing; however, an extension may be considered if specifically requested tonight, and the deadline for receipt of written comments will be announced at the end of the hearing.

9. Explain the Panels’ procedures following the meeting.

As part of the Panel’s duty to gather information about proposed amendments, the Panel may ask CAC staff to investigate any pertinent issue further and to provide the Panel with written reports or memoranda. The Panel may also seek guidance and recommendations from other resource agencies including the Maryland Department of Natural Resources and the Maryland Department of the Environment. The Panel may also see the advice of legal counsel.

The Panel will meet to discuss the proposed Program amendment following the public hearing portion of this meeting.

10. Explain the Commission’s role in reviewing the amendments.

The Critical Area Commission will consider the proposed amendments to the Town of Hillsboro’s Critical Area Program at the regular meeting of the full Critical Area Commission on July 7, 2004 in Crownsville, Maryland. The Commission staff will present a brief overview of the Zoning ordinance\ Program changes such as the acreage calculations and Growth Allocation and Map changes and how they are addressed by the Critical Area Criteria. Town staff will present a summary of the Town’s Ordinance and how it will be implemented.

5. If there are any citizens present who would like to speak they can begin. (You may want to limit them, five minutes is usual, three minutes if there are a lot of people signed up.)

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

April 22, 2004

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

RE: President Street Relocation\Extension Consistency Report

Dear Mr. Stuart:

Thank you for providing the additional information on the proposal to re-align President Street. The area of the re-alignment is between Lancaster Street and Katyn Circle.

Critical Area Commission staff understands:

1. That Green space will be increased by 384 square feet;
2. That the addition of tree pits and other landscaping have reduced the impervious surface area. The impervious area has decreased from 100 % to 96.77%;
3. That the area is not a designated Habitat Protection Area;
4. That there are no wetlands located within the project area; and,
5. That wetlands, bioretention, infiltration areas and ponds were analyzed as Best Management Practices and determined unsuitable for this site due to elevation areas. Therefore, the Transportation Department will pay an offset fee.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the

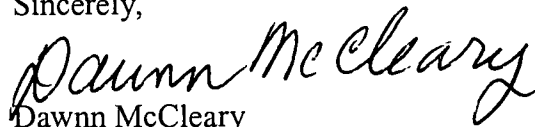


Continued, Page Two
President Street Relocation\Extension
April 22, 2004

Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 225-04

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

April 22, 2004

Mr. Roby Hurley
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: Town of Hillsboro Comprehensive Review

Dear Mr. Hurley:

Thank you for providing information on the proposed changes to the Town of Hillsboro Critical Area Program. Based on the information submitted, it is my understanding that the Town has comprehensively revised its Program and is adopting a new Critical Area Ordinance and Critical Area Map. Because the Town's current Critical Area Program places approval by the Critical Area Commission before approval by the Town Commissioners, the Commissioners have not yet formally approved the new ordinance. However, it is my understanding that they have reviewed it and have expressed support of the new ordinance and map.

As we discussed today, the Heritage Division of the Department of Natural Resources was contacted regarding updated information on Habitat Protection Areas, and that information is reflected on the new map.

The Critical Area Commission staff received your letter on April 9, 2004 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Continued, Page Two
Town of Hillsboro Comprehensive Review
April 22, 2004

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Melinda Stafford
Mary Owens
Hillsboro Comprehensive File

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

April 20, 2004

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

RE: J. Paul's Restaurant
Baltimore City

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a kiosk on the terrace at Harborplace. We understand that it is all impervious and in the 100-foot Buffer. This site is approximately 0.0035 acres and within the Intensely Developed Area.

This office does not oppose the redevelopment of this site. Since the entire project is less than 250 square feet, the 10 % calculations are not needed. This office has determined that the proposed redevelopment activity is correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 266-04

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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April 16, 2004

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

RE: Swann's Wharf
951 Fell Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a condominium building with a parking garage, 10 new townhouses, a parking lot, and public promenade. This site is in an Intensely Developed Area.

This office does not oppose the redevelopment of this site. The applicant has reduced pollutant load by 12 %, therefore the 10 % pollution reduction has been met. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

Cc: Regina Esslinger
BA 224-04

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/

April 16, 2004

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

RE: President Street Relocation\Extension Consistency Report

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. This office understands that the City's Department of Transportation is proposing to re-align President Street. The area of the re-alignment is between Lancaster Street and Katyn Circle to the west. The site is 0.31 acres and is in the Intensely Developed Area. The project is outside the 100-foot Buffer and is in the City's Waterfront Revitalization Area.

As specified in the 10 % guidance manual revised in 2003, in Worksheet A, C = 0.3 mg\l, not 1.08 mg\l. This will result in L Pre being 0.72 lbs. P\year for Step 2 and L Post being 0.68 lbs\year for Step 3. Step 4 will now be 0.03 lbs.\year. Please revise Worksheet A to reflect this change and submit to our office.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

Cc: Regina Esslinger
BA 225-94

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

April 16, 2004

Ms. Jacqueline Rouse
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401


RE: Boatyard Bar and Grill
Special Exception (Local Case No. S-48-2004)

Dear Ms. Rouse:

This office has reviewed the special exception proposal application to expand an existing use and to have a parking lot in a residential zone. This site is approximately 0.45 acres and within the Intensely Developed Area.

This office has no comments on the special exception. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

Cc: Megan Owen
Regina Esslinger
AN 233-04

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

April 14, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Additional Code Amendments to Annapolis' Critical Area Program

Dear Mr. Smith:

Thank you for sending us the proposed changes and updates to the City of Annapolis Zoning Code. We understand that the changes include an overall re-organization and a few minor changes to Title 21, Chapter 21.67 of the City's Critical Area Program. We understand that Chapter 21.67 will now become Chapter 21.54.

After reviewing the minor changes and the new organization of your zoning code, our office has no comment and will be awaiting the official request for Commission review once the revisions have been approved by the City Council on May 10, 2004.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

Cc: Megan Owen
Mary Owens
City File

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

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/

April 12, 2004

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

RE: Dogs World Project
200 West McComas Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to renovate an existing warehouse for a dog kennel. The applicant is also proposing to grade in the rear of the building for a new yard and parking lot. This site is approximately 0.28 acres and within the Intensely Developed Area.

This office does not oppose the redevelopment of this site. The applicant is proposing to put a dry swale. Please notify us if the City determines that the dry swale is not feasible for this site.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 194-04

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

April 8, 2004

Ms. Brynja M. Booth
Attorney for the Town of Denton
Cordrey, Thompson, and Karsten
130 North Washington Street
P.O. Box 1747
Easton, Maryland 21601

RE: Resolution No. 641 (Crouse\Brown\Baker\Mezger) Annexation
Town of Denton

Dear Ms. Booth:

Thank you for providing information regarding the proposed annexation of the 853.208 acres of land from Caroline County into the Town of Denton. The land lies between the Choptank River and Maryland Route 328. This office understands that a portion of the land proposed to be annexed is located within the Critical Area. Currently the area is designated Resource Conservation Area, and it is proposed to be annexed into the Town with this designation.

Based on the information provided, it appears that the Denton Town Council will conduct a public hearing on April 26, 2004 to review the annexation. Following approval of the annexation, in accordance with the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the Town will submit a request for approval of this map change to the Critical Area Commission for review and approval.

If you have any questions about the Critical Area map amendment process, please feel free to call me at (410) 260-3583.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

Cc: Roby Hurley
Jennifer Shull
Mary Owens
File Copy

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

March 24, 2004

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

RE: Fleet Transit Inc. Project
3410 Fairfield Road and 1443 Chesapeake Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to remove and clear an old tank farm and to replace with a gravel lot for a new truck terminal. The proposed truck terminal will be developed on two parcels in which most will take place on the larger parcel. The entire site is 21.04 acres with 2.04 acres in the Critical Area and as well in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the proposed development. There are no Habitat Protection Areas impacted. This office understands that the applicant is proposing grass swales to satisfy the 10 % pollutant reduction requirements. Please notify us if the Dept. of Public Works determines that the grass swales will not work.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 90-04

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

March 23, 2004

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Parker Residence Variance
7047 Bay Forest Drive

Dear Mr. Smith:

Thank you for the opportunity to review the above variance application. This office has reviewed the applicant's proposal to demolish an existing house and construct a new single family dwelling with garage. Only the house is proposed within the Buffer. The property is approximately 0.28 acre; in a Limited Development Area and in a Buffer Exemption Area (BEA). A variance is also requested for a side yard setback.

After reviewing the site plan, this office does not oppose the variance for the house. The applicant is proposing to provide all mitigation in accordance with the City's BEA provisions.

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

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 168-04

CLEARINGHOUSE REVIEW

March 9, 2004

RECEIVED

MAR

CHECK ONE
CRITICAL

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
Tammy Broll, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West Street, Suite 100, Annap. MD)

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3559-26-128
Gwynns Falls Greenway Acquisition, Baltimore City

Amendment to the original project to include the acquisition of two additional easements: Amoco property (2000 Haines Street at Russell Street) and the Carr-Lowery property (2200 block of Kloman Street).

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

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

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

DM 3/23/04

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

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



LEGEND
 Proposed Trail Alignment
 Existing Trail Alignment
 Trail Spur Alignment

A project of the Mayor and City Council of Baltimore, the State of Maryland, the Gwynns Falls Greenway Task Force, the Trust for Public Land, and Parks and People.
 Map prepared by: Willis F. Kirwin, Inc. & Susan Berry, Inc. May 1994.

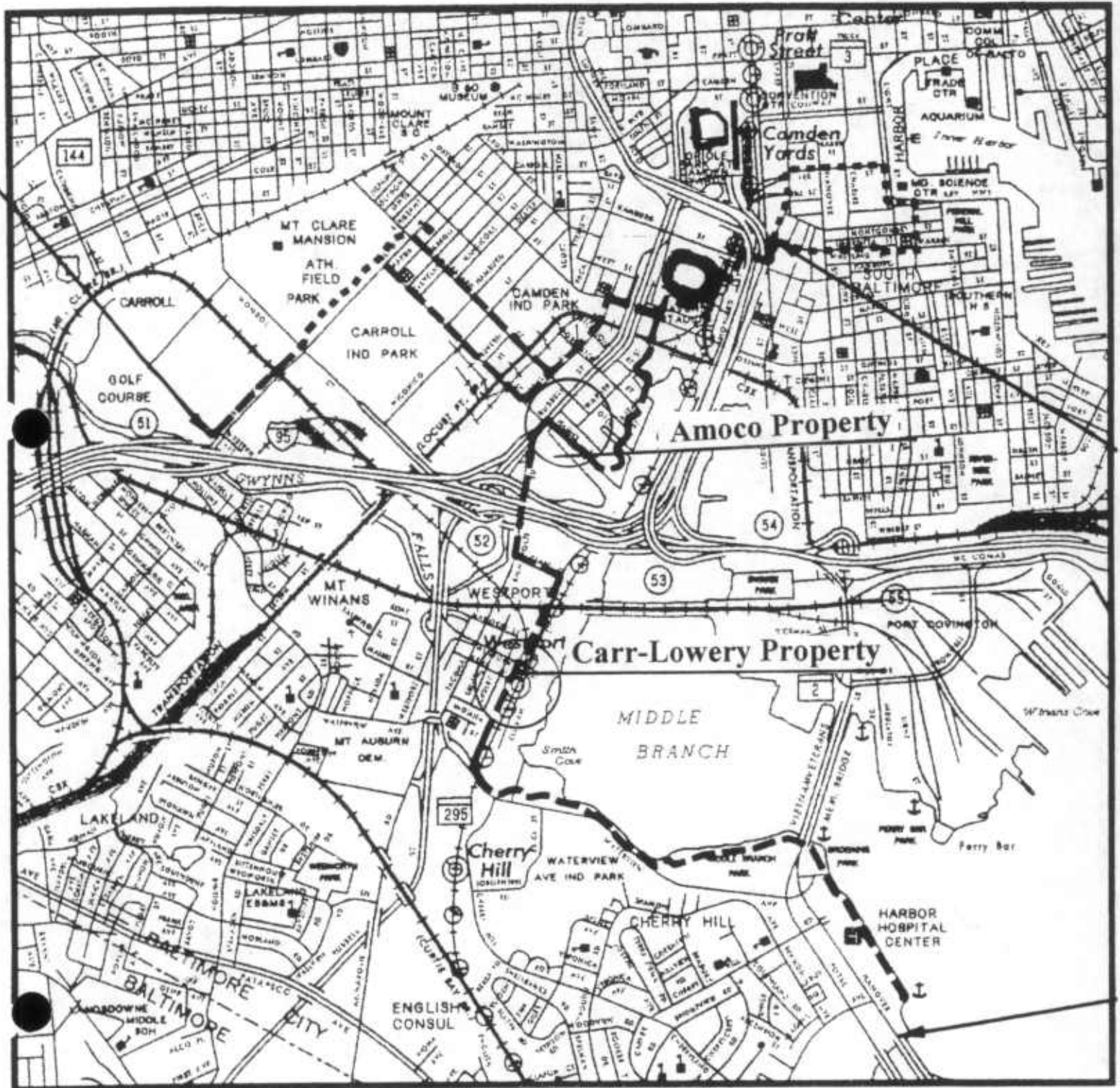


The Gwynns Falls Trail



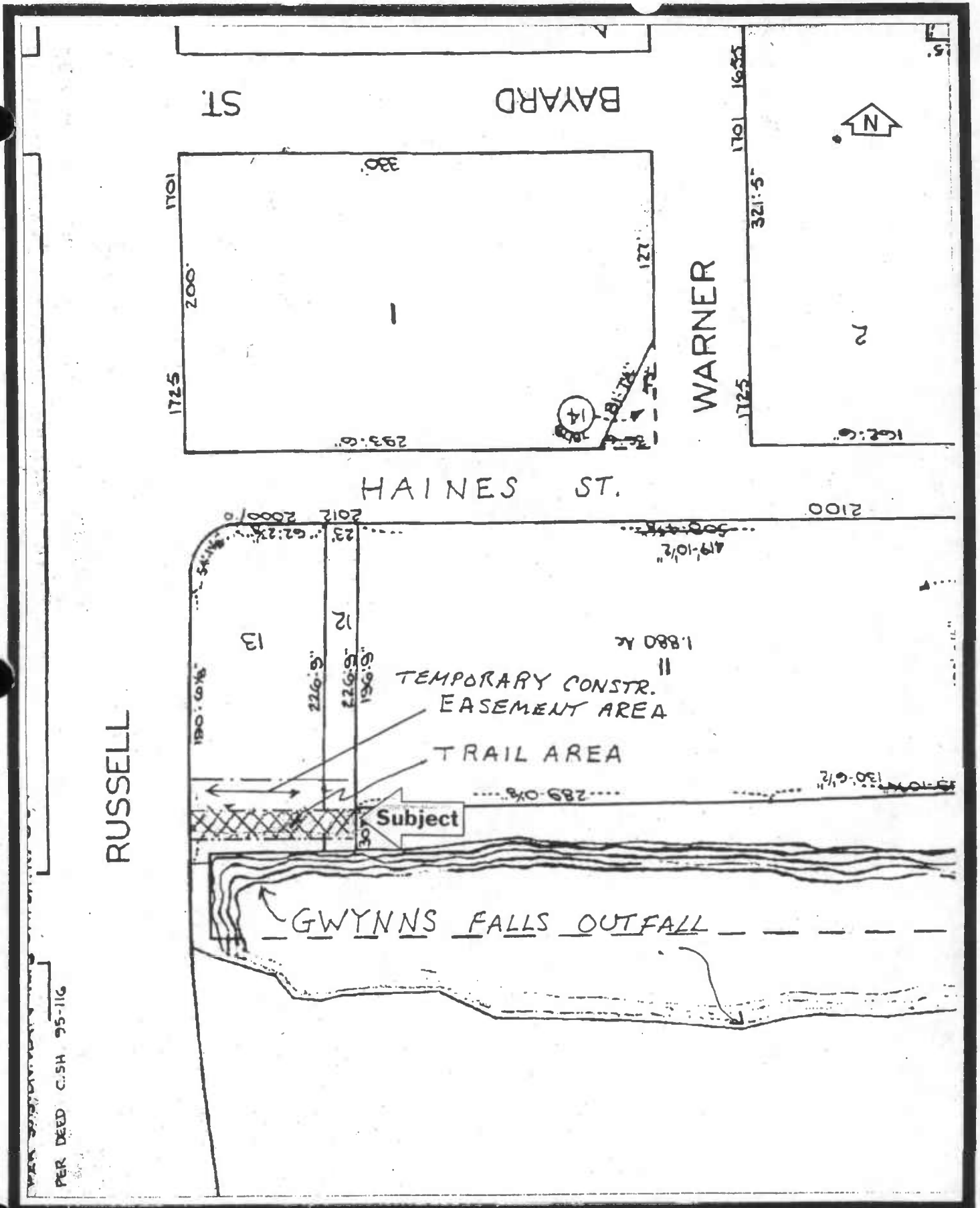
**Baltimore City Consolidated Annual Program FY 99 - Revised
 Gwynns Falls Greenway Acquisition FY99
 Amoco Property - Trail Easement, 2200 Haines St
 Carr-Lowery Property - Trail Easement, 2200 block Kloman St**

**Baltimore City Consolidated Annual Program FY 99 - Revised
Gwynns Falls Greenway Acquisition FY99
Amoco Property - Trail Easement, 2000 Haines St
Carr-Lowery Property - Trail Easement, 2200 block Kloman St**

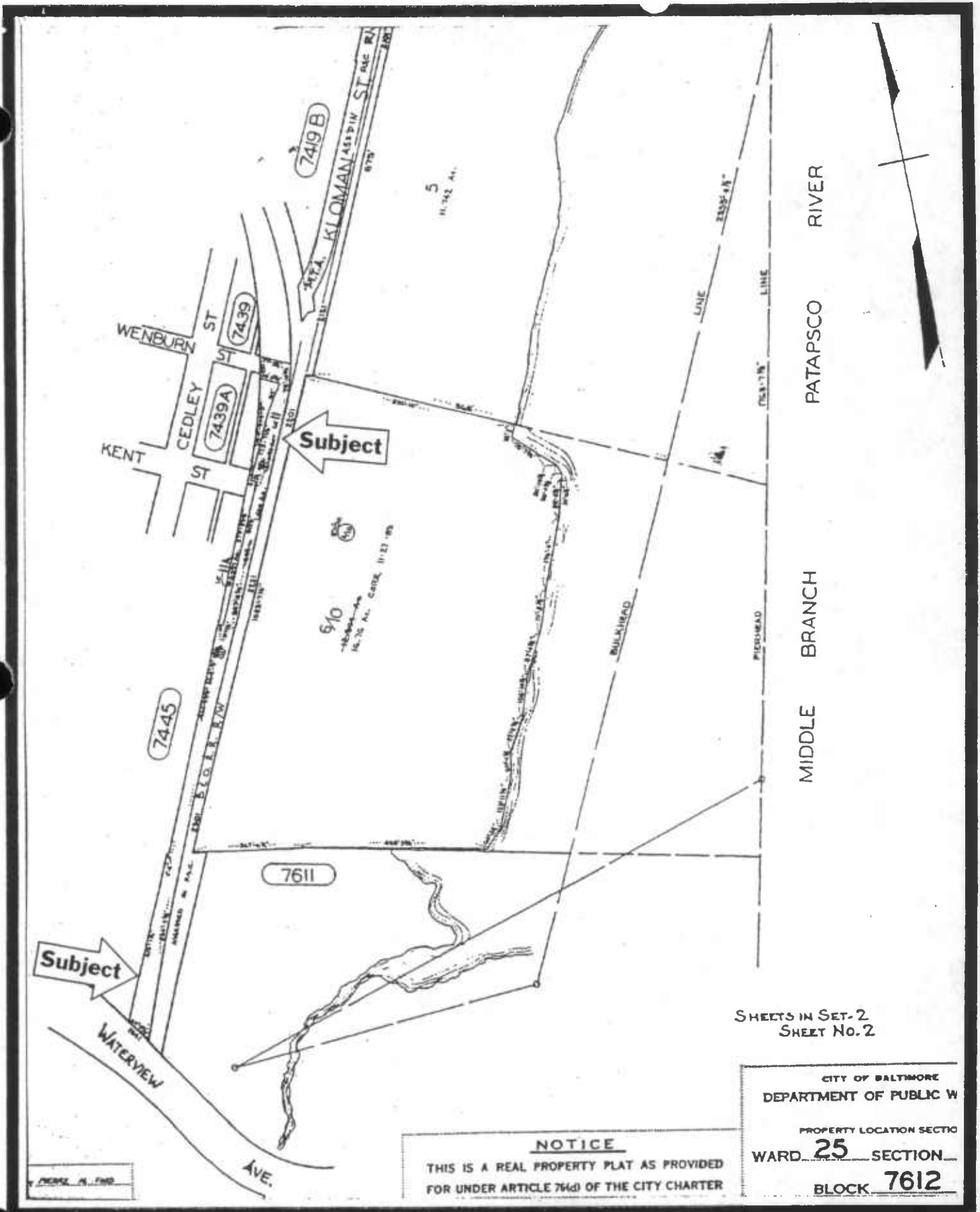


LOCATION MAP

SCALE: 1" = 2,000'



Baltimore City Consolidated Annual Program FY 99 - Revised
 Gwynns Falls Greenway Acquisition FY99
 Amoco Property - Trail Easement, 2000 Haines St



Baltimore City Consolidated Annual Program FY 99 - Revised
 Gwynns Falls Greenway Acquisition FY99
 Carr-Lowery Property - Trail Easement, 2200 block Kloman St

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/

March 23, 2004

Ms. Marti Sullivan
Program Open Space
Tawes State Office Building
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local POS Project (#3559-26-128)
Amoco and Carr-Lowery Easement Acquisition

Dear Mr. Sullivan:

Thank you for the opportunity to review the above project. The proposal is to acquire acquisition easements on the Amoco and the Carr-Lowery properties. If any development activities are proposed, the sites will be subject to Baltimore City's Critical Area provisions.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

Cc: Duncan Stuart
Regina Esslinger
General File

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

March 22, 2004

Mr. Arnold Norden
Environmental Review Division
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Susquehanna State Park
Canoe Launch (2004-DNR-072)

Dear Mr. Norden:

Thank you for the opportunity to review the proposed above project. This office understands that DNR is proposing to construct a canoe launch\takeout along the Deer Creek at Susquehanna State Park in Harford County. The proposed project includes gravel launching ramp and an access trail that provides a connection between the ramp and an existing gravel parking area that is located adjacent to the site.

This office understands that the construction of the launch is intended to provide improved access to Deer Creek in an area that is heavily used by canoes and tubers. It is also intended to stabilize existing erosion at the site and provide a safer access for recreational users. The proposed project will stabilize the existing access trail and will create a stabilized drainage channel that will route runoff away from the trail.

Since the proposed development activity will take place in the 100-foot Buffer on State owned property, this project will need Commission approval before start of construction. Our office will need to see detailed site plans for the development activity in the Critical Area. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resource Planner

cc: Nick Walls
Regina Esslinger
General Files



Robert L. Ehrlich, Jr.
Governor

C. Ronald Franks
Secretary

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

W. P. Jensen
Deputy Secretary

REVIEW AND EVALUATION OF ACTIVITIES AFFECTING DNR LAND

DATE: March 10, 2004

RECEIVED

TO:	Gary Haslam	Lori Byrne
	John Norbeck	Michele, Hurt
	Ren Serey	Nita Settina
	Lisa Gutierrez	Ross Kimmel

MAR 15 2004

CHESTER BAY
CRITICAL AREA COMMISSION

FROM: Arnold Norden *AN*

SUBJECT: Susquehanna State Park, Canoe Launch (2004-DNR-072)

Review the attached information regarding this project and forward your comments directly to me by March 31, 2004.

Please complete the following and return this memorandum with any additional comments that are pertinent.

Check one:

- Comments are attached
- This proposal is consistent with the goals of this program.

Daum Mcclary

Signature

CAC

Agency

Timely processing of this request requires that this memorandum be returned by the date given above. If comments are not received by that date I will assume that you have none, and that this proposal is consistent with the goals of your program.

cc: Bob Beckett

**DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING, D-3**

580 TAYLOR AVENUE
ANNAPOLIS, MARYLAND 21401

Telephone: (410) 260-8906

FAX: (410) 260-8894

MEMORANDUM

TO: Butch Norden

FROM: Dave Decker *DAD*

DATE: March 2, 2004

SUBJ: Environmental Review Submittal
Proposed Canoe Launch
@ Deer Creek
Susquehanna State Park
Harford County

Please circulate the attached project information to all appropriate units for environmental review. CAC and MHT should be part of the review for this project. Also, I would like a determination regarding Wetlands of Special State Concern. Therefore, would you see that the appropriate group/individual (Dave Brinker?) receive a copy. Thanks!

attachments

PROJECT SUMMARY

PROPOSED CANOE LAUNCH @ DEER CREEK SUSQUEHANNA STATE PARK HARFORD COUNTY

Project Description

The Maryland Department of Natural Resources (DNR) is proposing to construct a canoe launch/ takeout along Deer Creek, immediately upstream of the confluence with the Susquehanna River, at Susquehanna State Park in Harford County. The proposed project shall consist of a gravel launching ramp and an access trail that provides a connection between the ramp and an existing gravel parking area that is located adjacent to the site. Waterway Improvement Program funding is currently available for the project. Pending the acquisition of all permits/approvals, the project work shall be performed in Fall 2004. The work shall be performed by DNR In-house Construction personnel.

Project Location

The project site is located on land that is owned by The Susquehanna Power Company (SPCO), and that has been leased to the State as a recreational amenity to Susquehanna State Park. The project location is as illustrated on the attached vicinity and location maps (Attachments 1 & 2).

Project Purpose

Construction of the launch is intended to provide improved access to Deer Creek in an area that is heavily used by canoers and tubers. The proposed site is an ideal last (most downstream) takeout point on Deer Creek.

The project is intended to stabilize existing erosion at the site, and provide safer access for recreational users. Heavy foot traffic on the existing trail has eliminated vegetation and created erosion, particularly at the stream bank. The erosion is compounded by an existing drainage wash that is situated at the most heavily traveled section of the stream bank. The proposed project will stabilize the existing access trail, and will create a stabilized drainage channel that will route runoff away from the trail. The trail improvements will enhance safety by providing vastly improved footing to the launch area.

Project Scope

The project includes the construction of a gravel canoe ramp, timber steps to the top of the stream bank, and a stabilized access trail. A stone lined drainage channel shall be placed in order to correct the existing erosion problem and to prevent undermining of the

proposed trail. In addition, an existing set of timber steps that provide access to the adjacent pedestrian bridge will be reconstructed and a stone dust surfaced trail connection to the proposed launch ramp access trail will be added. The proposed site layout and associated construction details are illustrated on the attached drawings (Attachment 3, 4 & 5).

The proposed ramp shall consist of a 4" thick gravel filled geoweb surface on a 6" thick CR-6 base. The ramp shall be approximately 30 feet long, 8 feet wide, and shall vary in elevation from approximately 0.0 to 5.0 feet (NGVD). The sides of the ramp shall be edged with onsite stone.

A six (6) foot wide trail shall connect the top of the ramp with the existing parking area. The trail shall consist of a 2" thick stone dust surface on a 6" thick CR-6 base. The proposed steps shall be constructed from 6"x6" pressure treated lumber. The step treads shall be filled with a 2" thick surface layer of stone dust over a minimum 4" thick base layer of CR-6. The access trail shall be edged with onsite stone as available.

The existing steps and wood walkway shall be removed or rebuilt, as per the attached Site Plan. The proposed trail section alignment has been reoriented from that of the existing trail in order to relocate foot traffic away from the wetland area that is illustrated on the Plan. Any resulting disturbed areas will be stabilized using a wetland seed mix and native tree planting.

A stone drainage channel shall be placed adjacent to the access trail at the riverbank. The drainage channel shall be approximately 4 feet wide and shall be stabilized with a 12" thick layer of rip rap on filter fabric.

The trail connection to the pedestrian bridge shall be aligned as illustrated on the attached Site Plan. The trail and step construction particulars (materials, x-sec., etc.) shall be as per the ramp access trail.

Permits/ Approvals

The proposed project is expected to require approvals by the Maryland Department of the Environment (MDE), the Critical Area Commission (CAC), the Army Corps of Engineers (COE), and the Maryland Historic Trust (MHT). Additionally, the project will be circulated through DNR's internal Environmental Review process, and will be sent to the Lessor (The Susquehanna Power Company) for their approval.

The proposed site is located within the critical area buffer and the 100-yr floodplain. A wetland site investigation has been performed and the resulting delineation is shown on the Site Plan. The project will not require the removal of any trees. Clearing activities will be confined to the removal of low brush. Delineations of the shoreline, 100-yr floodplain, and critical area buffer limits are illustrated on the attached Site Plan (Attachment 3).

A tabulation of the estimated project impacts is as follow:

Total Area of Disturbance	2890 sf
Total Area of additional Impervious *	1425 sf
Area of Disturbance in Crit. Area Buffer	2255 sf
Area of Impervious in Crit. Area Buffer *	1040 sf
In-stream Area of disturbance	345 sf
Volume of Excavation	27 cy

* stone dust surfaced trail area

Project Management

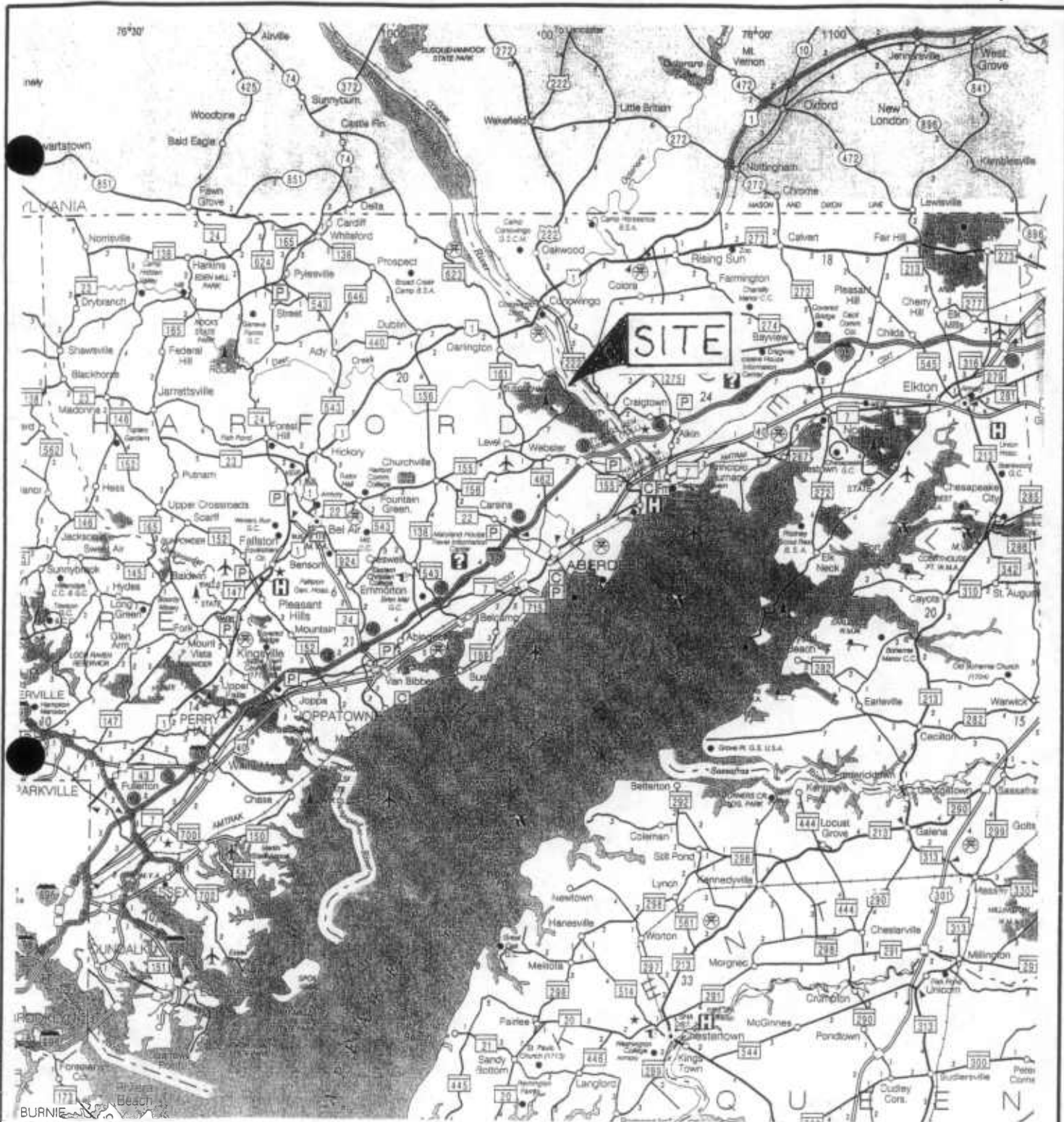
The DNR Engineering & Construction (E & C) Unit is performing the design and construction for this project. The Project Manager is Dave Decker (410-260-8906). The point of contact at Susquehanna State Park is Park Manager, Gary Haslem (410-557-7994).

Project Schedule

Permit/Approval Acquisition	7/1/04
Construction Start	8/15/04
Construction Complete	9/15/04

Attachments

Attachment 1	Vicinity Map
Attachment 2	Location Map
Attachment 3	Site Plan
Attachment 4	Details
Attachment 5	Details



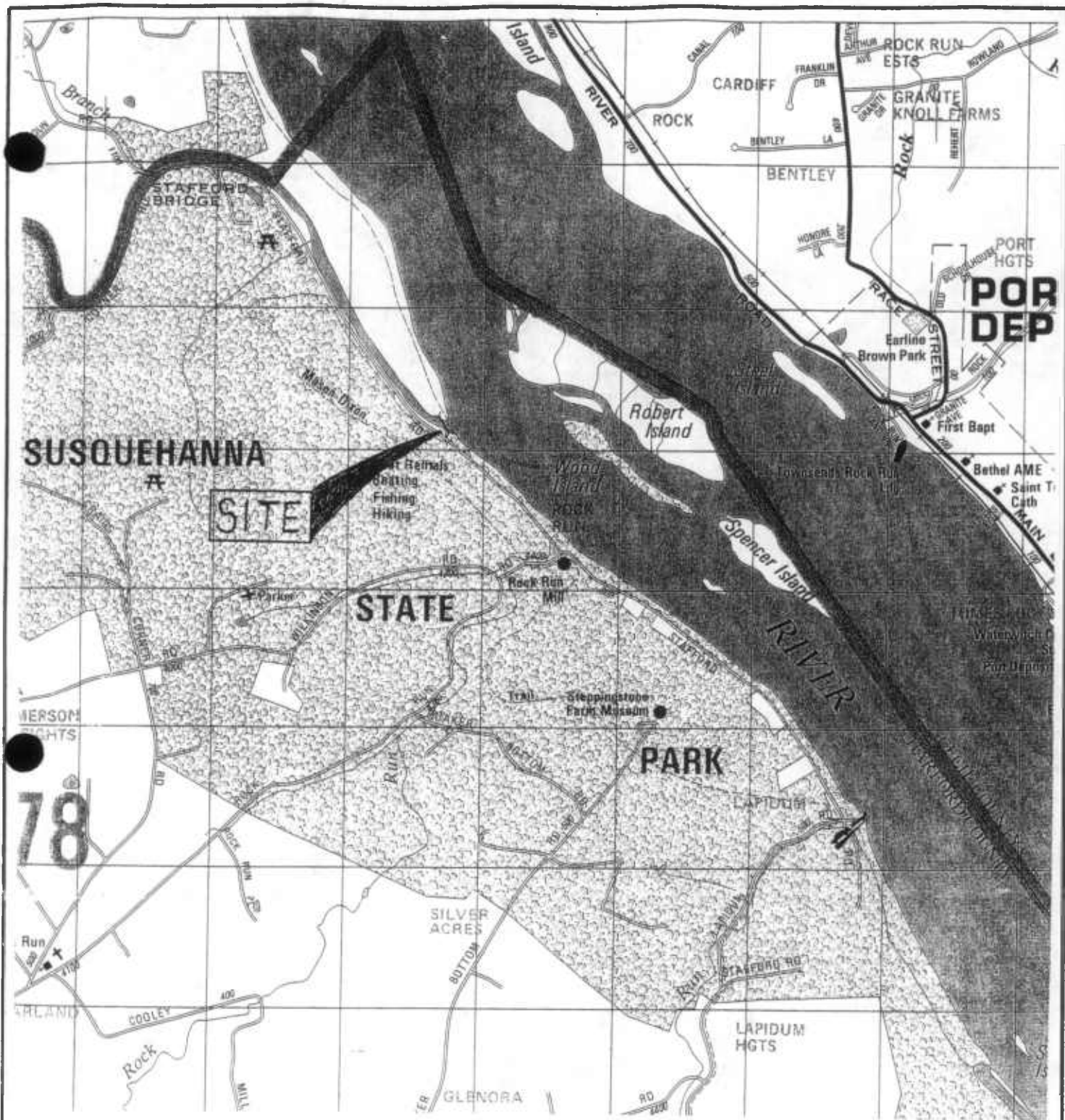
VICINITY MAP

SCALE: 1" = 6 MILES

PROPOSED CANOE LAUNCH
 ON DEER CREEK
 SUSQUEHANNA STATE PARK
 HARFORD COUNTY

DATE: OCTOBER 2003

ATTACHMENT 1



**POR
DEP**

SUSQUEHANNA

SITE

STATE

PARK

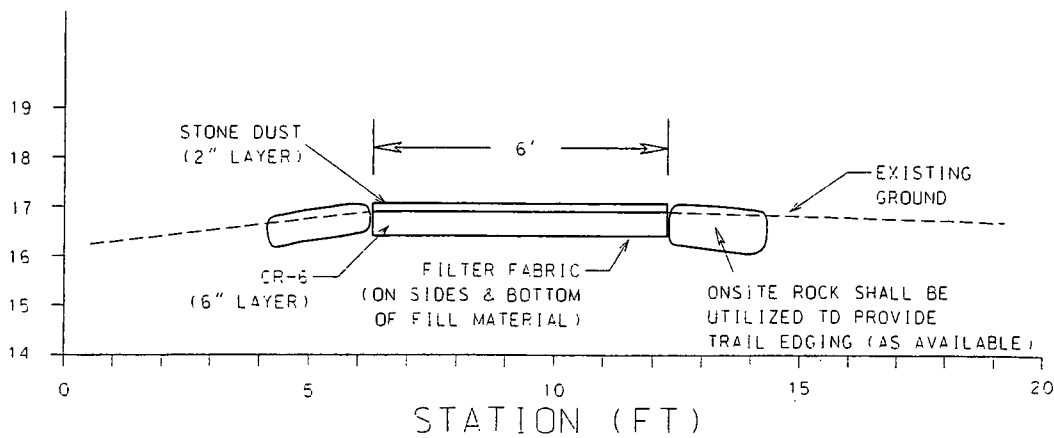
78

LOCATION MAP
SCALE: 1" = 2000'

PROPOSED CANOE LAUNCH
ON DEER CREEK
SUSQUEHANNA STATE PARK
HARFORD COUNTY

DATE: OCTOBER 2003 ATTACHMENT 2

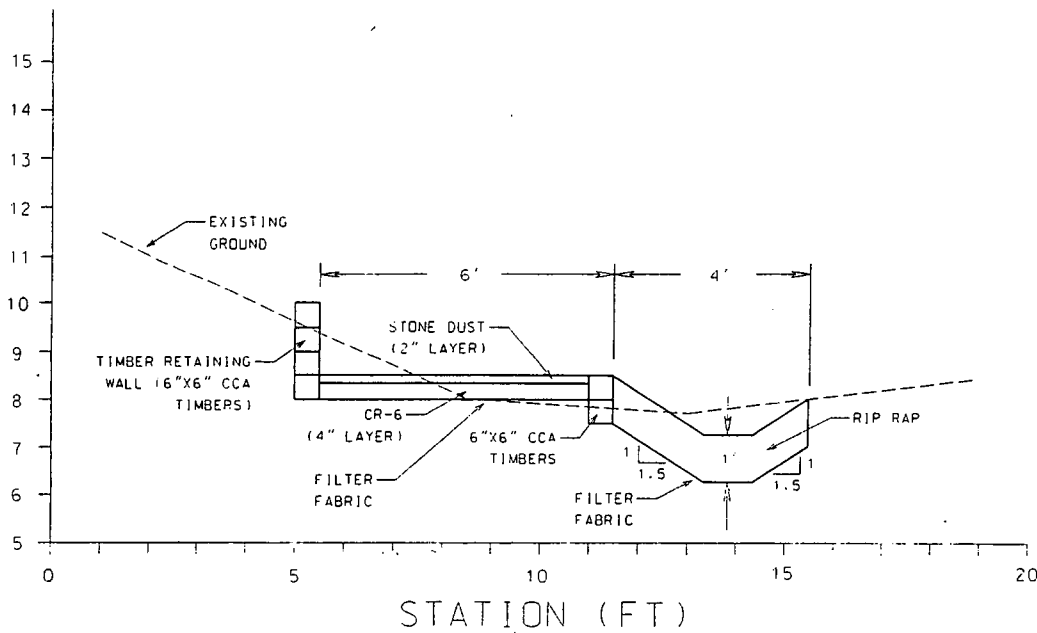
ELEVATION (FT) NGVD



SECTION A-A

SCALE: 1" = 4'

ELEVATION (FT) NGVD



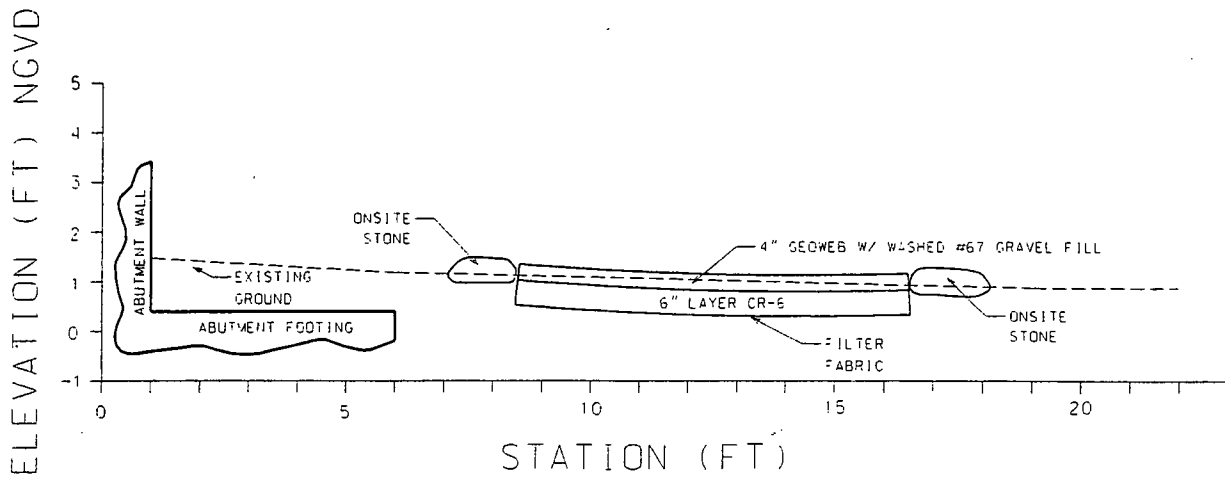
SECTION B-B

SCALE: 1" = 4'

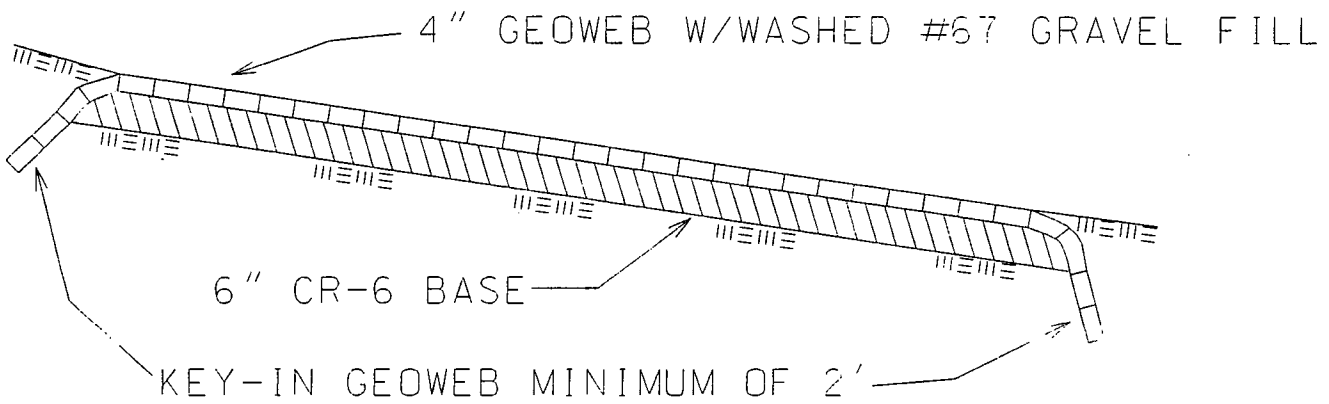
PROPOSED CANOE LAUNCH
ON DEER CREEK
SUSQUEHANNA STATE PARK
HARFORD COUNTY

DATE: MARCH 2004

ATTACHMENT 4



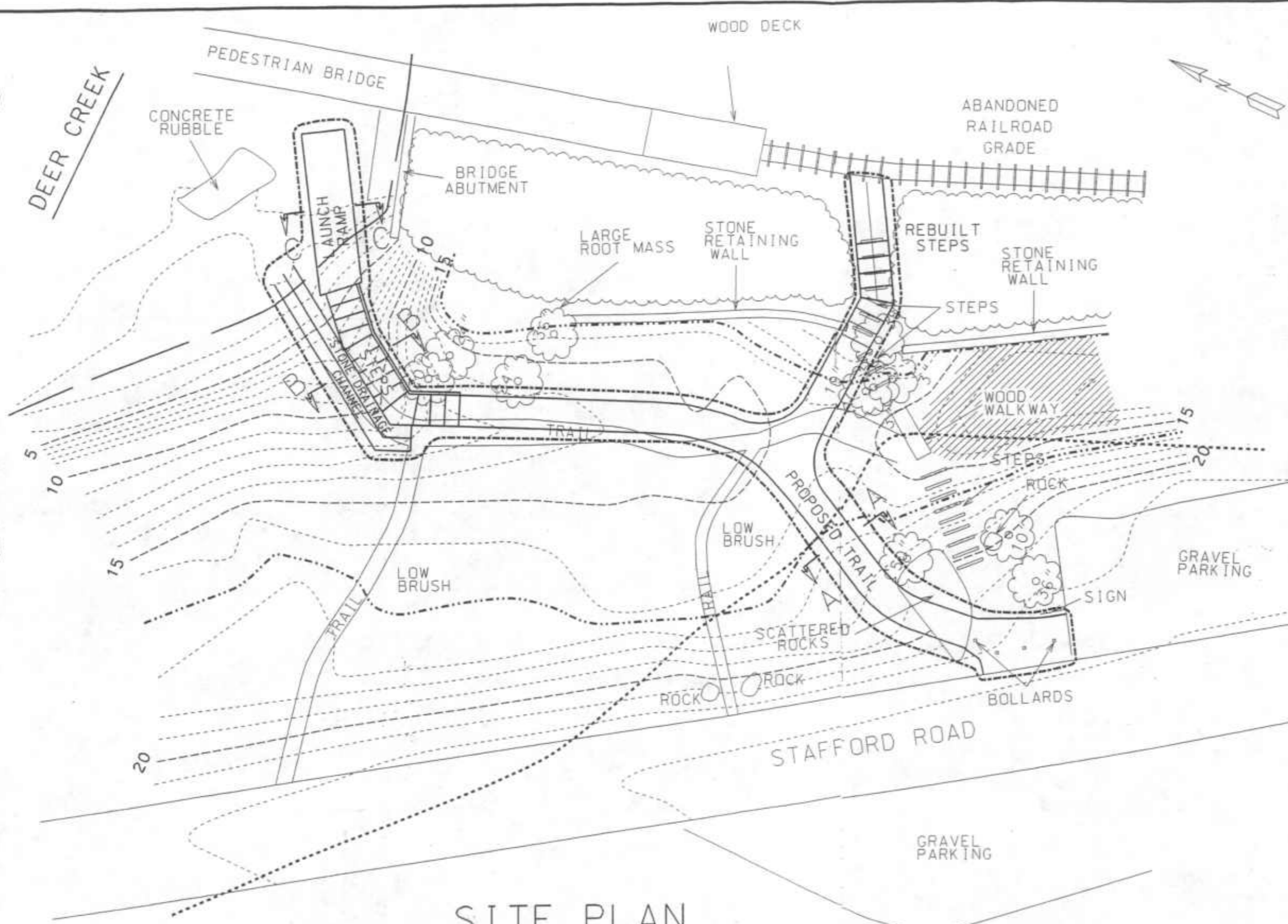
STATION (FT)
SECTION C-C
 SCALE: 1" = 4'



STABILIZED CANOE LAUNCH DETAIL
 NO SCALE

PROPOSED CANOE LAUNCH
 ON DEER CREEK
 SUSQUEHANNA STATE PARK
 HARFORD COUNTY

DATE: MARCH 2004 ATTACHMENT 5



LEGEND

EX. SITE FEATURES	_____
PROPOSED SITE FEATURES	_____
EX. CONTOURS	- - - - -
EX. MAJOR CONTOURS (5 FT)	- - - - -
TREES	⊙
TREELINES	~~~~~
SHORELINE	_____
100-YR FLOODPLAIN LIMIT	- · - · - · -
CRITICAL AREA BUFFER LIMIT	- · - · - · -
LIMIT OF DISTURBED AREA	- · - · - · -
WETLANDS	▨

NOTES

1. ONSITE SOILS ARE HATBORO (Hb) AS PER THE USDA SOIL SURVEY FOR HARFORD COUNTY
2. EX. TIMBER STEPS AND WOOD WALKWAY SHALL BE REMOVED.
3. EX. STEPS TO ABANDONED RR GRADE AND PEDESTRIAN BRIDGE SHALL BE REBUILT TO INCLUDE LOW RETAINING WALLS ON EACH SIDE.
4. ONSITE STONE (AS AVAILABLE) SHALL BE UTILIZED TO EDGE THE PROPOSED TRAIL, STEPS AND LAUNCH RAMP.

SITE PLAN

SCALE: 1" = 20'

**PROPOSED CANOE LAUNCH
ON DEER CREEK
SUSQUEHANNA STATE PARK
HARFORD COUNTY**

DATE: MARCH 2004 ATTACHMENT 3

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/

March 11, 2004

Ms. Marti Sullivan
Program Open Space
Department of Natural Resources
Tawes State Office Building, E-4
Annapolis, Maryland 21410

RE: DNR Clearinghouse Review of Local POS Project (# 4537-12-225)
Parks Property Acquisition, Harford County

Dear Ms. Sullivan:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to acquire 45.5 acres parcel of land Willoughby Beach Road. The property is forested, open land and agricultural, and borders Otter Point Creek and Otter Point Estuary. The park site will serve as a southern gateway for the Anita C. Leight Estuarine Reserve. The acquisition of this waterfront property will expand the protection of more than 704 acres of land and water that has been protected through a local, State, non-profit and federal partnership.

It appears from the site plan that a portion of the park is in the Critical Area. If this is the case, our office will need to see any future site plans for development activity in the Critical Area. If this project takes place on land owned by the local jurisdiction, it will fall under COMAR 27.02.02 (Development in the Critical Area Resulting from State and Local Agency Programs) and may require consistency review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
Regina Esslinger
General File

CLEARINGHOUSE REVIEW

February 27, 2004

RECEIVED

MAR 2 2004

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO : Arnold Norden, Greenways and Resources Planning (E-4)
 Glenn Therres, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 Tammy Broll, Natural Resources Police (E-3)
 Matthew Fleming, Education, Bay Policy Growth Management (E-2)
 Marian Honecny, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Ray Dintamin, Environmental Review (B-3)
 Regina Esslinger, Critical Area Cmsn. (1804 West St., Suite 100, Annapolis MD 21401)

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

SUBJ : POS # 4537-12-225
 Parks Property Acquisition, Harford County

This project proposes to acquire a 45.5± acre parcel of land located on Willoughby Beach Road in the Edgewood community. The property is forested, open land and agricultural, and borders Otter Point Creek and the Otter Point Estuary. This park site will serve as a southern gateway for the Anita C. Leight Estuarine Reserve, an established partnership of Harford County, the State of Maryland and the National Oceanic and Atmospheric Administration. The acquisition of this waterfront property will expand the protection of more than 704 acres of land and water that has been protected through a local, state, non-profit and federal partnership.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

✓	3/11/04

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

Parks Acquisition



Propertylines.shp
Structures

Parks Acquisition



 Propertylines.shp
 Structures



Attachment 2b

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

March 11, 2004

Mr. Scott Smizik
Vanasse Hangen Brustlin, Inc.
477 McLaws Circle, Suite 1
Williamsburg, Virginia 23185

RE: Fort McHenry National Monument and Historic Shrine DCP\EA

Dear Mr. Smizik:

Thank you for providing information regarding the proposed concept plan at Fort McHenry National Monument and Historic Shrine. We understand that the preferred alternative for the concept plan includes a new education\administration facility, realignment of the current parking lot, demolition of the current Visitor Center and demolition of the northern maintenance facility to create an employee parking lot. There are no Habitat Protection Areas impacted.

This office has reviewed your concept plan for future redevelopment in the Critical Area. We do not oppose the proposed concept plan. However, we understand that when this project goes to the design phase, the 10 % pollutant reduction calculations will be addressed. We encourage the National Park Service to address the 10 % calculations on site and be available to assist you in reviewing options. We are looking forward in reviewing the final site plan, 10 % calculations and landscaping plan when they available.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
Federal 07-04

CLEARINGHOUSE REVIEW

February 27, 2004

RECEIVED

MAR 2 2004

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO : Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
Tammy Broll, Natural Resources Police (E-3)
Matthew Fleming, Education, Bay Policy Growth Management (E-2)
Marian Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Ray Dintamin, Environmental Review (B-3)
Regina Esslinger, Critical Area Cmsn. (1804 West St., Suite 100, Annapolis MD 21401)

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

SUBJ : POS # 4537-12-225
Parks Property Acquisition, Harford County

This project proposes to acquire a 45.5± acre parcel of land located on Willoughby Beach Road in the Edgewood community. The property is forested, open land and agricultural, and borders Otter Point Creek and the Otter Point Estuary. This park site will serve as a southern gateway for the Anita C. Leight Estuarine Reserve, an established partnership of Harford County, the State of Maryland and the National Oceanic and Atmospheric Administration. The acquisition of this waterfront property will expand the protection of more than 704 acres of land and water that has been protected through a local, state, non-profit and federal partnership.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency

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

✓ 3/11/04

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

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



**BERDEEN PROVING GROUND
EDGEWOOD AREA**

21010

Parks Acquisition



Propertylines.shp
Structures

Parks Acquisition



 Propertylines.shp
 Structures



Attachment 2b

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

March 8, 2004

Mr. John Hall
Attorney
Town of Greensboro
P.O. Box 340
Greensboro, MD 21639

RE: Spiering Farms Annexation
Town of Greensboro

Dear Mr. Hall:

Thank you for providing information regarding the proposed annexation of 156.489 acres of land from Caroline County into the Town of Greensboro. This office understands a portion of the land proposed to be annexed is located within the Critical Area. Currently the area is designated as a Resource Conservation Area, and it is proposed to be annexed into the Town with this designation.

Based on the information provided, it appears that the Mayor and Council of the Town of Greensboro will be holding a public hearing on March 18, 2004 to review the annexation. Following approval of the annexation, in accordance with the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the Town will submit a request for approval of this map change to the Critical Area Commission for review and approval.

If you have any questions about the Critical Area map amendment process, please feel free to call me (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
David Kibler
Mary Owens
File Copy

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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March 8, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: City of Annapolis Critical Area Code Changes

Dear Mr. Smith:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on City of Annapolis Ordinance O-26-03. The request involved text amendments to the City code as well as the creation and incorporation of the new City Department of Neighborhood and Environmental Programs. This change will outline the new Department's authority and responsibilities. On March 3, 2004, 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 amended code reflecting the changes shall be submitted to the Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Mary Owens
Annapolis Refinement File



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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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

March 2, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Annapolis Performance Cruising Project
7364 Edgewood Road

Dear Mr. Smith:

Thank you sending us the additional information we requested. This office has reviewed the applicant's proposal to expand the existing maritime building by approximately 15,000 square feet and to expand the parking area and boat storage area. The site is 4.05 acres in size, is designated an Intensely Developed Area and is in a Buffer Exemption Area (BEA).

After reviewing the site plan and revisions to Worksheet A, this office does not oppose this development activity. This office agrees that bioretention is the most desirable Best Management Practice in the BEA. The applicant proposes to provide 2:1 mitigation with native species. This office has determined that the proposed redevelopment activity, 10% calculations and landscaping plans are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owens
Regina Esslinger
AN 126-01

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

March 1, 2004

Ms. Nancy Lipski
Site Plan and Permit Review
Harford County Department of Planning and Zoning
220 South Main Street,
Bel Air, Maryland 21014

RE: Flying Point Park Parking Area Expansion
511 Kennard Avenue

Dear Ms. Lipski:

Thank you for providing "Notification of Certification" that the above project is consistent with the Harford County's Critical Area Program. This office understands that the County is proposing the expansion of a parking area at Flying Point Park along Otter Point Creek. The park does not have adequate trailer parking facilities to supplement the two boat ramps that reside on the property. The property is located entirely within a Limited Development Area and totals 15.86 acres with 11.7 acres in the Critical Area.

The site currently has 40,530 square feet (0.93 acres) of impervious surface. The proposed improvements will require 11,926 square feet (0.27 acres) of new impervious surface to create additional parking. 26,000 square feet of overflow parking will be created using a pervious reinforced grass system. Playground equipment, a paved parking area, a tennis court, railroad tracks, picnic tables and benches currently exist on site. The project will temporarily disturb 72,207 square feet, with 60,281 square feet to be stabilized with vegetation. 11,926 square feet of pervious surface will be mitigated through the planting of understory trees and shrubs.

Critical Area staff understands:

1. That all construction activities will be located landward of the mean high water line;
2. That the majority of the expanded parking facilities will be constructed of pervious materials with a grass cover;

Continued, Page Two
Flying Point Park, Parking Expansion
March 1, 2004

3. That there will be no impact to tidal or non-tidal wetlands;
4. That all disturbed areas will be stabilized vegetation such as trees and shrubs will be planted to mitigate for the impervious area added;
5. That runoff will sheet flow to Otter Point Creek across grass areas;
6. That there will be no impacts to rare, threatened and endangered species; and,
7. That no trees and woodland areas will be disturbed by the proposed project.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*). Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
Regina Esslinger
HC 117-04

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

February 26, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Edgewood Road Improvements Consistency Report

Dear Mr. Smith:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. This office understands that the City is proposing to make improvements within the existing Edgewood Road right-of-way. The improvement includes the installation of bike lanes, lane widening and shifting, and landscaping. The scope of the work includes the improvements to Edgewood Road from its intersection with Bay Ridge Avenue to the portion located between the Waste Water Reclamation Plant and Back Creek Nature Park.

The total proposed development area is 8.00 acres, with 2.07 acres in a portion of the right-of-way within the Intensely Developed Area. The project will not impact the 100-foot Buffer or the forested areas. Therefore, there will be no negative impact to any Habitat Protection Areas.

This office understands that the City proposes to use plantings as an offset to address credit for riparian reforestation projects. The proposed landscaping plan shows that the City will plant 132 trees and 103 shrubs to fulfill the 10% Rule and mitigation for tree removal requirements.

Continued, Page Two
Edgewood Improvement Consistency Report
February 26, 2004

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 08-04

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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February 26, 2004

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

RE: Crazy Ray's Auto Recycling Center
2801 Hawkin's Point Road

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build an auto dismantling parts facility on a vacant parcel. This office understands the site has been graded and partially paved with crushed stone. The site is approximately 10.26 acres and within the Intensely Developed Area. A stormwater management pond has also been built and approved by the Maryland Department of the Environment and the Department of Public Works. The pond will serve the drainage area for the whole site. The site area includes the adjacent Forest Conservation Easement area of 2.061 acres. This area cannot be used for future development.

After reviewing the site plan, this office does not oppose the proposed development of this site. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Handwritten signature of Dawnn McCleary in cursive script.
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 95-04

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

February 24, 2004

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

RE: John Koukides Townhouses
808-816 Lakewood Avenue

Dear Mr. Stuart:

Thank for sending us the additional information we requested. This office has reviewed the applicant's proposal to remove an existing building and build five new infill townhouses. The site is approximately 0.14 acres and within the Intensely Developed Area.

This office does not oppose the redevelopment of this site, however, we understand that the applicant will be paying an offset fee instead of mitigating onsite. Has the applicant investigated using above ground planters to provide treatment for the 0.1172 pounds of phosphorus? Please notify us if the City determines that planters are not feasible for this site.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 48 - 04



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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February 20, 2004

Mr. Roby Hurley
Critical Area Circuit Rider
Maryland Department of Planning
27490 West Point Road
Easton, Maryland 21601

RE: Greensboro Self Storage Project
Stanford Street

Dear Mr. Hurley:

This office has reviewed the applicant's proposal to develop the existing vacant parcel as a self storage facility in the Town of Greensboro. The site is approximately 2.141 acres and within the Intensely Developed Area, with 0.65 acres being disturbed. There are no impacts to Habitat Protection Areas and the site is being graded so that the basin will treat 100 % of the runoff.

After reviewing the site plan, this office does not oppose the development of this site. This office understands that the proposed development will include an infiltration basin to meet the 10 % rule for pollutant removal requirement. Therefore, this office has determined that the proposed development activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
GR 87-04

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

February 10, 2004

Ms. Diane Klaire
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Comprehensive Review of Havre de Grace Critical Area Program

Dear Ms. Klaire:

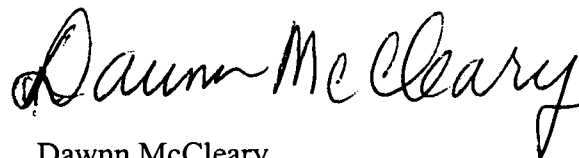
Critical Area Commission staff is in the process of reviewing the progress of all municipalities that have not completed the first comprehensive review of their Critical Area Program. As you know, the City of Havre de Grace has been working on the comprehensive review for the last two years. On January 21, 2003, Commission staff met with you to review the revisions to the City's Program, and final changes were made over the ensuing months. It was our understanding that the City Attorney was reviewing the final document, and that approval of a revised Critical Area Ordinance was anticipated in the Fall of 2003.

City staff and Commission staff have put a lot of effort into this review of the City's Critical Area Program, and we are anxious to see this effort completed. In order for us to plan and schedule hearings efficiently over the next few months, we need you to provide us with a timetable for completing the comprehensive review and forwarding a request for Commission review of the final, locally approved document. The Critical Area Commission meets on March 3, 2004; therefore, a response is requested prior to that date.

Continued, Page Two
Havre de Grace Comprehensive Review
February 10, 2004

We look forward to assisting you in finalizing this important effort. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary". The signature is written in black ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resource Planner

cc: Mary Owens
General Files

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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February 9, 2004

Ms. Cynthia Simpson
Deputy Director
Office of Planning and Preliminary
Engineering
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: MD 70 (Rowe Boulevard)
Weems Creek and College Creek
Bridge Replacement and Rehabilitation

Dear Ms. Simpson:

On February 4, 2004, the Critical Area Commission unanimously approved the proposed construction staging areas and crane access for the replacement and rehabilitation of I-70 Weems Creek and College Creek bridges in Anne Arundel County and City of Annapolis. If any changes to these approved locations occur, the Critical Area Commission may need to approve the changes.

I would like to thank Donna Buscemi from SHA for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Donna Buscemi
Regina Esslinger
State 46-02

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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January 30, 2004

Mr. Donald J. Bautz
Manager of Development Services
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Condominium Building
150 Congress Avenue
Havre de Grace

Dear Mr. Bautz:

This office has reviewed the applicant's proposal to build a four story 20 unit condominium building within the Critical Area. We understand that the site is currently used by a neighboring marina as an open dry-dock facility. This office understands that the proposed building will be elevated on pilings, which will provide off-street parking beneath the building. The site is approximately 0.57 acres and within the Intensely Developed Area.

After reviewing the site plan, this office does not oppose the redevelopment of this site. This office understands that 10 % calculation requirements are being met with a reduction of impervious areas on site. Therefore, no Best Management Practice is required. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HG 19-04

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

January 30, 2004

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

RE: Domino Sugar Project
1100 Key Highway East

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to redevelop the existing parking lots and roadways within the refinery in conjunction with the Locust Point Industrial Road project. The applicant will also include the acquisition of the adjacent parcel from Tidewater Marine to redevelop the gravel lot into a paved truck trailer parking area. The site is approximately 4.73 acres and within the Intensely Developed Area.

After reviewing the site plan, this office does not oppose the redevelopment of this site. This office understands that the existing surface cover is primarily impervious with possible subsurface contaminants which limits the use of treating the site with stormwater management facilities. The applicant will reduce the impervious surface by creating 0.49 acres of new green space. Therefore, this office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 28-04

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/

January 30, 2004

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

RE: John Koukides Townhouses
808-816 Lakewood Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to remove an existing building and build five new infill townhouses. The site is approximately 0.14 acres and within the Intensely Developed Area. Steps 3 and 4 are missing from Worksheet A for the 10 % pollutant calculations. Please submit these pages to complete our review of this project.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 48 - 04



Critical Area Commission

STAFF REPORT

February 4, 2004

APPLICANT: State Highway Administration

PROPOSAL: Weems Creek and College Creek
Bridge Construction Staging Area and
Crane Access

JURISDICTION: Anne Arundel County and City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

State Highway Administration is proposing improvements to the Weems Creek and College Creek bridges at MD 70\Rowe Boulevard. The Weems Creek Bridge straddles Anne Arundel County and Annapolis; all of the College Creek bridge is located in Annapolis. On December 3, 2003, SHA updated the Subcommittee with potential sites for equipment staging areas and construction entrances.

SHA has recommended locations for the proposed stabilized construction entrances (SCE) and an equipment staging area for the project. Once construction is completed, the entrances will be removed and the land will be restored and planted. The entrances will be used by the Contractor primarily to load the cranes onto the barges and to unload the cranes from the barges when construction is completed. Two SCE, one at each creek, will be necessary. The entrance will require an additional 4,200 square feet of tree clearing inside the 100-foot Buffer, with 12,600 square feet of tree planting being required as mitigation.

The proposed College Creek SCE will require 3,065 square feet of tree clearing. This area was chosen because SHA wanted to remain within SHA right-of-way and to minimize impacts to the local community. The proposed Weems Creek SCE will require 1,133 square feet of tree clearing. All mitigation will be on sites within the bridge improvements project area.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

The following are the responses of the applicant:

(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

Due to the tight construction schedule and environmental concerns associated with the MD 70 bridges project, SHA has decided to provide the Contractor with an approved construction entrance at Weems and College Creek. The proposed entrances, which will be located immediately adjacent to both bridges, will be used by the Contractor primarily to load the cranes onto the barges and to unload the cranes from the barges when construction is complete. Site selection took into account vertical clearance, steepness of slopes, significant trees, significant cultural resources, and land use and ownership. The construction entrances will be constructed of 2 to 3 inch crushed aggregate placed on geotextile matting on the slope down to the creek and timber matting at the bottom of the slope extending into the water. These entrances will remain in place for the duration of the construction process, which is expected to last 2 years. Once construction is complete, the entrances will be removed and the land will be restored and re-forested.

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

The public would benefit from Contractor's use of the proposed stabilized entrances because the construction project would be completed sooner, safer and likely, in a more environmentally sensitive manor. If the location of these entrances were left up to the Contractor, the Contractor would be responsible for acquiring all the necessary permits, including Critical Area approval. These processes can take up to several months to complete. Furthermore, the Contractor may only consider cost in determining the locations of the entrances, whereas SHA has carefully considered cultural, environmental and community resources, as well as cost, in making the site determinations. For example, the proposed College Creek construction entrance would not be the cheapest to construct, but rather would have the least community impact. In addition, the construction entrances would allow the construction of the bridge to take place without further reducing the number of travel lanes during construction. Without these entrances, cranes would need to be broken down and lowered by a larger crane from the bridge causing further delays in the construction schedule and traffic congestion, which would create unsafe roadway conditions for the public according to SHA's traffic analysis.

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

The construction of the proposed stabilized construction entrances would result in temporary impacts. The entrances are only needed for the duration of the construction period, which is expected to last 2 years. Once construction is complete, the areas would be restored and planted with trees at a one to one ratio with no permanent impervious surfaces remaining.

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

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

SHA is required to maintain its roadways and bridges in a safe operating condition. Both bridges are in need of repair/replacement and literal enforcement of these regulations would prevent SHA from implementing bridge and minor roadway improvements, including entrances necessary for their construction that would ensure continued and safe use of the bridges leading to and from Annapolis.

(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

As described earlier, locations of the proposed construction entrances were carefully selected due to the tight construction schedule and environmental concerns. The construction entrances will utilize geotextile matting on slopes and timber matting at the bottom of the slopes extending into the water to mitigate for the temporary disturbance. The use of timber matting is expected to have little, if any, effect on the current wetland and creek bottom elevations, thus minimizing, or even eliminating, the need for re-grading. Stabilization of the sites in marsh areas will be accomplished through mulching and seeding. Seeding and mulching will also be used to reduce erosion after construction activities are ceased.

(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

SHA will mitigate for all tree clearing associated with the construction entrances. These access roads will clear a total of 4,200 square feet (s.f.) all of which is within the Buffer. Replacement ratios will follow the formula of 3:1 replacement for clearing in the Critical Area buffer.

Using this approach, SHA will replant 12,600 s.f. to mitigate for tree clearing associated with the construction entrances. SHA intends to perform the mitigation on site within the bridge improvements project area. The construction entrances will be restored to original condition and reforested for a total of 4,200 s.f.

The additional 8,400 s.f. of replacement forest will be planted in the project construction staging area (post project completion). The proposed construction staging area is located off of Rowe Boulevard just west of the College Creek bridge on the lawn at the State Archives building.

SHA will expand the proposed marsh creation mitigation project by 656 s.f. (2:1 mitigation ratio required by Maryland Department of the Environment as a condition for the permit) to satisfy mitigation requirements for the additional tidal wetland impacts.

The Commission is required to base its approval, denial or modification to this project on the following factors:

1. The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;
2. The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and,
3. The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.

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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(410) 260-3460 Fax: (410) 974-5338
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January 26, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21410

RE: City of Annapolis Critical Area Program Code Amendments

Dear Mr. Smith:

Thank you for providing information on the proposed changes to the City of Annapolis Code which implements the City's Critical Area Program. Critical Area staff understands that the City Council of Annapolis approved Ordinance O-26-03 on October 13, 2003. The ordinance amends multiple sections within the City of Annapolis Municipal Code, including various parts of the Critical Area Section. These amendments were made in order to create and incorporate the new City Department of Neighborhood and Environmental Programs, outline the new Department's authority and responsibilities, and clarify some procedures relating to implementation of the City's Critical Area Program.

The Critical Area staff received your letter on January 14, 2004, and is accepting the information as a complete submittal. Chairman Madden will make a refinement determination within 30 days of the date of this letter, and the Program Subcommittee will review for information only these changes at the February 7, 2004 Commission meeting. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Mary Owens
Amendment\Refinement File

MEMORANDUM

TO: Program Subcommittee

FROM: Dawnn McCleary, Natural Resources Planner

DATE: January 26, 2004

RE: City of Annapolis Critical Area Program Code Amendments

On October 13, 2004, the City Council of Annapolis approved Ordinance O-26-03. This ordinance amended multiple several sections of the City of Annapolis Municipal Code, including those implementing the City's Critical Area Program. Generally, the changes to the Code do not substantively affect the City's Critical Area Program. The following changes are included in the ordinance:

1. A new City Department of Neighborhood and Environmental Programs (DNEP) has been created and the ordinance outlines the new Department's authority and responsibilities.
2. The DNEP must review administrative and Board of Appeals variances to the Critical Area Program. The Department of Planning and Zoning will still process the applications; the new Department will merely be consulted for their review comments.
3. The DNEP has been given authority to enforce Chapter 21.67 of the City Code, "Critical Area Overlay," in addition to the Department of Planning and Zoning.
4. In the Definitions Section, several definitions that were mistakenly omitted from a previous version of the ordinance have been replaced.
5. The Director of Public Works will be involved in determining whether road standards may be modified to lessen environmental impacts to ensure that safety will not be significantly affected.
6. Development requirements in Intensely Developed Areas were clarified, and responsibilities for determining requirements for the cutting and clearing of trees were transferred to the DNEP.
7. In the Habitat Protection Section, provisions were modified to state that the purpose of State and federal agency reviews is to assure compliance with all applicable laws, rules, and regulations.
8. Procedures for administrative variances were amended to clarify that the Critical Area Commission will be notified when the City of Annapolis receives an administrative variance application and will be notified of the action taken.

**Critical Area Commission
Chesapeake Bay and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401**

MEMORANDUM

TO: Project Subcommittee

FROM: Dawnn McCleary, Natural Resources Planner

DATE: January 22, 2004

RE: Maryland Port Administration (MPA) Critical Area Institutional Plan Review

At the January 7, 2004 Project Subcommittee meeting, you received a copy of the draft Maryland Port Administration Critical Area Institutional Plan. This plan was developed by the Maryland Port Administration to address the difficulty they have had in meeting the 10% phosphorus reduction requirements.

The Plan discusses proposed projects at the five port sites and the projected phosphorus removal requirements for each. The plan also proposes mitigation for these five MPA properties where on-site mitigation is infeasible. As was discussed briefly last month, the Port is exploring a variety of off-site mitigation options.

We have placed this item on the agenda for further discussion, now that you've had sometime to review the draft plan. The Port and their consultants will be there to answer your questions. We will need your feedback to move forward in the approval of this plan at the March Commission meeting.

cc: MPAInst-04

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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January 16, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Edgewood Road Improvements Consistency Report

Dear Mr. Smith:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. This office understands that the City is proposing to make improvements within the existing Edgewood Road right-of-way. The improvement includes the installation of bike lanes, lane widening and shifting and landscaping. The scope of the work includes the improvements to Edgewood Road from its intersection with Bay Ridge Avenue to the portion located between the Waste Water Reclamation Plant and Back Creek Nature Park.

The total proposed development area is 8.00 acres, with 2.07 acres in a portion of the right-of-way within the Intensely Developed Area. The project will not impact the 100-foot Buffer or the forested areas. Therefore, there will be no negative impact to any Habitat Protection Areas.

Worksheet A of the 10% Rule is incorrect. Please note that in Step 2 and Step 3 A is the total area of the development site, not the area of impervious surface. This correction results in a final removal requirement of 0.593 pounds of P. Therefore, the BMP proposed is insufficient. This must be addressed before we can determine if this project is consistent. If the City wants to consider planting as an offset option, please refer to page 19, #6 of the Applicant's Guide to the 10% Rule Compliance book, which addresses credit for riparian reforestation projects (see attachment).

Continued, Page Two
Edgewood Improvement Consistency Report
January 16, 2004

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 8-04

Having shown that on-site compliance is not feasible, the applicant may choose from the following Offset options in order of preference (see Technical Guide, Appendix B for details).

1. Treatment of off-site drainage to on-site BMP, (See Worksheet B, page 23).
2. Construction and operation of an off-site BMP, sized to meet the removal requirements.
3. Retrofit an existing BMP or pond structure.
4. Retrofit an existing storm drain system to encourage infiltration.
5. Reduce the imperviousness of an existing property through reforestation.
6. Implement a riparian reforestation project (0.5 acres of tree planting per lb of removal requirement). Planting plan must meet local Critical Area reforestation standards, or MD Forest Conservation Manual, if no local standards exist.
7. In rural jurisdictions where retrofit options are limited, finance the installation of a structural agricultural BMP for a farm with a SCS approved conservation plan.
8. Other innovative options: restore a degraded tidal or non-tidal wetland that has been disturbed by previous urban or agricultural drainage activity. This may be accomplished through removal of fill, restoration of original water circulation patterns, and marsh plantings.

Table 6.0 Prioritized Listing Of Potential Offset Projects



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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January 12, 2004

Ms. Jackie Rouse
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21201

RE: Sigma Family Annexation

Dear Ms. Rouse:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the map amendment to change the City's boundaries to include the land where the 8.4 acres of the Sigma property is located. The property is identified as Anne Arundel County Tax Map 51, Block 15, Parcel 62, with 4.4 acres located in the Critical Area. The RCA designation of the property will remain the same.

On January 7, 2004, the Critical Area Commission concurred with the Chairman's decision to approve the above refinement which will maintain the RCA designation. After annexation, the project is proposed for development in accordance with the City's Critical Area Program. The Commission requested a report on the status of the development proposal at the next meeting on February 4, 2004. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Jon Arason
Mary Owens
AN Refinement File

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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January 12, 2003

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

RE: Greyhound Bus Terminal Project
2210 Haines Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a Greyhound facility including a modular building, car and bus parking lots and a concrete walkway. The site is presently covered with pavement except for grass strips along the property lines. The site is approximately 3.08 acres and within the Intensely Developed Area.

After reviewing the site plan, this office does not oppose the redevelopment of this site. This office understands that the applicant will reduce the amount of impervious surface, therefore no Best Management Practice is required. Therefore, this office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 928-03

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/

January 8, 2004

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

RE: Harborview Townhomes

Dear Mr. Stuart:

Thank you for the additional information and documentation on the history of Harborview. As we discussed, it is the City's position that the inclusion of dry dock 4 as part of the development site can be permitted based on the original wetlands permits, the Key Highway Urban Renewal Plan, and other documentation.

This office has no further comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Ren Serey
Ms. Dawnn McCleary
BA 258-03



Critical Area Commission

STAFF REPORT

January 7, 2004

APPLICANT: City of Annapolis Planning and Zoning

PROPOSAL: Sigma Family Annexation

JURISDICTION: City of Annapolis

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

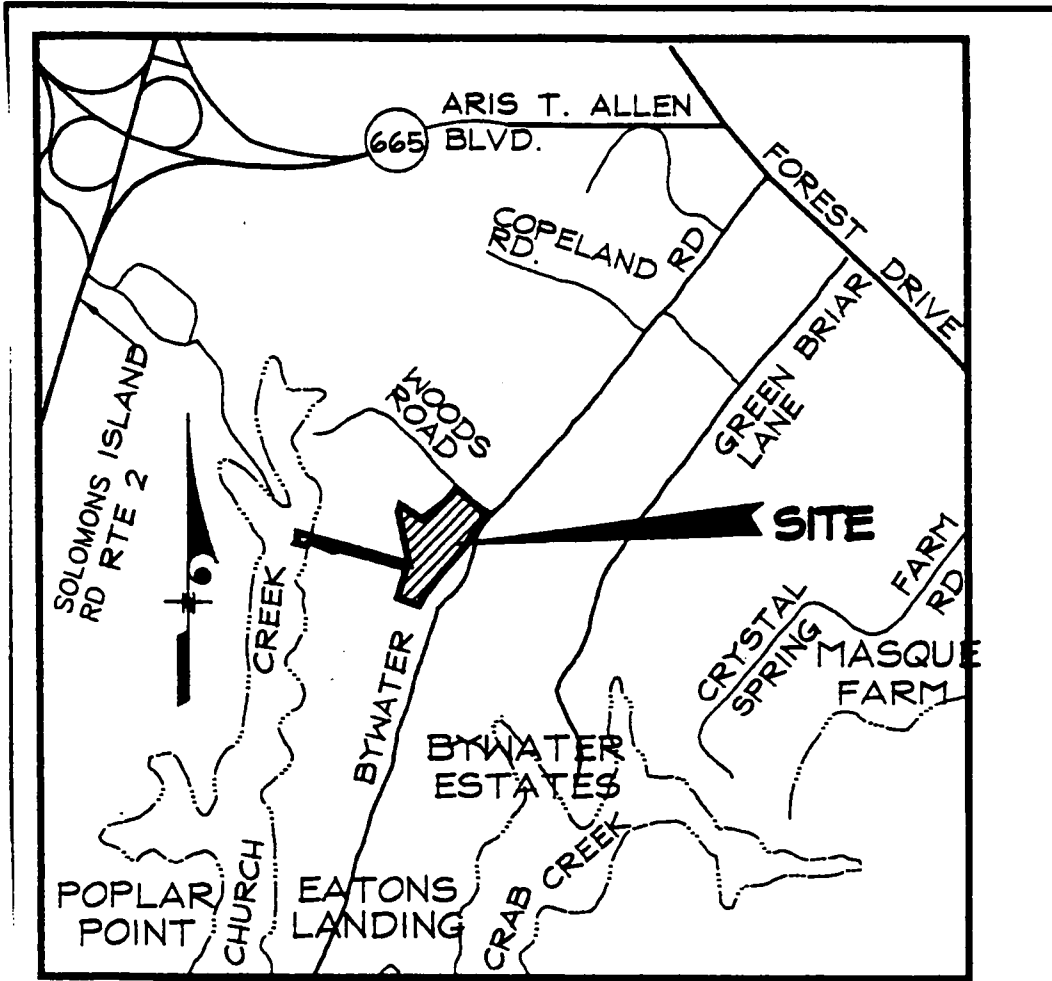
STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article,
Section 8-1809(h) and (I)

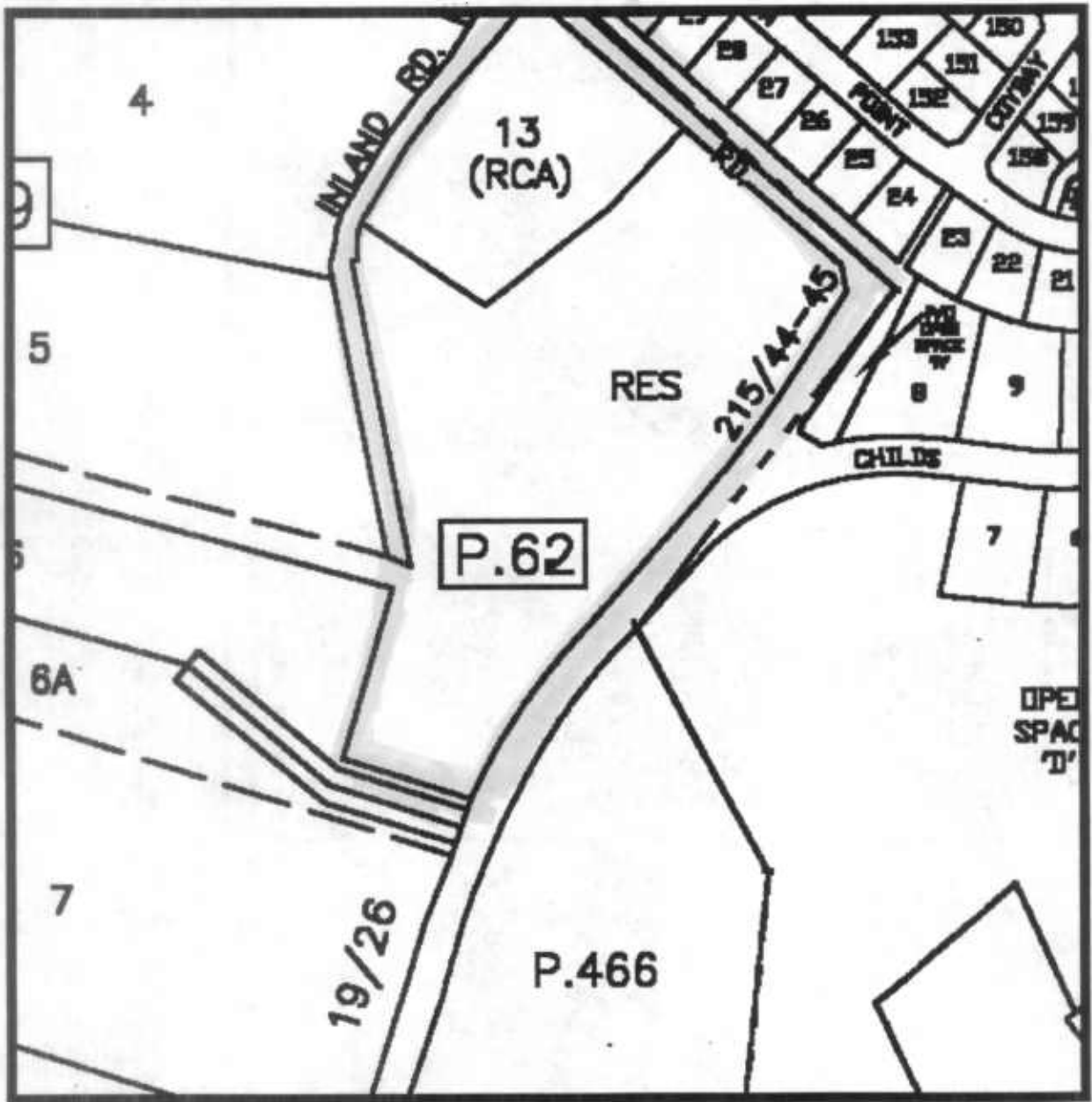
DISCUSSION:

The City of Annapolis recently annexed 8.4 acres of land from Anne Arundel County. The property is identified as Anne Arundel County Tax Map 51, Block 15, Parcel 62. It is located on the corner of Wood Road and Bywater Road and has frontage on Church Creek. Access is provided from Bywater Road via the new road configuration established by the Kingsport Planned Unit Development (PUD) and its intersection with Wood Road. Approximately 4.4 acres of the property is in the Critical Area and is designated as Resource Conservation Area (RCA). The proposed annexation does not involve a change in the RCA designation. The property is currently developed with a single-family residence, which is located outside the Critical Area.

The City confirms that the property is contiguous to and adjoins the City of Annapolis corporate limits. After annexation, the subject property is proposed for subdivision into seven single-family residential lots. One of the lots will accommodate the existing house. Five of the new lots will be located outside the Critical Area, the sixth lot is within the Critical Area. Commission staff has requested additional information about the subdivision history of the property, in order to determine if there is available RCA density to permit the proposed development. Although this information is not required in order for the annexation to be approved, it will need to be submitted before Commission staff can provide comments on the subdivision proposal.



VICINITY MAP
SCALE: 1" = 2,000'



City of Annapolis
Sigma Family Annexation

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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January 6, 2004

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

RE: Eden Street Garage Consistency Report

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. The City is proposing a new parking deck in Fells Point. The site is 2.1 acres, with 1.50 acres in the Critical Area. The project is outside the 100-foot Buffer, is an Intensely Developed Area, and is in the City's Waterfront Revitalization Area.

Critical Area Commission staff understands:

1. That the soil is contaminated with solvents, chrome and oil. The site preparation will remove the appropriate amounts of contaminated soils and cap the remaining areas;
2. That eight trees will be saved. Eleven additional willow oaks, twenty-six Leatherleaf Mahonias and six Heavenly Bambo Shrubs will be planted,
3. That there are no known Federal or State threatened or endangered plant or wildlife species present; and,
4. That the project complies with the 10% Pollution Reduction Requirements through removal of a large impervious surface parking area.

Continued, Page Two
Eden Street Garage
January 6, 2004

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 856-03

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 17, 2004

Mr. Ronald N. Young
Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

**RE: River Watch Subdivision (on former Ammar Tract)
IH 245-03**

Dear Mr. Young:

The purpose of this letter is to follow up on our meeting on May 25, 2004 regarding the River Watch Subdivision. As we discussed, the Critical Area Commission has serious concerns about this project because, although the site is designated as a Limited Development Area (LDA), the project has been planned and designed as if it were on a site designated as an Intensely Developed Area (IDA). You have indicated that it is the Town's intention to use growth allocation to change the Critical Area designation of the property from LDA to IDA. Until this Critical Area program amendment and map change are approved locally and by the Critical Area Commission, the change from LDA to IDA is not effective.

Based on our discussion at the meeting, we understand that the Town has proceeded to approve the subdivision, record the subdivision plats, and issue grading and building permits on this LDA site. Currently, the developer is on-site and development is underway. This development activity on the site is in violation of the following provisions of state law and the Town's Zoning Ordinance:

1. According to the version of the plan we reviewed dated July 1, 2003, the proposed clearing on the site, which is currently underway, is in violation of the 30 percent limitation on forest clearing set forth in Article IX, Part III, Section 955 (c) (iv). The plan indicates forest clearing at approximately 47% of the site. The Town ordinance also requires forest replacement at 1.5 times the total area cleared; however, the Town has not identified any mitigation sites or made any provisions for forest replacement.
2. Permits have been issued for dwellings that will result in impervious surface coverage of approximately 2,200 square feet on lots that are approximately 6,000 square feet in area.

This results in an impervious surface coverage of 35%, which is in violation of the impervious surface limits set forth in Article IX, Part III, Section 955 (c) (vii) C of the Town's ordinance. It also is a violation of state law in the Natural Resources Article 8-1808.3(d)(4) of the Annotated Code of Maryland.

3. The Town has not provided information to show that the 100-foot Buffer, and any possible required expansion of the Buffer, has been properly delineated and appropriate restrictive notes placed on the plat to ensure that the Buffer will be maintained and managed as required by Article IX, Part III, Section 971 (d) (iv).

The Town was made aware of these issues in a letter from the Commission dated April 29, 2003 (attached), and the use of growth allocation was discussed. The growth allocation provisions in Article IX, Part III, Section 957 require that the Town coordinate with Charles County when the use of growth allocation exceeds the amount originally allocated to the Town. Therefore, the Town was aware that it would need to work with the County to secure appropriate approvals. We understand that the Town is close to an agreement with the County concerning the use of growth allocation. However, a matter of this significance should have been resolved prior to final subdivision approval.

Although the use of growth allocation may allow for the effective resolution of the forest clearing and impervious surface issues outlined above, permanent protection of the Buffer and any necessary expansion must be addressed. In addition, the change from LDA to IDA through growth allocation will require the Town to establish that the project complies with the 10% pollutant reduction requirement set forth in Article IX, Part III, Section 954 (c) (v). In this regard, the most recent plans indicate a proposed stormwater management structure on the site. Calculations must be provided that demonstrate that the required pollutant reduction can be achieved. As we discussed on May 25th, it is possible that additional stormwater treatment practices may be required.

In order for the Town to proceed with an application to the Critical Area Commission for approval of a program amendment for this growth allocation, you will need a determination from the Department of Natural Resources, Heritage Division, regarding the presence or absence of rare, threatened, or endangered species on this site. This determination must be obtained to ensure there are no impacts to protected species. As we discussed, the determination must be specific for this property, not for an adjacent site.

At the meeting, we also discussed the Town's proposal to provide shore erosion protection for the site and to incorporate access to the water and a shoreline boardwalk into the design. As proposed, these development activities will require approval of the Critical Area Commission. I strongly recommended that the Town present this project at a Maryland Department of the Environment Joint Evaluation meeting as soon as possible in order to obtain comments on the feasibility of the proposal from the relevant state and federal agencies. The group meets on the

Mr. Ronald N. Young
June 17, 2004
Page 3

fourth Wednesday of the month; Mr. Robert Tabisz schedules items for the agenda. He can be contacted at (410) 537-3838.

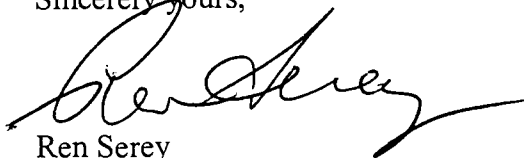
The Commission is sympathetic to the Town's desire to accommodate much needed economic development and we hope to work cooperatively with you toward that end. The Town's issuance of illegal permits and approvals has made this process unnecessarily difficult. The "after-the-fact" approval process that is being put together for the River Watch project not only creates design problems, but also hinders necessary aspects of the public participation process. In addition, the Town's actions create the potential for costly delays associated with re-recording plats and redesigning stormwater facilities.

As we discussed, the Commission understands that the Town intends to obtain growth allocation from Charles County to change the Critical Area designation on the site from LDA to IDA. It is imperative that this issue be resolved immediately. Once the Town has obtained sufficient growth allocation for this project, a request for program amendment approval for the use of growth allocation must be submitted to the Commission promptly. The Chairman will then determine if the Town's request will be handled as a program amendment (requiring a public hearing by a panel of Commission members) or program refinement. In either circumstance, be advised that the Commission may vote to attach conditions to any approval of the Town's use of growth allocation for this project.

During our meeting on May 25th, you expressed a willingness to repeat the after-the-fact approval process for future projects should you determine that the process in the Town's current zoning ordinance does not meet your needs. In the Commission's view, the Town has no legal basis for noncompliance with its adopted Critical Area regulations. The Critical Area Commission can, and may, take action to restrain the violation and compel restoration of any land or water areas affected by the development as authorized in § 8-1814 of the Natural Resources Article of the Annotated Code of Maryland.

If you have any questions, please feel free to contact me at (410) 260-3462, or Assistant Attorney General Marianne D. Mason at (410) 260-8351.

Sincerely yours,



Ren Serey
Executive Director

cc: The Honorable Edward W. Rice
The Honorable Warren A. Bowie
The Honorable Dennis J. Scheessele

The Honorable Murray D. Levy
The Honorable W. Daniel Mayer
The Honorable Robert J. Fuller
The Honorable Wayne Cooper
The Honorable Allan R. Smith
Roger L. Fink, Esq.
Martin G. Madden, Chairman
Marianne D. Mason, Esq.

Judge John C. North, II
Chairman



Ren
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

June 18, 2004

Chris Jakubiak
Jakubiak & Associates
150 South Street
Annapolis, Maryland 21403

Re: Chesapeake Beach Forest Mitigation Plan

Dear Mr. Jakubiak:

The purpose of this letter is to follow up on the terms outlined in the Memorandum of Understanding (MOU) between the Critical Area Commission and Chesapeake Beach to develop a Forest and Developed Woodland Master Plan (the Forest Plan). The MOU required that the Town present the draft Forest Plan and proposed Town Critical Area Program amendments to the Commission's Program Subcommittee before the Town submits the Forest Plan and related ordinance changes for final approval by the Commission. The MOU further required that the final Forest Plan be completed by no later than August 1, 2004. After final approval by the Commission, the Town is to adopt the Forest Plan as part of its Critical Area Program, and shall adopt any required changes to its ordinances, regulations, or policies, as part of the Town's Critical area Program by December 1, 2004.

The Commission will meet next on July 7, 2004 and August 4, 2004. Please advise the Commission in writing when the Town will present the draft Forest Plan and program amendments to the Commission's Program Subcommittee for review and for final approval.

Sincerely,


Ren Serey
Executive Director

cc: The Honorable Gerald Donovan (Chesapeake Beach)
Eric Blitz (Chesapeake Beach)
Marianne Mason (Office of the Attorney General)
Julie LaBranche (Critical Area Commission)

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 26, 2004

Frank Jaklitsch
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 Mr. Jaklitsch:

This letter is in response to our continuing review of the Hance subdivision. The applicant is requesting to subdivide a 14-acre property to create six new residential lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with 39 mobile homes, which is considered a nonconforming use within a RCA. 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).

Mr. Hance conducted a site visit of the property on May 13, 2004 with Julie LaBranche (Commission staff) and Katharine McCarthy (Department of Natural Resources). Based on the information provided with the subdivision application and observations made on the site, we have the following supplemental comments regarding the current subdivision proposal.

- 1) The Calvert County Zoning Ordinance (Article 8, Section 8-2.02) identifies specific shoreline and cliff areas on the Chesapeake Bay as Conservation Districts. The Plum Point south cliffs area, which includes the Hance property, is designated a "Category 3" cliff area. The provisions of Article 8, Section 8-2.02 require that properties designated "Category 3" will have a minimum 100-foot cliff setback or the ER50 whichever is greater. The minimum 100-foot cliff setback is identified on the current subdivision plan.
- 2) The subdivision is limited to 15 percent impervious surface coverage; however, individual lots of one acre or less may increase impervious surface coverage up to 25 percent, providing the subdivision does not exceed 15 percent. As shown on the current subdivision plan, each

of the six proposed lots are greater than one acre, and therefore the lots are limited to 15 percent impervious surface coverage. Given the environmental constraints on each of the proposed waterfront lots, it appears unlikely that these lots could accommodate the maximum impervious surface coverage permitted.

- 3) The applicant has received an evaluation from the Department of Natural Resources that documents the presence on the Hance property of habitat for the Puritan Tiger Beetle, a State endangered and federally threatened species. All development within the Critical Area must comply with the Habitat Protection Area requirements as required by COMAR (27.01.09.03), the Calvert County Zoning Ordinance (Article 8, Section 8-1.01.D), and the Calvert County Critical Area Program, Chapter X, Section G, Habitat Protection Program). These requirements state that the applicant must address the recommendations from the Department of Natural Resources for protection of habitat for rare, threatened, and endangered species.
- 4) Article 8, Section 8-2.02.E of the Calvert County Zoning Ordinance states that shore erosion control shall not be permitted for subdivisions within the designated cliff areas. We recommend that a note be placed on the final subdivision plat prohibiting shore erosion control on the property in the future.

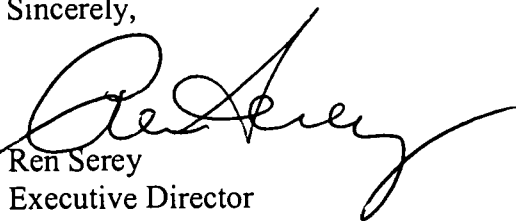
As you know, much of the cliff areas in Calvert County are composed of sandy, high-erodible soils. The cliffs on the Hance property contain sandy, highly erodible soils and blue clay. This situation can create unique challenges for development and habitat protection on the site. As observed during the site visit, several groundwater seeps are already present along the blue clay layer, where it crops out at high elevations across the cliff face. With development of each of the proposed lots, we are concerned with concentration of subsurface flow along the clay layer toward the cliff face. As we have seen in several areas within Chesapeake Ranch Estates to the south, increases in subsurface flow from septic systems and stormwater runoff can weaken soil structure and accelerate the natural erosion rate at the top of the cliffs. In addition, clearing of natural vegetation can further decrease the capacity of soils to absorb runoff and intercept subsurface flow. For these reasons, we recommend implementation of the following special development techniques on each of the six proposed lots.

- Dwellings (including decks) should be located as far from the 100-foot setback as possible. Accessory structures should not be located closer to the cliff edge than the primary dwelling.
- Driveways and walkways should be composed of pervious materials such as grass pavers or washed gravel. (Commission staff can provide information about additional options from our new 10% Rule guidance manual.)

- Runoff from all structures and impervious surfaces should be conveyed to slopes that drain away from the cliff edge.
- Runoff should be directed to best management practices such as grass swales, rain gardens, or bio-retention areas to provide water quality benefits.
- The primary septic systems should be located as far as possible from the cliff edge.
- Clearing of all vegetation should be kept to the minimum necessary.
- A buffer management plan should be developed and would be applicable to the Buffer on each waterfront lot. The buffer management plan should include the following:
 - a) existing large trees that are close to the cliff edge should be cut, but their root systems should remain in place to help retain the soil;
 - b) the 100-foot cliff setback should be densely planted and allowed to regenerate with natural vegetation; and
 - c) mowing or removal of leaf litter, understory or other vegetation should be prohibited within the 100-foot cliff setback.

Thank you for the opportunity to provide comments for this subdivision proposal. We recommend meeting with your staff and representatives from other local review agencies, Mr. Hance, and staff from the Department of Natural Resources Natural Heritage Program to discuss possible alternative designs that will accommodate both State and local requirements. Commission staff are available to discuss the information in this letter or the subdivision proposal in greater detail if necessary. Please contact our office at (410) 260-3460 at any time.

Sincerely,



Ren Serey
Executive Director

cc: Regina Esslinger (Critical Area Commission)

CA 610-03 Hance supplemental

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

May 21, 2004

Dr. John Halfman, Director
Environmental Studies Program
Hobart and William Smith Colleges
Geneva, NY 14456

Dear Dr. Halfman:

Please accept this letter as my whole-hearted endorsement of Dr. Paul Ticco for the position of Assistant Director of the Environmental Studies Program. During his tenure with the State of Maryland's Chesapeake Bay Critical Area Commission (you will notice on the letterhead that our name has changed), Dr. Ticco's many talents and his principled dedication earned him the respect of his colleagues and associates.

The Critical Area Commission consists of 29 members appointed by Maryland's Governor. Dr. Ticco joined the Commission staff in the fall of 1995. He was able to stay with us only for one year, yet during that time he had a significant impact on coastal growth management in Maryland by establishing new approaches to resource management, public participation and intergovernmental cooperation.

In 1992, the Maryland General Assembly required the State's 23 counties and 160 municipalities to incorporate provisions for growth management and sensitive area protection into their local comprehensive plans by 1997. Unfortunately, as late as 1995, the State had provided no technical assistance to local governments to carry out this mandate, or a review mechanism to assure consistency of local efforts with other State or federal programs. Dr. Ticco created and led a well-received local assistance team and established procedures to coordinate the interjurisdictional protection of coastal resources. The inaugural grant program he managed formed the basis two years later for the Department of Natural Resources' participation in Governor Parris N. Glendening's Smart Growth Initiatives.

Dr. Ticco is well versed in a variety of technical and policy areas and easily communicates the essence of complex subjects. He demonstrated this skill often in service to Maryland as others looked to him for leadership on the newly-established interagency and regional task forces. He strived to ensure that all parties fully understood the implications of their decisions. For example, in the Chesapeake Bay region many local governments, particularly in rural areas, often are quick to

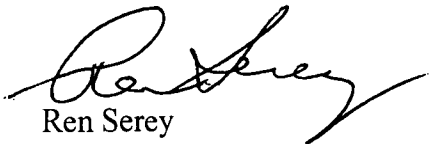
Dr. John Halfman
May 21, 2004
Page 2

approve development proposals in the hope that new growth will bolster the local tax base. Dr. Ticco understood that such decisions, if not properly analyzed, could have profound effects on natural and social systems alike. He worked closely with the various constituencies, public and private, to help them appreciate these issues as well. He believes that legitimate changes in public policy are founded on strong research, and he is committed to fostering both as necessary elements of a healthy society.

I think Dr. Ticco would be a tremendous asset to the Environmental Studies Program. You will find that his ideas are fresh and his enthusiasm is inspiring.

You are welcome to contact me at your convenience.

Sincerely,



Ren Serey
Executive Director

Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401
(410) 260-3460

MEMORANDUM

May 18, 2004

TO: Frank Oslislo

FROM: Ren Serey

SUBJECT: Hohensee Property
Woodrow Wilson Bridge: Critical Area Reforestation and Buffer
Mitigation

Following are notes on the Critical Area Commission's approval of the Woodrow Wilson Bridge replacement, the requirements for reforestation, and for mitigation for impacts to the 100-foot Buffer.

- The Critical Area Commission approved the replacement of the Woodrow Wilson Bridge under COMAR 27.02.05, which covers State development projects located on State lands.
- The State Highway Administration (SHA) was the requesting agency before the Commission.
- COMAR requires that State development projects satisfy the same Critical Area provisions for reforestation and mitigation for disturbance to the 100-foot Critical Area Buffer as projects on private lands.
- SHA's reforestation and Buffer impact requirements totaled 81 acres.
- The reforestation and Buffer mitigation could not be accomplished on the Woodrow Wilson Bridge site.
- The Hohensee site, owned by the City of Bowie, is one of four mitigation sites proposed by SHA and approved by the Commission. These four sites will complete the reforestation requirements for the bridge. The others are:

- Western Branch Wastewater Treatment Plant. No purchase or easement of the property will be necessary.
 - Oxon Hill Farm, owned by the National Park Service. No purchase or easement of the property will be necessary.
 - Puterbaugh property. Purchase required. This site will be allowed to naturally regenerate, therefore no planting is required, but an easement is required.
- The Hohensee property will account for 30 acres of the total 81 acres of reforestation and Buffer mitigation requirements.
 - The site will provide 25.9 acres of non-Buffer mitigation and 4.1 acres of Buffer mitigation.
 - The Hohensee site is in close proximity to the project area. It will provide protection in perpetuity; will enhance the riparian Buffer along the Patuxent River in Prince George's County; provide wildlife and water quality benefits; protect any cultural resources; and enlarge surrounding Forest Interior Dwelling Bird habitat.

If you have questions or need additional information, please contact me at (410) 260-3462 or Ms. Lisa Hoerger at (410) 260-3478.

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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May 14, 2004

Ms. Verna Jones
Linowes and Blocher
145 Main Street
Annapolis, Maryland 21401

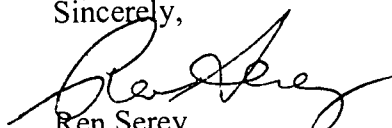
Re: Critical Area Commission Minutes
Homeport Farm Votes

Dear Ms. Jones;

At your request, this office has copied and enclosed those minutes from the meetings of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays that include votes concerning the Homeport Farms growth allocation request from Anne Arundel County.

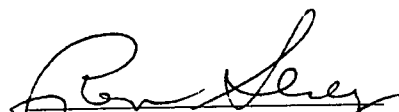
Please telephone this office at (410) 260-3460 if you require additional information or have questions concerning the attached documents.

Sincerely,


Ren Serey
Executive Director

Enclosure

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


Custodian of Record

Chesapeake Bay Critical Area Commission
Maryland Department of Housing and Community Development
People's Resource Center
Crownsville, Maryland
Conference Room 1100 A
November 1, 2000

The meeting was called to order by Chairman John C. North, II with the following **Members in attendance**:

Bradley, Clinton, Talbot County, Eastern Shore Member At Large	
Bourdon, Dave, Calvert County	Graves, Charles C., City of Baltimore
Cooksey, David, Charles County	Jones, Paul, Talbot County
Dr. Foor, James C., Q.A. County	Giese, Wm., Jr. Dorchester County
Jackson, Joseph, Worcester County	Johnson, Sam Q., Wicomico County
Myers, Andrew, Caroline County	Samorajczyk, Barbara D., Anne Arundel Co.
Wynkoop, Sam, P.G. County	
Olszewski, John Anthony, Baltimore County	
Hearn, J.L., Md. Department of Environment	
Goodman, Robert, Md. Department of Housing and Community Development	
McLean, James, Md. Department of Business and Economic Development	
Wenzel, Lauren, Md. Department of Natural Resources	
Duket, Larry, Md. Department of Planning	
Meg Andrews, Md. Department of Transportation	

Not In Attendance:

Deborah B. Cain, Cecil County
Witten, Jack, St. Mary's County
Lawrence, Louise, Md. Department of Agriculture

Vacancies

Kent County

The Minutes of October 4, 2000 were approved as read.

Chairman North introduced and welcomed the recently appointed Commission members, Ms. Judith Evans, who succeeds Jinhee Wilde as the Western Shore Member-At-Large and Meg Andrews who succeeds Heidi Van Luven from the Maryland Department of Transportation. Also introduced and welcomed were the two new Critical Area Commission staff planners, Ms. Wanda Cole and Mr. Andrew Der. Ms. Lisa Hoerger presented for Vote the Anne Arundel County growth allocation request for Homeport Farm that will change 18.75 acres of RCA to LDA. There are 64.58 acres of the entire 81.30 acre parcel in the Critical Area. Ms. Hoerger iterated the details of the project as described in the staff report that was disseminated to the Commission members. Larry Duket moved to approve the request with the two conditions in the document entitled "REVISION TO THE CONDITIONS IN THE NOVEMBER 1, 2000 STAFF REPORT FOR THE HOMEPORF FARM GROWTH ALLOCATION REQUEST" & as follow: 1. Prior to recordation of the subdivision plat for Homeport Farms, the County shall submit to the Commission for its approval a conservation easement that will ensure that the 7.73+/- acres of land adjacent to the Homeport Farm Property will be maintained in uses appropriate to the Resource Conservation Area (RCA), as those uses are set forth in the County Critical Area ordinance. The 7.73+/- acres shall be contiguous to the 12.27+/- acres area to remain RCA, which is located at the southern portion of the property. The easement shall ensure that a total area of 20 contiguous acres of land at the southern portion of the project will retain the character

and uses of RCA. After Commission approval, and prior to recordation of the subdivision plat for Homeport Farm, the conservation easement shall be recorded. 2. The County shall submit to the Chesapeake Bay Critical Area Commission for approval proposed transfer documents for the 25.15 acre tract proposed for a County park. These transfer documents shall ensure that there are appropriate deed restrictions to ensure that 13.51+/- acres of this tract shall be maintained after transfer to the County in uses appropriate to privately-owned land in the Resource Conservation Area (RCA) as those uses are set forth in the County Critical Area ordinance. The 13.51+/- acres shall be contiguous to the 6.49+/- acre portion of the Homeport Farms Subdivision that is to remain RCA (and is to be used for a reforestation area by the County). The deed restrictions shall be written to ensure that there is a total area of 20 acres at the northern portion of the Homeport property that will retain the character of Resource Conservation Area in the Critical Area. Any plans for development of the property as a park shall be submitted for review by the Critical Area Commission in order to ensure that the condition for protecting a minimum of 20 acres to maintain RCA character is met or that appropriate growth allocation is deducted. The motion was seconded by Mr. McLean and carried with 18 votes in favor. Ms. Samorajczyk abstained after raising the question of the validity of a growth allocation Bill that was adopted in 1997 by Anne Arundel County that delineated property that was subject to growth allocation wherein the exhibit of that delineation was not attached.

Ms. Tracey Green, Circuit Rider, presented for concurrence with the Chairman's determination of Refinement the request by the Town of Snow Hill for growth allocation to change the Critical Area overlay designation of the Burbage Funeral home property from LDA to IDA. The Town permitted the property owner to change from a residential to a commercial use which involves improvements that increase the imperviousness of the site that exceed the limits in LDA but not IDA. The Town had no growth allocation acreage of its own owned by the County so the Town applied to Worcester County for this specific project which was approved. Ms. Green stated that there are no known threatened or endangered species located on the property, and the property does not include any areas within the 100-foot Buffer. Stormwater management is addressed through 15% afforestation. The Commission supported the Chairman's determination of Refinement.

Ms. Green presented for concurrence with the Chairman's determination of Refinement the request by the City of Crisfield to approve the use of 17.12 acres of growth allocation to reclassify the entire McCready Memorial Hospital site from a LDA to an IDA. The expansion of the hospital will increase the impervious surfaces. In 1999 a variance was requested to the impervious surface limitations on the site for the expansion and it was determined that a re-designation to an IDA would allow the hospital to expand and develop in the future without needing an impervious surface variance each time. Thirteen (13) acres of growth allocation was approved by the City of Crisfield's Planning Commission and Council and an additional 4.12 acres from Somerset County. There are no known Habitat Protection Areas on the site except for the 100-foot Buffer. All new development proposed is located outside the Buffer. The proposed growth allocation is consistent with the Commission's growth allocation policy. The proposed IDA which is not quite 20 acres, currently is LDA located across the water from and existing LDA which is a grandfathered institutional use. The Commission supported the Chairman's determination of Refinement.

Lisa Hoerger, Planner, CBCAC presented for VOTE a request for Conditional Approval for the proposed construction of a pedestrian path and a deck-over structure over I-495 on Rosalie Island in Prince George's County by the Maryland National Capital Park and Planning Commission. This path will be linked to a pedestrian lane on the new Woodrow Wilson Bridge approved with conditions in May by the Commission. Because portions of the pathway will impact the 100-foot Buffer to tidal waters and tidal wetlands the project requires a Conditional Approval by the Commission under the regulations for State and local government development. In order to qualify for consideration for a conditional approval certain characteristics must be

Critical Area Commission
for the
Chesapeake and Atlantic Coastal Bays
100 Community Place
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland
September 3, 2003

The full Critical Area Commission met at the People's Resource Center Crownsville, Maryland. The meeting was called to order by Chairman Martin G. Madden with the following Members in

Attendance:

Meg Andrews, Maryland Department of Transportation
Margo Bailey, Kent County
Dave Blazer, Worcester County Coastal Bays
Dave Bourdon, Calvert County
Judith Evans, Western Shore Member-at-Large
William Giese, Dorchester County
Ed Gilliss, Baltimore County
Joseph Jackson, Worcester County
James N. Mathias, Jr., Ocean City
Thomas McKay, St. Mary's County
Daniel Mayer, Charles County
William Rice, Somerset County
Barbara Samorajczyk, Anne Arundel County
Douglas Wilson, Harford County
Larry Duket, Office of Planning
Louise Lawrence, Maryland Department of Agriculture
Gary Setzer, Maryland Department of the Environment
James McLean, Maryland Department of Business and Economic Development
Frank Dawson, Maryland Department of Natural Resources

Not in Attendance:

Paul Jones, Talbot County
Dr. Earl Chambers, Queen Anne's County
Douglas Stephens, Wicomico County
Edwin Richards, Caroline County

The Chairman presented Governor's citations to departing Commission members Dave Bourdon of Calvert County; Dave Cooksey, Charles County; Bob Goodman, Department of Housing and Community Development, Samuel Q. Johnson, Eastern Shore Member-at-Large. Sam Wynkoop, Prince George's County, was unable to attend.

The Minutes of August 6, 2003 were corrected to reflect the attendance in July of William Rice.

Anne Arundel County: Lisa Hoerger presented for VOTE the Riva Road Widening Project proposed by the Anne Arundel County Department of Public Works. The widening and geometric improvements will improve sight distance and decrease the probability of accidents.

Critical Area Commission Minutes

September 3, 2003

The sidewalk improvements, traffic safety beacons, school bus stop improvements, refuge islands and lighting will increase public safety for pedestrian traffic. The County right-of-way has a split Critical Area designation of Intensely Developed Area and Limited Development Area and the total impacts to the Critical Area portion will be 41,215 square feet. The total mitigation required is 70,770 square feet. The County is proposing to replant 71,780 square feet in various sites along the right-of way both inside and outside the Critical Area. For the portion of the project in the IDA, the 10% calculations were performed by the County for Pollutant Removal and two bioretention areas are proposed. There are no rare, threatened or endangered species on this site. The project is being reviewed for stormwater and sediment and erosion control practices. MDE is reviewing a joint permit application for impacts to tidal wetlands. Ms. Hoerger iterated the characteristics of this project for meeting the requirements for a conditional approval. As a condition of the Conditional Approval Request, the Commission staff recommends the following mitigation:

1). Anne Arundel County Department of Public Works shall provide mitigation at a 2:1 ratio for all new grading and impervious areas in the 100-foot Buffer and 1:1 mitigation for clearing and steep slope disturbance outside the expanded Buffer. Dave Bourdon moved to approve the proposed Riva Road Widening project by Anne Arundel County. The motion was seconded and carried unanimously.

Worcester County: LeeAnne Chandler presented for VOTE the proposal by the Department of Natural Resources to replace an existing pier and to add an ADA Access at Pocomoke River State Park. The project is within the 100-foot Buffer. No clearing is proposed; no Best Management Practices are currently proposed; approximately 320 square feet of impervious surface is proposed. Milburn Landing is located within the Mattaponi Natural Heritage Area (NHA) which was designated to protect numerous endangered and threatened plant species that live in the unique bald cypress swamp ecosystem along the lower Pocomoke River. While no impacts to the NHA are anticipated, recommendations from the DNR's ecologist are being sought. The Commission staff recommended approval of the project with conditions: 1. Mitigation will be provided at a 2:1 ratio in the form of tree and shrub planting in the vicinity of the project site. A signed Planting Agreement will be required. 2. Strict sediment and erosion control measures will be installed and kept in place until the site is fully stabilized. 3. The project will be completed in conformance with the recommendations of DNR's Eastern Region Ecologist. Dave Bourdon moved to approve the proposal by the Department of Natural Resources to replace an existing pier and to add an ADA Access at Pocomoke River State Park. The motion was seconded and carried unanimously.

City of Annapolis: Dawnn McCleary presented for VOTE the proposal by the Department of General Services to demolish, grade, and pave the current site of the Bloomsbury Square apartments. The 1.59 acre property is entirely in the Critical Area but outside the 100-foot Buffer, in an Intensely Developed Area. A bioretention facility is proposed to reduce pollutant loadings. The 10% reduction requirement will be met on site. Dave Bourdon moved to approve the proposal by the Department of General Services for the paving the Bloomsbury Square apartments site. The motion was seconded and carried unanimously.

Anne Arundel County: Lisa Hoerger presented for VOTE the satisfaction of a condition of approval for the Homeport Farm Growth Allocation in Anne Arundel County. When the Commission approved the Homeport Farm growth allocation request, the development envelope

Critical Area Commission Minutes

September 3, 2003

concept was used to avoid deducting the entire parcel. The County was required to assure the Commission that any remaining areas of RCA are a minimum of twenty acres, and to ensure the areas would retain their RCA character. One area of remaining RCA was less than twenty acres. The County and the property owner agreed to provide an easement from an adjoining property owner to ensure the twenty-acre set aside would be established on this site. That condition was, "...prior to recordation of the subdivision plat for Homeport Farms, the County shall submit to the Commission for its approval a conservation easement that will ensure that the 7.73+/- acres of land adjacent to the Homeport Farm property shall be maintained in uses appropriate to the Resource Conservation Area (RCA), as those uses are set forth in the County Critical Area ordinance. The 7.73+/- acres shall be contiguous to the 12.27+/- acre area to remain RCA, which is located at the southern portion of the property. The easement shall ensure that a total area of 20 contiguous acres of land at the southern portion of the project will retain the character and uses of RCA. After Commission approval, and prior to recordation of the subdivision plat for Homeport Farm, the conservation easement shall be recorded." Dave Bourdon moved to approve the proposed easement document to satisfy one of the conditions of the growth allocation approval. The motion was seconded and carried unanimously.

New Business

Chairman Madden briefed the Commission on the upcoming retreat on September 23rd. It will be held at the University of Maryland's Wye Research Center in Queen Anne's County. An agenda and directions will be forwarded prior to the retreat.

Old Business

Marianne Mason briefed the Commission on legal activities for the prior month. She reported that the Old Trails case would be heard in Harford County Circuit Court on September 25th. In this case the Commission is supporting the decision of the Harford County Council sitting as the Board of Appeals to grant a partial variance for development on a site with severe development constraints. The case has been on-going for more than two years.

There being no further business, the meeting adjourned at 3:30 p.m.

Minutes submitted by: Peggy Campbell, Commission Coordinator

Critical Area Commission
for the
Chesapeake and Atlantic Coastal Bays
100 Community Place
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland

*Approved
as amended*

October 1, 2003

The full Critical Area Commission met at the People's Resource Center Crownsville, Maryland. The meeting was called to order by Chairman Martin G. Madden with the following Members in

Attendance:

Margo Bailey, Kent County
Judy Cox, Cecil County
Dave Bourdon, Calvert County
Edwin Richards, Caroline County
Dr. Earl Chambers, Queen Anne's County
Douglas Stephens, Wicomico County
Ed Gilliss, Baltimore County
Joseph Jackson, Worcester County
James N. Mathias, Jr., Ocean City
Thomas McKay, St. Mary's County
Barbara Samorajczyk, Anne Arundel County
Louise Lawrence, Maryland Department of Agriculture
Gary Setzer, Maryland Department of the Environment
James McLean, Maryland Department of Business and Economic Development
Frank Dawson, Maryland Department of Natural Resources
Pat Faulkner, Department of Housing and Community Development
Don Halligan for Meg Andrews, Maryland Department of Transportation

In Attendance

Not in Attendance:

Paul Jones, Talbot County
William Rice, Somerset County
Larry Duket, Office of Planning
Douglas Wilson, Harford County
Daniel Mayer, Charles County
Judith Evans, Western Shore Member-at-Large
Dave Blazer, Worcester County Coastal Bays
William Giese, Dorchester County

The Chairman recognized Don Halligan who is the representative for the Department of Transportation. Chairman Madden said that the Commission is working with the local jurisdictions as they come forward regarding expediting permitting procedures in the aftermath of Hurricane Isabel. Some counties already have an expedited permitting process in place for reconstruction. The jurisdictions are being asked to document that the work is storm related and to describe what is being done. He has recommended to local jurisdictions that they require property owners to finish any work within one year of the hurricane related damage. Thereafter they should go through the regular local permit process. Gary Setzer stated that MDE has an

to prepare a Buffer Management Plan for the entire site, which will include the creation of a vegetated buffer strip between the developed area and the Buffer. The buffer strip should be densely planted with a mix of native trees and shrubs. The Buffer Management *Strip* Plan shall include measures to control the *Phragmites* adjacent to the parking and boat storage area to ensure the success of plantings in these areas. The Buffer Management Plan shall be reviewed and approved by the Commission Staff. **The Commission supported the Chairman's determination of Refinement as revised with modified condition in the staff report (attached to and made a part of these minutes.)**

Anne Arundel County: Lisa Hoerger presented for Vote the approval of the Commission's second condition of the original growth allocation approval for Homeport Farm. At the Commission's September meeting, it approved an easement document proposed by Anne Arundel County to satisfy the first condition of the growth allocation approval. This first condition required an easement to be obtained from an adjoining property to ensure that a minimum of 20 acres would remain outside the development envelope on the Homeport Farm property. The development envelope was located in the middle of the property and the remaining RCA lands were split into two areas. The easement has been placed on RCA land to the south, which will ensure that this area is 20 acres. The other RCA area, which consists of 25.15 acres, will be deeded over to Anne Arundel County for use as a County park. The second condition of the growth allocation approval, which is before the Commission now, is that the Deed for the portion of the property to be used as a park be reviewed and approved by the Commission. The Deed limits the development of the parcel to low intensity recreational uses and restricts intensive recreational uses and commercial or industrial uses. The Deed was given to the County in exchange for growth allocation for this project. Margo Bailey moved to approve the (second condition) Deed for Homeport Farm Growth allocation and to remove the phrase from the Deed, "*No Title Examination*". Commission Counsel Marianne Mason, Esquire, stated that the property owner's attorney agreed to remove the phrase, but that the deed satisfies the condition for a growth allocation. She stated that even without the removal of the phrase, the Deed still satisfies the condition. The motion was seconded by Ed Gilliss and carried with 16 in favor. Barbara Samorajczyk abstained.

Talbot County: Roby Hurley presented for Concurrence with the Chairman's determination of Refinement, the Annexation of 158.27 acres and 20.1 acres of Growth Allocation to be converted from RCA to LDA, requested for the Strausburg property in St. Michaels. Additionally, the property will be proposed as a subdivision consisting of 10 lots. The site is listed as "Designated Critical Area Growth Allocation Area" and priority Funding Area in Talbot County. There are 100 acres in the Critical Area. Four lots are proposed in the RCA. Growth allocation will allow six additional lots. Seventy-five (75) acres will be placed in a permanent easement. The new area of LDA will not be directly adjacent to existing LDA. A 300-foot setback will not be provided on the new lots. There are no known Habitat Protection Areas on the site other than the Buffer. The Town commissioners approved the growth allocation on September 11, 2003. Margo Bailey moved to support the Chairman's determination of Refinement with three conditions: 1) **Buffer:** Prior to recordation of the subdivision Plat for the Strausburg property, the Town Planning

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 26, 2004

Mr. Frank Jaklitsch
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Intrafamily Transfer Provisions

Dear Mr. Jaklitsch:

I am writing at the request of the Critical Area Commission's Program Subcommittee Chairman, Mr. David Blazer, who asked that I contact you regarding the Subcommittee's discussion at the April 7, 2004 Commission meeting. The purpose of the discussion was to follow up on the October meeting between County staff and Commission staff concerning the proposed revisions to the intrafamily transfer provisions included in the County's Critical Area Program. The Program Subcommittee reviewed the proposed language and discussed implementation procedures with Dave Brownlee. The following issues of concern were identified:

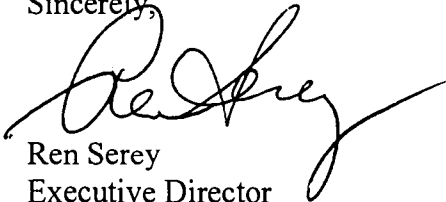
1. How many subdivisions within the Critical Area have been recorded that involved the intrafamily transfer provisions? How many lots have been created? The Subcommittee is interested in understanding the history of subdivision activity within the County involving these provisions.
2. In order to convey a lot created through the intrafamily transfer provisions to a third party, would the owner of the lot be required to establish a change in circumstances even after maintaining ownership of the lot for more than 7 years? The change in circumstances provision is required by §8-1808.2 of the Annotated Code of Maryland.
3. If the County requires the purchase of transferable development rights in addition to the required change in circumstances, will this create a significant financial burden on property owners who may need to convey the property within seven years of the initial subdivision? This issue may be particularly relevant in cases involving the death of a family member.

4. In accordance with §8-1808.2 of the Annotated Code of Maryland, the County is required to establish standards and procedures allowing the subsequent conveyance of lots to persons other than immediate family members. These provisions state that the County shall assure that the lot was not created for purposes of ultimate commercial sale and that a change in circumstances has occurred since the original transfer. The County's proposed revisions identify the Planning Commission or their designee as the approval authority. Would the Planning Commission also approve the initial subdivision? Would the Director of Planning and Zoning be the designee of the Planning Commission for review and approval of change in circumstances requests? If an applicant or another affected party wishes to appeal a decision of the Planning Commission or their designee, what procedure would be used?

As discussed, the revised intrafamily transfer provisions may be included as part of Phase III of the comprehensive review of the Calvert County Critical Area Program; however, the Subcommittee requested, and Dave Brownlee agreed, that the County will keep the Commission apprised of the status of Lots 3 and 22 in Rousby Hall Woods, which involved intrafamily transfer lots and subsequent transfers that the County has determined were not legal transfers. Dr. Brownlee advised the Subcommittee that the County expects to complete the third phase of the comprehensive review within the next six months. The Program Subcommittee encouraged the County to coordinate and/or meet with Commission staff regularly throughout the process. We will be contacting your staff in the next several weeks to facilitate this coordination.

As a follow-up to the discussion, the Program Subcommittee would like the County to provide a timetable for the comprehensive review and the information requested in this letter for discussion at the Commission meeting scheduled for June 2, 2004. Please contact Mary Owens or me at (410) 260-3460 if you have any questions about the Subcommittee's comments.

Sincerely,



Ren Serey
Executive Director

cc: David Blazer (Chair, Program Subcommittee)
Dr. David Brownlee, Calvert County
Julie LaBranche (CAC)
Mary Owens (CAC)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2004

Mr. Otis Rolley, III
City Of Baltimore
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3433

RE: City of Baltimore Offset Fees

Dear Mr. Rolley:

I am writing in response to your letter dated March 25, 2004, regarding two issues: your request for assistance from the Critical Area Commission to update your Critical Area Stormwater Offset Fees calculation formulas, and your request for the Commission's comments on several proposed projects that may be fully or partially funded with Stormwater Offset Fees or Buffer Offset Fees. Thank-you for the opportunity to provide comments and recommendations on these important elements of the City's Critical Area Program. It appears that City staff has identified many excellent opportunities to use the Stormwater and Buffer Offset Fees to accomplish the goals of the City's Critical Area Program.

With regard to the update of the Stormwater Offset Fees, the Commission can provide whatever assistance that the City staff may need. The Critical Area Commission's updated guidance, entitled "Critical Area 10% Rule Guidance Manual" provides worksheets with very simple formulas for calculating pre-development and post-development phosphorus loading and required phosphorus removal. The Commission worked with a consultant, the Center for Watershed Protection, on this effort, and they are widely recognized as a national leader in stormwater management research and technical guidance. The Commission requested that the Center analyze the offset fee issue, and they prepared a technical memo that is included as Appendix G in the Manual. I have also include a copy here as enclosure (1).

In summary, the memo states that the cost of constructing a new stormwater practice is approximately \$29,000 per pound of phosphorus, and the cost of retrofitting an existing structure to treat a larger volume of stormwater is approximately \$17,500 per pound of phosphorus. The memo also recommends that this number be adjusted by a factor of four percent to account for maintenance of the stormwater practice.

The City currently uses a manual developed in 1988, and an offset fee equation that was prepared in 1993. Stormwater management technology has evolved dramatically in the last ten years, and the

Commission believes that the methodology in the recently updated guidance manual could easily be adopted by the City, and a new fee established based on pounds of phosphorus and the cost data provided by the Center for Watershed Protection.

With regard to the Critical Area Commission's recommendations for the use of Critical Area Stormwater Offset Fees and Buffer Offset Fees for various projects, I appreciate the opportunity to provide comments. I look forward to working with you and your staff to identify appropriate projects for funding, so that the monies collected can be efficiently and effectively used to meet the intended goals of the City's Critical Area Program. I have reviewed the information submitted, and I have the following comments:

1. Operation Reachout Southwest (OROSW) Open Space Management Program

Please provide the approximate size of each lot that will be converted from impervious surface to pervious surface. This is necessary so that some preliminary calculations can be performed to determine the approximate pollutant reduction associated with this effort. As long as the project will result in the reduction of approximately one pound of phosphorus, the Commission would support the use of \$30,000 of Stormwater Offset Fees for this project.

2. War Memorial Plaza Impervious Surface Removal and Landscaping

Please provide a Pollutant Removal Worksheet A (Steps 1 through 3 only) for this project or provide information about the pre-development and post-development impervious surface area, so that Commission staff can verify that the pollutant loading will decrease by three pounds of phosphorus. If this is verified, the Commission would recommend that no more than \$90,000 of Stormwater Offset Fees be used to support this project. This is roughly \$30,000 per pound of phosphorus and is generally in line with recommendations from the Center for Watershed Protection. The proposal of \$300,000 equates to approximately \$100,000 per pound of phosphorus removal. Funds of this magnitude would be better spent constructing a regional stormwater treatment practice.

With regard to the use of Buffer Offset Fees, the Commission would strongly discourage the City from using Buffer Offset Fees to create lawn areas that are not within the Critical Area or in the Buffer. Grassed lawn areas do not provide any real habitat benefits, and it seems the primary benefits from this project are related to water quality and more appropriately addressed by using Stormwater Offset Fees as discussed. If portions of the plaza are proposed to be planted with trees and shrubs, then the use of Buffer Offset Fees for part of the project could be recommended. Commission staff would be willing to work with City staff on the development of a landscape plan for the project.

3. School Greening

It is not clear from the project description how the \$50,000 is proposed to be used. Is it for removal of additional impervious surface or is it for additional plantings. Is the \$400,000 already committed to this effort not sufficient to complete it?

Before the Commission supports the use of additional funds for this effort, staff would like to visit some of the project sites and see what has been accomplished and what challenges the City has faced.

4. Gwynns Falls Trail Project Wildflower Planting

This project seems like it could be an appropriate use of Buffer Offset Fees; however, it is not clear if the steep slope area is currently vegetated or if it is eroding. What is the current condition of the slope? What species are proposed to be planted? When will the area be mowed, so that it will not interfere with the permanent establishment of the species on the site? Using volunteers, community groups, boy scouts, girl scouts, or students to do the planting could enhance this project. It would also be beneficial to include some type of public education component such as a sign and/or pamphlets describing the plant species and how they provide not only aesthetic benefits, but habitat enhancement as well.

4a. Roadway Removal and Replanting – Intersection Windsor Mill and Wetheredsville Roads at Gwynns Falls/Leakin Park

Please provide a Pollutant Removal Worksheet A (Steps 1 through 3 only) for this project or provide information about the pre-development and post-development impervious surface area, so that Commission staff can determine how much the pollutant loading will decrease. If a reduction of approximately 1.3 pounds can be verified, the Commission would recommend that this project be funded with \$40,000 of Stormwater Offset Fees as opposed to using Buffer Offset Fees.

It is not clear from the information submitted what is proposed to be planted once the pavement is removed. If native trees and shrubs are proposed to be planted, then some Buffer Offset Fees could be used, particularly if the estimated pollutant removal is less than 1.3 pounds. This project may be most appropriately funded by using both Stormwater and Buffer Offset Fees. In general, when a project involves a reduction in impervious area or some other quantifiable water quality benefit, the Commission encourages the City to use Stormwater Offset Fees. This allows the Buffer Offset Fees to be conserved and applied to projects that address the broader goals of the City's Critical Area Program, such as providing water access, urban forestry, and public education.

5. Department of Recreation and Parks Riparian Forest Enhancement Program

In order to evaluate this proposed project, additional information is needed. Commission staff is willing to evaluate any plans or proposals that may have already been developed for this project or we can discuss the questions outlined below at your convenience. We would also like to perform a site visit.

- How many acres of riparian forest are involved in this effort?
- Where is the forest located in relationship to the waterways? (For example, are the forested areas within 300 feet of the waterways?)
- When were these areas planted?
- What size of stock was planted?
- What species were planted?

- What parts of this project will be funded by other agencies or organizations or is this project proposed to be fully funded with the \$275,000 in the proposal?
- How many youth will be involved in the effort either through participation in Summer Youth Works Programs or Urban Resources Initiative Programs?
- Will the project be completed in two years or is it likely to be extended?
- Are the funds requested adequate to complete the project and ensure that a viable riparian forest has been established or is the funding request based on costs for a two-year project? If it is extended, are additional funds likely be requested?

6. Department of Public Works – Urban Street Planting and Replacement of Dead Trees

The Commission would generally support this project if appropriate species are used, and the survival of the trees is guaranteed. If species native to the Chesapeake Bay watershed are used, and the City can ensure that the trees will be maintained (or replaced if they do not survive) for a minimum of two years, the Commission would recommend that this project be funded with \$50,000 of Buffer Offset Fees.

7. Grant Program Funding Partnership with the Parks and People Foundation School Greening

This project could potentially be supported by the Commission if the funds are used for plant material and related supplies, such as mulch, soil additives, and water bags. Please provide additional information about some typical neighborhood greening projects that have been accomplished. If a project is funded, does the City require maintenance of the project site for a certain period of time? If so, how long is an area maintained? Are the project sites inspected to ensure that they are completed? How much of the \$30,000 requested would be used for plant material? What types of plant material (tree and shrub species) are proposed to be used? It is likely that if a review of these projects indicates that they have been successful and provide long-term environmental benefits to the community, the Commission would support the use of \$30,000 of Buffer Offset Fees.

8. Key Highway Gateway Beautification Project (City CIP Contract #508-365)

Please provide a Pollutant Removal Worksheet A (Steps 1 through 3 only) for this project or provide information about the pre-development and post-development impervious surface area, so that Commission staff can determine how much the pollutant loading will decrease. If a reduction of at least one pound of phosphorus can be verified, the Commission would recommend that a portion of this project be funded with \$30,000 of Stormwater Offset Fees. It may be possible to use some Buffer Offset Fees; however, it is not clear what type of Maryland native plants are proposed to be used and how much of the area is proposed to be planted. The estimated cost of the project is almost \$7.00 per square foot, which needs to be balanced with the \$2.50 per square foot Buffer Offset Fee collected. Are there other benefits associated with this project besides impervious surface removal and beautification? What type of habitat benefits might be provided by the planting?

9. Mount Vernon Children's Park

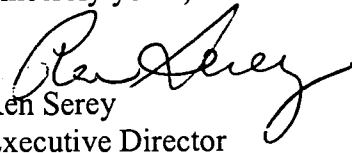
In order to evaluate this proposal, additional information is needed regarding the size of the existing park. Please provide a Pollutant Removal Worksheet A (Steps 1 through 3) for this project or provide information about the pre-development and post-development impervious surface area, so that Commission staff can determine how much the pollutant loading will decrease. How much of the site will remain pervious? What type of playground equipment is proposed to be installed? What source of funds will be used for the playground equipment? It may be possible to use a combination of \$40,000 of Stormwater Offset Fees and Buffer Offset Fees to accomplish this project.

10. Waxter Center Impervious Surface Removal

In order to evaluate this proposal, additional information is needed regarding the size of the existing concrete plaza. It is my understanding that a landscape plan has been developed, and Commission staff would be interested in reviewing the plans. Please provide a Pollutant Removal Worksheet A (Steps 1 through 3) for this project or provide information about the pre-development and post-development impervious surface area, so that Commission staff can determine how much the pollutant loading will decrease. It may be possible to use a combination of \$70,000 of Stormwater Offset Fees and Buffer Offset Fees to accomplish this project, depending on the size of the garden area and the type and area of landscaping proposed.

The staff of the Commission greatly appreciate your continued efforts to identify innovative and effective projects to be funded with the City's Stormwater and Buffer Offset Fees. The staff looks forward to working with you on the proposed projects. If you would like to meet with Commission staff to discuss the issues outlined in this letter, please feel free to contact Mary Owens or me at (410) 260-3480.

Sincerely yours,


Ren Serey
Executive Director

cc: Duncan Stuart, DOP
Beth Strommen, DOP
Dawnn McCleary, CAC
Regina Esslinger, CAC
Mary Owens, CAC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 9, 2004

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

Re: Richfield Station Growth Allocation

Dear Mr. Watson:

On March 29, 2004, Commission staff received the Town's submittal requesting 27.75 acres of growth allocation for the Critical Area phase of the Richfield Station subdivision. As you informed us, the Planning Commission has given a favorable recommendation to the Town Council for approval of the growth allocation request. After reviewing the Town's submittal, we are unable to process the growth allocation request at this time, because several pieces of information were not provided.

The following additional information is necessary to complete the Town's submittal.

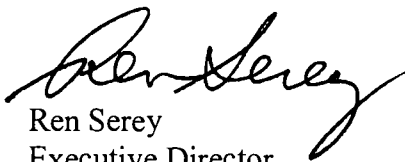
- 1) An updated site plan identifying all necessary information relating to the growth allocation request for the Richfield Station subdivision was not included in the submittal. The following information should be included on the site plan.
 - The calculated acreage requested for growth allocation and for Forest Interior Dwelling Bird (FID) conservation both inside and outside the Critical Area.
 - The area proposed for growth allocation and development proposed within the growth allocation area.
 - Site Plan notes prohibiting development or development activities within the growth allocation setback (the 300-foot growth allocation setback or the expanded Buffer, whichever is greater in extent), since the growth allocation setback is included in the lands identified for Forest Interior Dwelling Bird (FID) conservation as part of the growth allocation request.

William R. Watson
Richfield Station Growth Allocation
April 8, 2004
Page 2

- 2) The FIDS conservation component is central to the Commission's consideration of this growth allocation. As we discussed, in order to ensure protection of this area, the applicant and the Town must develop and execute conservation agreements, or other legally binding restrictions, for the lands owned by the Town and the applicant and identified for Forest Interior Dwelling Bird (FID) conservation both inside and outside the Critical Area. Please submit the conservation agreements and restrictions proposed by the Town and the applicant.
- 3) Our records show that the Department of Natural Resources provided comments to the property owner and the Town in 1992 and 1993 regarding evaluation of rare, threatened and endangered species and other natural resources on the Richfield Station property. The Department of Natural Resources recommends repeating these evaluations every two to three years to ensure consideration of updated or revised species information. Please provide an updated evaluation from the Department of Natural Resources for the presence of rare, threatened or endangered species on the Richfield Station property.
- 4) In accordance with the Chesapeake Beach Critical Area Program (Program 2, Section III Expansion of Development), a request for growth allocation that is approved at the conceptual or preliminary plan phase shall include a written environmental assessment including a natural resource inventory. Please provide a copy of this assessment.

When the Town submits the information described above, the Commission will notify the Town that the submittal for growth allocation is complete for processing. Please contact me at (410) 260-3462 if you have questions.

Sincerely,



Ren Serey
Executive Director

cc: The Honorable Gerald Donovan
Joseph Devlin, Esq.
Martin G. Madden, Chairman

CB Richfield Station GA

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 23, 2004

Mr. Richard A. De Tar
Miles & Stockbridge
101 Bay Street
Easton, Maryland 21601-2718

Re: Talbot County Council Bill 933

Dear Mr. De Tar:

I have received your letter of March 19, 2004 concerning Talbot County Council Bill 933. We will include the letter in our official record for this matter. As you know, a panel of the Critical Area Commission will conduct a public hearing on Bill 933 on March 24, 2004 at 7:00 p.m. in the Easton High School cafeteria. You are welcome to present additional comments for the record at that time.

If you have questions about the Commission's procedures or need additional information, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

cc: Marianne D. Mason, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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MEMORANDUM

March 16, 2004

TO: Frank Oslislo

FROM: Ren Serey

SUBJECT: Puterbaugh Property
Woodrow Wilson Bridge: Critical Area Reforestation and Buffer
Mitigation

Following are notes on the Critical Area Commission's approval of the Woodrow Wilson Bridge replacement, the requirements for reforestation, and for mitigation for impacts to the 100-foot Buffer.

- The Critical Area Commission approved the replacement of the Woodrow Wilson Bridge under COMAR 27.02.05, which covers State development projects located on State lands.
- The State Highway Administration (SHA) was the requesting agency before the Commission.
- COMAR requires that State development projects satisfy the same Critical Area provisions for reforestation and mitigation for disturbance to the 100-foot Critical Area Buffer as projects on private lands.
- SHA's reforestation and Buffer impact requirements totaled 81 acres.
- The reforestation and Buffer mitigation could not be accomplished on the Woodrow Wilson Bridge site.

- The Puterbaugh property is one of four mitigation sites proposed by SHA and approved by the Commission. These four sites will complete the reforestation requirements for the bridge. The others are:
 - Western Branch Wastewater Treatment Plant. No purchase or easement of the property will be necessary.
 - Oxon Hill Farm, owned by the National Park Service. No purchase or easement of the property will be necessary.
 - Hohensee property, owned by the City of Bowie.
- The Puterbaugh property will account for 60 acres of the total 81 acres of reforestation and Buffer mitigation requirements.
- The site will provide 53.2 acres of non-Buffer mitigation and 6.8 acres of Buffer mitigation.
- The forest on the site will be allowed to regenerate naturally. No additional planting will be required.
- The Puterbaugh site is in close proximity to the project area. It will provide protection in perpetuity; will enhance the riparian Buffer along Piscataway Creek in Prince George's County; provide wildlife and water quality benefits; protect any cultural resources; and enlarge surrounding Forest Interior Dwelling Bird habitat.

If you have questions or need additional information, please contact me at (410) 260-3462 or Ms. Lisa Hoerger at (410) 260-3478.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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VIA FAX

March 15, 2004

David R. Thompson, Esq.
Cowdrey, Thompson & Karsten
130 North Washington Street
P.O. Box 1747
Easton, Maryland 21601

Re: Public Information Act Request

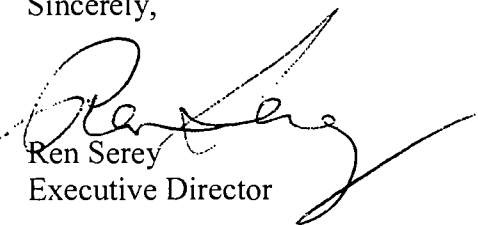
Dear Mr. Thompson:

I am writing in response to your request for information concerning Talbot County Bill 933. This office received your request on March 5, 2004. You have asked that the information specified in the request be made available by March 19th, 2004.

I will have the information related to your request available for inspection in the Critical Area Commission office on March 19, 2004. At that time you will be able to review the information and note any items you wish to have copied. Copies will be made at a charge of \$.25 per page plus an hourly rate for staff time involved.

If you have any questions, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 12, 2004

Mr. Maren D. Waterman
109 Country Day Road, Suite 1
Waterman Business Park
Chester, Maryland 21619

Dear Mr. Waterman:

Delegate Richard Sossi asked me to respond to your letter to him regarding HB 1009. In the letter you raised several concerns about the use of wetlands and the effect of the bill on property rights associated with wetlands and small upland areas in marshes. I would like to address these concerns.

HB 1009 would restore the Critical Area law to the status it occupied prior to the Maryland Court of Appeals decision in the case of Lewis v. Department of Natural Resources. The Court issued its opinion in this case on July 31, 2003. In the opinion, the Court made it much more difficult for local governments to implement their Critical Area programs as they had for 15 years. The Court did this by saying, among other things, that when a local Board of Appeals considers a variance, to use your example, for a hunting cabin on a small pocket of uplands, the Board cannot look elsewhere on the property to see if a more environmentally protective location exists. Until the Lewis decision, a local Board always could do this. HB 1009 simply would restore to local governments the flexibility necessary, I believe, to make the best decisions. If a landowner was entitled to a variance before the Lewis decision, that same right would exist if the General Assembly enacts HB 1009.

You are correct that the wetland Buffer "starts not at the water, but at the edge of tidal wetlands." That has been the law since 1986 and would not change under HB 1009. The bill proposes to move the definition from one section of the law to the more logical definition section. The language of the definition, and its meaning, have not been altered.

Mr. Mareen D. Waterman
March 12, 2004
Page 2

If you have questions or would like additional information, please contact me at (410) 260-3467 or Mr. Ren Serey at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin G. Madden". The signature is written in a cursive style with a large initial "M".

Martin G. Madden
Chairman

cc: Honorable Richard A. Sossi

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/

March 10, 2004

Honorable Cheryl Lewis, President
Trappe Town Council
P.O. Box 162
Trappe, Maryland 21673

Dear President Lewis:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to 1) Talbot County's proposed amendments to its local Critical Area program; and 2) The Town of St. Michaels proposed amendments to its local Critical Area program.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on proposed amendments to the Talbot County Critical Area Program:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on proposed amendments to the St. Michaels Critical Area Program:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

Honorable Cheryl Lewis
March 10, 2004
Page 2

If you have questions or would like additional information, please contact me at (410)
260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

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

March 10, 2004

Honorable Sidney S. Campen, Jr., President
Commissioners of Oxford
P.O. Box 399
101 Market Street
Oxford, Maryland 21654

Dear President Campen:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to 1) Talbot County's proposed amendments to its local Critical Area program; and 2) The Town of St. Michaels proposed amendments to its local Critical Area program.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on proposed amendments to the Talbot County Critical Area Program:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on proposed amendments to the St. Michaels Critical Area Program:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

Honorable Sidney S. Campen, Jr.
March 10, 2004
Page 2

If you have questions or would like additional information, please contact me at (410)
260-3462.

Sincerely,


Ren Serey
Executive Director

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

March 10, 2004

Honorable Robert T. Snyder, President
Commissioners of St. Michaels
P.O. Box 206
St. Michaels, Maryland 21663-0206

Dear Commissioner Snyder:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to 1) Talbot County's proposed amendments to its local Critical Area program; and 2) The Town of St. Michaels proposed amendments to its local Critical Area program.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on proposed amendments to the Talbot County Critical Area Program:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on proposed amendments to the St. Michaels Critical Area Program:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.


Honorable Robert T. Snyder

March 10, 2004

Page 2

If you have questions or would like additional information, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

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/

March 10, 2004

Honorable Philip Carey Foster, President
County Council of Talbot County
142 N. Harrison Street
Easton, Maryland 21601

Dear Councilman Foster:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to 1) Talbot County's proposed amendments to its local Critical Area program; and 2) proposed amendments to the Town of St. Michaels local Critical Area program by the Commissioners of St. Michaels.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on proposed amendments to the Talbot County Critical Area Program:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

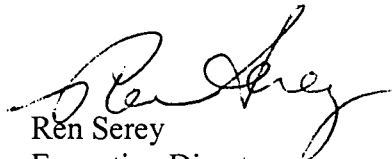
Public hearing on proposed amendments to the St. Michaels Critical Area Program:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

Honorable Philip Carey Foster
March 10, 2004
Page 2

If you have questions or would like additional information, please contact me at (410)
260-3462.

Sincerely,



Ren Serey
Executive Director

cc: Mr. R. Andrew Hollis
Mr. George G. Kinney

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/

March 10, 2004

Honorable Robert C. Willey, Mayor
Honorable John Ford, President
Easton Town Council
P.O. Box 520
Easton, Maryland 21601

Dear Mayor Willey and President Ford:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to 1) Talbot County's proposed amendments to its local Critical Area program; and 2) The Town of St. Michaels proposed amendments to its local Critical Area program.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on proposed amendments to the Talbot County Critical Area Program:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

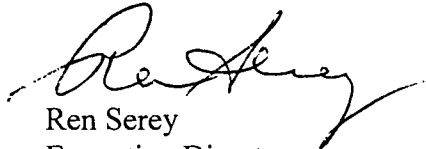
Public hearing on proposed amendments to the St. Michaels Critical Area Program:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

Honorable Robert C. Willey
Honorable John Ford
March 10, 2004
Page 2

If you have questions or would like additional information, please contact me at (410)
260-3462.

Sincerely,



Ren Serey
Executive Director

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

March 10, 2004

Honorable Adelaide Eckardt
Lowe House Office Building
Room 308
Annapolis, Maryland 21401

Dear Delegate Eckardt:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to proposed amendments to local Critical Area programs by the Talbot County Council and the Commissioners of St. Michaels.

Talbot County has submitted seven bills to the Commission as proposed amendments to its local Critical Area program. Included among the bills is County Bill 933, which alters the use of growth allocation by municipalities in Talbot County. St. Michaels has submitted three proposed amendments to its local program, including the award of growth allocation for the Miles Point project.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on St. Michaels growth allocation, annexation, and zoning code changes:

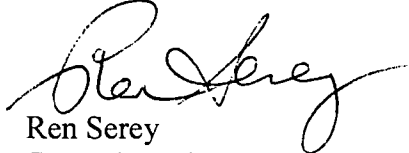
Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.



Honorable Adelaide Eckardt
March 10, 2004
Page 2

If you have questions or would like additional information, please contact me at (410)
260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

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/

March 10, 2004

Honorable Jeannie Haddaway
Lowe House Office Building
Room 308
Annapolis, Maryland 21401

Dear Delegate Haddaway:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to proposed amendments to local Critical Area programs by the Talbot County Council and the Commissioners of St. Michaels.

Talbot County has submitted seven bills to the Commission as proposed amendments to its local Critical Area program. Included among the bills is County Bill 933, in which you expressed interest. St. Michaels has submitted three proposed amendments to its local program, including the award of growth allocation for the Miles Point project.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

Easton High School - Cafeteria
March 24, 2004
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Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

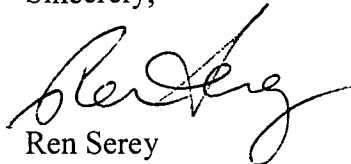
Honorable Jeannie Haddaway

March 10, 2004

Page 2

If you have questions or would like additional information, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

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

March 10, 2004

Honorable Richard F. Colburn
James Senate Office Building
Room 315
Annapolis, Maryland 21401

Dear Senator Colburn:

I am writing to notify you of two public hearings the Critical Area Commission will conduct in regard to proposed amendments to local Critical Area programs by the Talbot County Council and the Commissioners of St. Michaels.

Talbot County has submitted seven bills to the Commission as proposed amendments to its local Critical Area program. Included among the bills is County Bill 933, which alters the use of growth allocation by municipalities in Talbot County. St. Michaels has submitted three proposed amendments to its local program, including the award of growth allocation for the Miles Point project.

Commission Chairman Martin G. Madden appointed panels of five Critical Area Commission members to conduct the hearings. The panels will make recommendations to the full Commission. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

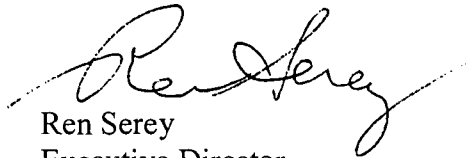
Public hearing on St. Michaels growth allocation, annexation, and zoning code changes:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

Honorable Richard F. Colburn
March 10, 2004
Page 2

If you have questions or would like additional information, please contact me at (410)
260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey". The signature is written in black ink and is positioned above the printed name and title.

Ren Serey
Executive Director

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/

March 9, 2004

Mr. J. Phillip Keller
22 West Dover Street
Easton, Maryland 21601

Dear Mr. Keller:

We have received your letter concerning Talbot County Bill 933 and its relation to growth allocation and the Town of St. Michaels. We will include the letter in our official file.

The Critical Area Commission will conduct two public hearings related to these matters. You are welcome to testify and provide additional information at the hearings. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

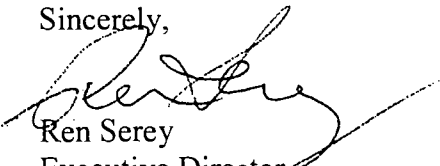
Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on St. Michaels growth allocation, annexation, and zoning code changes:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

If you have questions, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

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/

March 9, 2004

Mr. John McGowan
Ms. Sandra McGowan
400 Water Street
St. Michaels, Maryland 21663

Dear Mr. and Ms. McGowan:

We have received your letter concerning Talbot County Bill 933 and its relation to growth allocation and the Town of St. Michaels. We will include the letter in our official file.

The Critical Area Commission will conduct two public hearings related to these matters. You are welcome to testify and provide additional information at the hearings. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

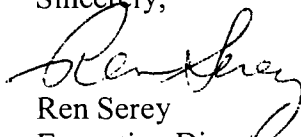
Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on St. Michaels growth allocation, annexation, and zoning code changes:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

If you have questions, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

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/

March 9, 2004

Ms. Barbara A. Peters
24560 Deep Water Point Drive
St. Michaels, Maryland 21663

Dear Ms. Peters:

We have received your letter concerning Talbot County Bill 933 and its relation to growth allocation and the Town of St. Michaels. We will include the letter in our official file.

The Critical Area Commission will conduct two public hearings related to these matters. You are welcome to testify and provide additional information at the hearings. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

Easton High School - Cafeteria
March 24, 2004
7:00 p.m.

Public hearing on St. Michaels growth allocation, annexation, and zoning code changes:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

If you have questions, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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/

March 9, 2004

Ms. Melissa Machen Shannahan:
P.O. Box 807
St. Michaels, Maryland 21663

Dear Ms. Shannahan:

We have received your letter concerning Talbot County Bill 933 and its relation to growth allocation and the Town of St. Michaels. We will include the letter in our official file.

The Critical Area Commission will conduct two public hearings related to these matters. You are welcome to testify and provide additional information at the hearings. Specific information is provided below.

Public hearing on Talbot County Bill 933 and other County Critical Area Bills:

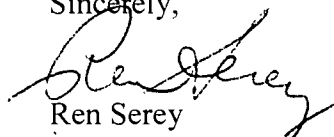
Easton High School - Cafeteria
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7:00 p.m.

Public hearing on St. Michaels growth allocation, annexation, and zoning code changes:

Chesapeake Bay Maritime Museum - Steamboat Building
April 1, 2004
7:00 p.m.

If you have questions, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

March 8, 2004

Honorable Maggie L. McIntosh, Chairman
House Environmental Matters Committee
141 Lowe House Office Building
Annapolis, Maryland 21401

Dear Chairman McIntosh:

During our Critical Area briefing for the Environmental Matters Committee on January 21, 2004, Delegates Stull and Sossi asked the following questions:

- How many people live in the Critical Area?
- How much of the Critical Area is served by sewer systems?

The questions appeared relatively easy to research, but turned out to be a little more complicated. This type of information had not been collected before for the Critical Area. We asked the Maryland Department of Planning for assistance and the Department compiled the accompanying tables.

While I hope this information is useful to the Committee, I must make two important points. First, data for Baltimore City and Talbot, Dorchester and Queen Anne's Counties are not included. The 1,000-foot Critical Area line for these jurisdictions is not yet incorporated into the State's computerized mapping system. Second, because the Department has just compiled this information, they have not verified it with the jurisdictions, a process that can take considerable time. Instead of waiting, we thought the Committee would want to see the information that is available.

With all of that said, I think the tables are still interesting. The first table at the top of the page is a summary of the other two. It shows, based on parcel data (not including apartments), 308,825 people living on improved parcels in the listed Critical Area counties. The second and third tables show that two-thirds of these residents live on parcels served by sewer, and on a relatively small portion of the Critical Area: 62,003 acres. The entire Critical Area is approximately 650,000 acres, about 10% of the State.

Honorable Maggie L. McIntosh

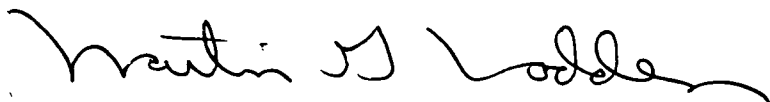
March 8, 2004

Page 2

I will be glad to answer any follow-up questions that you or the Committee members might have. In addition, you might want to contact Mr. Richard Hall at the Maryland Department of Planning for further information. Mr. Hall compiled the data and would be able to answer any related questions. His number is (410) 767-4560.

If I can be of further service, please contact me at (410) 260-3467.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin G. Madden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin G. Madden
Chairman

cc: Honorable Paul S. Stull
Honorable Richard A. Sossi
Mr. Richard Hall

RESIDENTIAL IMPROVED PARCELS IN CRITICAL AREA

COUNTY	NUMBER OF PARCELS	ACRES	TOTAL PEOPLE	PPH
Anne Arundel	43,657	19,631	115,691	2.65
Baltimore Co.	19,607	4,947	48,233	2.46
Calvert	6,604	5,197	19,218	2.91
Caroline	1,593	2,265	4,206	2.64
Cecil	5,007	3,614	13,569	2.71
Charles	1,806	2,237	5,165	2.86
Harford	3,813	966	10,371	2.72
Kent	2,727	3,998	6,354	2.33
Prince Georges	2,174	972	5,957	2.74
Somerset	2,376	3,621	5,631	2.37
St Mary's	5,956	8,554	16,200	2.72
Wicomico	1,518	2,544	3,841	2.53
Worcester	23,343	3,457	54,389	2.33
TOTAL	120,181	62,003	308,825	

RESIDENTIAL IMPROVED PARCELS ON-SEWER IN CRITICAL AREA

COUNTY	NUMBER OF PARCELS	ACRES	TOTAL PEOPLE	PPH
Anne Arundel	30,372	8,484	80,486	2.65
Baltimore Co.	16,195	3,059	39,840	2.46
Calvert	1,589	312	4,624	2.91
Caroline	627	260	1,655	2.64
Cecil	1,994	411	5,404	2.71
Charles	777	184	2,222	2.86
Harford	3,339	678	9,082	2.72
Kent	1,131	545	2,635	2.33
Prince Georges	1,962	719	5,376	2.74
Somerset	580	331	1,375	2.37
St Mary's	509	201	1,384	2.72
Wicomico	321	169	812	2.53
Worcester	22,340	1,591	52,052	2.33
TOTAL	81,736	16,944	206,947	

RESIDENTIAL IMPROVED PARCELS ON-SEPTIC IN CRITICAL AREA

COUNTY	NUMBER OF PARCELS	ACRES	TOTAL PEOPLE	PPH
Anne Arundel	13,285	11,147	35,205	2.65
Baltimore Co.	3,412	1,888	8,394	2.46
Calvert	5,015	4,885	14,594	2.91
Caroline	966	2,005	2,550	2.64
Cecil	3,013	3,203	8,165	2.71
Charles	1,029	2,053	2,943	2.86
Harford	474	288	1,289	2.72
Kent	1,596	3,453	3,719	2.33
Prince Georges	212	253	581	2.74
Somerset	1,796	3,290	4,257	2.37
St Mary's	5,447	8,353	14,816	2.72
Wicomico	1,197	2,375	3,028	2.53
Worcester	1,003	1,866	2,337	2.33
TOTAL	38,445	45,059	101,877	

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/

March 8, 2004

Honorable Barbara Frush
Co-Chair,
Joint Legislative Oversight Committee
Lowe House Office Building
Room 210
Annapolis, Maryland 21401

Dear Delegate Frush:

I have outlined below some points for your consideration in regard to the email from Mr. Robert Taylor concerning HB 1009. Mr. Taylor's arguments in opposition to HB 1009 are set out in the first column. The second column contains the Critical Area Commission's position on these arguments. I hope this information is useful.

Mr. Taylor's arguments:	Critical Area Commission position:
<p>"The definition of Buffer is unlimited (has no finite limit, such as 100 feet)...It seems to authorize a change in the current regulatory limit (100 feet) by action of the Critical Area Commission."</p>	<p>The definition in HB 1009 is taken intact from existing Critical Area law (NR Article 8-1808.5 (a) (2)).</p> <p>COMAR 27.01.09.01 C (1) and (7) further define the Buffer as a minimum 100 feet with expansion for steep slopes, highly erodible soils and other sensitive features.</p> <p>This COMAR (Critical Area Criteria) definition was approved by the General Assembly by Joint Resolution in 1986, has not been changed, and can be amended only by the General Assembly.</p>



<p>The definition of unwarranted hardship in HB 1009 "is the current constitutional taking standard. It could mean almost no variances if strictly applied."</p>	<p>The current constitutional taking standard is denial of all economic use of a property. (Lucas case)</p> <p>The definition of unwarranted hardship in HB 1009 will return the law to the pre-Lewis state: More than 90% of Buffer variances are granted by the local jurisdictions.</p>
<p>Regarding self-created hardship:</p> <p>"The provision about pre-commenced activity is a penalty disguised as regulation."</p>	<p>The Court of Appeals in Lewis said any consideration of structures built without permits is "a red herring."</p> <p>HB 1009 provides only that a local decision-making body "may consider that fact."</p>
<p>"...the current state of the law in administrative proceedings,... was not changed by the Lewis case despite misstatement to the contrary by the Commission and Chesapeake Bay Foundation."</p>	<p>Judge Wilner, in dissent in the Lewis case said:</p> <p>"...in its determination to cripple the critical areas program by overturning a perfectly rational and well-supported decision, the Court has not just ignored, but has, in fact, mutilated, fundamental principles of administrative law well established in our case law and in the case law throughout the country."</p>
<p>"It seems the Commission wants to avoid having to present real evidence..."</p>	<p>Judge Wilner, in dissent in the Lewis case said:</p> <p>"The Court continues to maintain that, if an applicant having the burden of proof produces evidence that is perhaps legally sufficient, the opponents must rebut that evidence, even when the agency finds that the applicant's evidence is unpersuasive. That is simply not the law."</p>

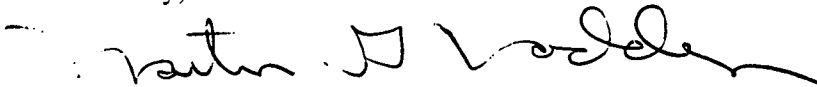
Regarding fines for violations:

"...in the case of innocent ignorance the new maximum (\$10,000) seems grossly excessive. There should be two amounts, one (lower) for ordinary and another (higher) for willful violations like the man who cut his trees so he would have a better view."

HB 1009 provides that a local government may subject a violator to a fine not exceeding \$10,000. This amount is not a required minimum.

If you have questions or need additional information, please contact me at (410) 260-3467.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin G. Madden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin G. Madden
Chairman

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/

February 19, 2004

Honorable Robert T. Snyder, President
The Commissioners of St. Michaels
P. O. Box 206
St. Michaels, Maryland 21663-0206

Dear Commissioner Snyder:

We have received your letter of January 13, 2004 providing additional comments on Talbot County Bill 933. As we have done with previous correspondence, we will include the letter in our official records relating to Bill 933.

If you have questions or need information concerning the Critical Area Commission or its procedures, please contact me at (410) 260-3467, or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

A handwritten signature in black ink that reads "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 19, 2004

Mr. Paul J. Jones, Jr.
107 North Washington Street
Easton, Maryland 21601

Dear Mr. Jones,

A handwritten signature in black ink that reads "Paul," written over the printed name "Mr. Jones" in the salutation.

I have received your letter of February 5, 2004 announcing your resignation from the Critical Area Commission. I certainly understand your need to devote proper time and attention to your law practice and will inform Governor Ehrlich of your decision.

Please accept my thanks and that of your fellow Commission members for your service and our best wishes for the future.

Sincerely,

A large, stylized handwritten signature in black ink that reads "Marty Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 17, 2004

Honorable Philip Carey Foster, President
County Council of Talbot County
142 N. Harrison Street
Easton, Maryland 21601

Dear Councilman Foster:

Thank you for your letter of February 4, 2004 concerning correspondence we received from the Town of St. Michaels in the matter of County Bill 933. As of this date, the Critical Area Commission has accepted the bill for processing as a change to Talbot County's local Critical Area Program.

We will include your letter in our official records for Bill 933 and notify you whether the bill will be processed as a refinement or an amendment to the County's program. If you have questions or need information about the Commission's procedures, please contact me at (410) 260-3467, or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

A handwritten signature in black ink that reads "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 19, 2004

Mr. Callum R. W. Bain, President
The Talbot River Protection Association
P.O. Box 2234
Easton, Maryland 21601

Dear Mr. Bain:

We have received your letter of January 26, 2004. As of this date, the Town of St. Michaels has not submitted a growth allocation proposal concerning The Midlands Companies. We will retain your letter in our records both for St. Michaels and Talbot County Bill 933.

If you have questions or need information about the Critical Area Commission's procedures, please contact me at (410) 260-3467, or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 18, 2004

Ms. Roxana L. Whitt
Department of Planning and Zoning
County Services Plaza
150 Main Street
Prince Frederick, Maryland 20678

Re: Board of Appeals Case 02-2859
Woo/Willows Development Company

Dear Ms. Whitt:

I am writing in response to your questions concerning the Woo/Willows Development Company variance. This letter supplements our letter of October 1, 2002 concerning this variance request. You have asked for guidance from this office relating to certain aspects of the variance application. I have outlined your questions below.

How should the standard of unwarranted hardship be applied to this variance request?

Two factors should be considered first:

- 1) The Maryland Court of Appeals held in White v. North, 356 Md. 31, 736 A.2d 1072 (1999), that denial of a variance for a reasonable and significant use could, given other circumstances, result in an unwarranted hardship.
- 2) In 2002 the Maryland General Assembly amended the State's Critical Area Act to clarify, among other things, that the variance decision-maker must consider alternatives on the applicant's entire property when determining whether denial of a proposed use would result in an unwarranted hardship.

Denial of access to grandfathered lots in the Critical Area, or through the Critical Area into non-Critical Area land, could, in certain situations, result in unwarranted hardship to a property owner. However, a review of this application and the previous subdivision activity on this property indicate that no unwarranted hardship would result from denial of the variance because the applicant has an approved right of access to the site from Breezy Point Road. This access apparently has existed for some time. The current application is for a second point of access to the site from Bayview Drive.

How do the State Critical Area Criteria for protection of steep slopes relate to this variance application?

The State Criteria for steep slope protection are found in the Code of Maryland Regulations (COMAR) 27.01.02.04 C (6). The Criteria state that in the Limited Development Area (LDA) and the Resource Conservation Area (RCA) "development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with" other regulations of the State Critical Area Program.

The prohibition against grading steep slopes in the Critical Area relates to the impacts of erosion and sedimentation on streams and aquatic environments. The standard in the Criteria, as applied to the Woo/Willows variance application, is whether grading the slopes in question "is the only effective way to maintain or improve" their stability. This standard applies both to the area proposed for disturbance between Fairway Drive and the interior of the site, as well as to the area proposed for grading between Bayview Drive and Fairway Drive. In order to qualify for the variance requested, the applicant must show that the soils in these areas are unstable to the degree that leaving them undisturbed would pose a significant risk to aquatic resources. I have seen nothing in the application materials that addresses this requirement. Absent this information, the applicant would need to demonstrate that an unwarranted hardship would result from denial of the request to disturb the steep slopes with a road crossing. Relevant to this requirement, as I stated above, is the applicant's approved access from Breezy Point Road.

What weight should be given to the relative environmental impacts associated with the existing access point compared to the proposed access point?

The minimization of environmental impacts is an important part of any variance decision. These impacts, however, are one part of the overall variance analysis. In the Woo/Willows variance, the Board should consider first whether the applicant has made a sufficient case to show that unwarranted hardship will result from denial of the variance. Given the existing access to the site, it appears that the Board does not need to compare potential environmental impacts from other points of access. If, however, the Board determined that unwarranted hardship could result from denial of the requested

variance, it would then be appropriate to compare the relative environmental impacts. Other subdivision-related matters may ultimately determine whether the second point of access can be used.

Does the variance standard of self-created hardship apply to this situation?

The Critical Area Act, as amended in 2002, requires an applicant for a variance to satisfy each variance standard. One of these standards is "That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition related to land or building use, either permitted or non-conforming, on any neighboring property."

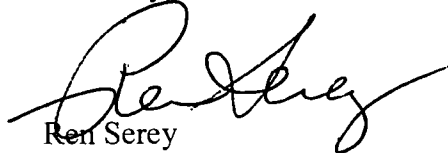
Due to the existence of the access point from Breezy Point Road, which is clearly a reasonable alternative to the requested variance, self-created hardship might not be the controlling factor in the Board's analysis of the application. For example, if the Board finds that the variance request is not the result of self-created hardship, but also finds that the applicant failed to satisfy the other variance standards, the request must be denied. Other variance standards, discussed below, that deal with the applicant's request in comparison to similarly situated properties, may be more significant.

If the Board determines that denial of the application will not result in unwarranted hardship to the applicant because an alternative, pre-existing access point exists, the Board could look to other variance standards for support of its decision. One of these variance standards is whether denial will deprive the applicant of rights commonly enjoyed by others in similar situations. Other property owners in similar situations in Calvert County do not have the right to two access points when their proposals would disturb steep slopes and wetlands.

A separate, although similar, variance standard is whether granting the request would confer upon the applicant a special privilege that would be denied to others. It appears that awarding the applicant a second access point, given the existing alternative, would confer a special privilege to which others would not be entitled. Of course, other, non-Critical Area factors may be relevant also, such as traffic and safety concerns.

I hope this information is helpful. If you have questions, or need additional information, please contact me.

Sincerely,


Ren Serey
Executive Director

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

February 12, 2004

Mr. Frank Jaklitsch, Director
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Interim Policy for Intra-Family Transfer Provisions

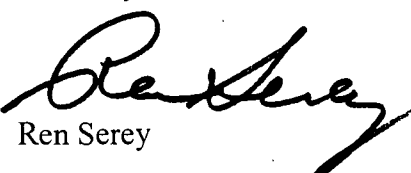
Dear Mr.  Jaklitsch:

I am writing in regard to Calvert County's procedures for the creation and transfer of residential lots under the Annotated Code of Maryland, Natural Resources Article Section 8-1808.2. As you recall, Critical Area Commission staff first discussed these procedures with you and your staff on October 17, 2003. Our concerns included the apparent lack of safeguards in the County's Critical Area Program to guarantee that intra-family transfers are approved consistent with the requirements of State law. At the meeting, the County committed to developing an interim policy and ultimately revising the County Code in this regard.

In a recent telephone conversation with Commission staff, Dr. David Brownlee said that a draft interim policy will be provided to the Commission by February 18, 2004. That time frame coincides with our Program Subcommittee meeting on March 3, 2004. I would like to invite you to discuss the draft policy with the Subcommittee on that date. The meeting will be held at the Department of Housing and Community Development in Crownsville. I think it would help the subcommittee to look at the policy in light of the recent sale of intra-family transfer lots in the County. The meeting will start at 10:00 a.m. I will send you a copy of the subcommittee's agenda for the March 3rd meeting and hope to see you then.

Please let me know if you have questions or need additional information.

Sincerely,


Ren Serey

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 28, 2004

Mr. Steven L Kreseski
Chief of Staff
State House
100 State Circle
Annapolis, Maryland 21401

Re: Erickson Foundation: NorthBay Environmental Center and
Wastewater Treatment System at Elk Neck State Park

Dear Mr. Kreseski,

Per our conversation on January 23rd, I have reviewed the Critical Area Commission records and spoken with staff concerning the status of the NorthBay Environmental Center and the wastewater treatment system at Elk Neck State Park.

Following are my thoughts and conclusions:

- 1) The Commission has been in close contact with Mr. Ken Usab, the Erickson Foundation's primary representative for the NorthBay Environmental Center. Mr. Usab informed us last week that he anticipates Department of the Environment approval within the next few weeks for outstanding permits related to stormwater management and impacts to wetlands. Due to the scale of the NorthBay project and its proximity to sensitive resources, the Commission, in July 2003, granted the project concept approval but conditioned final approval on Erickson's receipt of the MDE permits.

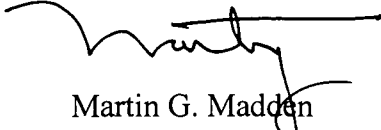
We are prepared, as Mr. Usab has requested, to move forward at our March 3rd meeting if MDE issues the permits or assures us that all outstanding matters related to stormwater management and wetlands have been resolved.

- 2) There is nothing in the Commission records to indicate who would assume responsibility for upgrading the wastewater treatment system at Elk Neck State Park. My understanding is that the Board of Public Works approved a

long-term lease between the Department of Natural Resources and the Erickson Foundation for the NorthBay portion of the park. You may want to examine the lease for specific information on this point.

Please let me know if you have other questions or need additional information. My number is (410) 260-3467, or you can reach me on my cell phone at (410) 507-2719.

Sincerely,



Martin G. Madden
Chairman



Maryland • New Jersey • Massachusetts • Michigan • Virginia

John C. Erickson
Chairman and CEO

December 10, 2003

Steve Kreseski
Chief of Staff
100 State Circle
Room H210
Annapolis, Maryland 21401

Attn: Gineen

Dear Steve:

I am enclosing the analysis that was prepared by our engineers regarding the sewer plant at the Elk Neck State Park. The park currently has a waste water treatment plant that is slightly inadequate for the total volume of the existing park usage and our camp. Also this plant does not meet the current standards. The permit on this plant expires next year and it is already slated for an upgrade.

The cost of transmitting the sewer to the tie-in manhole is our cost but we feel that DNR should be responsible for the upgrade.

We have two key threshold conditions. The first is the Critical Area's Commission approval in February or March next year allowing us to build the camp. We are ready for ground breaking and construction in March. The second is the ability to process our sewage in the summer of 2005. I would hate to get a \$30,000,000 facility built and find out that it sits on the shelf while we are waiting for sewer upgrades.

The enclosed report was prepared by engineers that we hired to expedite the process. Their assessment and recommendations seems to generally meet everyone's current standards and expectations. We would like the plant to be operational by the spring of 2005 to coincide with the completion of the camp. Any assistance you can provide would be very much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John", written over the word "Sincerely,".

John C. Erickson

JCE/lah

January 28, 2004

Honorable Richard F. Colburn
315 James Senate Office Building
Annapolis, Maryland 21401-1991

Dear Senator Colburn:

Per your request, I have enclosed from the Critical Area Commission files the relevant correspondence concerning Talbot County Bill # 933. We recently received a formal request by the County Council to process Bill #933 as an amendment to the County's local Critical Area program. A panel of Commission members will hold a public hearing in Talbot County on the proposed amendment, but we do not have a firm date for the hearing at this time. We will notify you when the hearing is scheduled.

Following the hearing, the panel will make a recommendation to the full Critical Area Commission. The Commission also will be advised by the Assistant Attorney General and, at the appropriate time, will vote on the County's proposed amendment. We will notify you of the Commission's action.

If you have questions or need additional information, please contact me at (410) 260-3467.

Sincerely,

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Regina
Ren
Martin G. Madden
Chairman

Ren Serey
Executive Director

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

May 26, 2004

Frank Jaklitsch
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 Mr. Jaklitsch:

This letter is in response to our continuing review of the Hance subdivision. The applicant is requesting to subdivide a 14-acre property to create six new residential lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with 39 mobile homes, which is considered a nonconforming use within a RCA. 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).

Mr. Hance conducted a site visit of the property on May 13, 2004 with Julie LaBranche (Commission staff) and Katharine McCarthy (Department of Natural Resources). Based on the information provided with the subdivision application and observations made on the site, we have the following supplemental comments regarding the current subdivision proposal.

- 1) The Calvert County Zoning Ordinance (Article 8, Section 8-2.02) identifies specific shoreline and cliff areas on the Chesapeake Bay as Conservation Districts. The Plum Point south cliffs area, which includes the Hance property, is designated a "Category 3" cliff area. The provisions of Article 8, Section 8-2.02 require that properties designated "Category 3" will have a minimum 100-foot cliff setback or the ER50 whichever is greater. The minimum 100-foot cliff setback is identified on the current subdivision plan.
- 2) The subdivision is limited to 15 percent impervious surface coverage; however, individual lots of one acre or less may increase impervious surface coverage up to 25 percent, providing the subdivision does not exceed 15 percent. As shown on the current subdivision plan, each

of the six proposed lots are greater than one acre, and therefore the lots are limited to 15 percent impervious surface coverage. Given the environmental constraints on each of the proposed waterfront lots, it appears unlikely that these lots could accommodate the maximum impervious surface coverage permitted.

- 3) The applicant has received an evaluation from the Department of Natural Resources that documents the presence on the Hance property of habitat for the Puritan Tiger Beetle, a State endangered and federally threatened species. All development within the Critical Area must comply with the Habitat Protection Area requirements as required by COMAR (27.01.09.03), the Calvert County Zoning Ordinance (Article 8, Section 8-1.01.D), and the Calvert County Critical Area Program, Chapter X, Section G, Habitat Protection Program). These requirements state that the applicant must address the recommendations from the Department of Natural Resources for protection of habitat for rare, threatened, and endangered species.
- 4) Article 8, Section 8-2.02.E of the Calvert County Zoning Ordinance states that shore erosion control shall not be permitted for subdivisions within the designated cliff areas. We recommend that a note be placed on the final subdivision plat prohibiting shore erosion control on the property in the future.

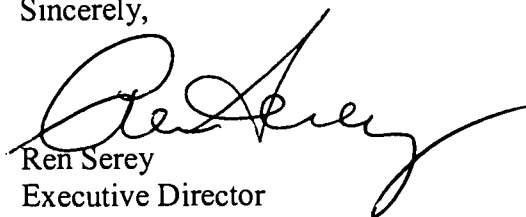
As you know, much of the cliff areas in Calvert County are composed of sandy, high-erodible soils. The cliffs on the Hance property contain sandy, highly erodible soils and blue clay. This situation can create unique challenges for development and habitat protection on the site. As observed during the site visit, several groundwater seeps are already present along the blue clay layer, where it crops out at high elevations across the cliff face. With development of each of the proposed lots, we are concerned with concentration of subsurface flow along the clay layer toward the cliff face. As we have seen in several areas within Chesapeake Ranch Estates to the south, increases in subsurface flow from septic systems and stormwater runoff can weaken soil structure and accelerate the natural erosion rate at the top of the cliffs. In addition, clearing of natural vegetation can further decrease the capacity of soils to absorb runoff and intercept subsurface flow. For these reasons, we recommend implementation of the following special development techniques on each of the six proposed lots.

- Dwellings (including decks) should be located as far from the 100-foot setback as possible. Accessory structures should not be located closer to the cliff edge than the primary dwelling.
- Driveways and walkways should be composed of pervious materials such as grass pavers or washed gravel. (Commission staff can provide information about additional options from our new 10% Rule guidance manual.)

- Runoff from all structures and impervious surfaces should be conveyed to slopes that drain away from the cliff edge.
- Runoff should be directed to best management practices such as grass swales, rain gardens, or bio-retention areas to provide water quality benefits.
- The primary septic systems should be located as far as possible from the cliff edge.
- Clearing of all vegetation should be kept to the minimum necessary.
- A buffer management plan should be developed and would be applicable to the Buffer on each waterfront lot. The buffer management plan should include the following:
 - a) existing large trees that are close to the cliff edge should be cut, but their root systems should remain in place to help retain the soil;
 - b) the 100-foot cliff setback should be densely planted and allowed to regenerate with natural vegetation; and
 - c) mowing or removal of leaf litter, understory or other vegetation should be prohibited within the 100-foot cliff setback.

Thank you for the opportunity to provide comments for this subdivision proposal. We recommend meeting with your staff and representatives from other local review agencies, Mr. Hance, and staff from the Department of Natural Resources Natural Heritage Program to discuss possible alternative designs that will accommodate both State and local requirements. Commission staff are available to discuss the information in this letter or the subdivision proposal in greater detail if necessary. Please contact our office at (410) 260-3460 at any time.

Sincerely,


Ren Serey
Executive Director

cc: Regina Esslinger (Critical Area Commission)

CA 610-03 Hance supplemental