

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/](http://www.dnr.state.md.us/criticalarea/)

June 30, 2004

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

RE: Easton Utilities  
#386

Dear Ms. Verdery:

*Mary Kay*

Thank you for submitting the above referenced project. The applicant is seeking approval to upgrade the existing wastewater treatment plant. The property is designated LDA, and the area of the work is 20.9 acres in the Critical Area. The entire site is 208 acres in the Critical Area.

Afforestation of 0.7 acres is proposed adjacent to the work site, and the impervious surface meets the impervious surface limits.

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

Sincerely,

*Regina A. Esslinger*

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Kerrie Gallo  
TC452-04

Robert L. Ehrlich, Jr.  
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June 8, 2004

Ms. Tracey Greene Gordy  
Maryland Department of Planning  
Lower Eastern Shore Regional Office  
201 Baptist Street, Suite 24  
Salisbury, Maryland 21801-4974

RE: Town of Secretary Veteran's Memorial Park Project

Dear Ms. Gordy: *Tracey:*

Thank you for providing the consistency report for Secretary's Veteran's Memorial Park proposal. It appears that the proposed project will be consistent with the Town's Critical Area Program.

Sincerely,

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

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Wanda Cole  
SE410-04



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April 12, 2004

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

*Gene*  
Dear Mr. Piotrowski:

At the April 12, 2004 meeting, the Critical Area Commission approved the final conditional approval for the North Bay camp at Elk Neck State Park. The Commission determined that the four conditions from the July 3, 2003 approval had been met. Please coordinate with our staff as Buffer plantings and reforestation occur so we can verify final site conditions.

As we have discussed, the upgrade to the wastewater treatment plant on the Park property will need to come to the Commission for approval once final plans are developed.

Thank you for all of your assistance on this project.

Sincerely,

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

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

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

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March 5, 2004

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

Re: Special Exception 2004-0023-S Anne Arundel County, Dept. of Public Works

Dear Ms. West:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit a modification to a public utility. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA), and is developed with a sewage pumping station and access road.

Based on the information provided, we do not oppose this request for special exception. As stated in the Anne Arundel County Zoning Ordinance (Article 28, Section 1D-104B), structures, facilities, or activities in a bog protection area on land owned or controlled by a government entity are exempt from the bog protection provisions. We recommend that the provisions in Section 1D-104(H) (1-3) and (F) (1-3) be applied to this project, due to the proximity of the proposed activities to the landward edge of the bog (a designated nontidal wetland of special state concern). Implementation of these provisions will ensure protection of water quality and provide replacement of vegetation in the bog buffer following completion of the project.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie V. LaBranche".

Julie V. LaBranche  
Natural Resource Planner

JVL/jjd

AA 111-04



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A handwritten signature in cursive script, appearing to read "Julie V. LaBranche".

Julie V. LaBranche  
Natural Resource Planner

JVL/jjd

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January 30, 2004

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Mr. Nick Walls  
Department of Planning and Zoning  
220 South Main Street  
Bel Air, Maryland 21014-3865

Re: Ryder Property  
Taylor's Point

Dear Mr. Walls:

I have reviewed the above referenced variance application to place a gazebo 50 feet from the water. The variances requested are to the 75-foot Buffer and to allow an accessory structure on a lot without a primary structure. The lot is 1.26 acres and is designated IDA. The application states that the gazebo is for their daughter, who suffers from cerebral palsy.

In 1999, the Natural Resources Article 8-1808(b) was amended to include a requirement that states "provisions for reasonable accommodations in policies or procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary." While the County has not yet incorporated this provision into the local Critical Area program, it is a part of the State Critical Area Law. Therefore, if the County determines that reasonable accommodations are necessary for this applicant, this office does not oppose the variance to the Buffer. We recommend that the gazebo be removed and the area be planted when the gazebo is no longer necessary.

We have no comment on the variance to allow an accessory structure on the lot.

Thank you for the opportunity to comment.

Sincerely,

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

Regina A. Esslinger, Chief  
Project Evaluation Division

cc: Mr. Ren Serey  
Ms. Dawnn McCleary  
HC27-04

Robert L. Ehrlich, Jr.  
Governor

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January 27, 2004

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

RE: Variance for 2422 Golupski Road  
Mark and Christine Foard

Dear Mr. Shaffer:

I have received the above referenced variance application to rebuild a dwelling damaged by Hurricane Isabel within the 100-foot Buffer. The lot is designated RCA and is entirely within the Buffer. The dwelling is proposed on approximately the same footprint, although it will be larger. Proposed impervious surface will be 13.6%. As we discussed last week, this office does not oppose this variance.

Thank you for the opportunity to comment.

Sincerely,

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

Regina A. Esslinger, Chief  
Project Evaluation Division

cc: Wanda Cole  
BC40-04

Robert L. Ehrlich, Jr.  
Governor



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January 8, 2004

Mr. Duncan Stuart  
Baltimore City Planning Department  
417 East Fayette Street, 8<sup>th</sup> 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, reading "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Mr. Ren Serey  
Ms. Dawnn McCleary  
BA 258-03

Robert L. Ehrlich, Jr.  
Governor



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July 28, 2004

The Honorable Thomas G. Duncan  
County Council of Talbot County  
Talbot County Government Building  
142 N Harrison Street  
Easton, Maryland 21601

Dear President Duncan:

Ren Serey asked me to respond to your letter regarding vegetation in the Critical Area, specifically Talbot County. I am sorry that it has taken so long to respond but I wanted to check with several experts and gather additional information before I responded. Much of the information that you requested is not readily available, if it is available at all. Many of your questions refer to interactions between plants and the atmosphere, and the relationship between plants and water quality. The Critical Area Buffer is mandated for both water quality and habitat benefits. Many of your questions are being studied nationally and globally since they are important to the understanding and management of climate and air pollution changes and processes. Since many of these studies are inconclusive and often contradictory at this time, I will leave these questions to the national experts and scientists studying these issues to sort through. I will respond to each of your requests for information in turn.

**1. Values for C-3 and C-4 trees and plants.**

C-3 and C-4 refers to different pathways for photosynthetic fixation of carbon dioxide. Most green plants, including trees, algae and most major food crops use the C3 pathway. Photosynthetic carbon fixation efficiency in C4 plants is about twice that of C3 plants. However, C3 plants in general have a more complex structure and more above and below biomass. No doubt because of this additional structure and biomass, there is more evidence of specialized co-evolution between C3 plants and animal species than there is with C4 plants, and more uptake of ground water and sequestering of nutrients.

When you request "values" for these plants, I assume you are referring to photosynthetic rates. Most of the lists for photosynthetic rates that are available for these plants that I am aware of are for broad categories of plants, such as

family, not by species. C4 plants in general are often found naturally in habitats with high daytime temperatures and intense sunlight. Some examples of C4 plants include crabgrass, corn, sugarcane, sorghum, sedges, asters, lambs quarter. Most green plants, including trees, algae, and most major food crops use the C3 pathway. According to some estimates, more than 95% of the earth's plant species can be characterized as C3 plants.

- 2. Data for trees and plants that quantifies carbon dioxide emissions to the atmosphere through photorespiration, respiration and decay.** In nature, carbon is cycled between various atmospheric, oceanic, biotic, and mineral reservoirs. In the atmosphere, carbon mainly exists in its oxidized form as CO<sub>2</sub>. Carbon dioxide is released into the atmosphere primarily as a result of the burning of fossil fuels for power generation and in transportation. It is also emitted through various industrial processes, forest clearing, natural gas flaring, and biomass burning.

There are numerous studies on carbon dioxide emissions for selected individual species and communities, but no comprehensive lists that I am aware of. In general, more photorespiration occurs in C3 plants (but then, this includes approximately 95% of the plant species). Photorespiration is when molecular oxygen is "fixed", as opposed to carbon dioxide, which leads to the release of CO<sub>2</sub> from plants - unlike photosynthesis in which CO<sub>2</sub> is taken up and O<sub>2</sub> is released. This process of carbon loss occurs sometimes during conditions of high light, temperature, and oxygen concentration. Like photorespiration, respiration and decay and the release of carbon dioxide depends to a great extent on climatic conditions (moisture, sun, temperatures, etc.).

It is commonly accepted that in C3 plants, the photo-respiratory loss of CO<sub>2</sub> is about 25% of the gross photosynthetic CO<sub>2</sub> fixation under normal conditions. An increase in temperature and light intensity can result in an even higher loss of the previously fixed CO<sub>2</sub>.

It is believed by some studying this subject that photorespiration in plants has increased over geologic time and is the result of increasing levels of O<sub>2</sub> in the atmosphere - the byproduct of photosynthetic organisms themselves. The appearance of C4-type plants appears to be an evolutionary mechanism by which photorespiration is suppressed.

There is no serious move that I am aware of to try substituting C4 plants for C3 plants in order to reduce this phenomenon. To do this would have other ecological ramifications.

3. **Biogenic hydrocarbon emission data for trees and plants. Establish the quantity of those emissions by species.** Biogenic hydrocarbon emissions refer to the release of potential "air pollutants" from vegetation, primarily trees. Isoprene is one of the chemicals of primary concern. Isoprene occurs widely in nature. It is produced by plants during photosynthesis and makes up a major portion of the nonmethane hydrocarbons released in the biosphere. Isoprene oxidation in the atmosphere can give rise to ozone and smog if nitrogen oxides are present in the atmosphere. This has led some to label isoprene emissions pollution, although in an otherwise clean environment, isoprene emissions do not lead to ozone production.
4. **Emission data for nitrogen oxides released by trees and plants, in particular conifers.** The microbial processes of nitrification and denitrification naturally produce nitrous oxide in the soils. Anthropogenic additions of nitrogen to soils for agricultural activities increase the amount of N<sub>2</sub>O emitted to the atmosphere. According to the Environmental Protection Agency, natural sources of nitrogen oxides account for about 3% of the regional total. The majority of emissions result from combustion. There is evidence that as a thinning ozone layer allows more UV light to reach the surface of the earth, the vegetative contribution of nitrous oxides might increase. Nitrous oxide is approximately 300 times more powerful than CO<sub>2</sub> at trapping heat in the atmosphere, so it is, of course, a serious consideration in the management of greenhouse gases; however, I know of no one who is suggesting that naturally occurring vegetative releases of this gas are controllable or even suggesting that we should control this source of nitrogen oxides based on the incomplete knowledge of these interactions that exists now.
5. **List of trees and plants that have the ability to "fix" nitrogen.** Air consists of approximately 80% nitrogen gas, which is normally unavailable to plants. Nitrogen fixing plants can utilize this atmospheric nitrogen through an association with *Rhizobium*, a bacteria which lives in the roots of these plants. In addition to their ability to make use of atmospheric nitrogen, nitrogen-fixing trees are often deep rooted, which allows them to seek out nutrients deeper in the soil. In this region, the primary native plant species that I am aware of that "fix" nitrogen include those in the genera *Alnus* (alder), *Robinia pseudoacacia* (black locust), *Cercis canadensis* (Eastern redbud), and *Myrica* species (wax myrtle, bayberry). I have attached a list of plants that have the ability to fix nitrogen.
6. **Data on trees and plants that sequester and concentrate atmospheric pollutants – to include deposition.** According to the U.S. Forest Service, forests generally retain 70-80% of atmospherically deposited nitrogen. I did not readily find any information that broke this out by species. Also according to the U.S. Forest Service, "One mature tree absorbs approximately 13 pounds of carbon dioxide a year. For every ton of wood a forest grows, it removes 1.47 tons of

carbon dioxide and replaces it with 1.07 tons of oxygen.” As with most of the other information being requested, this is being studied regionally and nationally to try to better understand the interrelationships of forests and atmospheric pollutants, both positive and negative.

7. **Data for nutrient loading to the Bay by autotrophs.**

Autotrophs are organisms that can synthesize their own food from inorganic substances. Autotrophs produce their own sugars, lipids and amino acids using carbon dioxide as a source of carbon, and ammonia or nitrates as a source of nitrogen. Photosynthetic autotrophs use sunlight for the energy to synthesize organic compounds and include green plants, some algae, and pigmented sulfur bacteria. Chemotrophs use compounds such as hydrogen sulfide to obtain energy and include many bacteria.

According to the National Environmental Education and Training Foundation and the Center for Watershed Protection, trees *produce less than 3%* of the total nitrogen oxide emissions in the watershed, power plants produce 44%, cars and trucks 26%, off road vehicles 11% and lawnmowers and motorboats produce 12%.

8. **List of trees and plants that are allelopathic and the toxins they produce. i. e. *Prunus serotina* – organic cyanide.** Allelopathy is considered to be the active or passive effects of chemicals released into the environment, which influence other organisms. It is usually considered to be a form of chemical competition. One of the most well known allelopathic plants is black walnut *Juglans nigra*, which produces Juglone. Solanaceous plants, such as tomato, pepper, and eggplant are especially susceptible to Juglone. Other plants have no noticeable effects at all from exposure to Juglone; these include, violets, ferns, pawpaw, Virginia creeper. Allelopathy has traditionally been considered as the negative chemical warfare of one organism upon another. Current research suggests that allelopathic effects can be both positive and negative.

Many organisms respond quickly to allelopathic attack by breaking up the chemicals or transforming them into non-damaging forms. Allelopathic chemicals usually have short lives in the environment; once an allelopathic chemical is outside its producer, the chemical is easily modified, torn-apart, reassembled, and/or used by other organisms.

I did find a web site that lists allelopathy in different tree species, which I attached; however, this list only includes the species and the title of the research paper, and it does not include the chemical.

Your question also included toxins as well as allelopathic compounds, and I did not know if you were asking about plant toxins that are harmful to animals and humans as well. Since you gave the example, *Prunus serotina* (wild cherry), and

the toxin organic cyanide, it seems that at least part of your question involves toxins to animals. Cyanide from the leaves of cherry can be toxic to livestock and other animals. Most animals can consume small amounts of healthy leaves, bark and fruit safely; however when hungry animals consume large amounts of fresh leaves or small amounts of damaged leaves (as little as 2 ounces), clinical cases of poisoning will occur, and many animals may die. It seems to primarily be a problem when animals are confined or if cherry leaves or bark somehow get mixed in with feed. The toxic signs resulting from ingestion of Johnsongrass are due to the presence of cyanide in the leaves and stems. This toxicity is identical to that resulting from the ingestion of wilted or damaged cherry leaves. In normal, healthy Johnsongrass plants, the levels of free cyanide are low, and the plant can be consumed safely. Other members of this grass genus have been bred as grain or forage plants (milo, Sudan grass, etc.) and also have the potential to produce cyanide, although not as much as Johnsongrass.

I am not sure that a list of all allelopathic plants and/or the toxins that plants produce would be useful. I think it would be a fair statement that many (maybe most) plants produce some chemicals that are toxic and/or alleloathic to some other species of plants and animals, but there are relatively few species that are harmful to humans and livestock. As I indicated above, I have attached a general list of allelopathic as well as harmful and poisonous plants.

9. **List of trees and plants that release highly allergenic pollen or cause allergy by scent or contact.** The Critical Area Commission does not have such a list but, I have attached a list of plants from the web site: [www.pollen.com](http://www.pollen.com), that indicates which plants in Maryland are considered moderate or significant allergens.
10. **Critical Area Commission approved definitions for the following:**
  - a. **Tree** – The Maryland General Assembly has not approved any specific definitions of a tree for the Critical Area Commission. When a Critical Area jurisdiction has a specific definition of a tree or other definition that is not spelled out in the Law or Criteria, the Commission looks at that definition in terms of the “spirit and intent of the law” and looks to state-wide or national definitions to assist where that is available. For example, with trees, the Commission has consulted the Maryland Forest Service and the Federal Forest Service.
  - b. **Natural vegetation** – those plant communities that develop in the absence of human activities (COMAR 27.01.01.01(42)). In relation to the Buffer, COMAR 27.01.09.01 A. defines “Buffer” 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.

- c. **Autotroph** – State law and regulations do not define this term specifically.
- d. **Element-** – State law and regulations do not define this term specifically
- e. **Nutrient (autotroph)** – State law and regulations do not define this term specifically
- f. **Nutrient (bay)** — State law and regulations do not define this term specifically
- g. **Fertilizer** — State law and regulations do not define this term specifically.

11. **List of trees and plants that the Commission recommends that Talbot County plant in the Critical Area.** The Commission does not have a specific planting list for each Critical Area Jurisdiction. There are several excellent publications listing native species to the Chesapeake Bay region and breaking them down by physiographic region. I have included for you one of these publications, *Native Plants for Wildlife Habitat and Conservation Landscaping, Chesapeake Bay Watershed*, published by the U.S. Fish and Wildlife Service. The Maryland Native Plant Society has an excellent web as well listing species appropriate for the different physiographic areas of the state. Their website is [www.mdflora.org](http://www.mdflora.org).
12. **Data on tree and plant diseases that are “contagious” to the species that the Commission recommends to plant or protect in the Critical Area.** There are too many plant diseases that may be contagious to list them all. There are, however, only several serious ones that might result in mortality to trees. These are anthracnose diseases that can affect Eastern redbud and flowering dogwood. The Home and Garden Information Center of the University of Maryland has lots of information on diseases and how to treat them. Their web page is [www.hgic.umd.edu](http://www.hgic.umd.edu).
13. **Tree and plant density data that supports the Commission position for no removal of trees or plants in the buffer.** Much of the original and current research on pollutant removal benefits of forested Buffers has been done in naturally vegetated buffers and forests. Forests have been classified as the least polluting land use for water quality. The plant densities (woody stems per acre) that the Critical Area Commission recommends are based on Maryland Forest Service and US forest service recommendations for planting. The Critical Area Commission recommends that when one is required to reestablish forest and/or Buffer in the Critical Area that the planting density be between 400-440 stems per acre. This can include trees and shrubs. This is actually somewhat less than would be found in most natural forest systems (except for old growth forests which, because of larger trees and less understory, are on average around 100 trees per acre in addition to some minimal understory vegetation). This somewhat lower number than would be normally encountered in a naturally regenerated forest is based on the likelihood that some natural regeneration would occur to augment the plantings.

Naturally vegetated forests and forest buffers range from an average low of 100 trees per acre to up to as many as 1,000 trees and/or woody stems per acre based on the age and vegetation composition. According to the Maryland Forest Service, the average trees/acre found on Maryland's timberlands is actually 609 trees per acre and does not include any other woody vegetation.

What you need to also keep in mind is that protection of Buffers and forests in the Critical Area is also meant to benefit wildlife as well as water quality. There is abundant literature that links diversity of vegetative species and structure with the numbers and types of wildlife that will benefit from these habitats.

I think that it is also important to recognize that there is no absolute prohibition against the removal of trees or plants in the buffer. What exists is a requirement to maintain the values that a buffer provides for wildlife and water quality and hopefully enhance it. There is ample room under the Critical Area regulations for removal or replacement of vegetation that poses a safety risk, is diseased, is exotic and/or invasive, or imparts certain other negative qualities to a property owner, such as poison ivy or others that are major irritants.

It seems that Mr. Brady, whose letter you forwarded to Mr. Serey, is trying to make his points by focusing on research that has often singled out different components of the ecology of the forests, interactions between forests and the atmosphere, and inputs of forests and specific species to water quality. While that type of research has its place in the overall understanding of how natural systems work, it is not useful if it misses the big picture. The programs that make up the Chesapeake Bay Program within the state and federal governments have synthesized large amounts of data that look at the overall way that land use affects water quality. In the Mid-Atlantic, forests are the natural vegetative systems that most often border our streams, rivers, and bays. If you look at any one aspect of the numerous components of stream and bay ecology, and the interactions of these systems with the atmosphere, it is inevitable that one would find contradictions in the benefits and detriments that any one component provided. There are numerous studies that document forests as being the land cover that overall provides the most benefits for water quality and wildlife. In the Mid-Atlantic, forests are the natural vegetation that borders our streams, rivers, and bays.

Riparian forest buffers are considered to be one of the essential components for restoring the Chesapeake Bay because of their location along waterways and their ability to improve water quality and habitat throughout the network of tributaries that drains into the Chesapeake Bay. In fact, three of the goals of the Chesapeake Bay Program directly deal with riparian buffers.

The ability of riparian forest buffer systems to exert control over the quality and character of the stream environment has been shown to be relatively high and uniform across the Bay watershed. This includes controlling stream temperature, expanding habitat diversity, stabilizing streambanks, and enhancing the food web. The level of control varies primarily due to physical stream characteristics such as the size of a stream, steepness of gradient, depth to groundwater, and watershed condition.

The Honorable Thomas Duncan  
July 28, 2004  
Page Eight

Many of the studies documenting the value of forested buffers were done on the Coastal Plain of Maryland. While forested buffers cannot always provide all of the water quality and habitat solutions in watersheds that are significantly in agriculture or urban use, they have been demonstrated to be the best overall. I have attached a list of some of the pertinent scientific studies that was part of a Chesapeake Bay Program Technical Support Document published in March of this year. This list includes studies documenting where forested buffers sometimes fall short of all the benefits attributed to them, as well as overall documentation demonstrating that forests provide the most benefits of any landuse. Although forests cover nearly 60% of the land in the Chesapeake Bay watershed, forests have been shown to contribute less than 14% of total nitrogen loads and 3% of phosphorus loads.

Even though there is substantial data published on specific components of buffer function such as the removal of nitrate or sediments, there is incomplete knowledge of how these functions vary with climate, watershed management, plant species composition and age, buffer width, and how these functions change over time. The Chesapeake Bay Program report entitled "*Water quality functions of riparian forest buffer systems in the Chesapeake Bay Watershed*", by Lowrance et.al., 1995, provided a look at riparian buffers as part of the landscape in order to approximate the primary mechanisms controlling function. This has provided a foundation for understanding nutrient processes and is used in part, as a foundation for effectiveness estimates.

Many of the questions that Mr. Brady poses are important in the overall understanding of atmospheric and climate science, and necessary in this age of global pollution credit trading and concern over climate change and the proliferation of greenhouse gasses. However, in the Chesapeake Bay region, or anywhere else, I believe we would be remiss if we focused on air quality over water quality and/or put both of them over habitat concerns. We do know that in terms of water quality, forests provide the best means of controlling pollutants coming off the land, and are the best provider of habitat for the greatest numbers and types of wildlife. There is always an opportunity to change provisions in regulations if conclusive scientific evidence dictates that we should. In the meantime, it only makes sense to use the knowledge that we know to be true of forests as a good way to buffer our watercourses.

Thank you for your interest in riparian buffers and their ecological interaction. If you or Mr. Brady have any information on the subject that you believe would be helpful to us, we would appreciate your providing the information.

Sincerely,



M. Claudia Jones  
Science Advisor

MCJ/jjd

cc: Ren Serey

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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June 10, 2004

Mr. Melvin Cusick  
Somerset County Roads Department  
P.O. Box 219  
Westover, Maryland 21871

Re: Bridge No. SO12 Calvary Road over Jenkins Creek

Dear Mr. Cusick:

Thank you for sending the plans for the above-referenced project, as well as 10% pollutant removal calculations showing the positive effect of converting the 0.09 acres of impervious parking to porous paving, countering the impact of addition 0.04 acres of new impervious surface. The only thing that I don't see specifically addressed, although it is mentioned, is the mitigation for the new impervious surface and overall disturbance in the 100-foot Buffer. This is generally done at a ratio of 2:1 for Buffer Exempt areas and 3:1 in the Buffer in general. This can be addressed with the Department of Technical and Community Services.

As indicated by the Department of Technical and Community Services, the project is consistent with the Somerset County Critical Area Program. No further review or coordination with this office is necessary. Please call if you have any questions regarding these comments.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

cc: Joan Kean  
Carter W. Hyde

FAXED 410-221-6317

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 3, 2004

Mr. Joe Kincaid  
Maryland Department of the Environment  
407 Race Street  
Cambridge, Maryland 21613

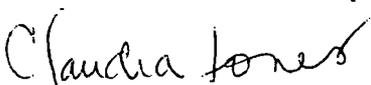
Re: Harbour Light Marina, Crisfield, State Wetland Case No. 04-WL-0834

Dear Mr. Kincaid:

This letter is to inform you that the Critical Area Commission has no objections to the issuance of the tidal wetland permits as described in the State Wetland Case 04-WL-0834 for the proposed marina/wetland creation/shore erosion control proposed for the Harbour Light Marina in Crisfield provided that the marina meets all the Maryland Department of the Environment standards for a commercial marina.

Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

  
Claudia Jones  
Science Advisor



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



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Chairman

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June 3, 2004

Mr. Grant Bryant  
25722 Drum Point Road  
Westover, Maryland 21871

Re: Goose Creek Camp Ground

Dear Mr. Bryant:

Thank you for your letter of May 5, 2004 regarding the Goose Creek Campground and possible violations of local, state, and federal regulations. I checked with the Somerset County and it appears that most of the trailers and probably the septic system is grand-fathered under the County's Zoning Ordinance. There are some aspects of the site and the activities that are occurring there that the County is looking into as possible zoning violations, but they haven't researched it fully yet. The best people to check with are County staff since they have the enforcement authority for regulations that are in their ordinance, both under their Critical Area Program and in general.

I am sorry that I am not able to assist you further. I am leaving the Critical Area Commission in the near future. If you have any additional questions about how the Critical Area regulations would apply in a situation like this you may call me through next week at 410-260-3476. After next week you may contact Regina Esslinger in my office at 410-260-3479/

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
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June 3, 2004

Mr. Joe Kincaid  
Maryland Department of the Environment  
407 Race Street  
Cambridge, Maryland 21613

Re: Harbour Light Marina, Crisfield, State Wetland Case No. 04-WL-0834

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Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

  
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Science Advisor

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May 27, 2004

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

Re: Amanda Schummer Variance 04-264, SO 319-04

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance for our review and comment. It is our understanding that this variance application is for an addition to an existing house on a grandfathered lot located on a 1.5-acre parcel in an LDA. The existing house is located in the Buffer and much of the parcel is Buffer. This office does not oppose this variance, but we do recommend that mitigation for impacts to the Buffer be provided in the form of native woody vegetation plantings. The plantings should be based on disturbance to the Buffer and should be located on site within and within the Buffer if possible. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



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May 12, 2004

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

Re: Creekside at Osprey Landing (Marvista) Subdivision – FIDS Issue for off-site sewer

Dear Ms. Allen:

This letter is to clarify that there are no required FIDS restrictions for the completion of the sewer connection between the Osprey Landing and the existing County interceptor on the Town Creek site. This is based in large part on letters from Jim McCann dated September 14, 1998 and Katherine McCarthy, dated March 23, 2001, of the Maryland Department of Natural Resources, Wildlife and Heritage Division, regarding the lack of suitable habitat for FIDS on the adjacent Carrolstown site and the Marvista properties, respectively. Since, the Town Creek site is to the south and west of these other properties and smaller in size and adjacent to extensive development on the southwest, it cannot provide suitable habitat for FIDS.

Please call if you have any questions regarding these comments.

Sincerely,

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

Claudia Jones  
Science Advisor

Cc: Ms. Lisa Hoerger  
Mr. Eric See

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

RE: Scott Taws Rezoning #08-15, SO 252-04

Dear Mr. Lawton:

Thank you for providing information on the above-referenced rezoning for our review and comment. It is my understanding that the applicant wishes to have the property rezoned from Light Industrial to Maritime Residential Commercial. The site is currently IDA due to a growth allocation that was submitted to this office and approved by the Critical Area Commission. It is my understanding that if the rezoning is approved that the property would revert back to LDA. This office is not opposed to this change.

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

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor



Robert L. Ehrlich, Jr.  
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April 28, 2004

Mr. Alvaro Quintanilha  
City Inspector  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: Jersey Island Multifamily Community Site Plan

Dear Mr. Quintanilha:

I am writing in reference to a conceptual site plan for the Jersey Island Condominiums. This project is located within the City of Crisfield's Chesapeake Bay Critical Area Overlay District, is designated as an Intensely Developed Area (IDA), and, as such, must comply with the Critical Area development standards for IDAs contained in the City's Critical Area/Zoning Ordinance. It is also located within a mapped Buffer Exemption Area (BEA). I have reviewed the site plan according to the Critical Area IDA provisions and the Buffer Exemption Area (BEA) provisions contained in the Crisfield Critical Area/Zoning Ordinance. Overall, the conceptual plan appears to meet most of the Critical Area requirements of the City's program. I offer the following specific comments/recommendations:

**Development Standards in IDAs §112-107E**

- "Development and redevelopment shall be required to identify stormwater management practices appropriate to site development which achieve a ten-percent reduction of predevelopment pollutant loadings."  
  
The 10% calculations will need to be provided as well as the BMPs that will be used to reduce pollutant loadings by the required amount.
- "Development and redevelopment projects shall delineate those site areas not covered by impervious surfaces that are to be maintained or

- established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable.”

The above regulations should be kept in mind during this phase of the design.

**Buffer Exemption Provisions §112-108 B.**

- Development and redevelopment rules state that when structures within a BEA are removed or destroyed, they may be replaced, insofar as possible, no closer than 100' from the edge of tidal influence. This section further states that when a setback line exists, as defined by structures on adjacent parcels, the new structure may not be replaced shoreward of that setback line.

It is recognized that impervious surfaces existed on this site and adjacent sites up to the water's edge in many places.

- Development and redevelopment rule also require that any impervious surfaces created greater in extent to preexisting impervious surfaces with the Buffer exemption area shall be offset.

According to the concept plan, the impervious surface in the Buffer is decreasing; therefore, no mitigation is required under this section.

- The Critical Area Commission's Buffer Exemption Policy of April 2000, states that "redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the local setback for the zoning district or 25 feet, whichever is greater."

The developers have done a good job of keeping the buildings and parking outside of the 25-foot setback. It is primarily the walkway and the gazebos that are located within this 25-foot area. There appear to be several places where the walkways and gazebos could be completely out of the 25-foot BEA setback by moving them landward 20 feet or less.

The three places that are the most obvious for this slight modification are:

- 1) the place where the sidewalk branches off in three places, between Buildings A and B;

Mr. Alvaro Quintanilha  
April 29, 2004  
Page Two

- 2) the gazebo and walkways just to the right of the above location, located in the "V" of Building B; and,
- 3) the gazebo and walkways to the left of Building E.

We look forward to reviewing the next site plan for this project, which should include all the site plan requirements as set out in the Town's Zoning Ordinance as well as the planting plan, and the 10% calculations and selected BMPs to meet the pollutant removal requirements.

Please feel free to call me at 410-260-3476, if you have any questions about the recommendations and/or comments contained in this letter.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Cc: Tracey Gordy

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
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April 21, 2004

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

Re: David Robinson Variance 04-32 , KC 208 -04

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. The applicant is requesting a variance to construct a deck within the 100-foot Buffer. If the variance is granted, we recommend the following condition. Mitigation should be required at the ratio of 3:1 for disturbance within the Buffer. We recommend mitigation plantings consisting of native woody vegetation. The mitigation should first be directed to non-forested areas within the Buffer and then to other areas on the property.

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

Sincerely,

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

Claudia Jones  
Science Advisor



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



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April 21, 2004

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

Re: Alberto Santa Maria 04-33, KC 209-04

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. The applicant is requesting a variance to construct a 28 X 70' (1960 square feet) house within the 100-foot Buffer. The house would replace a smaller house (640 square feet) that existed at the same location that was destroyed during hurricane Isabel.

An increase in development activity within the Buffer is of concern to the Commission, and we understand that the proposal may be inconsistent with local zoning requirements. However, if the Board finds that denial of the variance would result in unwarranted hardship to the applicant, we recommend the following conditions. Mitigation should be required at the ratio of 3:1 for disturbance within the Buffer. We recommend mitigation plantings consisting of native woody vegetation. The mitigation should first be directed to non-forested areas within the Buffer and then to other areas on the property.

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Science Advisor

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April 21, 2004

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Kent County Department of Planning & Zoning  
County Government Center  
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Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
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*Lt. Governor*



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April 16, 2004

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

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

Dear Mr. Lawton:

Thank you for providing the additional information on the above-referenced variance request for our review and comment. It is my understanding that a mistake was made in the original measurements for the variance application. Instead of the house being located 43 feet from the water, the actual measurement is 39'6" from the edge of tidal waters. My comments from the October, 2003 letter still stand. We recommend additional plantings in the Buffer to provide mitigation for this discrepancy.

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

Sincerely,

*Claudia Jones*  
Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
Governor

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March 24, 2004

Mr. Frederick B. Gerald, III  
Crisfield City Manager  
P O Box 270  
Crisfield, Maryland 21817

Re: Harbour Light Condominium Project

Dear Mr. Gerald:

This letter is in response to the latest site plan submitted for the Harbour Light Condominium Project. I realize that a meeting was held between the Town, Critical Area Commission staff and the Town's Circuit Rider on February 23, 2004, where some of these issues were discussed and decided upon.

Development Standards in IDAs

**Stormwater Management** – I believe that the swale will work fine on this site and is a good alternative for this area where the water table is so high.

**Planting Plan** – I am pleased to learn that as later phases are completed, the remaining open space will be planted as well. The proposed plantings for the swale look very good. We would recommend replacing the general planting list with more natives. The pin oak (*Quercus palustris*) is, of course, native and *Thuja occidentalis* is native, but these are the only ones (although the common name placed next to *Thuja* in this section is *Arborvitae*, which is not native). I have enclosed a list of native plants with this letter and a list of plants that do well in areas where a high water table and salt spray may be a concern. The Critical Area Program, in general, stresses the maintenance and establishment of natural vegetation, which the Critical Area Commission has consistently interpreted to be native species.

Buffer Exemption Area Provisions

**Buffer Width** – We are pleased to learn that the building has been moved back somewhat from the plans that we have reviewed. For clarification purposes, the Buffer in the Critical Area, whether it is a regular Buffer or is located within a Buffer Exemption Area, is measured from the landward edge of Mean High Water (MHW), tidal wetlands and tributary streams, whichever is present. In other words, if there are tidal wetlands present, the Buffer would be measured from

the landward edge of the tidal wetlands and not MHW. If there are no tidal wetlands, then MHW is used or the edge of a tributary stream.

**Impervious Areas Planting Offsets** – It is true that the total area of impervious surface on the site has been reduced and the developer is to be commended for that. I am not sure, however, that the total amount of impervious surface in the Buffer Exemption Area (within 100 feet of the water) has been reduced or that the impervious areas within the 25 ft. setback referred to in the City's Critical Area Program has been reduced. While there were extensive areas of impervious surface along the water, there were also pervious areas. A comparison of the preexisting conditions and the current plan would answer this question. While the overall impervious coverage has been decreased on the parcel, the regulations focus especially in the area adjacent to the shoreline.

**Boardwalk** – I have enclosed the Critical Area Commission's Guidance document on Public Walkways for your information.

Site Plan Submittal Requirements

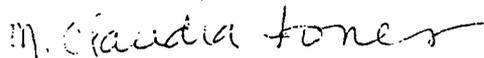
**Buffer** – The 100-foot Buffer should be shown on the site plan.

Other Issues

**Marina** – Under the City's Critical Area Ordinance, a community marina would be limited to one slip per every 50 feet of shoreline or based on a percentage of the dwelling units, whichever is less. A commercial marina would allow more slips in this location, but, of course, would have to meet all of the Maryland Department of the Environment Standards for a Commercial Marina.

As always, please feel free to call me at (410) 260-3476 if you have any questions about the recommendations and/or comments contained in this letter.

Sincerely,



M. Claudia Jones  
Science Advisor

MCJ/jjd

Enclosures

cc: Mr. Matthew J. Mathias  
Ms. Tracey Greene Gordy

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
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March 22, 2004

The Honorable Margo G. Bailey  
Mayor  
Town of Chestertown  
118 N. Cross Street  
Chestertown, Maryland 21620

Re: Annexation and Buffer Exemption Designations

Dear Mayor Bailey:

As you know, at their meeting on March 3, 2004, the Critical Area Commission concurred with Chairman Madden on the use of refinement for reconfirming the BEA designations and the mapping mistake that were previously approved by the Commission as a part of Kent County's Comprehensive review as well as the annexation by the Town of Chestertown of these properties. The Chairman and the Critical Area Commission placed two conditions on this approval:

1. The Town provide new language providing standards for development and redevelopment in BEAs and come back to the Commission for review and approval of that language within 90 days; and
2. That no project approvals for disturbance in the Buffer, other than the Chester River Landing project, be granted by the Town on BEA properties until the new language is incorporated into the Town's Critical Area Ordinance.

Thank you for your assistance in this matter. We will be happy to assist the Town in any way to help with this process.

Sincerely,  
  
Claudia Jones  
Science Advisor

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 22, 2004

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

Re: KC 70-03, 04-11 Al Corle Variance

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. The applicant is requesting a variance to construct a septic tank in the Buffer. This office has no objection to this variance since this is a minimal intrusion (approximately 66 sq. feet) and there appear to be no alternatives

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

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

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

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Executive Director

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March 22, 2004

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

Re: KC 318-02, 02-67 Peter Svenson Variance

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. This office has no objection to the granting of a variance for locating a dwelling on this parcel provided impacts to the Buffer are minimized since most of the lot is located within the 100-foot Buffer. If the impacts are minimized and mitigation is provided, the applicant should be able to meet the variance standards in the Kent County Zoning Ordinance. We cannot support a variance for disturbance to the Buffer for a pool. It is our opinion that the applicant would not be able to meet the unwarranted hardship standard for the placement of a pool in the 100-foot Buffer.

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

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

Sincerely,

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

Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

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Executive Director

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March 17, 2004

Mr. Phil Isaja  
Project Manager  
Loiederman Soltesz Associates  
4266 Forbes Boulevard  
Lanham, Maryland 20706

Re: Betty Blume Park Stormwater Management Facility for National Harbor

Dear Mr. Isaja:

As you know the Betty Blume Park Stormwater Management facility referenced above was approved by the Critical Area Commission at their meeting on March 3, 2004. Thank you for working with us to meet the regulations under the State's Critical Area regulations. I have attached a planting agreement for State and Local Projects. I filled part of it in. Could you fill in the mitigation planting date when you know it and send or fax it back to me? Thanks again.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

cc: Ms. Marye Wells-Harley  
Mr. Andre Gingles

# Planting Agreement for State and Local Projects

State or Local Agency  
ANCPPC

Project Number  
57-03

Agency Contact  
Phil Isaja - Project Manager

Phone Number  
301-794-7555

Commission Approval Date  
march 3, 2004

CAC Planner

Project Name  
Betty Blume Park Stormwater Management Facility for National Harbor

Project Location  
P.G. County

Square Feet Cleared Outside 100ft Buffer  
12,000 sq. ft

Mitigation Ratio for Clearing Outside Buffer\*  
1:1

Mitigation Calculation Outside Buffer  
12,000 sq. ft

Square Feet Disturbed/Cleared Within 100ft Buffer  
-0-

Mitigation Ratio for Disturbance/Clearing Within Buffer\*  
-

Mitigation Calculation Within Buffer  
-

15% Afforestation Requirement Met?

Total Mitigation Required  
12,000 sq. ft

Planting and Natural Regeneration Plan (attach additional sheets if necessary)  
We have this on file.

Planting Date  
Year

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

\* see back for explanations

Revised 9/03

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 5, 2004

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[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

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

Re: William Taylor Trust VAR 03-132 KC894-03

Dear Ms. Moredock:

Thank you for providing information on the above-referenced variance. It is my understanding that a deck existed that was built and locally approved as part of the original building permit. Since then, a portion of the deck was destroyed and built back larger than what had been originally approved. The deck addition is located in the expanded Buffer due to steep slopes and is itself located on steep slopes. As you know, Buffer protection in the Critical Area is for the purpose of protecting water quality and habitat along the shoreline.

Due to the prohibition on building in the Buffer and steep slopes, this office recommends denial of this variance request. We recommend that the additional area of deck be removed and the deck be made to conform to the original permits regarding its size and configuration.

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

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

Sincerely,

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

Claudia Jones  
Science Advisor

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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February 19, 2004

The Honorable Margo G. Bailey  
Mayor  
Town of Chestertown  
118 N Cross Street  
Chestertown, Maryland 21620

Re: Annexation and Buffer Exemption Designations

Dear Mayor Bailey:

The Critical Area Commission has received your letter requesting that the Commission approve the annexation known as Chestertown Annexation Resolution No. 1, as well as the areas that have been designated as Buffer Exempt through Kent County's Comprehensive Review. We have accepted this request for processing and I have tentatively scheduled it for the March 3, 2004 Critical Area Commission meeting.

Sincerely,

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

M. Claudia Jones  
Science Advisor

MCJ/jjd

Robert L. Ehrlich, Jr.  
*Governor*



Martin G. Madden  
*Chairman*

Michael S. Steele  
*Lt. Governor*

Ren Serey  
*Executive Director*

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January 8, 2004

Mr. William S. Ingersoll  
Town Manager  
Town of Chestertown  
118 N. Cross Street  
Chestertown, Maryland 21620

Re: Annexation and Buffer Exemption Designations and Chester River Landing

Dear Mr. Ingersoll:

Thank you for speaking with me about the Town's annexation, Buffer Exemption (BEA) designation, as well as the Chester River Landing project. It is my understanding that the Chester River Landing property and other adjacent properties were designated as Modified Buffer Areas (Kent County's terminology for a BEA) by Kent County as part of the comprehensive review of their Critical Area Program. The designation of these areas, as well as specific provisions for development within Modified Buffer Areas, were approved by the Critical Area Commission at the April 2, 2003 Critical Area Commission meeting. This approval took place after some of these properties were annexed into the Town, effective March 20, 2003.

The Town's annexation and Buffer Exemption Area designation are both changes to the Town's Critical Area Program; therefore, they require approval by the Commission. To clear up this situation, I believe the Town needs to address three items with the Critical Area Commission: (1) the annexation of the properties that changed from the County to the Town (2) the designation of these properties as Buffer Exemption Areas by the Town, (3) revision of the Town's Critical Area Program to include regulations for development in Buffer Exempt Areas (I have attached a copy of the Commission's BEA Policy of April 5, 2000 for you to consider.) It may not be possible to address this third item in February since it will probably require a hearing in the

Mr. William S. Ingersoll  
January 8, 2004  
Page Two

Town to adopt new language. I believe that only items (1) and (2) are necessary to move forward with the Chester River Landing project.

Annexation and BEA designation

As I indicated in our phone call, I believe we can address the Town's annexation and BEA designation at the February Critical Area Commission meeting. That meeting will be held on February 4, 2004. In order to provide a staff report in our mailing to our Commission members prior to the February meeting, we will need all the requested documentation by January 21, 2004. What follows is a list of items that the Critical Area Commission will need to process the above referenced items and some questions/comments regarding these changes to your program.

- A letter from the Town to the Critical Area Commission requesting that the Commission approve the annexation package that was approved by the Town on December 16, 2002. For this approval, the maps that were provided as part of the annexation package that you sent me should be sufficient.
- A letter from the Town to the Critical Area Commission requesting that the Commission approve the designation of appropriate portions of the newly annexed areas as BEAs. (The two above-referenced items could be included in one letter.)
- A map showing the proposed BEA areas.
- Language changes to Chapter 61 of the Chestertown Code and to Section II.A.1.e(5) of the Town's Critical Area Program to provide standards and mitigation methods for development in BEAs.

Chester River Landing

As I explained on the phone, I have not provided comments previously on the Chester River Landing project because I was not sure specifically which regulations would apply to it.

According to the annexation language, "The waterfront properties annexed will be classified as intense development areas under Critical Area regulations and shall have no more than a 50 foot critical areas buffer in accordance with the current Kent County Critical Areas zoning regulations and the Critical Areas code for the Town of Chestertown."

The Buffer Exemption Area language in the Town's Critical Area Program does not include any specific regulatory criteria for development within a Buffer Exemption Area because the only development that is contemplated is the reconstruction of a building due to a fire or natural disaster. New development and redevelopment are not addressed; therefore, based on the language in the 2002 Chestertown Annexation Resolution No. 1, it appears that the new development, redevelopment, and mitigation requirements within Buffer Exemption Areas would be regulated by the Kent County provisions. Kent County's language for Modified Buffer Areas is as follows:

Mr. William S. Ingersoll  
January 8, 2004  
Page Three

- No new development shall encroach within 25 feet of mean high tide or 25 feet of the edge of tidal wetland. Expansion to the side or rear, but not closer to the water, may be permitted as long as the expansion is designed and located to maximize the distance from the shoreline or to enhance or protect the environmentally sensitive features on the site.
- An area of existing impervious surface on-site equal to or greater than the area of new development shall be removed and revegetated, or
- A forest buffer will be planted on-site equal to three times the amount of newly developed impervious surface within the minimum 100-foot buffer; if there is not enough available space on the lot to create a buffer, the property owner must plant the required amounts on-site outside the buffer, off-site, or must pay a fee-in-lieu.

There are also provisions pertaining to the protection and preservation of existing vegetation within the Buffer. Kent County's Modified Buffer Area provisions were designed primarily to accommodate the expansion of existing structures and do not specifically address the total redevelopment of a site that is currently vacant; therefore, some interpretation of the provisions is necessary to apply them to the project currently being reviewed. Based on these considerations, I have the following comments on the proposed Chester River Landing project:

- Since the project is in an Intensely Developed Area, the 10% pollutant reduction requirements apply under the Town's Critical Area Program. This may have been done, but I have not received the calculations for this. Please forward them if they are available.
- It appears that the County's BEA (modified buffer) language will apply since the Town does not have any specific regulations regarding development in a BEA. According to this language, development shall not encroach any closer than 25 feet of mean high tide or within 25 feet of a tidal wetland. It appears that this is not provided along most shoreline areas because of the walkway. To be consistent with the County's BEA language that regulates this development, the walkway should be removed or relocated to provide a minimum 25-foot buffer.
- There does not appear to be much if any vegetation along the water. It does not appear that the existing natural vegetation is being maintained along the shoreline. At a minimum, to meet the County requirements, at least the 25-foot area adjacent to tidal waters/wetlands shall remain or be planted in forest vegetation. The Commission recommends that this vegetation be native to the Maryland Coastal Plain.

Mr. William S. Ingersoll  
January 8, 2004  
Page Four

Revisions of the Town's Critical Area Program for Development in Buffer Exempt Areas

As stated previously, the Buffer Exemption Area language in the Town's Critical Area Program does not include any specific regulatory criteria for development within a Buffer Exemption Area because the only development that was contemplated is the reconstruction of a building due to a fire or natural disaster. New development and redevelopment are not addressed; therefore, the Town needs to adopt appropriate provisions to regulate the proposed redevelopment of the other properties that have been annexed. This should take place as soon as possible, so that future projects will not be delayed. The provisions should be approved by the Town and the Commission before any permits or approvals are issued, since the provisions will affect the design of any proposed project. Commission staff has draft zoning regulations based on the Commission's policy that can be customized to meet the needs of the Town. Please let me know if you would like to use this model language, and I can send it you in an appropriate format.

Please do not hesitate to call me if you have any questions about these comments or if I can help in any way with the process. You can reach me directly at 410-260-3476.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

cc: The Honorable Margo Bailey

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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June 24, 2004

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

Re: Variance 04-3077 Gerald Clark

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the cliff setback requirements, a variance in the waterfront Buffer requirements, and a variance to the steep slope requirements to construct a single-family dwelling. The property is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered we do not oppose a variance to develop the property with a dwelling. The applicant must demonstrate that disturbance has been minimized and the variance is the minimum necessary to provide relief. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

- 1) We note that the lot area is reported on the site plan as 1.1298 acres. Based on State tax records, Lot 17R consists of 22,233 square feet.
- 2) The 100-foot Buffer is not shown on the site plan provided for this variance request. As estimated from the site plan, nearly the entire lot, including the existing dwelling, is located within the Buffer. We recognize that a variance would be necessary to redevelop the property.
- 3) The applicant proposes to replace the existing dwelling with a larger dwelling and to extend the existing driveway. The proposed dwelling is located within the Buffer and partially on steep slopes within the Buffer. It appears that the applicant has attempted to minimize

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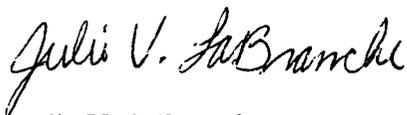
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disturbance while maintaining the required setbacks from the existing well and the existing septic system.

- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Because the lot is mostly forested, mitigation alternatives will need to be addressed. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Plantings could be used to stabilize steep slopes following construction.
- 5) Stormwater should be directed away from steep slopes to a best management practice or stable vegetated outfall on the flat areas of the site.
- 6) Due to the extent of steep slopes and the proximity of development to the shoreline, we recommend that super-silt fence be installed around the limits of disturbance to ensure protection of water quality and prevent erosion on steep slopes.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 425-04

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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June 24, 2004

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

Re: Variance 04-3026 Eliad and Valentina Savel

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements, a variance to clear greater than 30 percent of the property, and a variance to increase impervious surface coverage from 15 percent to approximately 16.3 percent to construct a deck. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. I conducted a site visit to the Savel property on March 19, 2004 as part of the Commission's review of a permit application to the U.S. Army Corps of Engineers and the Department of the Environment (refer to attached photographs), and an additional site visit to the Savel property on June 22, 2004 to evaluate the current variance application. Based on information provided the applicant's consultant and as reported by the County, the County approved the original building permit and site plan for development of this property on February 17, 2000 (refer to attached documents).

Based on the information provided, we have the following comments regarding the steep slope and impervious surface variances requested.

- 1) As observed during both site visits and as shown on the site plan provided for this variance request, the applicants have completed construction of a wooden deck, a brick patio surrounded by a stone retaining wall, and a combination concrete and brick walkway (refer to photographs 1, 2, and 3). These structures are located waterward of the existing dwelling and two-story deck. We understand that these structures were built without the necessary permits and absent a variance. In comparing both the current site plan and the previously approved site plan, a portion of the brick patio and walkway appear to extend beyond the limits of disturbance and on steep slopes within the Buffer, as identified on the previously approved site plan and building permit (refer to copy of site plans).

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The applicant must demonstrate that disturbance has been minimized and the variance is the minimum necessary to provide relief. It does not appear that the actions of the applicant demonstrated that disturbance has been minimized, or that the addition of a second deck, and a patio and retaining on steep slopes within the Buffer, without the necessary authorizations, represents the minimum necessary to provide relief. ***This office opposes the variance to permit disturbance to steep slopes associated with the patio and retaining wall.***

- 2) The impervious surface coverage approved under the previously approved site plan and building permit was 5,500 square feet or 8.2 percent. As part of the current variance, the applicants are requesting 10,772 square feet or 16.3 percent impervious surface coverage, approximately 841 square feet more than the maximum allowable impervious surface limit of 15 percent or 9,931 square feet (Calvert County Zoning Ordinance Article 8, Section 8-1.03). We note that the driveway shown on the site plan provided for this variance request exceeds the limits of the driveway authorized under the previously approved building permit (refer to attached site plan). It appears that either some of the unauthorized structures could be removed to achieve compliance with the impervious surface limits or a portion of the driveway could be removed to offset the additional impervious surface. ***This office opposes the variance to exceed impervious surface limits.***

We have the following comments regarding the applicants' request for a variance to clear greater than 30 percent of the property. This variance is necessary due to a series of development activities involving clearing within the Critical Area Buffer, clearing beyond the approved limits of disturbance identified on the previously approved site plan and building permit for this property, and clearing on steep slopes. As reported in the March 29, 2004 letter from Pat Nutter, the Savels have had an outstanding clearing violation on the property since 2001. Since that time, it appears that the Savels have cleared additional areas of the property. Based on the information provided by the applicant's consultant (refer to letter of May 18, 2004 from R.A. Barrett & Associates), 67 percent of the original forest has been cleared from the site. The previously approved building permit authorized 15,575 square feet or 8.2 percent forest clearing, and therefore the applicant has cleared an additional 59 percent or 39,065 square feet of forest from the property without the necessary authorizations from the County. I have outlined each instance of what appears to represent unauthorized clearing below.

- 1) In comparing both the current site plan and the site plan for the previously approved building permit, it appears that the applicants have exceeded the approved limits of clearing to construct the brick and concrete walkway, the brick patio and retaining wall, and to enlarge the driveway. ***Because a portion of the brick patio and retaining wall extend within the Buffer, a variance is necessary to permit disturbance within the Critical Area Buffer (Calvert County Zoning Ordinance Article 8, Section 8-1.01). This office does not support such a variance.***
- 2) Based on documentation from County staff (refer to March 29, 2004 letter from Pat Nutter), the applicants have cleared beyond the scope of the building permit and site plan previously

approved by the County. As observed during my visit of March 19, 2004, the applicants had cleared most of the remaining natural vegetation within the Buffer, from the dwelling waterward to within approximately 20 feet from the cliff edge, and in the side yards (refer to photographs 2, 4, 5, and 6). ***A variance is necessary to permit clearing of natural vegetation within the Critical Area Buffer (Calvert County Zoning Ordinance Article 8, Section 8-1.01). This office does not support such a variance.***

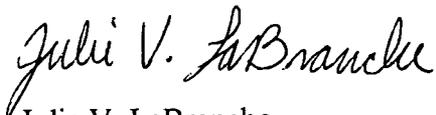
We understand that since the Savels have owned the property, the area between the dwelling and the cliff has eroded landward, forming a deep ravine from the cliff edge landward to within several feet of the brick patio and retaining wall (refer to photographs 7, 8, and 9). We recognize that some trees and natural vegetation between the dwelling and the cliff have been lost due to this erosion problem.

- 3) The applicants have conducted development activities (clearing and grading) beyond the previously approved limits of disturbance and within an area of steep slopes southwest of the existing circular driveway for the purpose of constructing a water feature (refer to approved site plan and photograph 10). As observed during my site visit of June 21, 2004, this disturbed area remains unstabilized with the exception of a silt fence on the downslope perimeter of disturbance. ***A variance is necessary to permit a disturbance to steep slopes within the Critical Area (Calvert County Zoning Ordinance Article 8, Section 8-1.03). This office does not support such a variance.***

As required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03), forest clearing in the Critical Area without the necessary authorization from the County constitutes a violation, and requires mitigation at a ratio of 4:1 for the area of forest removed. The Savels should be required to reforest the property to the extent possible, and pay a fee-in-lieu for the remainder of the required mitigation. In addition, a buffer management plan should be developed and approved by the County to ensure reforestation of the property.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Attachments

CA 421-04

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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June 23, 2004

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

Re: Variance 04-3066 Daniel and Gwenda Legg

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance in the steep slope requirements and a variance in the cliff setback requirements to construct a two-level detached deck. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

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

- 1) According to the Calvert County Zoning regulations, a structure (such as a deck) that is incidental to the primary use (or dwelling in this case) is considered an accessory structure (Calvert County Zoning Ordinance Article 12). As indicated by the cliff regulations (Calvert County Zoning Ordinance Article 8, Section 8-2.02), this property is considered a Category 3 cliff area, which requires a minimum 60-foot setback or the ER15 (whichever is greater) for accessory structures. The regulations state that no accessory structure (except for access) is permitted within the ER15.
- 2) The minimum cliff setback, the Critical Area Buffer, and steep slopes are not shown on the site plan provided for this variance request (Calvert County Zoning Ordinance Article 8, Section 8-1.03). Based on GIS information from the Department of Natural Resources, there appear to be steep slopes along the waterfront of this property, forming a cliff of approximately 60 feet high. For the purpose of evaluating the variance request, this office assumes that the proposed structure is located within the minimum cliff setback and on steep slopes.

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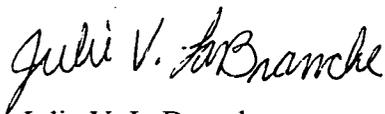
- 3) As shown on the site plan, the proposed two-level detached deck is located approximately 10 feet from the primary dwelling at its nearest point and consists of 600 square feet. As measured from the site plan, the existing deck is 248 square feet, and the concrete patios are 240 square feet and 216 square feet, totaling 704 square feet of outdoor living and recreational space. Why is the deck proposed in a location that requires a variance, and when 704 square feet of deck and patio space already exists?

Because the deck is proposed on steep slopes and within the cliff setback, and the applicant already has an existing deck, it does not appear that the current request represents the minimum necessary to provide relief. This office does not support the siting of accessory structures within the required cliff setback or on steep slopes within the Critical Area, particularly when alternatives exist. For these reasons, this office opposes the variance request. We recommend that the applicant consider an alternative proposal that would minimize disturbance on the site.

- 4) Because information was not provided, we are unable to determine the extent of the Critical Area Buffer on the site, or whether the Buffer needs to be expanded for steep slopes (Calvert County Zoning Ordinance Article 8, Section 8-1.01). If the deck is located within the Buffer, this office opposes a variance to permit construction of a detached deck within the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 423-04

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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June 20, 2004

Suzanne Diffenderfer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0218-V Gibson Island Corporation

Dear Ms. Diffenderfer:

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

Providing this lot is properly grandfathered, we do not oppose this variance. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

- 1) The 100-foot Buffer is not shown on the site plan provided for this variance. As estimated from the site plan, more than 50 percent of the existing maintenance shop building is located within the Buffer.
- 2) As reported by County staff, the Gibson Island Yacht Club property (Section 14 of 20) consists of 31,008 square feet. The Critical Area report states that the property has 20,603 square feet or 66 percent impervious surface coverage, and therefore is non-conforming with respect to impervious surface coverage (maximum of 5,445 square feet permitted). The current proposal will reduce the impervious surface coverage to 17,946 square feet or 58 percent.
- 3) The applicant proposes to replace the existing maintenance shop building with a similar structure with a smaller footprint. As shown on the site plan, the current proposal will increase the development setback from 34 feet to 48 feet and reduce impervious surface coverage by 2,657 square feet within the project area. Three bioretention areas are proposed

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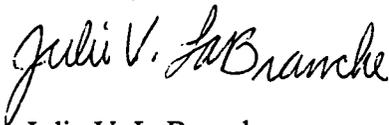


to treat and manage stormwater from the site. One of the bioretention areas is located 14 feet from the shoreline in an area that is currently forested. Could the bioretention area be relocated further from the shoreline, to an area of the site where clearing would be minimized? For example, it appears that the bioretention area may be accommodated north of the proposed maintenance shop building. In addition, grading is proposed over the entire area between the shoreline and the maintenance shop building. Could some of the grading be eliminated to reduce the overall disturbance within the Buffer?

- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be used to establish a vegetated buffer between the development and the shoreline (Anne Arundel County Zoning Ordinance Article 28, §1A-109).
- 5) Unrelated to the current variance request, the site plan indicates that a new bulkhead may be proposed on the marina site. As stated in the Critical Area report, there is a 4 to 8 foot wide vegetated fringe marsh along the shoreline (shown as a shaded area on the site plan). As measured from the site plan, the bulkhead would be 182 linear feet and located 2-20 feet landward from mean high water (and the fringe marsh) at a maximum elevation of 6 feet. The applicant must secure the necessary authorizations from the U.S. Army Corps of Engineers and the Department of the Environment to construct a bulkhead for the purpose of providing shore erosion control on the site. However, because the most of the structure would be located well above mean high water, the structure may not be considered a shore erosion control device. A variance would be necessary to permit a non-water dependent development activity within the Buffer. This office would not support a variance to permit a structure similar in function to a retaining wall within the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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June 18, 2004

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

Re: Variance 04-3073 Anna Willis

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance in the tributary stream Buffer requirements and a variance in the steep slope requirements to construct an addition, a garage, and a deck to an existing dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

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

- 1) As measured from the site plan, the entire lot contains steep slopes. Due to the extent of steep slopes, the tributary stream Buffer to Parker-Moore Creek is expanded to include the entire property. We recognize that a variance is necessary to permit any additional development of the property.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Because the property is mostly forested, mitigation alternatives will need to be addressed.
- 3) Stormwater should be directed away from steep slopes to a best management practice or a stable vegetated outfall. Due to the extent of steep slopes on the site, a best management practice may provide the best treatment and management of runoff, and prevent erosion.

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Roxana L. Whitt  
Variance 04-3073 Anna Willis  
June 18, 2004  
Page 2

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 424-04

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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June 18, 2004

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

Re: Variance 04-3078 Alice McConnell

Dear Ms. Whitt:

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

Providing this lot is properly grandfathered we do not oppose a variance to develop the property with a dwelling. The applicant must demonstrate that disturbance has been minimized and the variance is the minimum necessary to provide relief. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan, the limits of disturbance proposed are 8,527 square feet, which includes grading of nearly the entire 10,000 square foot lot. Could the area of disturbance be minimized on the site? Why does the entire site need to be graded? For example, clearing could be kept to the minimum necessary for installation of the primary septic area and tank, and construction of the dwelling and driveway.
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible following completion of construction.
- 3) Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the site.

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Roxana L. Whitt  
Variance 04-3078 Alice McConnell  
June 18, 2004  
Page

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

CA 426-04

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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June 18, 2004

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

Re: Variance 04-3029 John and Donna Zalusky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements, and a variance to the 100-foot Buffer requirements for construction of a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received a revised site plan for this variance request on June 14, 2004.

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

- 1) We recognize that the property is severely constrained by steep slopes and the 100-foot Buffer, and that a variance is necessary to development the property. We note that the site plan provided does not identify the existing forested area on the lot. The applicant should clarify this information for the purposes of determining the mitigation requirement associated with development of the lot.
- 2) The consent decree from the Maryland Department of the Environment (MDE) (November 22, 1996) authorizes placement of a septic system on the property (Tax Map 45A, Block B, Section 2A, Lot 16), providing the following conditions are met: the house size shall be limited to a maximum of two bedrooms and the house shall not exceed 24 feet by 40 feet; part of the sewage disposal system may be situated under the house, if the house is built on

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pilings; and a bulkhead shall be installed across the lot, tying the bulkhead into the existing retaining walls on each of the adjoining lots if permitted by the adjoining landowners.

- 3) The applicant has made several changes to the development proposal, as shown on the revised site plan. The proposed dwelling and driveway have been shifted closer to Lake View Drive, increasing the development setback from the shoreline from 45 feet to 60 feet. The replacement septic field has been moved from beneath the dwelling, and only a portion of the primary septic field is located beneath the dwelling. The area of disturbance has been reduced from 6,000 square feet to 5,450 square feet.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03). If it is not possible to accommodate the required mitigation on the site, mitigation alternatives will need to be addressed.
- 2) Stormwater should be directed to a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes.
- 4) With regard to the bulkhead required by MDE, clearing and grading within the Buffer should be kept to the minimum necessary for installation of the bulkhead, and mitigation should be provided at a ratio of 1:1 (as required for shore erosion control projects, Calvert County Zoning Ordinance Article 8, Section 8-1.03).

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 176-04, revised plan

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 11, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0218-V Gibson Island Corporation

Dear Ms. Plociennik:

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

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

- 1) The 100-foot Buffer is not shown on the site plan provided for this variance. As estimated from the site plan, more than 50 percent of the existing structure, a maintenance shop building is located within the Buffer.
- 2) Based on GIS information from the Department of Natural Resources, it appears that the marina is located on Parcel 234 which consists of several areas of land on Gibson Island totaling approximately 284 acres. Although the project area is identified on the site plan provided, Parcel 234 is not identified on the site plan. The Critical Area report states that the marina facility has 20,603 square feet of impervious surface coverage but does not indicate the percent impervious surface coverage for the entire parcel. The applicant should clarify this information.
- 3) The applicant proposes to replace the existing maintenance shop building with a similar structure with as smaller footprint. As shown on the site plan, the current proposal will

increase the development setback from 34 feet to 48 feet and reduce impervious surface coverage by 2,657 square feet within the project area. Three bioretention areas are proposed to treat and manage stormwater from the site. One of the bioretention areas is located 14 feet from the shoreline in an area that is currently forested. Could the bioretention area be relocated further from the shoreline, to an area of the site where clearing would be minimized? For example, it appears that the bioretention area may be accommodated north of the proposed maintenance shop building. In addition, grading is proposed over the entire area between the shoreline and the maintenance shop building. Could some of the grading be eliminated to reduce the overall disturbance within the Buffer?

- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be used to establish a vegetated buffer between the development and the shoreline (Anne Arundel County Zoning Ordinance Article 28, §1A-109).
- 5) Unrelated to the current variance request, the site plan indicates that a new bulkhead may be proposed on the marina site. As stated in the Critical Area report, there is a 4 to 8 foot wide vegetated fringe marsh along the shoreline (shown as a shaded area on the site plan). As measured from the site plan, the bulkhead would be 182 linear feet and located 2-20 feet landward from mean high water (and the fringe marsh) at a maximum elevation of 6 feet. The applicant must secure the necessary authorizations from the U.S. Army Corps of Engineers and the Department of the Environment to construct a bulkhead for the purpose of providing shore erosion control on the site. However, because the most of the structure would be located well above mean high water, the structure may not be considered a shore erosion control device. A variance would be necessary to permit a non-water dependent development activity within the Buffer. This office would not support a variance to permit a structure similar in function to a retaining wall within the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Penny Chalkley (Anne Arundel County Office of Planning and Zoning)

AA 405-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 11, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0213-V Dorothy Hoffman

Dear Ms. Plociennik:

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

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

- 1) As shown on the topographic map provided with the variance application, there appear to be steep slopes on the property that may extend within the 100-foot Buffer to a tributary stream of Saltworks Creek (see attached map). Based on this information, it is not clear whether the 100-foot tributary stream Buffer must be expanded to include steep slopes, or whether the expanded Buffer would extend within the property boundary, as nearly the entire property consists of steep slopes. The applicant should clarify this information.
- 2) As stated in the Critical Area Report provided, the applicant proposes to remove 6,850 square feet (47.4 percent) of existing forest on the site. Mitigation is required at a ratio of 3:1 for forest clearing in excess of 6,534 square feet on lots of one half acre or less within a LDA (Anne Arundel County Zoning Ordinance Article 28, §1A-105). Mitigation plantings, consisting of native trees and shrubs, should be used to stabilize steep slopes on the site, following completion of construction.



Ramona Plociennik  
Variance 2004-0213-V Dorothy Hoffman  
June 11, 2004  
Page 2

- 3) The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 4) Due to the extent of the steep slopes on the site and surrounding properties, we recommend that stormwater be directed to a best management practice to provide water quality benefits. In addition, we recommend installation of super silt fence around the limits of disturbance to prevent erosion on steep slopes during construction.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 401-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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June 11, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0206-V Scott Peel

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. The applicant states that the porch expansion will be located partially over an area of existing impervious surface, resulting in 26 square feet of additional impervious surface coverage. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be directed to non-forested areas within the Buffer.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 309-04

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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June 11, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0209-V Donald Wright

Dear Ms. Plociennik:

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

Providing this parcel is properly grandfathered, we do not oppose a variance to construct a single-family dwelling on it. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

- 1) As stated in the Critical Area report, the entire parcel consists of forested nontidal wetlands. We understand that the applicant has submitted an application to the Department of the Environment for authorization to impact nontidal wetlands to construct a single-family dwelling, a driveway, and a well.
- 2) As reported on the site plan, 0.95 acres of this 3-acre parcel is located within the Critical Area. The applicant proposes 3,485 square feet or 8.4 percent impervious surface coverage and 9,600 square feet (23.2 percent) of forest clearing within the Critical Area. We note that the site plan reports 2.7 percent impervious surface coverage, which is based on the entire parcel area of 3 acres.
- 3) Mitigation, at a ratio of 1.5:1 for forest clearing greater than 20 percent within a LDA, should be required (Anne Arundel County Zoning ordinance Article 28, §1A-105). If the mitigation required by the Department of the Environment for impacts to forested nontidal wetlands is less than the Critical Area mitigation requirement, the applicant must provide the balance of the additional mitigation.

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Ramona Plociennik  
Variance 2004-0209-V Donald Wright  
June 11, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Judy Boersma-Cole (Department of the Environment)

AA 400-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0219-V Roy and Janine Clagg

Dear Ms. Plociennik:

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

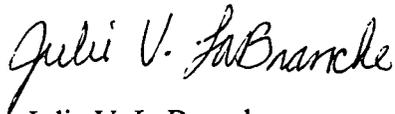
Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

- 1) Based on GIS information from the Department of Natural Resources, it appears that tidal and nontidal wetlands are present to the west of this property, and steep slopes may be contiguous with the 100-foot Buffer. Because the topography provided on the site plan is limited, this office is unable to determine whether the Buffer must be expanded for steep slopes or whether the expanded Buffer would extend within the property boundaries. The applicant should clarify this information.
- 2) We understand that the dwelling addition will be constructed over an existing concrete patio between the dwelling and the retaining wall. The applicant reports that no clearing is necessary for the construction. As shown on the site plan, a replacement septic system will be installed on the site.
- 3) Mitigation should be required at a ratio of 3:1, if impacts to the Buffer are proposed, and at a ratio of 1:1 for disturbance outside the Buffer. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

Ramona Plociennik  
Variance 2004-0219-V Roy and Janine Clagg  
June 10, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 406-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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June 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0223-V Ronald Gardner  
(Tax Map 57, Parcel 143, Lot 16)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. The shoreline area of the property is currently bulkheaded. This property was the subject of previous variance cases: the first before the Administrative Hearing Officer (2001-0048-V denied May 15, 2001) and the Board of Appeals (BA 58-01V approved November 6, 2001). As reported on the site plans provided to this office for review, the Board of Appeals approved a variance to develop Lot 16 with 4,402 square feet of impervious surface coverage (3,634 square feet for the dwelling and garage, and 768 square feet for the driveway).

Providing this lot is properly grandfathered, this office does not oppose development of the property with a single-family dwelling. However, impacts within the Buffer must be minimized and the variance requested the minimum to provide relief. We have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan, nearly the entire lot is within the expanded Buffer due to the extent of steep slopes on the site. We recognize that a Buffer variance would be necessary to develop the property with a single-family dwelling.

- 2) As shown on the site plan provided for this variance, the applicant proposes a 3,420 square foot dwelling, with an attached garage and a deck, and a 776 square foot driveway, totaling 4,196 square feet or 21 percent impervious surface coverage. The dwelling and deck, and a portion of the garage, are located on steep slopes within the expanded Buffer, and the proposed dwelling is located 73 feet from the shoreline (measured from the edge of the deck to the bulkhead).

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is not fully forested, mitigation plantings should be accommodated on the site to the extent possible. Plantings should consist of native trees and shrubs and directed to non-forested areas between the development and the shoreline.
- 2) Stormwater should be directed away from steep slopes to a best management practice or stable vegetated outfalls.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 99-01 resubmittal

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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June 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0211-V Michael Kelly

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose this variance request. We understand that the proposed dwelling addition (sunroom) will be constructed over an existing concrete pad, resulting in no increase in impervious surface coverage. The proposed landing and steps should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. We recommend that the footers for the landing and steps be dug by hand to minimize disturbance to steep slopes. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings be accommodated on the site to the extent possible.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 213-02 addition

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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June 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0222-V Kim Kelly

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. As shown on the site plan provided, the property is severely constrained by steep slopes. We recognize that a variance would be necessary to allow any additional development of the property. In addition, the location of the garage is constrained by the required 20-foot setback from the existing drywell beneath the driveway and the septic tank next to the dwelling. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Since the lot is mostly forested, mitigation alternatives will need to be addressed. Mitigation plantings should be used to the extent possible to stabilize steep slopes adjacent to the garage following completion of construction. Stormwater from the garage should be directed away from steep slopes to a best management practice or stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 407-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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June 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0217-V Mitchell and Susan Ford

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is partially forested, mitigation plantings should be accommodated on the site to the extent possible. Plantings should consist of a mix of native trees and shrubs. Stormwater should be directed away from steep slopes to a best management practice or a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 404-04



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 8, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0216-V Patsy Peters

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 403-04



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 8, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0215-V Danielle Milinski

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance (Case No. 2003-0071-V). The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

This office does not oppose this variance request, providing the applicant complies with the conditions of the previous variance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 223-03 extension



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 8, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0214-V Robert Kosman

Dear Ms. Plociennik:

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

Based on the information provided, we do not oppose this variance request. As estimated from the site plan provided, approximately half of the property is within the 100-foot Buffer, including most of the existing dwelling, pool, patio and decks. As shown on the site plan provided, the proposed dwelling addition will be located within the Buffer but no further waterward than the existing principal structure (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings could be accommodated on the site. We recommend that plantings, consisting of native trees and shrubs, be directed first to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 402-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 4, 2004

Mr. William Moulden  
Anne Arundel County Board of Appeals  
44 Calvert Street, Room 160  
Annapolis, Maryland 21404

Re: Case No. 18-04V David Gookin

Dear Mr. Moulden:

Thank you for providing information on the above referenced Board of Appeals case. The applicant has appealed a decision of the Administrative Hearing Officer. The appeal is taken from the denial of a variance to permit construction of a dwelling and swimming pool with less Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, garage, deck, and driveway.

This office received site plans for this variance case on May 28, 2004. As indicated on the site plans, the applicant proposes to remove the existing dwelling, garage, and driveway to construct a new dwelling, a garage, and a swimming pool. The property has 7,290 square feet of impervious surface or 31 percent. The current proposal includes 5,409 square feet of impervious surface or 23 percent, resulting in a reduction in the overall impervious surface coverage of 1,881 square feet. As estimated from the site plan, it appears that the 100-foot Buffer extends over approximately two thirds of the property (Buffer not shown on the site plan). We recognize that the property is constrained by the Buffer and steep slopes along the southern property boundary.

Based on the information provided, we have the following comments regarding this variance request. It appears that the applicant has attempted to maximize the distance of the dwelling and garage from the shoreline, although some disturbance to steep slopes will result. As estimated from the site plan provided, the existing dwelling is 14 feet from the shoreline (measured from the nearest edge of the existing deck) and the proposed dwelling is located 40 feet from the shoreline (measured from the nearest edge of the proposed deck). In addition, the overall impervious surface coverage will be reduced on the site.

In locating the swimming pool 27 feet from the shoreline and waterward of the new dwelling, it does not appear that the scope of the variance has been minimized to the extent possible. Considering the applicant's intent to remove the existing structures from the site, there may be opportunity to locate the swimming pool no further waterward than the new dwelling and garage. For example, the structures could be relocated as close to the rear 40-foot building restriction line as possible. It may be necessary to reconfigure or reduce the overall development footprint to accommodate the dwelling, deck, and garage (combined area of 2,961 square feet), and the swimming pool (1,056 square feet) while maximizing the setback from the shoreline and avoiding steep slopes. As stated previously, the applicant was able to maximize the distance from the shoreline for the new dwelling, deck and garage.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. We recommend that plantings be directed first to areas within the Buffer where impervious surface will be removed and on steep slopes near the shoreline.
- 2) The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 3) Stormwater runoff should be directed to stable vegetated outfalls or best management practices to provide water quality benefits on the site. Runoff should be directed away from steep slopes on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resources Planner

JVL/jjd

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 3, 2004

Liz West  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0155-V Ernest Winters

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (attached garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. As indicated on the site plan provided, the applicant also proposes to enlarge the existing driveway to connect with the garage.

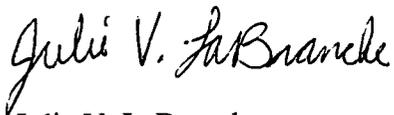
Based on the information provided, we have the following comments regarding the current development proposal.

- 1) As stated in the variance application, the property currently has 2,861 square feet or 23.8 percent impervious surface coverage. The current development proposal would increase the impervious surface coverage by 1,728 square feet, totaling 4,589 square feet or 38.2 percent. This property is limited to 31.25 percent impervious surface coverage (3,756 square feet), and therefore an impervious surface variance is necessary (Anne Arundel County Zoning Ordinance, Article 28, §1A-105). It appears that a smaller garage and driveway extension might be accommodated within the permitted impervious surface limits.
- 2) We recommend that the applicant consider alternatives to the current proposal in order to comply with impervious surface limits. At this time, this office would not support a variance to exceed impervious surface limits.

Liz West  
Variance 2004-0155-V Ernest Winters  
June 3, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 308-04, revised

Robert L. Ehrlich, Jr.  
*Governor*



Martin G. Madden  
*Chairman*

Michael S. Steele  
*Lt. Governor*

Ren Serey  
*Executive Director*

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June 2, 2004

Rob Konowal  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0155-V Ernest Winters

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (attached garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. As indicated on the site plan provided, the applicant also proposes to enlarge the existing driveway to connect with the garage.

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

- 1) As stated in the variance application, the property currently has 2,861 square feet or 23.8 percent impervious surface coverage. The current development proposal would increase the impervious surface coverage by 1,728 square feet, totaling 4,589 square feet or 38.2 percent. This property is limited to 31.25 percent impervious surface coverage (3,756 square feet), and therefore an impervious surface variance is necessary (Anne Arundel County Zoning Ordinance, Article 28, §1A-105). It appears that a smaller garage and driveway extension might be accommodated within the permitted impervious surface limits.
- 2) As you reported, the applicant intends to revise the current proposal to comply with impervious surface limits, but at this time no new information has been provided to this office. Depending on the availability of the revised proposal, we may have additional or



Rob Konowal  
Variance 2004-0155-V Ernest Winters  
June 2, 2004  
Page 2

revised comments for this variance. At this time, this office would not support a variance to exceed impervious surface limits.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 308-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 2, 2004

Suzanne Diffenderfer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0157-V Barry Wells

Dear Ms. Diffenderfer:

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

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

- 1) Based on the site plan provided (refer to sheet 1 of 3) and GIS information from the Department of Natural Resources (refer to the attached map), there appears to be a tributary stream east of the property boundary at the base of the steep slopes. As measured from the site plan, the 100-foot tributary stream Buffer appears to fall within steep slopes, which extend onto Lot 10. With expansion of the Buffer to include contiguous steep slopes, it appears that the Buffer may extend to the top of steep slopes on Lot 10. Because the current development proposal includes grading and a retaining wall on steep slopes, a Buffer variance may be necessary.
- 2) As proposed, it does not appear that disturbance to steep slopes within the Buffer has been minimized to the extent possible, and that the variance is the minimum necessary to provide relief. The current development proposal includes a dwelling with an attached garage, a U-shaped driveway, a recreation area, and grading and clearing on steep slopes within the Buffer to construct a retaining wall (approximately 155 linear feet). There appear to be sufficient level areas on the site to accommodate the proposed structures, while reducing or eliminating disturbance to steep slopes within the Buffer.

We strongly recommend that the applicant consider alternatives that would minimize the overall impacts on the site. For example, the dwelling and garage could be shifted to the northwest by reducing the area of the u-shaped driveway and relocating the open recreation area elsewhere on the site (i.e. below the stormwater facility or over the septic fields). By consolidating the overall footprint of the dwelling, garage and driveway, the proposed retaining wall might be eliminated, which would reduce the amount of clearing and grading necessary.

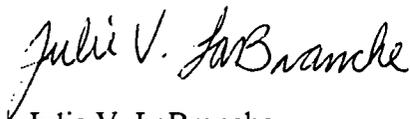
- 3) The site plan does not identify a deck as part of the footprint of the dwelling. If the applicant wishes to have a deck that extends within the Buffer, the deck should be included as part of this variance request.
- 4) As shown on the site plan, stormwater from the dwelling and garage will be collected and discharged to a stormwater management facility on the site. We recommend plantings areas adjacent the driveway with dense vegetation to provide additional water quality benefits on the site.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible and mitigation alternatives will need to be addressed. Plantings should consist of a mix of native trees and shrubs.
- 2) Accessory structures or expansion of the dwelling shall be prohibited within Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 2, 2004

Joseph Johnson  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Variance 3043 James Petersen

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the permitted height of 35 feet within the floodplain of the Critical Area to construct a dwelling. The property is designated a Limited Development Area (LDA) and A Buffer Exemption Area (BEA). The property is currently undeveloped, with the exception of a shed and an existing foundation.

Providing this lot is properly grandfathered, this office does not oppose the height variance. Based on the information provided, we have the following comments regarding the current development proposal for compliance with the Cecil County Critical Area regulations.

- 1) The 100-foot Buffer is not identified on the site plan provided with the variance request. As measured from the site plan, most of the lot is located within the 100-foot Buffer (refer to attachment), and therefore the proposed dwelling could not be accommodated outside the Buffer (Cecil County Zoning Ordinance Article XI, Section 195).
- 2) As indicated on the site plans provided, the applicant reports that the development setback for this property is 36 feet, as measured from the property boundary to the dwelling on the adjacent property (Cecil County Zoning Ordinance Article XI, Section 195). The proposed dwelling (new impervious surface) is located no further waterward than the 36-foot development setback.
- 3) As noted on the site plan, two trees will be removed from the property for construction of the dwelling. It appears that the two trees will be replaced within the footprint of the proposed



Joseph Johnson  
Variance 3043 James Petersen  
June 2, 2004  
Page 2

driveway. The applicant should clarify where the replacement trees will be planted on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resources Planner

CE 365-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 2, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0203-V William Steneman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit accessory structures (pool and shed) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a shed, and a concrete patio. We understand that construction of the pool and shed has been completed.

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

- 1) As reported in the variance application, the property currently has 7,662 square feet square feet or 31.51 percent the impervious surface coverage. The applicant did not indicate the total impervious surface coverage that existed on the property prior to construction of the pool, concrete decking and walkway. According to the Critical Area notes on the site plan, the pool and concrete decking consist of 1,782 square feet of impervious surface coverage.

A lot of this size (24,315 square feet) is permitted a maximum of 5,445 square feet of impervious surface coverage (Anne Arundel County Zoning Ordinance Article 28, §1A-105), and therefore an impervious surface variance is necessary. This office would not support a variance to exceed impervious surface limits.

- 2) The swimming pool and walkway are located within the Buffer, and the concrete decking is located partially within the Buffer. Within a Buffer Exemption Area, the following criteria apply: no new impervious surface shall be placed nearer to the shoreline than the existing principal structure, and development of impervious surfaces for new accessory structures shall be designed and located to maximize the distance from the shoreline (Anne Arundel County Zoning Ordinance Article 28, §1A-109). As shown on the site plan provided, the new shed is located over an existing concrete patio. Since no new impervious surface is created within the Buffer, the shed meets the BEA development criteria.
- 3) It does not appear that the applicant has minimized disturbance within the Buffer to the extent possible, and the applicant has not complied with the criteria for development within a Buffer Exemption Area. In this case, it appears that the swimming pool could have been located to further maximize the distance from the shoreline, and the concrete walkway, and perhaps the pool decking, could have been constructed with pervious materials. Because alternatives may exist, it does not appear that the variance is the minimum necessary.

For these reasons, this office opposes a variance to permit the proposed swimming pool and walkway within the Buffer. We recommend that the applicant consider an alternative proposal that addresses the BEA criteria and minimizes disturbance within the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 362-04

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 2, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0182-V Kelly Fink

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped. The property was the subject of two previous variance cases, Board of Appeals Case No. BA48-96V and Office of Administrative Hearings Case No. 2002-0272-V.

We have no comments regarding the setback variance. This office does not oppose the Buffer or steep slope variances. Based on the information provided, we understand that the applicant proposes the same development specifications and requests the same variance approvals as granted in Case No. 2002-0272-V. We recommend that the conditions granted in Case No. 2002-0272-V be made part of the current variance request.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 453-02

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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June 1, 2004

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

Re: Variance 04-3061 Linda Beam

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck (after-the-fact) and a screened porch within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, and swimming pool.

I conducted a site visit to the property on May 28, 2004 with Ms. Linda Beam. The partially constructed deck is located parallel to the shoreline from the northern property boundary to the existing pier. The deck covers an existing culvert inlet, which conveys water from across MD 264, along the property boundary and discharges to Nan Cove. The proposed porch would be located over the drainage channel leading to the culvert inlet near the shoreline.

Based on the information provided with the variance request, this office offers the following comments as to the request's compliance with the variance standards. The Code of Maryland Regulations and the Calvert County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

There is nothing unusual or unique about this residential property. The applicant has reasonable use of the property, including a single-family dwelling, a detached garage, a swimming pool, and a patio, all located outside the Buffer. The General Assembly required

that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.

2. *That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

As shown on the site plan provided for this variance, it appears that additional development could be accommodated elsewhere on the property outside the Buffer. Because the proposed structures could be accommodated outside the Buffer, denial of the variance would not deprive the applicant of rights commonly enjoyed by others.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

New development activities are not permitted in the Buffer, except for water dependent facilities (Calvert County Zoning Ordinance, Article 8, Section 8-1.01.C). The proposed deck and porch are not considered water-dependent facilities, and are accessory to the primary dwelling and existing amenities on the property.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

The applicant proceeded with construction of the deck without the necessary permits and absent a variance, and therefore the variance request is the result of actions by the applicant.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

The provisions of the Critical Area Act and Criteria establish specific limits on development within the Buffer for the purpose of protecting water quality and natural habitats within the Critical Area. The applicant proposes two structures at the waters edge, which would decrease the habitat value of the Buffer by increasing human activity within the Buffer and adversely impact water quality by adding new impervious surface within the Buffer. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

Roxana L. Whitt  
Variance 04-3061 Linda Beam  
June 1, 2004  
Page 3

Because the applicant has not met all of the variance standards, this office opposes the variance request.

Please convey this letter to the Board of Appeals, in addition to including this letter in your file and submitting it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 342-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 27, 2004

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

Re: Minor Subdivision MSD-04-08-39 James Walters  
(Tax Map 39, Parcel 26)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 103.1-acre parcel to create two building lots, Lot 1 (52.80 acres) and Lot 2 (50.30 acres), and a residue parcel (36.9 acres). The Critical Area portion of the parcel is 79.28 acres and is designated a Resource Conservation Area (RCA). The property is undeveloped, and portions of the property are currently used for agricultural purposes.

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

- 1) The existing parcel, Parcel 26, is incorrectly labeled as "Parcel 2" on the subdivision plan.
- 2) The subdivision plan should identify the following on Lot 1, Lot 2, and the residue parcel (if applicable): mean high water line for St. Leonards Creek and its tidal tributaries (not identified clearly), the 100-foot Critical Area Buffer, tributary streams, tidal wetlands, nontidal wetlands, the 25-foot nontidal wetland buffer, hydric soils, highly erodible soils, and any other Habitat Protection Areas (as defined by the Calvert County Critical Area Program and COMAR 27.01.09). Where necessary, the Buffer must be expanded according to the provisions of the Calvert County Zoning Ordinance (Article 8, Section 8-1.01.C.). This information is necessary to determine the extent of lands outside the Buffer that can be developed within the Critical Area portion of Lot 1, Lot 2 and the residue parcel.

- 3) The Critical Area acreage contained on Lot 1, Lot 2 and the residue parcel are not identified on the subdivision application or the subdivision plan. This information is necessary in order to determine the potential development density on Lot 1, Lot 2 and the residue parcel, since each are located partially within the Critical Area. (Note: The Critical Area acreage should not include acreage of State tidal wetlands, if present.)
- 4) The permitted development density in a Resource Conservation Area is one dwelling unit per twenty acres. With 79.28 acres within the Critical Area, the Walters property may be developed with three residential dwellings, providing the acreage within the Critical Area is at least 60 acres after subtracting the acreage of State tidal wetlands (if present).
- 5) The subdivision plan does not specify where the permitted development density (three residential dwellings within the Critical Area) will be assigned. Will the residue parcel retain all of the permitted development density? Will development density be assigned to each Lot 1, Lot 2 and the residue parcel? If less than the maximum permitted development density is assigned at the time of subdivision, the remaining development density should be noted on the final subdivision plat. If all of the permitted development density is assigned, the restrictions on further development on Lot 1, Lot 2 or the residue parcel should be noted on the subdivision plat.
- 6) Development within the Critical Area portion of Lot 1, Lot 2, and the residue parcel must comply with the criteria for development in a RCA (Calvert County Zoning Ordinance Article 8, Section 8-1.04), including the provisions for Habitat Protection Areas. This office would not support variances to disturb steep slopes, the Buffer, or other Habitat Protection Areas on non-grandfathered lots within the Critical Area. We recommend adding a note to the subdivision plat stating that disturbance within the Buffer and on steep slopes is prohibited.

We also note that the forested area of the property contains Forest Interior Dwelling Bird (FID) habitat (refer to correspondence from the Department of Natural Resources of January 2, 2004). Development of the property must address the Commission's guidelines for conservation of FIDs habitat contained in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area."

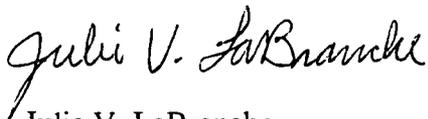
- 7) Due to the apparent development constraints on this property, we have several comments regarding the current subdivision proposal and the lands available for development within the Critical Area.
  - The Critical Area portion of Lot 1 and the residue parcel are constrained by steep slopes, which may result in expansion of the Buffer. Within the Critical Area portion of Lot 1, it appears that only a very small area may be developed outside the expanded Buffer and/or steep slopes.

- Within the Critical Area of Lot 2 and the residue parcel, most of the lands are currently in agricultural use and the remaining lands contain steep slopes and may be within the expanded Buffer.
- If the agricultural lands are restricted from development through easements or covenants, there may not be any buildable areas on Lot 1, Lot 2 and the residue parcel within the Critical. This would leave the development density within the Critical Area intact (three additional dwelling units), unless the remaining lands within the Critical Area were restricted from development through some other preservation mechanism.

8) We recommend that the applicant provide a revised subdivision plan that includes the information requested above.

When the information requested is provided, we may have additional comments regarding this subdivision proposal. Thank you for the opportunity to provide comments for this subdivision. Please contact me at (410) 260-3475 if you have questions about this letter.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Susan Hance-Wells (Calvert Farmland Trust)  
Greg Bowen (Calvert County, Department of Planning and Zoning)

CA 333-04 Walters sub

# Memorandum

Date: January 2, 2004

To: Brian Stupak, FS

From: Lori Byrne, WHS

**RE: Forest Stewardship Plan for James and Mary Walters, Tax Map 38 & 39,  
Parcels 26 & 139, Mackall Road and St. Leonard Creek, Calvert County**

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

We would also like to bring to your attention that Wildlife and Heritage Service's Natural Heritage database does indicate that there is a recent record for the state rare butterfly, Carolina Satyr (*Hermeuptychia sosybius*), known to occur within the vicinity of the project site. This species could potentially occur on the project site itself in areas of appropriate habitat. Habitat for the Carolina Satyr is described as: Various woodland habitats; shady meadows...Host plants are in family Poaceae. (NatureServe).

The population of the Carolina Satyr has declined historically and we encourage efforts that help to conserve them across the state. If you would like technical assistance regarding the conservation of these important species, please contact us.

Also, the forested area on the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of this habitat is strongly encouraged by the Department of Natural Resources.

Thank you for providing us the opportunity to review this project. If you should have any further questions regarding this information please contact me at x8573.

ER# 2003.2501.ct  
Cc: K. McCarthy, WHS  
R. Esslinger, CAC

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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May 27, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0193-V Steve Yelton

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. Providing this lot is properly grandfathered, this office does not oppose the variance to disturb steep slopes. We have the following comments regarding the variance request.

- 1) As measured from the site plan, steep slopes (approximately 19 to 20 percent) are present over the entire lot, and therefore a variance is necessary to develop the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that most, if not all, of the required mitigation could be accommodated on the site. Mitigation plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater should be directed to a best management practice to provide water quality benefits on the site and prevent erosion of steep slopes.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 356-04

Robert L. Ehrlich, Jr.  
*Governor*



Martin G. Madden  
*Chairman*

Michael S. Steele  
*Lt. Governor*

Ren Serey  
*Executive Director*

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May 27, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0197-V Mitchell Johnson

Dear Ms. Plociennik:

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

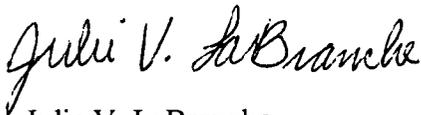
We have no comments regarding the setback variance. Providing this lot is properly grandfathered, this office does not oppose a Buffer variance to develop the site; however the applicant must demonstrate that disturbance within the Buffer has been minimized and the variance is the minimum necessary to provide relief. Based on the information provided, we have the following comments regarding the current development proposal and Buffer variance.

- 1) As measured from the site plan, the dwelling and deck extend approximately 12 feet within the Buffer. Is it possible to shift the dwelling 5-10 feet to the west to reduce the amount of clearing and impervious surface within the Buffer? We recommend that the applicant consider this option to minimize disturbance within the Buffer.
- 2) The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. As noted on the site plan, the applicant intends to plant maple trees and spicebush on the site to address stormwater management requirements. In addition to stormwater plantings, mitigation plantings should be accommodated on the site to the extent possible. Mitigation alternatives may need to be addressed. Mitigation plantings should consist of a diverse mix of native trees and shrubs.
- 4) As noted in the Critical Area report, the property contains considerable exotic and invasive vegetation. The applicant may consider removing exotic and invasive species within the Buffer and replacing them with native species. Mitigation plantings can be used for this purpose.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 359-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 25, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0201-V Steven Gersh

Dear Ms. Plociennik:

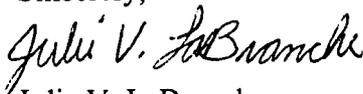
Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed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

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

- 1) As shown on the site plan, the proposed dwelling and garage are located outside the 100-foot Buffer. It appears that the proposed dwelling and deck will extend no further waterward than the existing dwelling.
- 2) Mitigation, at a ratio of 1:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the site, preferably within non-forested areas of the Buffer. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

  
Julie V. LaBranche  
Natural Resource Planner

AA 360-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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May 25, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0173-V Page Richardson

Dear Ms. Plociennik:

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

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

- 1) The lot is constrained by its size, steep slopes, and the Buffer. Because the 100-foot Buffer falls within steep slopes, the Buffer must be expanded. As estimated from the site plan, it appears that the entire property is within the expanded Buffer, and therefore a variance is necessary to develop the property.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because the applicant proposes to clear 100 percent of the existing forest cover on the site, mitigation plantings should be accommodated on the site to the extent possible. Mitigation plantings, consisting of a mix of native trees and shrubs, should be densely planted on steep slopes and used to establish a vegetated Buffer.

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

Sincerely,

  
Julie V. LaBranche  
Natural Resource Planner

AA 350-04



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 25, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0186-V Dean Lewis

Dear Ms. Plociennik:

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

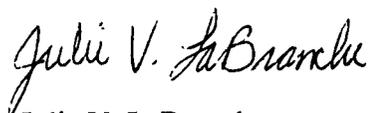
We have no comments regarding the setback variance. Providing this lot is properly grandfathered, we do not oppose the Buffer variance. Based on the information provided, we have the following comments regarding the Buffer variance.

- 1) As estimated from the site plan, the entire property is within the 100-foot Buffer. We recognize that a variance is necessary to expand the existing dwelling or develop any portion of the property.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible. Due to the proximity of the shoreline, we recommend that mitigation plantings be concentrated between the shoreline and the existing/proposed structures on the south side of the property.

Ramona Plociennik  
Variance 2004-0186-V Dean Lewis  
May 25, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 353-04

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 25, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0187-V Robert Kee

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Providing this lot is properly grandfathered, this office does not oppose a Buffer variance to construct a dwelling on the site. Based on the information provided, we have the following comments regarding the Buffer variance and development proposal.

- 1) As shown on the site plan, the lot is severely constrained by nontidal wetlands and the 25-foot nontidal wetland buffer. We recognize that a variance is necessary to develop the property with a single-family dwelling; however the applicant must demonstrate that disturbance has been minimized to the extent possible and the variance is the minimum necessary.
- 2) As shown on the site plan, the proposed dwelling is located within 3 feet of the limits of disturbance on the northwest side of the property (concurrent with the nontidal wetland boundary) and within 11 feet of the dwelling on the adjacent property to the southeast. Are these setbacks sufficient to allow access for construction without disturbance to the nontidal wetland or the adjacent dwelling? Any anticipated disturbance to the nontidal wetland should be part of the current variance request.

- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. It appears that some mitigation plantings could be accommodated on the southern property boundary and over the existing gravel driveway. Mitigation alternatives will need to be addressed to meet the remainder of the requirement.
- 4) Stormwater should be directed away from the nontidal wetlands to a stable vegetated outfall.
- 5) The applicant must secure authorization from the Department of the Environment and the U.S. Army Corps of Engineers for impacts to nontidal wetlands and their buffers.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 354-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 25, 2004

Joseph Johnson  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Variance Local Case No. 3035 Eustace W. Mita  
(Tax Map 31, Parcels 1074 and 274)  
Proposed Subdivision: Lanphar's Landing

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance case. The property consists of Parcels 1074 and 274, totaling 19.95 acres of which 15.71 acres are within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA). Parcel 1074 is currently developed with a single-family dwelling and several outbuildings. Parcel 274 is currently undeveloped with the exception of a driveway, which provides access to Parcel 1074 from MD Route 272.

On March 15, 2004, the Cecil County Planning Commission denied preliminary approval of the subdivision (Lanphar's Landing) because variances to several zoning requirements were necessary. The applicant is requesting a variance to create building sites within the 100-year floodplain, a variance for filling in the 100-year floodplain, a variance to exceed the permitted building height of 35 feet within the 100-year floodplain, and a variance for a proposed mini-road in the expanded Critical Area Buffer. We note that the site plan provided with this variance request differs from the site plan provided to this office on April 7, 2004 by the County for subdivision review. Lots 8, 9 and 11 have been expanded to include areas of non-tidal wetlands north of the existing driveway, and a boat launch has been added along the shoreline.

Based on the information provided, we have the following comments regarding the variances requested and our review of the subdivision proposal for compliance with the Cecil County Critical Area regulations (Article XI, Part I, including Section 196 Buffer Requirements, Section 200 Development Standards in Limited Development Areas, and Section 198 Water-Dependent Facility Requirements).

- 1) The applicant is requesting a variance to exceed the permitted building height of 35 feet within the 100-year floodplain of the Critical Area (Cecil County Zoning Ordinance Article XI, Part I Critical Area District, Section 197). This office has no comment regarding the height variance since the relative provisions are not part of the Critical Area requirements.
- 2) The applicant is requesting variances to create building sites and fill within the 100-year floodplain (Cecil County Zoning Ordinance Article XI, Part III Floodplain District, Section 241). This office has no comment regarding the floodplain variance since the relative provisions are not part of the Critical Area requirements.
- 3) The applicant is requesting a variance to construct a mini-road in the expanded Critical Area Buffer to provide access from MD Route 272 to the five waterfront lots and common open space within the Critical Area. The existing 10-foot wide driveway will be replaced by a 50-foot wide right-of-way for construction of the mini-road. As measured from the site plan, approximately 730 linear feet or 64 percent of the proposed mini-road is located within the Buffer. Based on information provided by County staff, we understand that a minimum 36-foot right-of-way is required for a (private) mini-road. We recommend that the applicant clarify why a 50-foot rather than a 36-foot right-of-way is proposed for the mini-road, and determine the amount of disturbance within the Buffer (clearing, grading, filling) that is necessary to convert the existing driveway to a mini-road. The applicant must demonstrate that disturbance within the Buffer has been minimized to the extent possible, and the variance requested is the minimum necessary to provide relief. Without this information, this office is unable to determine whether the disturbance will be minimized.

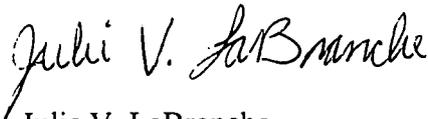
This office recommends placing restrictions on certain activities associated with the proposed subdivision that could impact the Buffer in the future, and to ensure that all Critical Area requirements are met. If the Buffer variance is granted, we recommend the following items be included as conditions.

- Mitigation, at a ratio of 1:1 for clearing outside the Buffer and 3:1 for clearing within the Buffer for the mini-road, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site, preferably directed to non-forested areas within the Buffer. If plantings cannot be accommodated on the site, an off-site planting plan should be developed and approved by the County to meet the mitigation requirement.
- Variances for future dwelling additions (including decks and porches) and accessory structures within the Buffer shall be prohibited. [As shown on the site plan provided for the variance, the proposed dwellings on the five waterfront lots are located either at the Buffer or several feet from the Buffer, and therefore any waterward expansion of the dwellings would likely extend within the Buffer.]
- Parking associated with the proposed access to the community pier must be located outside the Buffer.

Joseph Johnson  
Variance Local Case No. 3035 Eustace W. Mita  
May 25, 2004  
Page 3

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

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

CE 253-04 variance

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 19, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0185-V Charles Rogers

Dear Ms. Plociennik:

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

The applicant proposes to construct a roof over an existing concrete patio, which will not increase the impervious surface coverage on the property or require any clearing. As shown on the site plan, we estimate that the property consists of 1,883 square feet of impervious surface coverage, not including an undefined area of concrete shown in the side yard. A lot of this size in a LDA is allowed a maximum of 1,807 square feet of impervious surface coverage (25 percent plus 500 square feet), and therefore the property appears to be non-conforming with respect to impervious surface coverage. We have no additional comments regarding this setback variance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 352-04

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0195-V Michele Petro

Dear Ms. Plociennik:

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

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

- 1) The applicant proposes to replace an existing dwelling that sustained significant hurricane damage. The current proposal will result in a reduction in impervious surface coverage on the property from 2,046 square feet to 1,744 square feet, below permitted limits.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site. The property should be planted to establish 15 percent forest or developed woodland cover (Anne Arundel County Zoning Ordinance Article 28, §1A-104).
- 3) The applicant states that stormwater will be discharged to local drainage ditches along the street. We recommend that stormwater be discharged to stable vegetated areas on the site to promote infiltration and provide water quality treatment.

Ramona Plociennik  
Variance 2004-0195-V Michele Petro  
May 19, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 358-04

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0199-V Michael and Michele Frye

Dear Ms. Plociennik:

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

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

- 1) The 100-foot Buffer is not shown on the site plan provided. As estimated from the site plan, a portion of the existing dwelling and much of the property is located within the Buffer. As stated in the application, the current proposal will result in a slight increase in the development setback from the shoreline.
- 2) Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings of native species of trees and shrubs.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible, particularly within the Buffer. Mitigation plantings should consist of a mix of native trees and shrubs.
- 4) Stormwater should be directed to best management practices or to stable vegetated outfalls to provide water quality benefits on the site.

Ramona Plociennik  
Variance 2004-0199-V Michael and Michele Frye  
May 19, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 535-03

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-00188-V Dennis Miles

Dear Ms. Plociennik:

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

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

- 1) The applicant proposes a dwelling that is 130 square feet larger than the existing dwelling, and is located approximately 7 feet landward of the existing dwelling. The current proposal will result in a 496 square foot reduction in impervious surface coverage.
- 2) The proposed deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the down-slope end.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible.
- 4) Stormwater should discharge to stable vegetated outfalls, directed away from the shoreline, to provide water quality benefits on the site.

TTY For the Deaf

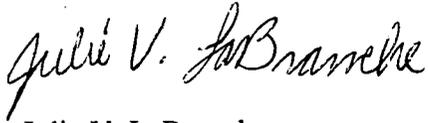
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Ramona Plociennik  
Variance 2004-00188-V Dennis Miles  
May 19, 2004  
Page 2

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 355-04

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

Stephen M. Legendre  
Administrative Hearing Officer  
Anne Arundel County  
Office of Administrative Hearings  
44 Calvert Street  
Annapolis, Maryland 21401

Re: Special Exception 2004-0114-S Steven Wingert / Verizon, Inc.

Dear Mr. Legendre:

Thank you for providing us an opportunity to comment on the above referenced special exception. The applicant is requesting a special exception to permit modification of an existing public utility. Approximately 1.6 acres of this 2.81 acre property is located within the Critical Area and is designated a Resource Conservation Area (RCA). The property is currently developed with a service building and associated facilities. We note that the site plan provided does not show the extent of the Critical Area boundary or the Critical Area designation of the property.

Based on the information provided, we have the following comments regarding this request for a special exception and the current development proposal.

- 1) The site plan provided shows a 50-foot buffer to a tributary stream, which is located north and east of the property boundary. A 100-foot tributary stream Buffer is required for the portion of the site located within the Critical Area (Anne Arundel County Zoning Ordinance Article 28, §1A-104). Based on GIS information from the Department of Natural Resources, nontidal wetlands are likely present within the forested areas adjacent to the tributary stream east of Muddy Creek Road (refer to attached maps). If applicable in this case, the 100-foot tributary stream Buffer must be expanded to include contiguous nontidal wetlands and the 25-foot nontidal wetland buffer (Anne Arundel County Zoning Ordinance Article 28, §1A-104). The site plan provided does not identify nontidal wetlands on or in the vicinity of the property.

Any disturbance to nontidal wetlands and/or the nontidal wetland buffer would require authorization from the Department of the Environment. A variance from the requirements of the Anne Arundel County Zoning Ordinance (Article 28, §1A-104 and §1A-105) would be required for disturbance to the 100-foot tributary stream Buffer or the expanded Buffer, which are designated Habitat Protection Areas under the Anne Arundel County Critical Area Program.

- 2) The applicant proposes to replace an existing 400 square foot trailer with a 1,440 square foot trailer and to add a 192 square foot shed. We understand that the Office of Planning and Zoning has requested that 3,177 square feet of existing impervious surface coverage be removed to offset the proposed impervious surface coverage, and to ensure compliance with the 15 percent impervious surface limit within the Critical Area (Anne Arundel County Zoning Ordinance Article 28, §1A-105).
- 3) Before a decision is made in this case, this office recommends that the applicant provide additional environmental information about the site in order to determine whether impacts to any Habitat Protection Areas would result from the proposed development. This office would not support a variance to permit disturbance to any Habitat Protection Areas on the site.

Public utilities are permitted within a RCA by special exception (Anne Arundel County Zoning Ordinance Article 1, §1A-103). Providing no Habitat Protection Areas are impacted by the proposed development and the project complies with the provisions for development within a RCA, this office does not oppose the applicant's request for a special exception. If granted, this office recommends the following be made conditions of this request:

- Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required for the area of new impervious surface on the site.
- The applicant must remove 3,177 square feet of existing impervious surface area to comply with the 15 percent impervious surface limit within the Critical Area.
- The area of impervious surface to be removed should be revegetated.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 348-04

Attachements

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0202-V Nelson and Mary White

Dear Ms. Plociennik:

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

We do not oppose the setback variance. The applicant proposes to construct a 320 square foot addition (sunroom) to the existing dwelling. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 361-04

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0194-V Shane and Laura Knipschild

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of a native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 357-04

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0178-V Brenton Wagner

Dear Ms. Plociennik:

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

The applicant proposes to convert an existing carport to an enclosed garage. Based on the information provided with the application, it does not appear that the conversion will result in an increase in impervious surface coverage on the property. We have no additional comments regarding this setback variance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 351-04



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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0172-V Gary Rich

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 349-04

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

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

Re: Variance 04-3063 Stephen and Myra Waugh

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a 6-foot fence within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently being developed with a single-family dwelling.

This office does not oppose this variance request. As we discussed on May 18, 2004, the applicant wishes to construct the fence to enclose the yard for their dogs and to keep them away from the cliff edge. We understand that the applicant intends to plant shrubs around the perimeter of the fence. As estimated from the site plan provided, the proposed fence is 229 linear feet and approximately 80 feet from the cliff edge. The fence will be constructed parallel to the northern and southern property boundaries and along the waterside of the house just beyond the deck. Approximately 109 linear feet of the fence will be located within the Buffer. We recommend mitigation, at a ratio of 2:1 for disturbance within the Buffer, be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 343-04

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 19, 2004

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

Re: Variance 04-3059 Robert and Annette Greene

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and garage.

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

- 1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03.G.c.v.). Mitigation plantings should be accommodated on the site to the extent possible, preferably within the Buffer. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 341-04

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

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

Re: Variance 04-3055 James Harty

Dear Ms. Whitt:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert county Zoning Ordinance Article 8, Section 8-1.03.G.c.v.). It appears that mitigation plantings can be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 340-04

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  
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May 19, 2004

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

Re: Variance 04-3053 Myron & Carol Hayashida

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a porch by enclosing a portion of an existing deck within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and garage.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, the property is currently non-conforming with respect to impervious surface coverage (6,249 square feet). The applicant has indicated that a portion of the existing driveway will be removed to offset the additional impervious surface and reduce impervious surface coverage to within permitted limits (5,445 square feet).

As shown on the site plan provided, only a portion of the proposed porch is within the Buffer. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03.G.c.v.). It appears that mitigation plantings can be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 339-04

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 19, 2004

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

Re: Variance 04-3048 Michael and Mary Kubisiak

Dear Ms. Whitt:

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

Providing this lot is properly grandfathered, we do not oppose this variance. As shown on the site plan provided, nearly the entire dwelling and a portion of the proposed dwelling addition are located within the Buffer. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Although the property appears to be heavily forested, mitigation plantings should be accommodated on the site to the extent possible. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 195-99

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 19, 2004

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

Re: Variance 04-3049 Arthur and Cindy Kobrine

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and garage.

Providing this lot is properly grandfathered, we do not oppose this variance. As shown on the site plan provided, most of the dwelling and the entire addition are located within the Buffer. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. As shown on the site plan (and as observed by Commission staff at a previous site visit to this property), the Buffer consists mostly of mowed grass and landscaping. We recommend that mitigation plantings be directed to non-forested areas within the Buffer. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

CA 338-04

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

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

Re: Variance 04-3054 William and Martha Rich

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and garage within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. This office received a revised site plan for this variance case on May 14, 2004.

Based on the revised information provided, we have the following comments regarding the current development proposal and variance request.

- 1) The 100-foot Buffer is not shown on the revised site plan. The applicant should provide a revised site plan showing the extent of the Buffer on the property. This information is necessary to determine the mitigation requirement associated with the current development proposal.
- 2) As estimated from the site plan, the western corner of the existing dwelling, and the covered porch, carport and shed are located outside the Buffer. At its nearest point, the existing dwelling is located 45 feet from the mean high water line (bulkhead adjacent to Mill Creek).
- 3) The applicant proposes to increase the impervious surface coverage on the lot to 5,193 square feet, with much of the new development located within the Buffer. The following new structures are proposed within the Buffer: expansion of the footprint of the existing dwelling, a portion of the new garage, a covered porch, and a deck. At its nearest point, the proposed dwelling is 40 feet from the mean high water line (bulkhead adjacent to Mill Creek).

Roxana L. Whitt  
Variance 04-3054 William and Martha Rich  
May 19, 2004  
Page 2

The applicant must demonstrate that impacts to the Buffer have been minimized to the extent possible and the variance request is the minimum necessary to provide relief. Given the size of the property, there appears to be adequate space to accommodate the proposed garage outside the Buffer and for the proposed dwelling to be located such that the existing setback from the bulkhead is maintained. We strongly recommend that the applicant investigate alternatives that would not increase, or at least minimize to the extent possible, impervious surface coverage within the Buffer.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required.
- 2) Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site and directed to non-forested areas within the Buffer.
- 3) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 4) Stormwater should be directed to best management practices or stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 347-04

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

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

Re: Variance 04-3046 John & Sharleen Wagner

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and an addition to an existing deck within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

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

- 1) As shown on the site plan provided, nearly the entire property is located within the Buffer. We recognize that a variance is necessary to expand the existing dwelling.
- 2) The deck addition should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03.G.c.v.). Mitigation plantings, consisting of a mix of native trees and shrubs should be accommodated on the site.

Although unrelated to the current variance request, we note that Lot 18R appears to have two private piers. Did Lot 18 and Lot 19 each have an existing pier prior to replatting of these lots? If two existing piers were retained following replatting, this has creates a non-conforming use on Lot 18R. A residential lot within the Critical Area is permitted one private pier (Calvert County Zoning Ordinance Article 9, Section 9-6.01 and COMAR 27.01.03.07).

Roxana L. Whitt  
Variance 04-3046 John & Sharleen Wagner  
May 19, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 337-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 11, 2004

Suzanne Diffenderfer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0167-V Wells/Stiewing

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. The applicant was granted a previous variance to develop this property with a single-family dwelling (Case number 2003-0173-V). The applicant has proposed significant changes to the site plan approved for the previously granted variance, and therefore a new variance is necessary. The applicant has proposed these changes in order to retain several large trees on the site.

Based on the information provided, this office does not oppose this variance request. We have the following comments regarding the current development proposal and variance request.

- 1) Compared with the previously approved proposal, the current proposal includes the same amount of impervious surface coverage (16,490 square feet) and 2,000 square feet less of forest clearing (18,000 square feet). With the exception of the driveway, all structures and the septic drain fields are located off of steep slopes on the site. As shown on the site plan, stormwater runoff will be directed to several infiltration devices and stormwater best management practices adjacent to the garage and dwelling.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is fully forested, mitigation alternatives will need to be addressed.



Suzanne Diffenderfer  
Variance 2004-0167-V Wells/Stiewing  
May 11, 2004  
Page 2

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 313-04

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

Jeanne Minner  
Director of Planning  
Town of Elkton  
P.O. Box 157  
Elkton, Maryland 21922-0157

Re: South Stream Subdivision (Tax Map 310, Parcels 2405 and 2406)

Dear Ms. Minner:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 15.52-acre Parcel and create 17 lots within the Critical Area, of which 4 lots are partially within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received revised site plans and additional information about this project on May 7, 2004.

Based on the revised and new information provided, we have the following additional comments regarding the current subdivision proposal.

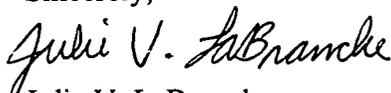
- 1) Based on GIS information from the Department of Natural Resources, the property appears to be fully forested and contiguous with a large forested tract to the north and west, which may support Forest Interior Dwelling Bird (FIDs) habitat (as defined in COMAR 27.01.09.04(C)(2)(iv)) and the Town's Critical Area program (Section 1, Part 3). If present on the site, subdivision proposals must address the Commission's guidelines for protection of FID habitat as described in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area." Because forest clearing within the Critical Area is mostly confined within the 300-foot forest edge, it appears that the current subdivision proposal meets the Commission's guidelines for conservation of FIDs habitat.
- 2) The applicant must provide an evaluation of the property by the Department of Natural Resources for the presence of threatened and endangered species, and species in need of conservation. The applicant must provide a copy of this evaluation for review as part of the subdivision application.
- 3) The subdivision plan includes a statement that each lot within the Critical Area is permitted up to 25 percent impervious surface coverage (refer to Note #10). As required by the Town's

Zoning Ordinance (Part IV, Section 150(8)), each lot within the Critical Area is permitted up to 25 percent impervious surface coverage, providing that the Critical Area portion of the subdivision does not exceed 15 percent. The 15 percent limit on impervious surface coverage for the Critical Area portion of the subdivision includes *all* impervious surfaces (such as structures, roads, sidewalks utilities, and stormwater management facilities). We strongly recommend that an impervious surface allowance be retained for each lot within the Critical Area to allow future property owners to construct accessory structures without exceeding the 25 percent impervious surface limit. This office would not support variance to exceed the impervious surface on these lots.

- 4) To address mitigation for forest clearing within the Critical Area, the applicant's consultant provided "an off-site reforestation cost estimate" and a site plan showing the proposed reforestation area on the Elk Landing site, which owned by the Town of Elkton. Has the applicant or the applicant's consultant secured permission from the Town to utilize Elk Landing as a mitigation site? The applicant should clarify whether proper authorization has been granted by the Town to install mitigation plantings at Elk Landing to satisfy the required mitigation for the subdivision. In addition, a planting plan must be prepared in coordination with the approved final subdivision plat, as required by the Elkton Zoning Ordinance (Article IX, Critical Area District, Part IV, Section 152 Woodland Reforestation and Afforestation Standards). We request that a copy of the mitigation planting plan for this project be provided to the Commission for review and comment.
- 5) A 100-foot tributary stream Buffer is identified in the northern portion of the property, extending within Lot 16 and Lot 17. We recommend that a note be placed on the plat, stating that disturbance within the 100-foot tributary stream Buffer is prohibited on Lot 16 and Lot 17.
- 6) As shown on the site plan, most of the area identified as the 100-foot tributary stream Buffer is also labeled as "C.A. retention area (5.3 ac.+/-)" and "F.C. retention area (2.3 ac +/-)". Are these areas being set aside to meet the local subdivision requirements? If development or further subdivision would be restricted or otherwise prohibited within these areas, we recommend that these restrictions be noted on the plat.

When the requested information has been received, I will provide additional comments for this subdivision proposal. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

  
Julie V. LaBranche

Natural Resources Planner

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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CRITICAL AREA COMMISSION  
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May 7, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0151-V Kenneth Rankin

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Providing the lot is properly grandfathered, this office does not oppose a Buffer variance to develop the property with a single-family dwelling. Based on the site plan provided, we have the following comments regarding the current development proposal and variance request.

- 1) Based on information from the Department of Natural Resources, the nontidal wetlands shown on the site plan are contiguous with tidal wetlands to the south of this property. The Buffer must be expanded to include contiguous nontidal wetlands and the 25-foot nontidal wetland buffer (Anne Arundel County Zoning Ordinance Article 26, §1A-104). Because the lot is constrained by its size and the expanded Buffer, we recognize that a Buffer variance is necessary to develop the property.
- 2) Excluding the area of the driveway, the dwelling consists of approximately 1,765 square feet of impervious surface coverage. As proposed, approximately half of the dwelling is located within the nontidal wetland, and the other half is located within the 25-foot nontidal wetland buffer. Has the applicant considered reducing the footprint of the dwelling and shifting the dwelling closer to Walnut Ave. to minimize impacts to the nontidal wetland and buffer?

Ramona Plociennik  
Variance 2004-0151-V Kenneth Rankin  
May 7, 2004  
Page 2

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the lot is mostly forested, mitigation alternatives may need to be addressed.
- 2) Stormwater should be directed away from the nontidal wetlands to a best management practice or stable vegetated outfall to provide water quality benefits on the site.
- 3) The applicant must secure the necessary authorizations from the Department of the Environment for the proposed impacts to nontidal wetlands.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 307-04

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 7, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0170-V Richard Plant

Dear Ms. Plociennik:

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

Providing the lot is properly grandfathered, we do not oppose this variance. We understand that the new patios will be constructed over areas that currently consist of mowed grass. If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required.
- 2) Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site and directed to non-forested areas within the Buffer.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 315-04



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 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0146-V Bruce Hook

Dear Ms. Plociennik:

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

This office has no comments regarding the setback variance. Providing this lot is properly grandfathered, this office does not oppose the variance to disturb steep slopes. We have the following comments regarding the development proposal and variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible following construction, particularly on or adjacent to steep slopes.
- 2) Stormwater should be directed away from steep slopes to a best management practice or stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

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

AA 305-04

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

STATE OF MARYLAND  
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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0166-V Robert Gallagher

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 312-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

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Executive Director

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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0150-V Susan Low

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time required for the implementation and completion of a previously approved variance (case number 2003-0020-V). The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Providing the applicant complies with the conditions of the previous variance, this office does not oppose the request for an extension.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 127-03 extension

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0148-V Barry and Julie Willis

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. The applicant must secure the necessary authorizations from the Department of the Environment for the proposed pier.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 314-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0164-V Dennis Coleman

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater from the structure should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 311-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0169-V Richard and Edith Turc

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. Because the property is designated an IDA, water quality improvements must be provided on site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 35-04



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

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Ren Serey  
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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0143-V Ed Gosselin

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance.

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

- 1) The lot currently has 4,261 square feet or 34.9 percent impervious surface coverage. The lot is non-conforming with respect to the impervious surface limits by 591 square feet (Anne Arundel County Zoning Ordinance Article 28, §1A-105). With the proposed garage, the applicant proposes to further increase impervious surface coverage on the lot to 4,440 square feet or 36.4 percent (an increase of 179 square feet).
- 2) As shown on the site plan, the proposed garage is located over a portion of the existing driveway, which helps to minimize the increase in impervious surface coverage. It appears that areas of existing impervious surface could be removed to avoid further exceeding the non-conforming condition. For example, portions of the stone patios and walkway could be removed to offset the additional 179 square feet of impervious surface for the proposed garage.

Ramona Plociennik  
Variance 2004-0143-V Ed Gosselin  
May 6, 2004  
Page 2

For these reasons, this offices does not support the applicant's request for a variance to further exceed the impervious surface limits within the Critical Area.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site.
- 2) Stormwater should be directed to a best management practice or stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 304-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0163-V Andre Bryan

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 310-04



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0144-V Kim and Mary Kable

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time required for the implementation of a previously approved variance (case number 2002-0587-V). The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing the applicant complies with the conditions of the previous variance, this office does not oppose the request for an extension. As stated in the current variance application, the original scope of the previous variance has been maintained.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 102-03 extension

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 3, 2004

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

Re: Building and Grading Permit No. 43969 Willows Development Co.  
(Tax Map 16, Parcel 241, Lot 37)

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit application. The applicant is requesting permits to construct a single-family dwelling, attached garage, porch, deck, septic system and well within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

- 1) As measured from the site plan, steep slopes (approximately 28 percent) are present along the lower half of the proposed driveway. Disturbance to slopes of 15 percent or greater within the Critical Area is prohibited except by variance (Calvert County Zoning Ordinance Article 8, Section 8-1.03). A variance will be necessary to permit construction of the driveway on steep slopes within the Critical Area.
- 2) The current proposal includes 28,902 square feet of forest clearing or 27 percent of the existing forested area. Mitigation, at a ratio of 1.5:1 for clearing greater than 6,000 square feet and less than 30 percent within the Critical Area, should be required. Because the lot is mostly forested, mitigation alternatives will need to be addressed. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible following completion of construction.

John Swartz  
Building and Grading Permit No. 43969  
Willows Development Co.  
May 3, 2004  
Page

- 3) A stone outlet structure is shown on the site plan northeast of the proposed dwelling. Based on the limited topography shown on the site plan, slopes adjacent to the proposed dwelling appear to become steeper toward the northeast. We recommend relocating the stone outlet structure to avoid runoff being discharged directly to steep slopes.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-2375 if you have questions regarding this letter.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 292-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 3, 2004

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

Re: Variance 04-3033 William and Christine Diehlmann

Dear Ms. Whitt:

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

I conducted a site visit to the Diehlmann property with Katharine McCarthy (Department of Natural Resources, Wildlife and Heritage Division) on April 23, 2004. Lot 19 is fully forested and the cliffs below are densely vegetated (refer to attached photographs). The neighboring properties have mostly mowed grass with landscaping up to the cliff edge, and many of the homes in the neighborhood appear to be located close to the edge of the cliffs. I observed some minor erosion at the top of the cliffs on both of the neighboring properties, which appeared to be caused by stormwater runoff.

Providing this lot is properly grandfathered, we do not oppose a variance to develop this property with a single-family dwelling; however there are several issues that should be addressed. We have the following comments regarding the current development proposal and variance request.

- 1) Based on information from the Department of Natural Resources, Wildlife and Heritage Division (refer to attachment for Western Shores, Critical Area Site CT L-2), this property is located within an identified Habitat Protection Area for two state and federally listed species, the Northeastern Beach Tiger-Beetle and the Puritan Tiger-Beetle. The Habitat Protection Area provisions of the Calvert County Critical Area Program (Part I, Chapter X and Part II, Conservation Manual, Chapter V) require that the applicant develop a habitat protection plan that addresses the recommendations of the Department of Natural Resources for protection of

these species. The Department of Natural Resources is expected to provide comments prior to the variance hearing on May 6, 2004.

- 2) This property is also designated a Category 3 cliff protection area by the Calvert County Zoning Ordinance (Article 8, Section 2.02). As shown on the site plan provided, a 60-foot cliff setback for development is required because the base of the cliff is greater than 100 feet from mean high water.
- 3) Following is an evaluation of the site plan provided for this variance request.
  - The applicant proposes 3,132 square feet or 15 percent impervious surface coverage and 7,402 square feet or 35.5 percent forest clearing on the site.
  - As measured from the site plan, the dwelling is approximately 1,256 square feet and the garage is approximately 625 square feet. Most of the dwelling and the entire garage are located within the 60-foot cliff setback. Has the applicant considered locating the garage beneath the dwelling?
  - As measured from the site plan, the proposed deck is within 17 feet from the cliff edge, the dwelling is within 22 feet from the cliff edge, and the limit of clearing is within 10 to 15 feet of the cliff edge.

If a variance to the height requirements is not an issue, the development setback might be increased on this site by locating the garage beneath the dwelling, and locating the deck along the side of the dwelling (no further waterward than the primary structure).

We recommend that the applicant have an opportunity to address the recommendations of the Department of Natural Resources for protection of sensitive species on the site. We strongly recommend that the applicant have an opportunity to work with County staff and the Department of Natural Resources to develop the required habitat protection plan for the site, and to consider revisions to the current variance request to address minimization of impacts.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for clearing in excess of 30 percent, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03.G.). Mitigation plantings, consisting of native trees and shrubs, should be used to reforest the property to the extent possible (create canopy, understory and groundcover) particularly between the dwelling and the cliff edge.
- 2) In order to decrease the amount of runoff from the site, the driveway should be constructed of material that will maintain maximum perviousness over time, such as washed pea gravel.
- 3) Stormwater from all impervious surfaces should be directed as far away from the cliff edge as feasible and infiltration devices should not be located within the 60-foot cliff setback.

Roxana L. Whitt  
Variance 04-3033 William and Christine Diehlmann  
May 3, 2004  
Page 3

- 4) Following completion of the proposed development, the applicant should develop a Buffer Management Plan for the property, which should be approved by the County and a copy provided to the Commission. The Buffer Management Plan should include guidelines for maintaining forest cover and natural ground cover vegetation within the 60-foot cliff setback.

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

Sincerely,

Julie V. LaBranche  
Natural Resource Planner

CA 246-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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May 3, 2004

Jeanne D. Minner  
Director of Planning  
Town of Elkton  
P.O. Box 157  
Elkton, Maryland 21922-0157

Re: Annexation of Lands and Critical Area Maps

Dear Ms. Minner:

Thank you for providing information regarding annexation of lands within the Critical Area of the Town of Elkton. Effective July 20, 2002, the Town of Elkton adopted a resolution to annex several parcels of land from Cecil County (Tax Map 33, Parcels 79, 91 and 454) located on the north side of Frenchtown Road and bordering the Elk River. Parcels 79, 91 and 454 are designated Resource Conservation Area under the Elkton Critical Area Program. Based on information from the Department of Natural Resources, Parcels 91 and 79 contain non-tidal Wetlands of Special State Concern and Listed Species Habitat Protection Areas.

We have accepted the Town's submittal for processing. The Chairman will make an amendment or refinement determination within 30 days. Commission staff will notify the Town of the Chairman's determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

cc: Mary Owens (Critical Area Commission)

EL annexation

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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May 3, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Special Exceptions 2004-0126-S and 2004-0127-S Lee Airport Authority

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exceptions. The applicant is requesting a special exception to allow modifications to a previously approved special exception, and to permit the extension in time for the implementation and completion of a special exception for expansion of the airport facilities. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The airport facility is located within the LDA portion of the site.

Based on the information provided, this office does not oppose the requested special exceptions. Because calculations of forest clearing were not provided with this request, mitigation should be required in accordance with the Anne Arundel County Zoning Ordinance (Article 28, §1A-104). We recommend that clearing to construct the airport caretaker's house be the minimum necessary, making sure that no clearing is conducted within the Buffer. Stormwater should be directed to best management practices or to stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 258-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

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Executive Director

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May 3, 2004

VIA FACSIMILE

Chuck Schneider  
Frederick Ward Associates, Inc.  
P.O. Box 727  
Bel Air, Maryland 21014-0727

Re: Whiteoak Subdivision

Dear Mr. Schneider:

Thank you for providing information regarding the Whiteoak subdivision proposal. This office received a revised subdivision plan on May 22, 2004. We have the following comments regarding the revised subdivision proposal.

- 1) Below is a summary of acreage calculations for the Whiteoak property, based on the previous revised Critical Area calculations provided by your office. Please compare these calculations with your records, and make necessary corrections to the calculations reported in the "Development Summary" on the subdivision plan.
  - Total lands within the Critical Area = 56.204 acres
    - Lot 2 = 41.40 acres RCA and 5.80 acres LDA = 47.20 acres
    - Lot 1 = 9.004 acres RCA
  - Parcel 31 = 8.45 acres (4.42 acres RCA within the Critical Area)
- 2) The 110-foot Critical Area Buffer should be shown clearly on the final subdivision plat (symbol is very similar to the 100-year floodplain), particularly on Lot 3 where development is proposed.
- 3) The lands designated Limited Development Area (LDA) on Lot 2 are not fully identified on the subdivision plan. The LDA lands include the septic reserve area adjacent to MD Route 213. This area appears to be defined on the subdivision plan but the area should be shaded to match the other LDA lands.

TTY For the Deaf

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

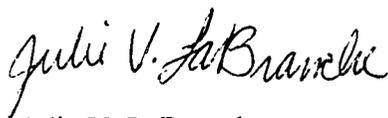


Chuck Schneider  
Whiteoak Subdivision  
May 3, 2004  
Page 2

- 4) Because portions of Lot 2 are designated both RCA and LDA, and have an unusual configuration, Lot 2 should be identified on the subdivision plan with distinct shading or a pattern and clearly labeled.
- 5) Lot 1 should be the same symbol as the other lands "to remain as RCA".
- 6) Parcel 31 should be labeled more clearly on the subdivision plan.
- 7) Because of the density of information shown on the subdivision plan, some of the boundaries and lines are difficult to identify. For the final subdivision plat, we recommend removing some information layers, such as soil boundaries and symbols.
- 8) Attached are the Critical Area notes that should be placed on the final subdivision plat.

Prior to final approval of the subdivision, a copy of the revised subdivision plat should be provided to this office for review and comment. Please contact me at (410) 260-3475 if you have questions about these comments or the plat notes.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Eric Sennstrom (Cecil County, Office of Planning and Zoning)  
Mary Owens (Critical Area Commission)

CE Whiteoak revised sub

Critical Area Plat Notes for the Whiteoak subdivision

- 1) A portion of Lot 2 (5.80 acres) was designated a Limited Development Area through the use of growth allocation in accordance with the Cecil County Critical Area Program (Article XI, Part 1) and pursuant to approval by the Critical Area Commission on June 6, 2001.
- 2) Pursuant to COMAR 27.01.02.05 and the Cecil County Zoning Ordinance (Article XI, Part I Critical Area District), subdivision of Lot 2 (as identified on the final subdivision plat) to create Lot 3 (as identified on the final subdivision plat) exhausts the permitted development density within a Resource Conservation Area for the Resource Conservation portion of Parcel 30.
- 3) Pursuant to COMAR 27.01.02.05 and the Cecil County Zoning Ordinance (Article XI, Part I Critical Area District), Lot 1 and Lot 3 are restricted from further subdivision and development, except for expansion or modification of and accessory uses associated with the established dwellings and/or uses on each lot. The lands designated as Resource Conservation Area on Lot 2 are restricted from further subdivision and restricted from development activities as defined by COMAR 27.01.01 and the Cecil County Zoning Ordinance.
- 4) The above development restrictions do not apply to the Critical Area portion of Lot 2 that is designated as a Limited Development Area.
- 5) On August 1, 2001 and pursuant to the Cecil County Zoning Ordinance, Parcel 30, Lot 2A was created through subdivision of 4.42 acres of lands designated as Resource Conservation Area from the Critical Area portion of Parcel 30, Lot 2. The total acreage of Lot 2A is 8.45 acres, including lands within and outside the Critical Area. The 4.42 acres of Resource Conservation Area (as shown on Minor Subdivision #3126 in the Cecil County land records) are restricted from further subdivision and restricted from development activities as defined by COMAR 27.01.01 and the Cecil County Zoning Ordinance.

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

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Governor

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Executive Director

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April 30, 2004

Pam Cotter  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0098-V Mark and Rebecca Plaster

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling and shed. The developed portion of the property, along the western shoreline, is designated a Buffer Exemption Area (BEA). This office received revised site plans from the applicant's consultant on April 29, 2004.

Providing this lot is properly grandfathered, we do not oppose development of the lot with a single-family dwelling. We have the following comments regarding the variance request based on the revised site plans.

- 1) As shown on the site plan, the property is severely constrained by the Buffer due to the presence of a tidal pond and the shape of the southern portion of the property. We recognize that a Buffer variance would be necessary for expansion of the existing dwelling. Based on GIS information from the Department of Natural Resources, most of the property north and east of the existing developed area (dwelling and driveway) consists of high quality forest, which is contiguous with forested areas on adjacent properties (refer to attached maps). The southern waterfront areas of the property consist mostly of mowed grass with some wetland vegetation adjacent to the pond and a stand of large trees immediately west of the existing dwelling.

TTY For the Deaf

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



- 2) As shown on the site plan, all existing and proposed impervious surface coverage is located within the 100-foot Buffer but within the BEA portion of the site. The current proposal includes a 35 square foot reduction in impervious surface coverage on the site, mainly by reducing the impervious area of the existing gravel driveway and by locating a portion of the dwelling expansions over the existing gravel driveway. We note that expansion of the footprint of the existing dwelling is proposed within the BEA portion of the site (west of the dwelling) and the non-BEA portion of the site (east of the dwelling).
- 3) The current proposal includes covered porches on the north, east and southern sides of the dwelling. In order to further minimize the extent of impervious structures within the Buffer, has the applicant considered substituting an open deck for at least one of the covered porches? We note that a deck is not part of the existing proposal. If the applicant wishes to construct a deck in the future, the deck should be included in the current variance request.
- 4) The site plan includes a note stating that the applicant proposes to utilize the County's fee-in-lieu program for forest clearing requirements. The site plan indicates that four existing trees will be removed in the vicinity of the dwelling, and we assume that some clearing will be necessary for installation of the new septic system proposed in the forested area to the north of the dwelling. In addition, mitigation will be required for all new development proposed within the Buffer. Because most of the Buffer in the southern portion of the property is not currently forested, we recommend mitigation occur on site, and the use of fees-in-lieu to meet the remainder of the mitigation requirement only if mitigation can not be fully accommodated on the property.
- 5) The site plans show two bioretention areas within the Buffer, east and south of the proposed dwelling, which will provide stormwater management and water quality benefits by treating runoff from the site.
- 6) Based on information provided by County staff, we understand that the applicant has received the necessary authorizations from the Department of the Environment for impacts to the non-tidal wetland buffer.

If granted, we recommend the following be made conditions of this variance.

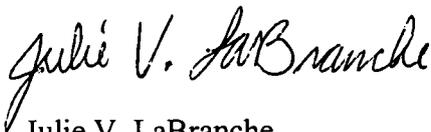
- 1) Mitigation, at a ratio of 2:1 for disturbance within the BEA portion of the site and 1:1 for disturbance outside the Buffer (for installation of the septic system), should be required.
- 2) To the extent possible, we recommend that mitigation plantings be utilized to establish a forested Buffer on the site. Mitigation plantings should consist of a mix of native trees and shrubs and plantings around the pond should be comparable to the existing native vegetation.

Pam Cotter  
Variance 2004-0098-V Mark and Rebecca Plaster  
April 30, 2004  
Page 2

We recommend that the applicant develop a Buffer Management Plan, approved by the County, to ensure the completion and success of the mitigation plantings.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 212-04, revised plan

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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April 29, 2004

Jodee Cangialosi  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Proposed Subdivision: Lanphar's Landing  
(Tax Map 31, Parcels 1074 and 274)

Dear Ms. Cangialosi:

Thank you for providing information on the above referenced subdivision. The Mita property consists of Parcels 1074 and 274, totaling 19.95 acres of which 15.71 acres are within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA). Parcel 1074 is currently developed with a single-family dwelling and several outbuildings. Parcel 274 is currently undeveloped with the exception of a driveway, which provides access to Parcel 1074 from MD Route 272.

As noted in the meeting minutes of the March 15, 2004, the Cecil County Planning Commission denied approval of the proposed subdivision (Lanphar's Landing) because variances to several provisions of the Cecil County Zoning Ordinance were necessary. This office has been notified of the applicant's submittal to Cecil County requesting a variance to create building sites within the 100-year floodplain, a variance for filling in the 100-year floodplain, a variance to exceed the permitted building height of 35 feet within the 100-year floodplain, and a variance for a proposed mini-road in the expanded Critical Area Buffer. This office will provide separate comments to the Cecil County Board of Appeals for the variance hearing scheduled for May 25, 2004. Additional information regarding the proposed subdivision, as described below, will be needed to comment on the variances requested.

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

- 1) As shown on the subdivision plan, it appears that the 100-foot Critical Area Buffer has been properly expanded on this site to include contiguous nontidal wetlands, nontidal wetland buffer, and tributary streams and their Buffers. The expanded Buffer bisects the two parcels, creating two isolated development areas outside the Buffer, one area near the shoreline and the other adjacent to the Critical Area boundary near MD Route 272.
- 2) A 50-foot wide right-of-way for the mini-road is proposed to provide access to MD Route 272, in place of the existing driveway. As measured from the site plan, approximately 730 linear feet or 64 percent of the proposed mini-road is located within the Buffer. Will the proposed mini-road be a private or a public road? Will disturbance to the Buffer be necessary to establish the mini-road? ***The applicant should provide information regarding the status of the mini-road, as a private or a public road, and quantify disturbance within the Buffer (clearing, grading, filling) that may be necessary to convert the existing driveway to a mini-road.***
- 3) Subdivisions in the Critical Area are limited to 15 percent impervious surface coverage, which should include all dwellings, accessory structures, public and private roads (including the proposed mini-road), sidewalks, stormwater facilities and other associated impervious surfaces. As stated in the minutes of the Planning Commission meeting of March 15, 2004, all of the existing structures on Parcel 1074 will be removed from the property as part of the subdivision. Because it can sometimes be difficult to track the total impervious surface coverage within a subdivision over time, this office recommends that the applicant identify on the final subdivision plat specific impervious surface coverage limits for each lot within the Critical Area. Impervious surface limits should consider an impervious surface allowance for future development on each lot, such as decks, sheds, porches or patios.
- 4) As shown on the site plan, a 10-foot wide road for water access is proposed within the common open space area to provide access to the community pier, as well as a 1,400 square foot area at the end of the road, which terminates approximately 40 from the shoreline. Is the 1,400 square foot area for parking? Why is it necessary to provide the five waterfront lots in the Critical Area require with a 10-foot wide access road to the community pier and parking?

Parking is not a permitted water-dependent use within the Buffer (Cecil County Zoning Ordinance Article XI, Part I, Section 198) and water access should be the minimum width necessary. The Commission encourages the use of pervious materials for water access whenever possible. ***The applicant should provide additional information about the proposed access road and clarify why it is necessary to provide such access (and parking?) for the community pier.***

- 5) The number of slips for the proposed community pier must comply with the provisions for water dependent facilities within the Critical Area (Cecil County Zoning Ordinance Article XI, Part I, Section 198), which permit the lesser of one slip for each lot in the Critical Area or

Jodee Cangialosi  
Variance Local Case No. 3035 Eustace W. Mita  
April 29, 2004  
Page

one slip for every 50 feet of shoreline in a Limited Development Area. In this case, five slips would be permitted for the community pier, one for each lot in the Critical Area (since the length of shoreline formula would allow 10 slips). We recommend adding a note to the final subdivision plat, indicating the number of slips permitted for the subdivision.

Thank you for the opportunity to provide comments. We may have additional comments regarding this subdivision proposal when the above information is provided. Please contact me at (410) 260-3475 if you have questions about this letter.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Regina Esslinger (Critical Area Commission)

CE 253-04 subdivision

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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April 28, 2004

Pam Cotter  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-00101-V Sigmund Amitin

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. This office received a revised site plan from the County on April 27, 2004.

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

- 1) Although the property is non-conforming with respect to impervious surface limits (permitted a maximum of 1,196 square feet or 25 percent plus 500 square feet), the current proposal will result in a net decrease in impervious surface coverage from 1,283 square feet to 1,256 square feet.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Because of the size of the property, mitigation alternatives may need to be addressed.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive script.

Julie V. LaBranche  
Natural Resource Planner

AA 189-04, revised

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

Jodee Cangialosi  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Turkey Point Subdivision (Tax Map 41, Parcel 260)

Dear Ms. Cangialosi:

Thank you for providing information for the Turkey Point subdivision, which we received on April 7, 2004. The Critical area portion of the property (22.65 acres) is designated a Resource Conservation Area (RCA) and is currently undeveloped with the exception of a gravel road which traverse the property from northwest to southeast. This office received a subdivision plan from the applicant's consultant on April 22, 2004. Based on the information provided, we have the following comments regarding the Turkey Hill subdivision proposal.

- 1) As shown on the site plan provided, it appears that the 110-foot Critical Area Buffer has been expanded properly on this site to include contiguous hydric soils, nontidal wetlands, nontidal wetland buffers, and tributary streams and their Buffers. The subdivision plan shows the southwest corner of Parcel 260 as a Buffer Exemption Area; however, according to our records Parcel 260 is not within the approved Buffer Exemption Area just to the north, which includes Parcels 81, 71 and 73 (refer to attached copy of Cecil County Critical Area Map 41). We also note that Parcel 260 is referenced on the site plan as Parcel 296 in the site data information.
- 2) If present, the acreage of State tidal wetlands must be deducted from the RCA acreage Of Parcel 260. The applicant should provide a revised subdivision plan showing the extent and acreage of State tidal wetlands on the site.
- 3) The applicant proposes to subdivide the Parcel 260 to create two lots, one lot within the Critical Area and one lot outside the Critical Area, each with a dwelling and septic system. The septic reserve area for Lot 1 (outside the Critical Area) is located within the RCA.

Jodee Cangialosi  
Turkey Point Subdivision  
April 28, 2004  
Page 2

Because septic systems and septic reserve areas are facilities necessary to support a dwelling unit, the subdivision proposal exceeds the allowable density of one dwelling unit per twenty acres (Cecil County Zoning Ordinance Article XI, Part I, Section 193). The septic reserve area for Lot 1, as proposed within the RCA, will require growth allocation.

- 4) The Department of Natural Resources has identified this site as containing Forest Interior Dwelling Bird (FID) habitat. To the extent possible, the proposed septic reserve areas for Lots 1 and 2 and the driveway from Cloud Lane to Lot 1 should retain canopy cover to provide protection for FIDs habitat within the Critical Area and time of year restrictions for development should be observed (May 1<sup>st</sup> through August 31<sup>st</sup>).
- 5) Mitigation for forest clearing within the Critical Area should be calculated using the Commission's guidance document "A Guide to the Conservation of Forest Interior Dwelling Bird Habitat in the Critical Area." Because the property is heavily forested, it appears unlikely that the required mitigation could be accommodated on site. The applicant should provide a mitigation plan as part of the subdivision proposal. A copy of the mitigation plan should be provided to the Commission for review.

Thank you for the opportunity to provide comments. We may have additional comments when the above information is provided. Please contact me at (410) 260-3475 if you have questions. Commission staff are available discuss with the County and the applicant the issues raised in our letter and the growth allocation approval process.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Chuck Schneider (Frederick Ward Associates)

CE 238-04, revised plan

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

VIA FACSIMILE

Pam Cotter  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0099-V Daniel and Lorraine Kelleher

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions and associated facilities with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. This office received a revised site plan from the applicant's consultant on April 28, 2004.

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

- 1) As noted in the application, we understand that no trees will be cleared to remove the existing septic system and construct the proposed dwelling additions. The current proposal will result in a reduction of 187 square feet of impervious surface coverage on the site.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas then to other areas of the property.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 213-04, revised plan

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

VIA FACSIMILE

Chairman William Moulden  
Anne Arundel County Board of Appeals  
44 Calvert Street, Room 160  
Annapolis, Maryland 21404

Re: BA 125-03V and BA 126-03V William and Jane Becker  
(Tax Map 33, Parcel 1 and Parcel 2)

Dear Chairman Moulden:

This office would like to comment on the above referenced Board of Appeals cases. Appeal case BA-125-03V is taken from the conditional granting of a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. Appeal case BA 126-03V is taken from the conditional granting of a variance to permit installation of a septic system with less Buffer than required and with disturbance to steep slopes. The subject properties are designated a Limited Development Area (LDA). Parcel 1 is developed with a single-family dwelling and Parcel 2 is currently undeveloped.

On April 28, 2004, County staff provided this office with a copy of the applicant's site plan for the above referenced variances cases. As estimated from the site plan, the development proposal includes a single-family dwelling (1,839 square feet), an attached garage (502 square feet), and a wrap-around deck. The proposed structures are situated close to Trails End Road (within 15 feet) to minimize intrusion within the Buffer and to maximize the setback from Broad Creek (dwelling is 44 feet from shoreline at closest point). Providing Parcel 1 is properly grandfathered, this office does not oppose the variances requested (BA-125-03V) to permit a dwelling on Parcel 2 with less setbacks and Buffer than required and with disturbance to steep slopes. This office recommends the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

Chairman William Moulden  
BA 125-03V and BA 126-03V William and Jane Becker  
April 28, 2004  
Page 2

- 2) Stormwater from Parcel 2 should be directed to a stable vegetated outfall, away from steep slopes, to provide water quality benefits on the site.

Providing Parcel 1 is properly grandfathered, this office does not oppose the variance requested (BA 126-03V) to permit the installation of a septic system on Parcel 1 with less Buffer than required and with disturbance to steep slopes.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 644-03 BOA

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 22, 2004

William Moulden  
Anne Arundel County Board Of Appeals  
44 Calvert Street, Room 160  
Annapolis, Maryland 21404

Re: BA 130-03V John and Karen Barry

Dear Mr. Moulden:

Thank you for providing information on the above referenced Board of Appeals case. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. On April 14, 2004, the County provided to the Commission revised site plans for this case.

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

- 1) As measured from the site plan, slopes greater than 15 percent encumber the entire lot and therefore a variance is necessary to develop the property. It appears that the applicant has consolidated development activities away from the steepest slopes on the southeast corner of the property. The revised site plan shows a nontidal wetland and 25-foot nontidal wetland buffer that encumbers the southern portion of the lot. As shown on the site plan, the limit of disturbance for construction does not extend within the 25-foot nontidal wetland buffer and the proposed clearing is within the allowed limits of 6,534 square feet for a lot of less than one half acre (Anne Arundel County Zoning Ordinance Article 28, §1A-105). We note that a deck is not shown on the revised site plan. If the applicant wishes to have a deck in the future, the deck should be included as part of the current variance request.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is almost fully forested, mitigation alternatives will need to be addressed. We

William Moulden  
BA 130-03V John and Karen Barry  
April 22, 2004  
Page 2

recommend that areas of steep slopes disturbed during construction be reforested to the extent possible.

- 3) Stormwater runoff should be directed to best management practices to provide water quality benefits on the site. To prevent erosion of steep slopes, stormwater outfalls should not discharge directly to steep slopes on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 491-03 BOA

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 20, 2004

Liz West  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0087-V Jane Reynolds  
(Tax Map 60, Parcel 254)

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (screened porch) and an accessory structure (garage) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA). As stated by County staff, Parcel 254 was developed with a single-family dwelling in 2003.

In addition to the current variance application, County staff provided a copy of the record subdivision plat for Parcel 254 and Parcel 310, Tax Map 60, which was executed in 2000. We understand that the subdivision was sought to establish Parcel 254 as a legally recorded and buildable parcel, and to adjust the lot lines of Parcels 254 and 310. As determined by the County, Parcel 254 is not grandfathered with respect to the Critical Area regulations of the Anne Arundel County Zoning Ordinance (Article 28, §1A-105). Development on lots or parcels associated with new subdivisions within the Critical Area of Anne Arundel County must comply with all of the Critical Area provisions in the County's Zoning Ordinance, including the provision prohibiting new development activities within the Buffer (Article 26, §3-110(a) and Article 28, §1A-103(e)).

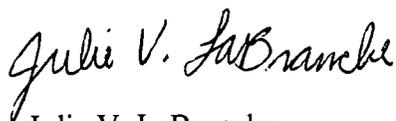
For these reasons, we oppose this variance request to construct a screened porch and an accessory structure within the Buffer on Parcel 254. Based on the site plan provided, we recommend that the applicant consider alternative proposals, as it appears that the proposed screened porch and garage could be accommodated on Parcel 254 outside the 100-foot Buffer.



Liz West  
Variance 2004-0087-V Jane Reynolds  
April 20, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 185-04, revised

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 20, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0124-V Richland Homes

Dear Ms. Plociennik:

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

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

- 1) As measured from the site plan, slopes greater than 15 percent encumber nearly the entire lot, and therefore a variance is necessary to develop the property. As shown on the site plan, stormwater will be directed to a best management practice (a bio-retention area) and discharged adjacent to Revell Road to provide water quality benefits on the site.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive.

Julie V. LaBranche  
Natural Resource Planner

AA 257-04



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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0139-V Elizabeth and Michael Luby

Dear Ms. Plociennik:

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

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

- 1) As stated in the variance application, the new dwelling will extend no further waterward than the existing dwelling and decks.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.
- 3) Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 263-04

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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April 20, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0123-V Jeffrey Boomer

Dear Ms. Plociennik:

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

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

- 1) As shown on the site plan, the existing development on the property is located outside the 100-foot Buffer in an area of isolated steep slopes adjacent to Steeman Point Road. Because of the location of the existing dwelling, we recognize that a variance would be necessary to expand the dwelling in any direction.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings, consisting of native trees and shrubs, be directed first to non-forested areas within the Buffer then to other areas of the property. We note that the site plan does identify a planting area within the Buffer.
- 3) As stated in the variance application, stormwater from the dwelling will be conveyed through underground pipes toward the Magothy River. We recommend that stormwater be directed across a forested or other densely vegetated area to provide treatment of runoff from the site.

Ramona Plociennik  
Variance 2004-0123-V Jeffrey Boomer  
April 20, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 256-04

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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April 20, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0129-V Jim Godey

Dear Ms. Plociennik:

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

We have no comments regarding this variance request.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 259-04

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 20, 2004

William Moulden  
Anne Arundel County Board Of Appeals  
44 Calvert Street, Room 160  
Annapolis, Maryland 21404

Re: BA 130-03V John and Karen Barry

Dear Ms. West:

Thank you for providing information on the above referenced Board of Appeals case. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. On April 14, 2004, the County provided to the Commission revised site plans for this case.

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

- 1) As measured from the site plan, slopes greater than 15 percent encumber the entire lot and therefore a variance is necessary to develop the property. It appears that the applicant has consolidated development activities away from the steepest slopes on the southeast corner of the property. The revised site plan shows a nontidal wetland and 25-foot nontidal wetland buffer that encumbers the southern portion of the lot. As shown on the site plan, the limit of disturbance for construction does not extend within the 25-foot nontidal wetland buffer and the proposed clearing is within the allowed limits of 6,534 square feet for a lot of less than one half acre (Anne Arundel County Zoning Ordinance Article 28, §1A-105). We note that a deck is not shown on the revised site plan. If the applicant wishes to have a deck in the future, the deck should be included as part of the current variance request.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is almost fully forested, mitigation alternatives will need to be addressed. We

William Moulden  
BA 130-03V John and Karen Barry  
April 20, 2004  
Page 2

recommend that areas of steep slopes disturbed during construction be reforested to the extent possible.

- 3) Stormwater runoff should be directed to best management practices to provide water quality benefits on the site. To prevent erosion of steep slopes, stormwater outfalls should not discharge directly to steep slopes on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 491-03 BOA

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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April 20, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0135-V Jack Bannister

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 261-04



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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0137-V Janeen Birckhead

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an Intensely Developed Area, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 262-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 19, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0140-V Elsie and William Whitman

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Based on the information provided by the applicant, we understand that a portion of the proposed addition will be located over an existing deck and cellar, resulting on a net increase of 344 square feet of impervious surface coverage. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings could be accommodated on the site. Plantings should consist of native trees and shrubs. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 264-04



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 19, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0133-V Lee Bollhorst

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Based on the information provided, it appears that the proposed addition will be located over an existing asphalt driveway, and that the remaining portion of the driveway will be removed, resulting in a net decrease in impervious surface coverage on the site. Because the property is designated an Intensely Developed Area, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. For example, plantings could be placed in the area where asphalt will be removed.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 260-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 19, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0122-V Gary and Betty Seddon

Dear Ms. Plociennik:

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

This office has no comments regarding the setback variance and does not oppose the Buffer variance. Based on the information provided, we understand that the applicant proposes to construct a second story addition to the existing dwelling with no increase in impervious surface coverage on the site. Because the property is designated an Intensely Developed Area, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 255-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 16, 2004

Robert P. Cooper  
Wetlands and Waterways Program  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

Re: Quality Built Homes, Inc. - Chesapeake Village  
Application Number: 04-NT-0097/200462274

Dear Mr. Cooper:

This letter is in response to the Joint Public Notice for the project described above in Chesapeake Beach, Calvert County. We have the following comments regarding the proposed permit application with respect to Critical Area issues.

- 1) According to information provided by the Department of Natural Resources, the project site contains two State threatened species, a Wetland of Special State Concern, and Forest Interior Dwelling Bird (FID) habitat. At this point in our review, we understand that certain development activities associated with this project could result in impacts to one of more of the State threatened species and to FID habitat, which are identified as Habitat Protection Areas by the Chesapeake Beach Critical Area program and COMAR (27.01.09). The recommendations from the Department of Natural Resources for protection and conservation of the State threatened species, and the Commission's guidance for conservation of FID habitat, must be addressed by the applicant as part of the Critical Area review of the project by the Commission and the Town.
- 2) As required by the Chesapeake Beach Critical Area program, the 100-foot Critical Area Buffer would likely be expanded for the presence of steep slopes on this site. Because only a small portion of the project site is within the Critical Area, it appears that the expanded Buffer would be limited to the general vicinity of the proposed access road for the subdivision and the proposed expansion of MD Route 261 (noted as Location 1 on the site plans provided for Public Notice). The site plan provided to this office for review does

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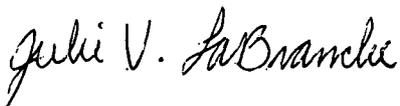
Robert P. Cooper  
Quality Built Homes, Inc. - Chesapeake Village  
Application Number: 04-NT-0097/200462274  
April 16, 2004  
Page 2

identify steep slopes or the expanded Critical Area Buffer. At this time, we are unable to determine whether the impacts proposed as part of the permit application include impacts to the expanded Critical Area Buffer. Commission staff will work with the applicant's consultant and the Town to obtain and review this information, and provide additional comments for this permit application if necessary.

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

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Kathy Anderson (U.S. Army Corps of Engineers)  
Katharine McCarthy (Department of Natural Resources)  
William Watson (Chesapeake Beach)  
John Cosgrove (R.A. Barrett & Associates, Inc.)  
Regina Esslinger (Critical Area Commission)

CB 854-03 MDE ltr

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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April 15, 2004

Liz West  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0075-V Waters/Standley

Dear Ms. West:

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

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

- 1) The applicant proposes to construct two second-story decks over existing decks and a retaining wall to secure the deck footers. This office has consistently considered two-story decks to be impervious surfaces. As estimated from the site plan, it appears that with the two decks the impervious surface coverage will remain below the permitted limit of 5,289 square feet or 31.25 percent.
- 2) Due to the presence of steep slopes, we recommend limiting the use of heavy machinery on the site, and work should be performed by hand whenever possible.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

TTY For the Deaf

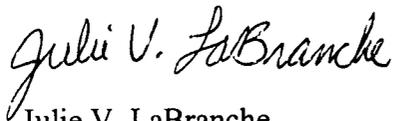
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Liz West  
Variance 2004-0075-V Waters/Standley  
April 15, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 181-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

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Executive Director

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April 14, 2004

Rob Konowal  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0057-V Princess Builders Incorporated

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to permit a dwelling addition with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received revised site plans on April 14, 2004 from the applicant's consultant.

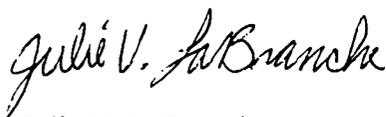
Providing this lot is properly grandfathered, we do not oppose this variance request. Based on the revised site plan, we have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan provided, the property is severely constrained by its unusual shape, the 100-foot Buffer, and slopes of 15 to 25 percent or greater. In addition, nearly half of the total lot area consists of tidal and nontidal wetlands, and most of the upland areas on the site consist of steep slopes. The property is almost fully forested. We recognize that a variance is necessary to develop this property with any reasonably sized dwelling and septic system.
- 2) As compared with the previous proposal submitted with this variance request, the applicant has attempted to minimize impacts within the Buffer (Anne Arundel County Zoning Ordinance Article 28, Section 1A-105(h)). The proposed reductions in overall impacts on the site are summarized below.

- The applicant had proposed 12,632.4 square feet of forest clearing (14 percent) and now proposes 8,573 square feet of forest clearing (9.5 percent). The applicant had proposed 3,485 square feet of impervious surface coverage (4 percent) and now proposes 2,679 square feet (2.9 percent).
  - As approximated from the revised site plan, the footprint of the house was 2,050 square feet and is now 1,530 square feet, the garage was 576 square feet and is now 440 square feet, and the driveway was 885 square feet and is now 874 square feet.
  - As shown on the revised site plan, most of the proposed development will impact slopes of 15 to 25 percent or greater, and nearly all of the proposed impervious surface coverage (dwelling, garage, and driveway) is located within the Buffer.
  - At its nearest point (the southern corner of the garage), the dwelling was within 44 feet of tidal wetlands and is now within 55 feet of tidal wetlands. The limit of disturbance was within 30 feet of tidal wetlands and is now within 46 feet of tidal wetlands.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Stormwater should be directed away from steep slopes to a stable vegetate outfall to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 139-04, revised plan

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 13, 2004

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

Re: Variance 04-3032 Thomas and Betsy Stoddard

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements to construct additions to an existing single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck, walkway and pier.

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

- 1) As shown on the site plan, the entire dwelling is located within the Buffer. We recognize that any addition to the dwelling would require a Buffer variance. As proposed, the three dwelling additions are modest in size and do not extend further waterward than the existing deck.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03.G.). We recommend directing mitigation plantings first to non-forested areas within the Buffer then to other areas of the property. Mitigation plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

CA 247-04



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

Liz West  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0075-V Waters/Standley

Dear Ms. West:

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

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

- 1) The applicant proposes to construct two second-story decks over existing decks and a retaining wall to secure the deck footers. This office has consistently considered two-story decks to be impervious surfaces. As estimated from the site plan, it appears that with the two decks the impervious surface coverage will remain below the permitted limit of 5,289 square feet or 31.25 percent.
- 2) Due to the presence of steep slopes, we recommend limiting the use of heavy machinery on the site, and work should be performed by hand whenever possible.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.



Liz West

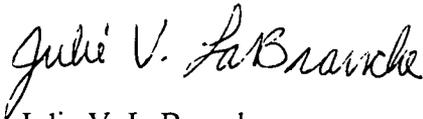
Variance 2004-0075-V Waters/Standley

April 13, 2004

Page 2

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

Sincerely,



Julie V. LaBranche

Natural Resource Planner

AA 181-04

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0115-V Lonnie Murray

Dear Ms. Plociennik:

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

We have no comments regarding this variance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 220-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 8, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0098-V Mark and Rebecca Plaster

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose development of the lot with a single-family dwelling. We have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan, the property is severely constrained by the Buffer due to the presence of a tidal pond and the shape of the southern portion of the property. We recognize that a Buffer variance would be necessary for expansion of the existing dwelling. Based on GIS information from the Department of Natural Resources, most of the property north and east of the existing developed area (dwelling and driveway) consists of high quality forest, which is contiguous with forested areas on adjacent properties (refer to attached maps). The southern waterfront areas of the property consist mostly of mowed grass with some wetland vegetation adjacent to the pond and a stand of large trees immediately west of the existing dwelling.
- 2) As reported on the site plan provided, all existing and proposed impervious surface coverage is located within the 100-foot Buffer. The current proposal includes a 35 square foot reduction in impervious surface coverage on the site, mainly with reductions in the impervious area of the existing gravel driveway and locating a portion of the dwelling expansions over the existing gravel driveway.

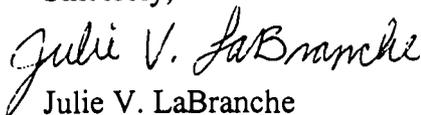
- 3) We note that the current proposal includes covered porches on the north, east and southern sides of the dwelling. In order to further minimize the extent of impervious structures within the Buffer, has the applicant considered substituting an open deck for at least one of the covered porches? We note that a deck is not part of the existing proposal. If the applicant wishes to construct a deck in the future, the deck should be included in the current variance request.
- 4) The site plan includes a note stating that the applicant proposes to utilize the County's fee-in-lieu program for forest clearing requirements. The site plan indicates that four existing trees will be removed in the vicinity of the dwelling, and we assume that some clearing will be necessary for installation of the new septic system proposed in the forested area to the north of the dwelling. In addition, mitigation will be required for all new development proposed within the Buffer. Because most of the Buffer in the southern portion of the property is not currently forested, we recommend mitigation occur on site, and the use of fees-in-lieu to meet the remainder of the mitigation requirement only if mitigation can not be fully accommodated on the property.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. To the extent possible, we recommend that mitigation plantings be utilized to establish a forested Buffer on the site. Mitigation plantings should consist of a mix of native trees and shrubs and plantings around the pond should be comparable to the existing native vegetation. We recommend that the applicant develop a Buffer Management Plan, approved by the County, to ensure the completion and success of the mitigation plantings.
- 2) Stormwater should be directed away from the pond and shoreline to a best management practice or to a densely vegetated area to provide water quality benefits on the site.
- 3) The applicant must secure the necessary authorizations from the Department of the Environment for impacts to the wetland buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

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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April 8, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0098-V Mark and Rebecca Plaster

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose development of the lot with a single-family dwelling. We have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan, the property is severely constrained by the Buffer due to the presence of a tidal pond and the shape of the southern portion of the property. We recognize that a Buffer variance would be necessary for expansion of the existing dwelling. Based on GIS information from the Department of Natural Resources, most of the property north and east of the existing developed area (dwelling and driveway) consists of high quality forest, which is contiguous with forested areas on adjacent properties (refer to attached maps). The southern waterfront areas of the property consist mostly of mowed grass with some wetland vegetation adjacent to the pond and a stand of large trees immediately west of the existing dwelling.
- 2) As reported on the site plan provided, all existing and proposed impervious surface coverage is located within the 100-foot Buffer. The current proposal includes a 35 square foot reduction in impervious surface coverage on the site, mainly with reductions in the impervious area of the existing gravel driveway and locating a portion of the dwelling expansions over the existing gravel driveway.

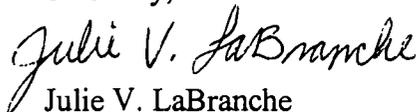
- 3) We note that the current proposal includes covered porches on the north, east and southern sides of the dwelling. In order to further minimize the extent of impervious structures within the Buffer, has the applicant considered substituting an open deck for at least one of the covered porches? We note that a deck is not part of the existing proposal. If the applicant wishes to construct a deck in the future, the deck should be included in the current variance request.
- 4) The site plan includes a note stating that the applicant proposes to utilize the County's fee-in-lieu program for forest clearing requirements. The site plan indicates that four existing trees will be removed in the vicinity of the dwelling, and we assume that some clearing will be necessary for installation of the new septic system proposed in the forested area to the north of the dwelling. In addition, mitigation will be required for all new development proposed within the Buffer. Because most of the Buffer in the southern portion of the property is not currently forested, we recommend mitigation occur on site, and the use of fees-in-lieu to meet the remainder of the mitigation requirement only if mitigation can not be fully accommodated on the property.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. To the extent possible, we recommend that mitigation plantings be utilized to establish a forested Buffer on the site. Mitigation plantings should consist of a mix of native trees and shrubs and plantings around the pond should be comparable to the existing native vegetation. We recommend that the applicant develop a Buffer Management Plan, approved by the County, to ensure the completion and success of the mitigation plantings.
- 2) Stormwater should be directed away from the pond and shoreline to a best management practice or to a densely vegetated area to provide water quality benefits on the site.
- 3) The applicant must secure the necessary authorizations from the Department of the Environment for impacts to the wetland buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0107- Nils and Gladys Antezana

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. If granted, we recommend the following be made conditions of this variance.

- 1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the site. We recommend that plantings, consisting of native trees and shrubs, be directed first to non-forested areas within the Buffer.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 216-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
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April 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0099-V Daniel and Lorraine Kelleher

Dear Ms. Plociennik:

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

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

- 1) As noted in the application, we understand that no trees will be cleared to remove the existing septic system and construct the proposed dwelling additions. The current proposal will result in a reduction of 147 square feet of impervious surface coverage on the site.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas then to other areas of the property.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 213-04

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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April 6, 2004

Suzanne Diffenderfer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0051-V Joaquin Marquez

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time to complete a previously approved variance. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently being developed with a single-family dwelling and facilities.

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

- 1) As stated in the Hearing Officer's decision and in the application for the previous variance (Case Number 2001-0479-V), the pre-existing impervious surface coverage was 5,390 square feet and the proposed impervious surface coverage is 5,700 square feet. A condition of the variance decision required that there would be no net increase impervious surface coverage on the lot. We note that the proposed impervious surface coverage reported on the site plans provided for the current variance do not reflect the required decrease in the proposed impervious surface coverage to no more than 5,390 square feet.
- 2) As noted on the revised site plan, porous pavers are proposed for 60 percent of the driveway area. As we discussed on March 30, 2004, the County has given credit for the use of porous pavers on this site, however no information was provided with the current application identifying the amount of credit given, the area of porous pavers proposed, and the amount of impervious surface reduction. The applicant should clarify this information for the current

Suzanne Diffenderfer  
Variance 2004-0051-V Joaquin Marquez  
April 6, 2004  
Page 2

variance request. If the applicant has met the condition of the previous variance with respect to impervious surface coverage, we would not oppose this variance request.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 698-01, extension

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



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April 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0109-V Jonathan Collie

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose development of the lot with a single-family dwelling. Based on the site plan provided, we have the following comments regarding the current development proposal and variance request.

- 1) We recognize that this property is severely constrained by steep slopes, and with expansion of the Buffer, the entire property is located within the expanded Buffer. Based on our records, this property was the subject of previous variances (Case Number 2000-0362-V for construction of a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes, and Case Numbers 2001-0451-V and 2002-0523-V for extensions in time for completion of the previous variance). It appears that the current application consists of essentially the same development proposal and scope of variances sought in the previous variance (Case Number 2000-0362-V).
- 2) The applicant proposes to construct a single-family dwelling (roughly 50 feet by 78 feet or footprint of 3,900 square feet) and an attached garage (footprint of 768 square feet), resulting in permanent impacts to steep slopes around the waterside perimeter of both structures. Alternatively, we estimate that a dwelling of lesser size (roughly 50 feet by 60 feet or 3,000

square feet), and minor reductions in the driveway area and garage would help to minimize or possibly eliminate permanent impacts to steep slopes.

- 3) As shown on the site plan, stormwater will be collected from the site and conveyed to a discharge point located along the shoreline, at the site of a future marsh creation and shoreline erosion control project. Does the current plan include pretreatment of stormwater before it is discharged to Maynadier Creek and the marsh creation site?

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because the property is fully forested, mitigation alternatives will need to be addressed. We recommend the use of mitigation plantings to stabilize all steep slopes that are disturbed during construction, following completion of the project.
- 2) Canopy closure should be maintained over the proposed path to the pier (i.e., minimize clearing by locating the path to avoid large canopy trees).

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 217-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

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Executive Director

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April 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0072-V Bernard Bise

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We understand that the current development proposal will result in a decrease of 27 square feet of impervious surface coverage. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. To the extent possible, mitigation plantings should be accommodated on the site, particularly to stabilize steep slopes that are disturbed during construction. Stormwater should be directed away from steep slopes to stable vegetated outfalls on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 179-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

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Executive Director

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April 6, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0118-V Michael Burgess

Dear Ms. Plociennik:

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

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

- 1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of permitted limits, should be required. We recommend utilizing mitigation plantings to establish a fully forested Buffer on the site and to reforest cleared areas in the back and side yards. Mitigation alternatives will need to be addressed to meet the remaining mitigation requirement.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 222-04



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0110-V John Minarick

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance within the Buffer should be required. It appears that mitigation plantings, consisting of native trees and shrubs, could be accommodated on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 218-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0113-V Jackson Taylor

Dear Ms. Plociennik:

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

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

- 1) We understand that the new dwelling will occupy approximately the same footprint of the existing dwelling (including a deck and porch), garage, concrete pad, and walkways. If the applicant wishes to construct a new deck or porch in the future, we recommend that these structures be included as part of the current variance request.
- 2) If required, mitigation should be provided at a ratio of 3:1 for disturbance within the Buffer. Mitigation plantings should consist of a mix of native trees and shrubs. Based on the site plan provided, it appears that mitigation plantings could be accommodated on the site.
- 3) Stormwater should be directed to stable vegetated outfalls to provide water quality benefits.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive script.

Julie V. LaBranche  
Natural Resource Planner

AA 219-04

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

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Executive Director

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April 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0121-V Robert Henderson

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of a mix of native trees and shrubs. Due to the extent of proposed impervious surface (approximately 39 percent as measured from the site plan), we recommend the use of plantings to meet this requirement.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 223-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0105-V Karen and Brian Ippolito

Dear Ms. Plociennik:

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

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

- 1) As stated in the application, the property currently has 35.7 percent impervious surface coverage and therefore is non-conforming with respect to impervious surface coverage. We understand that the proposed dwelling addition consists of adding a second story to the existing dwelling, with no increase in the footprint or overall impervious surface coverage.
- 2) If mitigation is required, plantings should consist of a mix of native trees and shrubs and should be accommodate on the site to the extent possible.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 214-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0106-V Steven and Jennifer Elsis

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. As stated in the application, the property owner intends to provide plantings on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 215-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

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April 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0121-V Robert Henderson

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of a mix of native trees and shrubs. Due to the extent of proposed impervious surface (approximately 39 percent as measured from the site plan), we recommend the use of plantings to meet this requirement.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 223-04

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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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-00101-V Sigmund Amitin

Dear Ms. Plociennik:

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

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

- 1) We note that the 100-foot Buffer is not shown on the site plan provided. As measured from the site plan, a portion of the existing dwelling is located within the Buffer (refer to attached copy of site plan). The applicant should provide a revised site plan showing the extent of the Buffer on the property.
- 2) The property is 2,790 square feet and is permitted a maximum of (25 percent plus 500 square feet) or 1,196 square feet of impervious surface coverage (Anne Arundel County Zoning Ordinance Article 28, Section 1A-105). The current proposal includes 1,176 square feet of impervious surface coverage. We note that a stabilized construction entrance is shown on the site plan. If the construction entrance will also serve as a driveway, this area should be included in the impervious surface calculations. In addition, if the applicant wishes to construct a deck in the future, the deck should be included in the current variance request.

- 3) As shown on the site plan, all but one corner of the proposed dwelling is located within the Buffer and the dwelling is located within 50 feet of the shoreline at its nearest point. The existing dwelling is located 75 feet from the shoreline at its nearest point. Although limited by the new drain fields and septic tank, has the applicant considered alternative configurations for the septic system that would maximize the setback of the dwelling from the shoreline? For example, could the backup drain fields and septic tank be located further back on the property?

If granted we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Because of the size of the property, mitigation alternatives may need to be addressed.
- 2) Stormwater should be directed away from the shoreline to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 189-04



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 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0070-V Howard and Susan Hall

Dear Ms. Plociennik:

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

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

- 1) As shown on the site plan, the proposed addition is located over an existing deck and concrete steps. If the applicant wishes to construct another the deck in the future, we recommend that the deck be included as part of the current variance request.
- 2) We understand that the proposed dwelling addition will result in disturbance to steep slopes. We recommend that the limits of disturbance (not shown on the site plan) be kept to the minimum necessary for construction, particularly grading on steep slopes. Mitigation plantings should be used to stabilize all steep slopes that are disturbed during construction.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings could be accommodated on the site. Mitigation plantings, consisting of a mix of native trees and shrubs, should be located to maximize water quality benefits on the site.

Ramona Plociennik  
Variance 2004-0070-V Howard and Susan Hall  
March 31, 2004  
Page 2

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

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 178-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0087-V Jane Reynolds

Dear Ms. Plociennik:

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

Providing the property is properly grandfathered, we do not oppose this variance. We understand that no clearing is necessary to construct the screened porch or the garage. Mitigation at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 185-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0082-V Sally and John Wagner

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of native species.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 183-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0078-V Donald Harris

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of native species. Due to the extent of existing impervious surface coverage (3,167 square feet or 51 percent) and proposed impervious surface coverage (3,367 square feet or 54 percent), we recommend that an adequate area of densely arranged plantings be required to provide maximum water quality benefits.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 182-04



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
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Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0074-V Michael Fox

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of native species. Due to the extent of proposed impervious surface coverage (3,038 square feet or 45 percent), we recommend that an adequate area of densely arranged plantings be required to provide maximum water quality benefits.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 180-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0093-V William and Ruth Swartz

Dear Ms. Plociennik:

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

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

- 1) As shown on the site plan, the lot is severely constrained by the 100-foot tributary stream Buffer, nontidal wetlands, and nontidal wetlands buffer. We recognize that the lot could not be developed without a variance.
- 2) The proposed dwelling, garage, and driveway are located within the 100-foot tributary stream Buffer, with a combined footprint of 1,507 square feet. We note that the limits of disturbance for construction are not shown on the site plan. We recommend that the limit of disturbance be limited to the minimum necessary to avoid disturbance to the nontidal wetland buffer.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible, particularly adjacent to the nontidal wetland buffer. Because the lot is mostly forested, mitigation alternatives will need to be addressed.

Ramona Plociennik  
Variance 2004-0093-V William and Ruth Swartz  
March 31, 2004  
Page 2

- 4) Stormwater should be directed away from the nontidal wetlands and stream to a stable vegetated outfall.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 187-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0092-V John and Melissa Bertinatti

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. We understand that the applicant proposes to construct a second story addition with no increase in the footprint of the existing dwelling and no clearing or grading is necessary. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Plantings should consist of native species.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 186-04



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 31, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0094-V William Boettinger

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We understand that no clearing or grading is necessary to construct the screened porch. We recommend mitigation, at a ratio of 1:1, for disturbance outside the Buffer. Mitigation plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 188-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 29, 2004

Liz West  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0084-V Robert Dill

Dear Ms. West:

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

Providing this lot is properly grandfathered, we do not oppose this variance. We understand that all of the structures shown on the site plan are existing structures, and that the dwelling will be replaced as a result of damage from hurricane Isabel. As stated by the applicant, there may have been hurricane related damage to existing vegetation on the site. If mitigation is necessary, mitigation plantings can be used to replant the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 184-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 29, 2004

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

Re: Variance 04-3023 Bitzelberger

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a revision to a previously approved plan for construction of a single-family dwelling and septic system. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, garage, and swimming pool.

We have the following comments regarding this request.

- 1) We recognize that lot 58R is severely constrained by steep slopes and the 100-foot tributary stream Buffer. In order to accommodate a septic system and any modest sized dwelling on this lot, a steep slope variance and a Buffer would likely be necessary.
- 2) Based on information from the Department of Natural Resources, Lot 58R is bordered on three sides by Fresh Creek (which is incorrectly labeled "Fishing Creek" on the site plan provided). As stated on the site plan provided, the 100-foot tributary stream Buffer extends to the limits of the Critical Area boundary as shown on the site plan (Calvert County Zoning Ordinance Article 8, Section 8-1.01(C)).
- 3) There appear to be discrepancies in the calculations provided on the site plan for lot area in the Critical Area (19,298 square feet) and disturbed area in the Critical Area (20,224 square feet). How can the disturbed area be greater than the total area within the Critical Area? The applicant must clarify this information before a decision can be made in this case.
- 4) In the previous decision for this property (Case Number 96-2260-V), the Board of Appeals granted a variance to construct a dwelling with a footprint of 1,536 square feet. The current

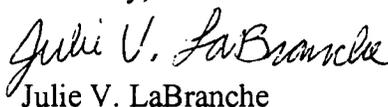
variance proposes a dwelling and garage with a footprint of 2,244 square feet (as measured from the site plan) plus an additional 750 square feet for the portion of the driveway within the Buffer. Given the substantial increase in proposed impervious surface coverage, it is not clear whether the current variance represents the minimum necessary to provide relief. We recommend that the applicant consider an alternative proposal that minimizes disturbance within the Buffer to the extent possible.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, for clearing within the Buffer, should be provided as required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03(G)). Because the lot is mostly forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be used to stabilize steep slopes on the site following completion of the project.
- 2) Stormwater runoff should be directed to a best management practice to provide water quality benefits on the site. We recommend that runoff should not be discharged on or near steep slopes leading to Fresh Creek.
- 3) The proposed decks should be constructed to be pervious (and remain pervious), with a gravel substrate and vegetative stabilization on the down-slope end.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 171-04

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 29, 2004

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

Re: Variance 04-3019 Lundmark

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 30-foot waterfront setback requirements construct of a portion of an addition to an existing dwelling. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling.

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

- 1) As shown on the site plan, the existing dwelling on Parcel 69A is located outside the required 30-foot Buffer (a requirement of the Solomons Zoning Ordinance Chapter VIII, Waterfront Development Standards, which applies to Buffer Exemption Areas). As proposed, a portion of the dwelling addition extends within the 30-foot Buffer.
- 2) The Buffer Exemption Area provisions of the Calvert County Zoning Ordinance (Article 8, Section 8-1.01.C.5.c) state that "in such cases where a setback line exists as defined by structures on adjacent lots or parcels, the expansion or redevelopment of the structure may not extend shoreward of that line."

As shown on the site plan provided, structures on Parcel 69B consist of an existing garage located outside the 30-foot Buffer and a portion of an existing shed located within the 30-foot Buffer. No information was provided regarding development on the adjacent lot to the south (Parcel 68). Based on aerial photography from the Department of Natural Resources, it

appears that the existing dwelling on Parcel 68 is located roughly at the same setback as the existing dwelling on Parcel 69A.

- 3) The Buffer Exemption Area provisions of the Calvert County Zoning Ordinance (Article 8, Section 8-1.01.C.5.d) state "any impervious surfaces created greater in extent to the pre-existing impervious surfaces within the Buffer Exemption Area shall comply with the offsetting requirements for new development or redevelopment in a Buffer Exemption Area." The offsetting requirements state "the extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained in natural vegetation," and "natural vegetation of an area twice the extent of the impervious surface created in the Buffer Exemption Area shall be planted in a Buffer Exemption offset area or other location as may be determined by the County." The County may also collect fees in lieu for this planting requirement.

If granted, we recommend the following be made conditions of this variance.

- 1) The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained in natural vegetation. Native trees and shrubs should be used for planting on the site. The applicant should develop a Buffer Management Plan, approved by the County, to ensure the completion and success of Buffer plantings.
- 2) Natural vegetation of an area twice the extent of the impervious surface created in the Buffer Exemption Area shall be planted in a Buffer Exemption offset area or other location as determined by the County. The County may also collect fees in lieu for this planting requirement.

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

Sincerely,

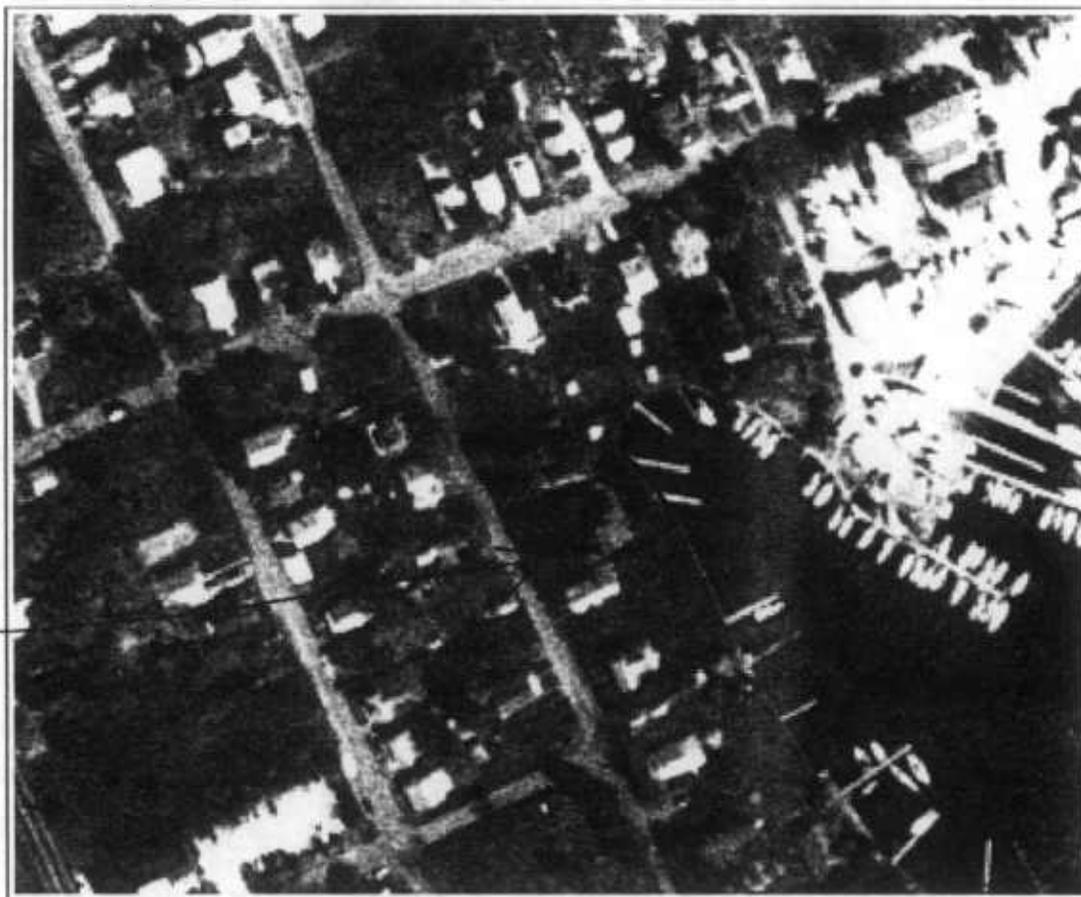


Julie V. LaBranche  
Natural Resource Planner

# MERLIN Online Map - Variance 04-3019 Lundmark (Parcel 69A)

Photo 1998 1m

Solomons Island NW 3.75' B/W 1998-2000



Parcel  
69A

N 73531.54m E 447164.02m



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

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Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

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Lt. Governor

Ren Serey  
Executive Director

STATE OF MARYLAND  
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March 24, 2004

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

Re: Variance 04-3029 John and Donna Zalusky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements, and a variance to the 100-foot Buffer requirements for construction of a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

- 1) We recognize that the property is severely constrained by steep slopes and the 100-foot Buffer, and that a variance is necessary to development the property. We note that the site plan provided does not identify the existing forested area on the lot. The applicant should clarify this information for the purposes of determining the mitigation requirement associated with development of the lot.
- 2) The consent decree from the Maryland Department of the Environment (MDE) (November 22, 1996) authorizes placement of a septic system on the property (Tax Map 45A, Block B, Section 2A, Lot 16), providing the following conditions are met: the house size shall be limited to a maximum of two bedrooms and the house shall not exceed 24 feet by 40 feet; part of the sewage disposal system may be situated under the house, if the house is built on pilings; and a bulkhead shall be installed across the lot, tying the bulkhead into the existing retaining walls on each of the adjoining lots if permitted by the adjoining landowners.

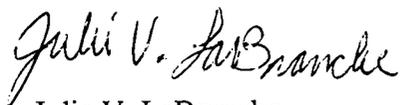
- 3) As shown on the site plan provided, the house is 24 feet by 40 feet, with greater than 50 percent of the primary and replacement septic drain fields located beneath the house. Has the applicant investigated alternative configurations for the house that would minimize the placement of the septic system beneath the house?

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03). If it is not possible to accommodate the required mitigation on the site, mitigation alternatives will need to be addressed.
- 2) Stormwater should be directed to a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes.
- 4) With regard to the bulkhead required by MDE, clearing and grading within the Buffer should be kept to the minimum necessary for installation of the bulkhead, and mitigation should be provided at a ratio of 1:1 (as required for shore erosion control projects, Calvert County Zoning Ordinance Article 8, Section 8-1.03).

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 176-04

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 24, 2004

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

Re: Variance 04-3025 Richnafsky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to clear greater than 6,000 square feet within the Critical Area for construction of a single-family dwelling and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided we have the following comments regarding the current development proposal and variance request.

- 1) As corrected by the applicant's consultant during a phone conversation of March 24, 2004, this lot is fully forested. The forested area noted on the current site plan should be changed to 13,915 square feet.
- 2) As required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03.G.(c)), a variance is necessary to clear in excess of 6,000 square feet or 30 percent whichever is greater. The applicant proposes to clear 7,005 square feet or 50.4 percent of the existing forest.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for clearing in excess of permitted limits, should be required. Mitigation plantings, consisting of native trees and shrubs, should be used on site to the extent possible, however mitigation alternatives will need to be addressed.

Roxana L. Whitt  
Variance 04-3025 Richnafsky  
March 24, 2004  
Page 2

- 2) Stormwater runoff should be directed to a best management practice or to a stable vegetated discharge. Runoff should be managed to provide water quality benefits on the site and to prevent flooding of adjacent properties.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 173-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 24, 2004

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

Re: Variance 04-3009 Mark Wells

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with greater than 6,000 square feet of clearing and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

- 1) We understand that the lot is constrained by steep slopes and is fully forested. Based on the information provided, it appears that applicant has attempted to minimize impacts to steep slopes by proposing a modest sized dwelling of 1,440 square feet, excluding the deck. However, the variance request does not appear to be the minimum necessary in this case.
- 2) The applicant proposes 7,428 square feet of clearing to construct a dwelling, deck and septic system. Based on the site plan provided, it appears that the overall disturbance could be reduced by limiting clearing and grading on the site. For example, clearing in the back yard should be limited to the minimum necessary for installation of the primary septic system, and the limits of disturbance (including proposed grading) could be reduced on both sides of the driveway.
- 3) As proposed, the 8-foot wide deck is 50 feet long on the north side of the dwelling and 44 feet on the east side of the dwelling. The extent of the proposed deck seems excessive when compared with the size of the dwelling. We recommend that the applicant consider a

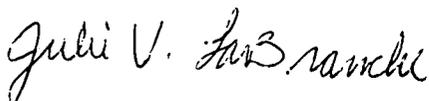
reduction in the overall length of the deck to further minimize impacts to steep slopes and the amount of clearing necessary on the site.

If granted, we recommend the following be made conditions of this variance.

- 1) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the down-slope end. We recommend that the deck footers be dug by hand to further minimize disturbance to steep slopes.
- 2) Stormwater should be directed to stable vegetated outfalls or a best management practice, away from steep slopes, to provide water quality benefits on the site and prevent flooding on adjacent properties.
- 3) Mitigation for forest clearing should be provided, as required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03). To the extent possible, we recommend that mitigation plantings be used to stabilize areas of steep slopes that are disturbed during construction.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 23-04, revised

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

STATE OF MARYLAND  
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March 24, 2004

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

Re: Variance 04-3027 Deborah and David Williams

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the front setback requirements, a variance to increase impervious surface coverage from 25 percent to 30 percent for construction of a single-family dwelling within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and a shed.

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

- 1) As required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03.G.(f)), impervious surface coverage can be increased to 25 percent on a grandfathered parcel or lot of one-half acres or less in size, which in this case is 1,662.5 square feet of impervious surface coverage. The applicant proposes to redevelop the lot with 2,008 square feet or 30 percent impervious surface coverage, including an increase in the footprint of the dwelling and two paved driveway areas. The replacement dwelling has a footprint of 1,617 square feet, consisting of three stories or approximately 4,851 square feet of living space.

We oppose this variance request to exceed the impervious surface limits. The impervious surface limits, as well as the side yard setback, could be met if the footprint of the new dwelling were limited to 1,324 square feet (approximately 3,972 square feet of living space), with the driveway as shown on the site plan. This minor change to the proposal does not appear to pose a hardship, given that it represents a dwelling of substantial size and proportion for such a small lot (6,650 square feet).

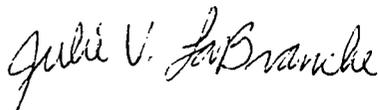
- 2) As measured from the site plan provided, the existing dwelling is located 62 feet from the shoreline. The applicant proposes to locate the new dwelling 49 feet from the shoreline, which reduces the Buffer by 14 feet. We note that the existing setback from the shoreline and the side yard setback could be maintained, or at least maximized, if the impervious surface coverage were kept within the permitted limits.

We conclude that the current proposal does not demonstrate that impacts within the Critical Area Buffer have been minimized to the extent possible, and that the variances requested are the minimum necessary to provide relief. We recommend the following be made conditions of this variance request.

- 1) The footprint of the new dwelling should be limited to 1,324 square feet, with the driveway as proposed on the site plan.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for clearing outside the Buffer, should be required (Calvert County Zoning Ordinance, Article 8, Section 8-1.03.G.(c)). Mitigation plantings, consisting of native trees and shrubs, should be directed first to non-forested areas between the dwelling and the shoreline.
- 3) Stormwater should be directed to a best management practice or to a stable vegetated outfall. Runoff should be managed to provide water quality benefits on the site and to prevent flooding of adjacent properties.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 174-04

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 24, 2004

Rob Konowal  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0057-V Princess Builders Incorporated

Dear Mr. Konowal:

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

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

- 1) As shown on the site plan provided, the property is severely constrained by its unusual shape, the 100-foot Buffer, and slopes of 15 to 25 percent or greater. In addition, nearly half of the total lot area consists of tidal and nontidal wetlands, and most of the upland areas on the site consist of steep slopes. The property is almost fully forested. We recognize that a variance is necessary to develop this property with any reasonably sized dwelling and septic system.
- 2) Based on our evaluation of the current proposal, the applicant has not demonstrated that impacts within the Buffer have been minimized to the extent possible (Anne Arundel County Zoning Ordinance Article 28, Section 1A-105(h)), and therefore, we question whether the current request is the minimum necessary to provide relief.
  - The applicant proposes 12,632.4 square feet of forest clearing and disturbance (14 percent) and 3,485 square feet of impervious surface coverage (4 percent). Although the impervious surface coverage is well below the permitted limits of 15 percent, the



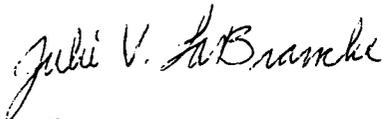
buildable area appears to be less than half of the total lot area, due to extensive tidal wetlands and nontidal wetlands and the width restrictions on the western half of the lot.

- As approximated from the site plan provided, the footprint of the house is 2,050 square feet, the garage is 576 square feet, and the driveway is 885 square feet.
- As shown on the site plan, most of the proposed development will impact slopes of 15 to 25 percent or greater, and nearly all of the proposed impervious surfaces coverage (dwelling, garage, and driveway) is located within the Buffer.
- At its nearest point (the southern corner of the garage), the dwelling is within 44 feet of tidal wetlands and the limits of disturbance is within 30 feet of tidal wetlands.

For these reasons, we oppose this variance request. We recommend that the applicant consider alternative proposals that will minimize the overall disturbance within the Buffer and to steep slopes on the site. For example, the footprint of the dwelling and garage could be reconfigured and reduced in area, and the length of the driveway could be reduced. In addition, the overall development footprint could be oriented to maximize the setbacks from tidal wetlands.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 139-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 24, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0053-V Robert Schellhase

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Based on the information provided, we do not oppose the Buffer variance.

- 1) The applicant proposes to enclose a portion of the existing deck and construct a second story addition above, and cover a portion of the remaining deck. In addition, the applicant proposes to remove approximately 66 square feet of existing impervious surface (sidewalk) to offset the proposed impervious surface coverage. The proposed additions will extend no further waterward than the existing footprint of the dwelling and deck.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 127-04



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 24, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0056-V Howard Gray

Dear Ms. Plociennik:

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

Based on the information provided, we do not oppose this variance request. We understand that the proposed solarium will be constructed over a portion of the existing deck, which is part of the existing dwelling. We recommend mitigation, at a ratio of 2:1, for disturbance within the Buffer. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site and within the Buffer if possible.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 130-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 24, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0045-V Robert Loveless

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance request. Because the property is designated an IDA, water quality benefits must be provided on site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. The proposed deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization around the perimeter.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 126-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 24, 2004

Rob Konowal  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0058-V Princess Builders Incorporated

Dear Mr. Konowal:

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

Providing this lot is properly grandfathered, we do not oppose this variance. As shown on the site plan, the lot is constrained by steep slopes adjacent to Hambleton Road, and therefore a variance is required to construct an access to the property. With the exception of the driveway, no development is proposed on steep slopes or within the required 25-foot setback to steep slopes. If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required. Because the lot is almost fully forested, mitigation alternatives will need to be addressed, however, we recommend that mitigation plantings be accommodated on the site to the extent possible.
- 2) Stormwater runoff should be directed to a best management practice and away from steep slopes on the site.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 131-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 24, 2004

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

Re: Variance 2004-3018 Mehring / Hinton

Dear Ms. Whitt:

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

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

- 1) As shown on the site plan provided, the entire lot is severely constrained by steep slopes (greater than 15 percent) and therefore a steep slope variance would be required for any development of the lot. The lot is also irregularly shaped and fully forested.
- 2) As shown on the site plan, the majority of disturbance proposed is associated with the 10,000 square foot septic reserve area, including extensive grading for installation of the primary and replacement systems. Could the amount of clearing and grading be limited to only that which is necessary for installation of the primary septic system? This would reduce the overall disturbance on the site and perhaps eliminate the need for the clearing variance.
- 3) We note that the area of proposed impervious surface coverage stated in the site plan notes, 1,640 square feet, does not represent accurately the impervious surface coverage of the proposed dwelling (50 feet by 40 feet or 2,000 square feet) plus the driveway. The applicant should clarify this information.

If granted, we recommend the following be made conditions of this variance request.

- 1) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required. To the extent possible, we recommend the use of mitigation plantings to stabilize steep slopes following construction. Mitigation plantings should consist of a mix of native trees and shrubs. Because the lot is fully forested, mitigation alternatives will need to be addressed.
- 2) The topography of the site will cause runoff to flow southward toward Cove View. Stormwater should be directed to several best management practices on the site to provide water quality benefits, and prevent flooding of the road and adjacent properties.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 84-04, revised

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 24, 2004

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

Re: Variance 04-3028 Michael and Carol Snapp

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the front setback requirements, a variance to the Buffer requirements, and a variance to increase impervious surface coverage from 27.7 percent to 30.7 percent for construction of an attached garage, deck and patio addition to an existing single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed and two driveways.

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

- 1) As required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03.G.(f)), impervious surface coverage can be increased to 25 percent on a grandfathered parcel or lot of one-half acres or less in size, which in this case is 4,844 square feet of impervious surface coverage. With 5,363 square feet of impervious surface coverage, the property is currently non-conforming with respect to permitted limits.
- 2) The applicant proposes to further increase the existing impervious surface coverage to 5,952 square feet or 30.7 percent, a total increase of 589 square feet. We oppose a variance to exceed the impervious surface limits in this case. The impervious surface limits could be met by removing an area of existing impervious surface and by eliminating the patio extension from the proposal. For example, 589 square feet of the existing patio could be removed to offset the proposed additions. This minor change to the proposal does not appear to pose a

hardship, given that the property is already non-conforming with respect to impervious surface limits and the existing patio is already substantial in size.

We conclude that the current proposal does not demonstrate that impacts within the Critical Area Buffer have been minimized to the extent possible, and that the variances requested are the minimum necessary to provide relief. We recommend the following be made conditions of this variance request.

- 1) The applicant should remove 589 square feet of existing impervious surface to offset the additional impervious surface of the proposed additions, and the area should be planted with native trees and shrubs.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance, Article 8, Section 8-1.03.G.(c)). Mitigation plantings, consisting of native trees and shrubs, should be directed first to non-forested areas within the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 175-04

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 17, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0055-V Sara Phillips

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. A previous variance was granted for a dwelling addition (enlargement of an existing solarium) on this property (Case Number 2003-0060-V).

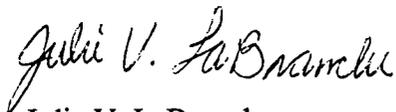
Based on the information provided, we have the following comments regarding the steep slope variance request.

- 1) The applicant proposes to construct an enclosed addition below the existing solarium, which will not result in an increase in impervious surface coverage on the lot. As stated in the previous variance decision, the applicant agreed to remove an area of existing impervious surface to stay within the permitted limits (5,445 square feet in this case). Has the applicant complied with this requirement? This office would not support a variance to construct a second dwelling addition on this property without compliance with the impervious surface limits.
- 2) If granted, we recommend mitigation at a ratio of 1:1 for disturbance outside the Buffer and minimization of steep slope disturbance during construction.

Ramona Plociennik  
Variance 2004-0055-V Sara Phillips  
March 17, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 129-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 17, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0043-V Brian Jacobs

Dear Ms. Plociennik:

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

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

- 1) The 100-foot Buffer is not shown on the site plan provided. As estimated from the site plan and based on information from the Department of Natural Resources, portions of the swimming pool and the existing dwelling appear to be located within the Buffer (refer to attached copy of site plan). It appears that the dwelling is located approximately 85 feet from the shoreline and the swimming pool is located approximately 90 feet from the shoreline.
- 2) Based on the topography shown on the site plan, there appears to be a large flat area to the east of the dwelling that might accommodate the swimming pool. Although the swimming pool is no closer to the shoreline than the dwelling, there may be opportunity to relocate the swimming pool outside the Buffer.
- 3) If granted, we recommend mitigation at a ratio of 2:1 for disturbance within the Buffer. Mitigation plantings, consisting of native trees and shrubs, should be accommodated within the Buffer to provide water quality benefits on the site.

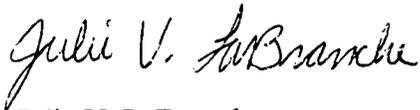
TTY For the Deaf

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Ramona Plociennik  
Variance 2004-0043-V Brian Jacobs  
March 12, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 125-04

Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
*Chairman*

Ren Serey  
*Executive Director*

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March 17, 2004

Rob Konowal  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0062-V Timothy and Karen Severson

Dear Mr. Konowal:

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

We have no comments regarding the setback variance.

We have the following comments regarding the Buffer variance.

- 1) Parcel 107 is severely constrained to the east and south by tidal waters and wetlands of Cadle Creek. As measured from the site plan provided, most of Parcel 107 is located within the 100-foot Buffer. In addition, a portion of the driveway and the entire dwelling are located within the Buffer.
- 2) As shown on the site plan provided, the proposed entry deck, screened porch, covered porch, and deck are all closer to the shoreline than the existing dwelling. As required by the standards for development in a BEA (Anne Arundel County Zoning Ordinance, Article 28, Section 1A-109), expansion of existing structures shall be located to maximize the distance from the shoreline.



Rob Konowal  
Variance 2004-0062-V Timothy and Karen Severson  
March 10, 2004  
Page 2

Has the applicant considered combining the screened porch and covered porch, and relocating the combined structure to the western side of the dwelling? The western corner of the dwelling is approximately 67 feet from the shoreline, and this portion of the property is undeveloped. We recommend this with the goal of locating new impervious surface (approximately 544 square feet) no closer to the shoreline than the existing dwelling. It appears that the combined porch may be located to maintain this setback, with only the deck extending further into the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 134-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 17, 2004

Kathy Shatt  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0059-V Norman Taylor

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling. We understand that the applicant is seeking a variance to construct a larger dwelling to replace the existing dwelling, which was damaged during hurricane Isabel.

We have no comments regarding this setback variance.

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

- 1) The lot is contrained by its narrow shape and the location of the existing well. We understand that the County requires a 30-foot setback from the well for all new development.
- 2) Based on information provided by County staff, there is an existing concrete patio on the waterside of the existing dwelling. A portion of the proposed dwelling will be placed within the footprint of the concrete patio, which will minimize the waterward extent of new impervious surface.

Kathy Shatt  
Variance 2004-0059-V Norman Taylor  
March 17, 2004  
Page 2

- 3) We recommend elimination of the proposed breezeway and consolidation of the footprints of the proposed dwelling and garage. This will serve to reduce the overall impervious surface coverage proposed on the site.
- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site, and directed first to nonforested areas within the Buffer.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 132-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 17, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0042-V MDR Development Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (elevated walkway) in the front yard with less setbacks and Buffer than required. The majority of the property is designated a Resource Conservation Area (RCA), with the southeast corner designated a Limited Development Area (LDA). The property is currently being developed with a single-family dwelling. The applicant has provided a copy of the authorization from the Department of the Environment to replace the existing pier and construct the boardwalk over tidal wetlands.

Providing this lot is properly grandfathered, we do not oppose this variance request. We recommend that the access within the Buffer area (between the gaps in the proposed boardwalk segments shown on the site plan), be limited to three feet in width and composed of pervious materials such as wood chips or washed course gravel. Mitigation, at a ratio of 2:1 for disturbance within the Buffer for shoreline access, should be required. Mitigation plantings should be accommodated on the site, and directed first to nonforested areas within the Buffer. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 124-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 17, 2004

Kathy Shatt  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0050-V Vincent and Donna Pereira

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and A Buffer Exemption Area (BEA). The property was previously developed with a single-family dwelling, which has been removed. A previous variance was granted to redevelop this property (Case Number 2000-0350-V).

Providing this lot is properly grandfathered, we do not oppose this variance request. We understand that the project will result in a reduction of approximately 534 square feet of impervious surface coverage. Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site. Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 157-04

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

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0052-V George and Charlotte West

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. As stated by the applicant, the proposed deck is an extension to an existing deck, which was constructed under a previous variance (Case Number 2002-0459-V). We understand that no clearing or grading is necessary to construct the deck, and that the deck footers will be dug by hand. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 675-01

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 16, 2004

Kathy Shatt  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0026 William Parker

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. A previous variance was granted for this property to permit the addition of an entry porch to the existing dwelling (Case No. 1999-0071-V).

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

- 1) The property is severely constrained by steep slopes. It appears that any addition to the existing dwelling would result in disturbance to steep slopes and require a variance.
- 2) The applicant proposes to construct a 2-story addition to the existing dwelling, a concrete slab and retaining wall, and an addition to the existing deck, totaling approximately 491 square feet of new impervious surface and 1,010 square feet of disturbance to steep slopes.

If granted, we recommend the following be made conditions of this variance.

Kathy Shatt  
Variance 2004-0026 William Parker  
March 16, 2004  
Page 2

- 1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the down-slope end. Deck footers should be dug by hand to minimize disturbance to steep slopes.
- 2) Grading should be minimized on steep slopes within the limits of disturbance for construction, as shown on the site plan.
- 3) Steep slopes that are disturbed during construction should be replanted following completion of the project. Mitigation plantings can be used for this purpose.
- 4) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the property is fully forested, mitigation alternatives will need to be addressed.
- 5) Stormwater runoff from the dwelling addition should be directed to a stable outfall and away from steep slopes on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 2004-0026

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 15, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0064-V Andrew and Denise Petrusis

Dear Ms. Plociennik:

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

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

- 1) As confirmed by County staff during an inspection of the property on December 22, 2003, we understand that the property owner began construction without the necessary local permits and absent a variance. As stated by the property owner in the variance application, construction of the deck and hot tub is nearly completed.
- 2) As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-109), new accessory structures in a Buffer Exemption Area should be designed and located to maximize the distance from the shoreline, and enhance and protect environmentally sensitive features on the site. As constructed, it does not appear that the applicant has not attempted to comply with the provisions for development in a Buffer Exemption Area. The proposed deck with hot tub is located 14 feet from the shoreline and on steep slopes within the Buffer.
- 2) Based on the existing development on this lot, it appears that these structures could be accommodated elsewhere on the property to maximize setbacks and minimize disturbance to

steep slopes within the Buffer. We recommend that the applicant consider an alternative plan that complies with the provisions for development in a Buffer Exemption Area. Would it be possible to expand the existing deck and incorporate the hot tub into one structure?

We offer the following comments as to the request's compliance with the variance standards. The Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

**1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.***

There is nothing unusual or unique about this residential property. The applicant has reasonable use of the property, including a two-story dwelling with a deck, several walkways, and a garage. The existing deck and portions of the dwelling and walkways are located within the 100-foot Buffer. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Based on the existing development, it appears that the deck and hot tub might be accommodated elsewhere on the property. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.

**2. *That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.***

As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-109), new accessory structures in a Buffer Exemption Area should be designed and located to maximize the distance from the shoreline, and enhance and protect environmentally sensitive features on the site. Compliance with these provisions, to the extent possible given special conditions or circumstances of a site, is a requirement for development proposed within the Buffer on all properties within a designated Buffer Exemption Area within the Critical Area of Anne Arundel County. By constructing a deck and hot tub 14 feet from the shoreline and on steep slopes within the Buffer, we conclude that the applicant has not met the required provisions for development in a Buffer Exemption Area.

**3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.***

As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-109), new accessory structures in a Buffer Exemption Area should be designed and located to maximize the distance from the shoreline, and enhance and protect environmentally sensitive features on the site. Based on the existing development on this lot, it appears that the deck and hot tub might be relocated elsewhere on the property to maximize setbacks and minimize

disturbance to steep slopes within the Buffer. If alternatives exist but have not been considered, the granting of a variance would confer upon the applicant a special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.

4. ***The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.***

As stated by the property owner in the variance application, construction of the deck and hot tub is nearly completed. We understand that the property owner began construction without the necessary local permits and absent a variance. Thus, this variance request is certainly based upon conditions and circumstances, which are the result of actions, by the applicant.

5. ***The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.***

The provisions of the Critical Area Act and Criteria, and the Anne Arundel County Zoning Ordinance, establish specific limits on development within Buffer Exemption Areas for the purpose of protecting water quality and natural habitats within the Critical Area. By constructing a deck and hot tub 14 feet from the shoreline and on steep slopes within the Buffer, we conclude that the applicant has not attempted to meet the required limits for development in a Buffer Exemption Area nor has the applicant attempted to enhance and protect environmentally sensitive features on the site. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

Due to the actions of the applicant and the applicant's inability to meet all of the variance standards, we oppose this variance request.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 12, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0027-V Anne Arundel Co. D.P.W.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the completion of a previously approved variance. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently developed with a water reclamation facility.

We have no comments regarding this request.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 607-01, extension

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

Kathy Shatt  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0025 Joseph Greene

Dear Ms. Shatt:

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

On January 16, 2004, I met on the site with Suzanne Diffenderfer (Office of Planning and Zoning), Mr. Greene, and Mike Drum (applicant's consultant) to discuss the development proposal for this property. During this meeting, we walked the entire property from Forest Beach Road to the waterfront. The majority of the property is constrained by steep slopes, with two isolated and relatively flat areas on the lower (waterside) of the site, and a flat area adjacent to Forest Beach Road.

Based on the information provided and observations made at the site, we have the following comments regarding this variance request.

- 1) The existing dirt access road (not shown on the site plan) begins behind the existing dwelling and extends through the middle of the lot to the top of steep slopes near the shoreline. The applicant proposes to relocate a portion of the access road (westward adjacent to the property boundary) to construct a driveway to the proposed house site. As stated by the applicant's consultant during the site visit, the proposed realignment will provide the necessary grade for the driveway and reduce disturbance to the steepest slopes in the upper portion of the lot.

- 2) As proposed, it appears that the current redevelopment plan for this property does not demonstrate that disturbance within the Critical Area has been minimized to the extent possible. Following is an evaluation of proposed impervious surface coverage and impacts to steep slopes, based on the site plan provided.
- The current redevelopment plan includes 9,978 square feet or 14.9 percent impervious surface coverage. As measured from the site plan, more than half of the impervious surface coverage will be for the driveway alone, with the remainder for the dwelling, garage, and pool area.
  - Excluding a small portion of the pool area, the footprint of the proposed dwelling, garage, and pool area are located on steep slopes.
  - As measured from the site plan, the proposed driveway is approximately 520 linear feet: 85 linear feet is located on 15 percent slopes, 210 linear feet is located on 25 percent slopes or greater, and nearly the entire length of driveway will require grading.
- 3) The largest flat area on the lot is located adjacent to Forest Beach Road, where the existing dwelling is located. As measured from the site plan, this portion of the lot consists of approximately 11,400 square feet of buildable area, less the required building setbacks. It appears that a sizeable dwelling might be constructed on this portion of the lot with minimal disturbance to steep slopes. The property owner would still have the option to pursue appropriate development of the remainder of the lot, such as placing accessory structures on the flat areas of the lot closer to the shoreline.

Given the extent of proposed disturbance to steep slopes, we question whether the applicant's request represents the minimum necessary. Because apparent alternatives exist to redevelop this property with less overall disturbance, we oppose this variance request.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 11, 2004

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

Re: Variance 20043-0551-S Diane Wagner

Dear Mr. Konowal:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit the expansion of a non-conforming use. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling containing four apartments and a shed.

Providing this lot is properly grandfathered, we do not oppose this request for a special exception to permit the expansion of a non-conforming use. We have the following comments regarding the current development proposal.

- 1) As stated by the applicant, the existing 3,718 square foot structure will be expanded by 1,115 square feet, totaling 4,953 square feet of impervious surface coverage (including the shed). We note that this lot is limited to 5,445 square feet of impervious surface coverage (Anne Arundel County Zoning Ordinance Article 28, Section 1A-105).
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 60-04, revised

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 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0054-V Kate Rooney

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. As shown on the survey plat provided, the property consists of Lots 30, 31, 32 and 33.

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

- 1) The applicant states that this 8,000 square foot property consists of 2,577.25 square feet of existing impervious surface coverage. The property is permitted 2,500 square feet (25 percent plus 500 square feet) of impervious surface coverage (Anne Arundel County Zoning Ordinance, Article 28, Section 1A-105), and therefore is non-conforming with respect to impervious surface coverage.

As measured from the survey plat provided, Commission staff estimates that the property consists of approximately 2,890 square feet of existing impervious surface coverage. The applicant should clarify calculations of impervious surface coverage, which should include the gravel driveway, walkways, and covered porch.

Ramona Plociennik  
Variance 2004-0054-V Kate Rooney  
March 10, 2004  
Page 2

- 2) We have no comments regarding the setback variance to construct a new deck. Providing the deck is constructed to be pervious, the existing impervious surface coverage will not increase. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 128-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0035 Marvin Nagel

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on site to meet the 10% pollutant removal requirements. Reductions in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 114-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0030 Robert and Gwenn Murray

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time required for the completion of a previously approved variance. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling.

We have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on site to meet the 10% pollutant removal requirements. Reductions in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 445-00, extension



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0063-V Sean and Kimberly Cope

Dear Ms. Plociennik:

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

We have no comments regarding this setback variance. We understand that no clearing or grading is necessary for construction, and impervious surface coverage will not increase as a result of the proposed second story addition.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 135-04



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 10, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0061-V Dale Doyle

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance to construct a covered porch. Because the property is designated an IDA, water quality improvements must be provided on the site. Reductions in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. As stated in the application, the property owner intends to install plantings around the perimeter of the new porch. Plantings should consist of native species of trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 133-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 5, 2004

Ms. Pam Cotter  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Case No. BA 113-03V Richard Roeser

Dear Ms. Cotter:

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

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

- 1) As shown on the site plan, the property is constrained by extensive nontidal wetlands and nontidal wetlands buffer. Based on information provided to this office by the applicant's consultant (on August 8, 2003), we understand that the required authorizations from the Department of the Environment have been secured for the proposed impacts to the nontidal wetland buffer on this property.
- 2) As shown on the site plan, the applicant proposes to construct a 1,056 square foot dwelling and a 96 square foot attached garage. Although modest in size, we recognize that a smaller dwelling could result in less impacts to the nontidal wetland buffer, perhaps by several hundred square feet.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within nontidal wetland buffer and 1:1 for disturbance outside the buffer, should be required. We recommend that native plantings be used to revegetate areas behind and to the side of the dwelling to reestablish some of the nontidal wetland buffer. Since the property is fully forested, mitigation alternatives will need to be addressed.

Pam Cotter  
Case No. BA 113-03V Richard Roeser  
March 5, 2004  
Page 2

- 2) Stormwater runoff should be directed to a stable vegetated outfall or a best management practice to provide water quality benefits on the site. Runoff should be directed away from the nontidal wetlands to the extent possible.
- 3) To ensure protection of the remaining undisturbed areas of the property, a permanent conservation easement could be placed on the property.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

JVL/jjd.

AA 228-02 BOA

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 2, 2004

VIA FACSIMILE

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

Re: Variance 04-3016 Mark Brooks

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance in the setback requirements, a variance to the 100-foot Buffer requirements from a tributary stream, and a variance to disturb steep slopes within the Critical Area to construct a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose variances to develop this property. However, the scope of variances requested should be the minimum necessary to provide relief. The Board of Appeals previously approved a variance to construct a septic system on this property. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property is constrained by its irregular shape, extensive nontidal wetlands, a tributary stream, and steep slopes. The applicant has proposed a single-family dwelling measuring 1,800 square feet (30 feet by 60 feet), located entirely within the Buffer.

Would it be possible to reconfigure the dwelling and reduce its footprint to minimize impacts? It appears that a custom design, that accommodates development and considers the features of the site, might result in less overall disturbance to steep slopes and the Buffer. Given the scope of variances granted for construction of the septic system and those requested for construction of a dwelling, we strongly recommend that the applicant consider alternative proposals that would minimize impacts within the Critical Area.



- 2) If in the future, the applicant wishes to have a deck, walkways, or other impervious structures, these structures should be shown on the current site plan, or space should be made to accommodate these structures within the limits of disturbance, to ensure that no further variances will be necessary. Given the sensitive features of this site, we would not support variances for additional development of this property.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the site is fully forested, mitigation alternatives will need to be addressed. To the extent possible, we recommend the use of mitigation plantings to stabilize steep slopes that are disturbed during construction.
- 4) Stormwater runoff should be directed to stable vegetated outfalls or best management practices to provide water quality benefits, and all runoff should be directed away from steep slopes on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 85-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 2, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0029 Brian and Marsha Forgacs

Dear Ms: Plociennik:

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

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

- 1) Based on state tax records, the existing single-family dwelling on this lot was constructed in 2001 and is located outside the 100-foot Buffer (as shown on the site plan). Based on information from County staff, we understand that this lot is grandfathered (Tax Map 10, Parcel 286, Lot 224R).
- 2) As stated in the Critical Area Report (by Atlantic Development Services Group), the applicant has constructed three retaining walls within the Buffer. The applicant has provided no information that addresses why retaining walls are necessary within the Buffer on this property. The applicant should provide this information as part of the variance request. We question the extent of relief requested for this variance. This office would not support the granting of a variance to permit retaining walls within the Buffer for landscaping or aesthetic purposes.

- 3) Because this property is designated an IDA, water quality improvements must be provided on the site to meet the 10% Rule requirements for residential development. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

If granted, we recommend that the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for the area of disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated first within the Buffer, then to other areas of the property if necessary.
- 2) The applicant must comply with the County's pollutant reduction requirements for residential development within an IDA.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 113-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 2, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0022 Beverly and Richard Heiberger

Dear Ms. Plociennik:

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

We have the following comments regarding this variance request.

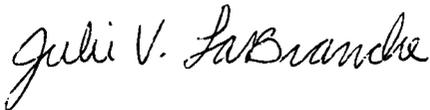
- 1) We understand that the property consists of a portion of Lot 11, Lot 12, and Lot 13, totaling 30,534.7 square feet. The applicant has requested to subdivide the property to create two new lots, both of which require a variance of 17.5 feet to the minimum lot frontage. We note that the existing dwelling on the property spans the existing lot lines of Lot 13 and Lot 12. The applicant proposes to remove the existing dwelling and construct new dwellings on both Lot 13R and 12 R.
- 2) Following subdivision of the property, Lot 13R and Lot 12R would be considered new (non-grandfathered) lots, and therefore Lot 13R and Lot 12R must comply with all standards for development in a LDA. This office does not oppose a variance to permit a lot with less width than required, providing that the applicant meets all standards for development in a LDA for both new lots.
- 3) As shown on the site plan provided, porous pavers will be used to surface the driveways for both Lots 13R and 12 R. The porous pavers have been assigned a 40 percent credit for

Ramona Plociennik  
Variance 2004-0022 Beverly and Richard Heiberger  
March 2, 2004  
Page 2

impervious surface coverage. As reported by County staff, the County does not allow impervious surface credit for porous pavers used in new development within the Critical Area. When the driveway area is added to the total impervious surface coverage, Lot 13R and Lot 12R exceed the allowable impervious surface limit of 15 percent. The applicant should address the impervious surface limits with respect to the current development proposals for Lot 13R and 12R. This office would not support variances to exceed the impervious surface limits on either of these lots.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 110-04

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 2, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0018-V Joseph Consoli

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 109-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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March 2, 2004

Suzanne Diffenderfer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0010-V Anthony Flake

Dear Ms. Diffenderfer:

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

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

- 1) We note that tidal wetlands and the Critical Area Buffer were not identified on the site plan provided. County staff conducted a site visit on March 1, 2003 to determine the location and extent of tidal wetlands and the 100 foot Buffer. Because the property is constrained by tidal wetlands, nearly the entire lot is within the 100-foot Buffer, including the existing dwelling.
- 2) As reported by County staff, the proposed patio room is located over a deck that was constructed without permits. While this office does not object to converting the deck to an enclosed porch, the applicant should be aware that in the future a variance is required for disturbance within the Buffer.

If granted, we recommend the following be made conditions of this variance.

Suzanne Diffenderfer  
Variance 2004-0010-V Anthony Flake  
March 2, 2004  
Page 2

- 1) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the down-slope end.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible preferably within the Buffer.
- 3) Stormwater should be directed to a stable vegetated outfall, away from tidal wetlands, to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche  
Natural Resource Planner

AA 65-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 2, 2004

Kathy Shatt  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0012 Daniel and Donna Stevens

Dear Ms. Shatt:

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

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

- 1) As shown on the site plan provided, the entire property is within the 100-foot Buffer. We understand that the applicant proposes to replace an existing deck and enclose a portion of the existing deck (12 feet by 13 feet) on the waterside of the dwelling. The new impervious surface will be no closer to the shoreline than the existing dwelling.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 122-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0037 Robert and Patricia Bartlett

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the property to the extent possible. Stormwater should be directed to a stable vegetated outfall, away from steep slopes, to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 116-04

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/](http://www.dnr.state.md.us/criticalarea/)

March 1, 2004

Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0036 Brian and Donna Ragan

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose this variance. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be directed to noon-forested areas within the Buffer. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 115-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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February 26, 2004

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

Re: Variance 2004-3017 Bell / Mills

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to the 100-foot Buffer requirements and a variance to the steep slope requirements to construct a single-family dwelling, pool and septic system within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

We have the following comments regarding the site plan provided for this variance case.

- 1) As shown on the site plan, the 100 foot Buffer extends through areas of steep slopes adjacent to Mill Creek, a tidal tributary of the Patuxent River. Due to the presence of steep slopes, the Buffer must be expanded 4 feet for every percent of slopes or to the top of slope which ever is greater in extent (Calvert County Zoning Ordinance Article 8, Section 8-1.01). Because 15 percent or greater slopes are present over the entire lot (as noted on the site plan) and are contiguous with the 100-foot Buffer, the entire lot is located within the expanded Buffer.
- 2) As measured from the site plan, the range of slope in the dark shaded areas identified as "slopes of 25 percent or greater" is estimated between 35 to 43 percent.

Based on the information provided, we have the following comments regarding the variances requested.

- 1) Although the lot is severely constrained by steep slopes and the Buffer, we question whether the current proposal represents the minimum relief. The septic system and reserve areas are

proposed on the less steep areas adjacent to the proposed driveway, resulting in a concentration of development in a small area at the center of the lot. The applicant proposes to construct a 2,808 square foot dwelling, a 180 square foot deck, a 1,000 square foot attached garage, and a 600 square foot swimming pool within the Buffer and on steep slopes. As shown on the site plan, a series of retaining walls are also proposed adjacent to the northern end of the pool, from the pool edge to the top of 35 to 43 percent slopes.

This office recommends that the overall disturbance to steep slopes within the Buffer could be minimized by: a) reducing and reconfiguring the footprint of the dwelling, garage and driveway, b) eliminating the swimming pool from the proposal, and c) maximizing the use of the side yard setbacks for the driveway turn-around area.

- 2) Due to the extent of steep slopes and Buffer, a variance would be necessary to develop any portion of this lot. Development on steep slopes and within the Buffer in a Limited Development Area is prohibited (Calvert County Zoning Ordinance Article 8, Sections 8-1.01 and 8-1.03), and therefore development is permitted only by variance and disturbance should be the minimized to the extent possible. As shown on the site plan, the proposed limits of disturbance within the developed area of the site is either concurrent with or no more than 10 feet from the edge of 35 to 43 percent slopes. Although the applicant has attempted to locate all development on slopes of less than 25 percent, the amount of proposed clearing, grading, and impervious surface is substantial given the conditions on this site (13,669 square feet of disturbance).

The recommendations described in #1 above would also achieve greater setbacks from the steepest slopes and reduce the overall disturbance on this site, particularly the amount of clearing and grading on steep slopes within the Buffer.

- 3) Due to the rather severe topography, this office is concerned with how stormwater will be managed on the site to prevent erosion and maintain water quality within the Critical Area. Following development of this fully forested 1.23-acre lot, stormwater will flow from the top of the driveway at Calvert Court (elevation 72 feet) waterward to the tidal wetlands and tidal waters of Mill Creek at the northern property boundary (elevation 2 feet). What methods will be implemented to manage and treat the 4,948 square feet of impervious surface proposed? How will runoff be collected from the proposed dwelling and swimming pool, which are located within 5 feet or less of slopes ranging from 35 to 43 percent?

Again, the recommendations described in #1 above would also provide additional area to manage stormwater runoff on the site, and help to prevent potential erosion of steep slopes and maintain water quality within the Critical Area.

Roxana L. Whitt  
Variance 2004-3017 Bell / Mills  
February 26, 2004  
Page 2

This office opposes the applicant's request for variances to the Buffer requirements and to the steep slope requirements on the basis that the current development proposal does not demonstrate that impacts to the Critical Area have been minimized. Thus, the granting of these variances would not be in harmony with the general spirit and intent of the Critical Area law and the regulations, which provide for more sensitive development activity to minimize adverse impacts to the water quality and natural habitats within the Critical Area.

With minor changes to the current development proposal, an alternative proposal could be developed that would reduce substantially the overall disturbance within the Critical Area while accommodating a dwelling and facilities on the site. For this reason, denial of this variance request would not result in an unwarranted hardship to the property owner nor would it deprive the property owner from enjoying reasonable and significant use of the property. Because impacts to the Critical Area have not been minimized, the granting of these variances would confer upon an applicant a special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 86-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 26, 2004

Suzanne Diffenderfer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0010-V Anthony Flake

Dear Ms. Diffenderfer:

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

We have the following comments regarding this variance request.

- 1) Based on information from the Department of Natural Resources, it appears that the property is constrained by steep slopes and tidal wetlands. It appears likely that the Buffer should be expanded for steep slopes and that the entire property would be within the expanded Buffer. We note that steep slopes, tidal wetlands, and the Critical Area Buffer are not identified on the site plan provided. The applicant should clarify this information.
- 2) A previous variance (Case Number 1996-0152-V) was granted to develop this property with the existing single-family dwelling. The Hearing Officer granted the variance with the condition that the "the remainder of the property" would be placed in a conservation easement that would transfer with subsequent sale of the property. Has the property owner executed a conservation easement for this property? We recommend that the applicant provide information as to whether this condition of the previous variance has been met.

- 3) The property owner has requested a second variance to permit expansion of the existing dwelling, with construction of a sunroom over an existing deck and a new deck within the nontidal wetland buffer. The current proposal would result in an additional 225 square feet of impervious surface coverage, and 221 square feet of disturbance for the new deck. Based on the condition of the previous variance decision, it is not clear what areas of the property were included in the conservation easement, and how the conservation easement might affect the proposed development and future development of the property.
- 4) In the decision, the Hearing Officer stated approval for construction of "a 55 foot long dwelling with a front (water-side) deck and a rear (street-side) porch". As measured from the site plan provided for the current variance request, the existing dwelling is approximately 65 feet in length (southwest-northeast orientation). We also note that the site plan shows a shed located in the southwest corner of the property. Is the shed located on steep slopes? Is the shed located within the Buffer? Was the property owner required to obtain authorizations to permit this accessory structure? The applicant should clarify this information.

If granted, we recommend the following be made conditions of this variance.

- 1) The applicant should establish compliance with the conditions of the previous variance decision.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible.
- 3) Stormwater should be directed to a stable vegetated outfall, away from steep slopes, to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 26, 2004

Kathy Shatt  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Variance 2004-0013 Kevin and Jennifer Flanagan

Dear Ms. Shatt:

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

We have the following comments regarding this variance request.

- 1) Based on the site plan provided, the property is constrained by nontidal wetlands and the 25-foot the nontidal wetland buffer. A portion of the existing dwelling is located within the nontidal wetland buffer.
- 2) A previous variance (Case Number 1997-0064-V) was granted to develop this property with the existing single-family dwelling. The Hearing Officer granted the variance with the condition that all disturbed areas of the property would be placed in a conservation easement. Has a conservation easement been executed for this property? We recommend that the applicant provide information as to whether this condition of the previous variance has been met.
- 3) The applicant has requested a second variance to permit additions to the existing dwelling (deck and garage), which are located within the 25-foot nontidal wetland buffer. The current proposal would result in an additional 350 square feet of impervious surface coverage, and



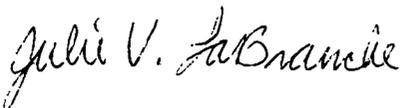
approximately 250 square feet of disturbance for the deck. Based on the condition of the previous variance decision, it is not clear what areas of the property were included in the conservation easement, and how the conservation easement might affect the proposed development and future development of this property.

If granted, we recommend the following be made conditions of this variance.

- 1) The applicant should establish compliance with the conditions of the previous variance decision.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible.
- 3) Stormwater should be directed to a stable vegetated outfall, away from the nontidal wetland, to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 66-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 25, 2004

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

Re: Variance 2004-2985 Steven and Linda West

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the front setback requirements from 25 feet to 4 feet, a variance to the steep slope requirements, and a variance to increase impervious surface coverage from 23.6 percent to 26.3 percent to construct an attached garage within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and swimming pool.

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

- 1) As shown on the site plan provided, the property contains a large deck between the dwelling and the swimming pool, decking around the swimming pool, and a wood patio adjacent to the bulkhead. Although these surfaces are considered pervious, the deck areas preclude the establishment of natural vegetation within the Buffer. As stated on the site plan, the lot currently has only 118 square feet of existing forested area.
- 2) Has the applicant considered alternative proposals that would include removal of an equivalent area of existing impervious surface coverage to offset the proposed garage?

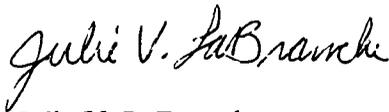
If granted, we recommend that the following be made conditions of this variance.

Roxana L. Whitt  
Variance 2004-2985 Steven and Linda West  
February 25, 2004  
Page 2

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be located within the Buffer between the swimming pool and the shoreline. Plantings should consist of a mix of native trees and shrubs.
- 2) Stormwater runoff from the garage should be directed to a stable vegetated outfall, and if necessary, additional plantings should be placed near the outfall to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 81-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 25, 2004

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

Re: Variance 2004-3011 William and Diane Quinn

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to increase impervious surfaces from 25 percent to 28.5 percent to construct a dwelling addition within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Based on the information provided, we have the following comments regarding this variance request. The applicant proposes to increase impervious surface coverage from 25 percent to 28.5 percent to construct a 391 square foot dwelling addition. We recommend that the applicant consider removing 391 square feet of existing impervious surface on the property to offset the proposed dwelling addition. Has the applicant investigated the possibility of expanding the second story of the existing dwelling?

If granted, we recommend that the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site.
- 2) Stormwater runoff from the addition should be directed to a stable vegetated outfall, and if necessary, additional plantings should be placed near the outfall to provide water quality benefits on the site.

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

Sincerely,  
  
Julie V. LaBranche  
Natural Resource Planner  
CA 82-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 24, 2004

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

Re: Variance 2004-3009 Michael and Gloria Bryant

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to clear greater than 6,000 square feet, and a variance to the steep slope requirements to construct a single-family dwelling within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

- 1) As shown on the site plan provided, the lot is constrained by steep slopes (greater than 15 percent) and the septic system will occupy the only flat areas on the site. It appears that the applicant has minimized disturbance to steep slopes by grading a limited area adjacent to the dwelling. As shown on the site plan, the majority of disturbance proposed is associated with installation of the primary septic system.
- 2) As noted on the site plan, stormwater will be directed to several best management practices at the rear of the dwelling to provide water quality benefits on the site.

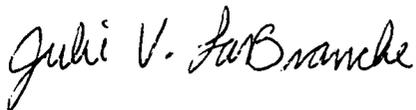
Providing this lot is properly grandfathered, we do not oppose this variance request.

- 1) Mitigation, at a ratio of 3:1 for clearing in excess of 6,000 square feet, should be required. To the extent possible, mitigation plantings should be accommodated on the site. Mitigation plantings should consist of a mix of native trees and shrubs.

Roxana L. Whitt  
Variance 2004-3009 Michael and Gloria Bryant  
February 24, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 83-04

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

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

Re: Variance 2004-3018 Mehring / Hinton

Dear Ms. Whitt:

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

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

- 1) As shown on the site plan provided, the entire lot is severely constrained by steep slopes (greater than 15 percent) and therefore a variance would be required for any development of the lot. The lot is also irregularly shaped and fully forested.
- 2) As shown on the site plan, the majority of disturbance proposed is associated with the 10,000 square foot septic reserve area, including extensive grading for installation of the primary and replacement systems.
- 3) We note that the area of proposed impervious surface coverage stated in the site plan notes, 1,640 square feet, does not represent accurately the impervious surface coverage of the proposed dwelling (50 feet by 40 feet or 2,000 square feet) plus the driveway. The applicant should clarify this information.

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



- 1) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required. To the extent possible, we recommend the use of mitigation plantings to stabilize steep slopes following construction. Mitigation plantings should consist of a mix of native trees and shrubs. Because the lot is fully forested, mitigation alternatives will need to be addressed.
- 2) The topography of the site will cause runoff to flow southward toward Cove View. Stormwater should be directed to several best management practices on the site to provide water quality benefits, and prevent flooding of the road and adjacent properties.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 84-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 20, 2004

William R. Watson  
Town of Chesapeake Beach  
P.O. Box 400  
Chesapeake Beach, Maryland 20732

Re: Chesapeake Beach Water Tower Project

Dear Mr. Watson:

Thank you for providing a consistency report for the Chesapeake Beach Water Tower project via facsimile on February 20, 2004. As you know, the Town and the Commission agreed that the forest mitigation requirement for the water tower project would be satisfied by the Town's development of a 'Forest and Developed Woodland Master Plan', which would be implemented through a Memorandum of Understanding (MOU) between the Town and the Commission. Eric Blitz provided via facsimile on February 20, 2004 a copy of the signature page (page 7) of the MOU, which was signed by Mayor Donovan and a witness (Eric Blitz).

The Commission acknowledges that the signed MOU satisfies the Town's forest mitigation requirement for the water tower project. As established in documentation provided previously to the Commission, the project will not impact any Habitat Protection Areas on the site, and disturbance to existing forest will be limited to 54,910 square feet, as shown on the Critical Area Site Plan. The Commission concurs with the Town's determination that the project complies with the provisions of the Chesapeake Beach Critical Area Program and Zoning Ordinance.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

cc: Marianne Mason (Office of the Attorney General)  
Mary Owens (Critical Area Commission)

CB 475-02 consistency

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 20, 2004

David Black  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Minor Subdivision – Bolt Property  
(Tax Map 31, Parcel 236)

Dear Mr. Black:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide an 86.75-acre parcel to create one lot (Lot 1) within the Critical Area. The property consists of 74.29 acres within the Critical Area, 4.71 acres designated Limited Development Area (LDA) and 69.58 acres designated a Resource Conservation Area (RCA). Lot 1 is located within the LDA portion of Parcel 236. Parcel 236 is currently undeveloped.

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

- 1) As reported on the subdivision plan, the applicant proposes to clear 0.51 acres or 32 percent of existing forest for development of Lot 1. Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be provided (Cecil County Zoning Ordinance Article XI, Part I, Section 200(6)). It appears that mitigation could be accommodated on Parcel 236 or provided at an off-site location. The applicant has not provided information regarding how the mitigation requirements will be met.
- 2) We note that subdivision of Parcel 236 is proposed within the LDA portion of the property and therefore the development density of the RCA portion of the property is unaffected. We note that the location map on the subdivision plan does not show Lot 1 in relations to the entire area of Parcel 236. It might be helpful to enlarge the map to include all of Parcel 236, and to label the "site" as Lot 1.

David Black  
Minor Subdivision – Bolt Property  
February 20, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Chuck Schneider (Frederick Ward Associates)

CE 74-04 Bolt MSD

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 18, 2004

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

Re: MSD-03-21-44 Jean King  
(Tax Map 10, Parcel 26)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 190.3-acre property to create four new lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

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

- 1) The RCA acreage on the King property is reported differently on the Critical Area form (132.6 acres) and the Subdivision Application form (140 acres). The applicant must clarify this information, which is essential in determining the development density for the Critical Area portion of the property.
- 2) Development density in a Resource Conservation Area is limited to one dwelling unit per twenty acres within the Critical Area. The remaining development density, after subdivision, should be noted on the final subdivision plat either as a plat note, or the acreage set aside to fulfill the RCA development density should be identified on the final subdivision plat, with a plat note stating that development in the RCA set-aside area is not permitted.
- 3) Based on information from the Department of Natural Resources (refer to attached map), the King property contains extensive tidal wetlands adjacent to Graham Creek, a tidal tributary to the Patuxent River. On the King property, the 100-foot Buffer must be measured from the landward edge of tidal wetlands (Calvert county Zoning Ordinance Article 8, Section 8-

1.01(C) and COMAR 27.01.03.07). Due to the presence of steep slopes (greater than 15 percent) contiguous with tidal wetlands, the Buffer must be expanded from most areas of tidal wetlands within the Critical Area. The Buffer should be identified on a revised subdivision plan.

As estimated from the site plan provided, it appears that the expanded Buffer may extend within the northeastern boundary of proposed Lot 1. We recommend the addition of a plat note, stating that disturbance within the Buffer is not permitted.

- 4) The four new lots and the subdivision overall are limited to 15 percent impervious surface coverage (Calvert County Zoning Ordinance Article 8, Section 8-1.03). In addition, if no forest is established on the proposed lots, the lots shall be planted to provide a forest or developed woodland cover of at least 15 percent. We recommend stating the impervious surface coverage limits and the afforestation requirements in a plat note on the final subdivision plan.
- 5) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of rare threatened and endangered species. This office has not received an evaluation from DNR for the King property.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 72-04 King MSD

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 18, 2004

Liz West  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: BA 105-03S and BA 106-03V Mandrin Homes, LTD

Dear Ms. West:

This letter is in response to the above referenced cases before the Board of Appeals. The appeal is taken from the conditional granting of a special exception to permit a community marina facility in an R5 residential district, and a variance to permit a clubhouse and sanitary facilities with less Buffer and parking spaces than required. The property has a split designation of Resource Conservation Area and Limited Development Area (LDA) and is currently undeveloped.

We have no comments regarding the special exception to permit a community marina facility in an R5 residential district. Based on the information provided, this office does not oppose a variance to permit a clubhouse and sanitary facilities with less Buffer and parking spaces than required. As proposed, the applicant has minimized disturbance within the Buffer by locating most of the marina facilities outside the Buffer, utilizing grass pavers for the access road to the marina, and placing the entire Buffer in a conservation easement. We understand that the required Buffer mitigation will be provided as part of the overall development plan for the subdivision.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

cc: Regina Esslinger (Critical Area Commission)

AA 484-03, BOA

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

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

Re: MSD-03-21-44 Coster Property  
(Tax Map 44, Parcel 236)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 5.46-acre property to create one lot (Lot 1) and the residue of Parcel 236, consisting of a 2.65-acre lands to the south and 1.89-acre lands to the north. The property is designated a Limited Development Area (LDA) and is currently developed with two single-family dwellings, a garage, a shed, several walkways, a driveway, and a pier.

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

- 1) As shown on the subdivision plan, the Coster property contains tidal wetlands adjacent to the shoreline. Based on information from the Department of Natural Resources (refer to attached map), the extent of tidal wetlands on the Coster property may be more extensive than shown on the subdivision plan (refer to line of "tidal wetlands limit" north from Parcel 405). The limit of tidal wetlands should be identified on a revised subdivision plan.

On the Coster property, the 100-foot Buffer must be measured from the landward edge of tidal wetlands (Calvert county Zoning Ordinance Article 8, Section 8-1.01(C) and COMAR 27.01.03.07). It appears that the Buffer was measured from the shoreline of the property, not the landward edge of tidal wetlands. The Buffer should be shown correctly on a revised subdivision plan.

- 2) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of rare threatened and endangered species. This office has not received an evaluation from DNR for the Coster property.
- 3) As shown on the site plan, there is an existing pier on Parcel 236. New subdivisions in the Critical Area are permitted a community pier with the lesser of the following: one slip for each 50 feet of shoreline within the subdivision, or one slip for each lot within the subdivision (Calvert County Zoning Ordinance Article 9, Section 9-7.05 and COMAR 27.01.03.07). If a community pier is provided as part of the subdivision, private piers within the subdivision are not permitted. We recommend adding a note to the subdivision plat, providing for either a community pier or individual piers for each lot within the subdivision.
- 4) The subdivision is limited to 15 percent impervious surface coverage. Individual lots of 1 acre or less may increase impervious surface coverage up to 25 percent, providing the subdivision does not exceed 15 percent (Calvert County Zoning Ordinance Article 8, Section 8-1.03). We recommend that impervious surface coverage limits be established for each lot and that these calculations are noted on the final subdivision plan.

Following subdivision, the residue parcel (northern area) will contain the existing detached garage and shed, and the proposed private lane. The applicant should be aware of the impervious surface limits required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03) with respect to any future subdivision or development of the residue parcel (northern area).

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 71-04 Coster MSD

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

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

Re: Variance 2004-0003-V Real Estate General LTD.

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for completion of a previously approved variance. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, we do not oppose this variance. We recommend that the current variance be subject to the same conditions required of the previously approved variance (Case Number 2002-0468-V).

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 233-00, extension

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

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

Re: 2004-0001-V 8919 LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance (Case Number 2002-0515-V Centenary Methodist Church). The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose this variance. We note that, in the previous variance decision, the Hearing Officer required that several conditions be met in developing this property. As part of the current variance request, we recommend that the applicant provide information regarding the extent to which the following conditions have been satisfied:

- Has the applicant secured the required authorizations from the Department of the Environment for impacts to nontidal wetlands and nontidal wetland buffer?
- Has the applicant recorded a conservation easement for the undeveloped areas of the property?

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

Sincerely,

  
Julie V. LaBranche  
Natural Resource Planner

AA 61-04

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

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

Re: Variance 2004-0013-V Kevin and Jennifer Flanagan

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. We have no comments regarding the setback variance.

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

- 1) As shown on the site plan, the lot is constrained by the Buffer, which is expanded to include contiguous nontidal wetlands and nontidal wetland buffer. The proposed addition and deck appear to be located such that disturbance to the nontidal wetland buffer is minimized. We understand that forest clearing will not be necessary for construction.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site to the extent possible. The wet conditions on the site should be considered in the selection of mitigation plantings.
- 3) Stormwater runoff from the addition should be directed away from the nontidal wetland to a stable vegetated outfall on the site.

Ramona Plociennik  
Variance 2004-0013-V Kevin and Jennifer Flanagan  
February 17, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 66-04

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

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

Re: Variance 2004-0016-V Daniel Veith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and associated facilities with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling and driveway.

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

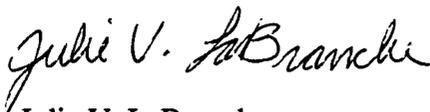
- 1) We understand that the applicant proposes to construct a new dwelling mostly within the footprint of the existing dwelling. The property is constrained by extensive steep slopes. To reduce disturbance to steep slopes, the limits of disturbance should be kept to the minimum necessary for construction.
- 2) Because this property is designated IDA, water quality improvements must be provided on site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. For this particular site, we recommend that plantings be used to meet this requirement and to stabilize steep slopes.

Ramona Plociennik  
Variance 2004-0016 Daniel Veith  
February 17, 2004  
Page 2

- 3) Stormwater runoff should be directed to stable vegetated outfalls, away from steep slopes, or to a best management practice.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 67-04

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

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

Re: Variance 20043-0551-S Diane Wagner

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit the expansion of a non-conforming use. The property is designated an Intensely Developed Area (IDA) and is currently developed with a dwelling containing four apartments.

Based on the information provided, we not oppose this request for a special exception. As required for redevelopment in an IDA, water quality improvements must be provided on site. Reduction of pollutants from runoff can be achieved through implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 60-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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February 13, 2004

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

Re: Whiteoak Growth Allocation – Revised Request  
(Tax Map 38, Parcel 30, Lot1 and Lot 2)

Dear Mr. Sennstrom:

Thank you for providing information on the above referenced special growth allocation request. The applicant is requesting 1.0 acres of growth allocation to create a new residential lot and to change the Critical Area designation from Resource Conservation Area (RCA) to Limited Development Area (LDA). We understand that this proposal will be evaluated under the requirements and guidelines of a Special Growth Allocation District, as described in the Cecil County Zoning Ordinance (Article XI, Part I, Section 211) and Critical Area Program (Section 2(D)).

We have the following comments regarding the current growth allocation proposal.

- 1) The acreage of State tidal wetlands contained within the property boundary must not be included in the calculation of RCA acreage for a growth allocation. The site plan provided does not clearly identify the extent of tidal wetlands, and the distinction between State and private tidal wetlands, on the Whiteoak property. Based on the 1972 Tidal Wetlands Maps (refer to attached copy), the extent of tidal wetlands seems to be greater than shown on the site plan.
- 2) The applicant provided an evaluation of the Whiteoak property by the Department of Natural Resources (DNR) dated September 18, 1998 for the presence of rare, threatened and endangered species. DNR recommends that evaluations for the presence of rare, threatened and endangered species should be repeated every one to two years, depending on the project and the site conditions. The applicant must obtain an updated evaluation from DNR.
- 3) The entire 5.8-acres of LDA lands on Lot 2 are not shown on the site plan provided for the current growth allocation request. The site plan, approved by the Commission as part of the previous growth allocation award of 2001, shows a septic reserve area adjacent to Route 213

(refer to attached copy). The entire 5.8-acres of LDA lands on Lot 2 must be identified on a revised site plan

- 4) The growth allocation proposal is not consistent with the Commission's policy for the awarding of growth allocation because creation of the proposed lot would result in two development envelopes within the Critical Area portion of the Whiteoak property.
- 5) The applicant has not addressed the adjacency guidelines as required by COMAR 27.01.02.06, the Cecil County Zoning Ordinance (Article XI, Section 211(2)(d)) and the Cecil County Critical Area Program (Section 2(D)).
- 6) In order to establish one development envelope, the proposed lot would need to be larger, while maintaining a minimum 20-acre RCA residue. The development envelope will need to include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the Criteria. If this is not possible, the Commission's growth allocation policy states that the entire RCA acreage (north of the LDA lands on Lot 2) would need to be deducted.
- 7) As you are aware, the property was granted a previous growth allocation and was subdivided twice in the past. For all growth allocations involving a parcel of land in the RCA, which was subdivided after December 1, 1985, the acreage of the parent parcel, as it existed on that date will affect the amount of growth allocation deducted.
- 8) It appears that the current growth allocation deduction is not consistent with the Commission's deduction methodology. As we have offered previously, we recommend a meeting to discuss the proposed growth allocation deduction.

We feel that alternative growth allocation options may be possible for the Whiteoak property that will satisfy both local and State requirements. I will contact you next week to discuss our comments and make arrangements to meet. Thank you for the opportunity to provide comments for this growth allocation request. If new information is provided, we may have additional comments regarding this proposal. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Joseph Johnson (Cecil County, Office of Planning and Zoning)  
Chuck Schneider (Frederick Ward Associates)  
Mary Owens (Critical Area Commission)

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 11, 2004

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

Re: Variance 2004-0005-V Andrew Trilli

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. We have the following comments regarding the current development proposal.

- 1) Because the property is designated an IDA, water quality improvements must be provided on the site. Reductions in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Native species of trees and shrubs should be used for this purpose.
- 2) Stormwater runoff from the shed should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 63-04

TTY For the Deaf

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



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 11, 2004

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

Re: Variance 2003-0550 Garth Smith

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. We have the following comments regarding the current development proposal. Mitigation, for disturbance outside the Buffer, should be required. Because the area of disturbance is relatively minor, it appears that mitigation plantings can be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 59-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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February 11, 2004

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

Re: Variance 2003-0544 Ken Sampson

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. We have the following comments regarding the current development proposal.

- 1) Because the property is designated an IDA, water quality improvements must be provided on the site. Reductions in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Native species of trees and shrubs should be used for this purpose.
- 2) Stormwater runoff from the garage should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive.

Julie V. LaBranche  
Natural Resource Planner

AA 58-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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February 11, 2004

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

Re: Variance 2004-0002-V 3603 Partnership LLP

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance (2002-0498-V Donna Barker). The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose this variance request. We note that, in the previous variance decision, the Hearing Officer required that several conditions be met in developing this property. As part of the current variance request, we recommend that the applicant provide information regarding the extent to which the following conditions have been satisfied:

- Has the applicant secured the required authorizations from the Department of the Environment for impacts to nontidal wetlands and nontidal wetland buffer?
- Has the applicant recorded an easement for the undeveloped areas of the property?
- Has the applicant developed a planting plan to ensure that mitigation plantings will be accommodated on site to the extent possible?

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 62-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 11, 2004

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

Re: Variance 2004-0008-V Gary and Dorothy Barber

Dear Ms. Plociennik:

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

We have no comments regarding the setback variance. We have the following comments regarding the current development proposal.

- 1) The applicant states that an existing shed, concrete pad, and paved area will be removed and replaced with a detached garage. We note that the current site plan does not indicate where the concrete pad will be removed. The applicant also states that the current proposal will result in a decrease of impervious surface coverage of 56 square feet; however the total area of impervious surface to be removed was not provided. The applicant should clarify this information.
- 2) Mitigation, for disturbance outside the Buffer, should be required. Because the area of disturbance is relatively minor, it appears that mitigation plantings can be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 64-04

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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February 9, 2004

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

Re: Town Hall Renovation

Dear Mr. Watson:

Thank you for providing a consistency report for the Town Hall Renovations project, which we received on January 29, 2004. As referenced in your consistency report, the Town received revised site plans for the project from R.A. Barrett & Associates on January 22, 2004; however a copy of the revised site plans was not provided to this office. On February 2, 2004, I requested a copy of the revised site plans from R.A. Barrett & Associates, which were received on February 5, 2004. Our recommendations for plantings in the proposed bioretention areas and raingardens on the site were incorporated into the revised site plans, and as stated in my previous letter of January 16, 2004, the project complies with the 10% Rule requirements for pollutant removal.

Based on the revised site plans and the Town's consistency review, this office determines that the project is consistent with the provisions of the Chesapeake Beach Critical Area Program.

As stated during our telephone conversation of February 2, 2004, the Town began work on the project upon approval of a building permit and sediment erosion control plans by Calvert County, and before the Town submitted a consistency report for the project to the Commission. For future reference, all projects requiring a consistency determination should not commence until the Commission has concurred with the Town's determination that the project is consistent with the provisions of Chesapeake Beach Critical Area Program (COMAR 27.02.02). All Town personnel involved in the development and review of site plans, and the local approval process for local projects within the Critical Area should be made aware of the requirements for local projects when a consistency determination or conditional approval by the Commission is necessary.

William R. Watson  
Town Hall Renovation  
February 9, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: The Honorable Gerald Donovan (Chesapeake Beach)  
Mike Rodevick (R.A. Barrett & Associates, Inc.)  
Mary Owens (Critical Area Commission)  
Regina Esslinger (Critical Area Commission)

CB 463-03, consistency

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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February 3, 2004

Frank A. Jaklitsch  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, MD 20678

Re: Solomons Island Yacht Club  
(Tax Map 46A, Parcel 34)

Dear Mr. Jaklitsch:

Thank you for providing information on the above referenced development proposal, and for discussing the proposal during our recent telephone conversation. The property is located off of Solomons Island Road and adjacent to the Narrows, and is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). Based on the site plan provided, the property is developed with two buildings, two sheds, extensive concrete pavement surfaces, a bulkhead, and a pier.

We understand that the applicant is requesting to remove all existing impervious surfaces within 30-feet of mean high water and to construct a 3,000 square foot pavilion within 15 feet of mean high water. Excluding the pavilion, the remaining area within 30 feet of mean high water will be established with a grass lawn. The applicant states that the proposal would result in a net gain of pervious surface within the 30-foot setback, however calculations of impervious surface coverage were not provided. As measured from the site plan, most of the pavilion would be located within the 100-foot Buffer. Based on the information provided, we have the following comments regarding this proposal as it relates to the Calvert County Critical Area regulations and the Solomons Master Plan and Zoning Ordinance.

- 1) The provisions for development and redevelopment in a Buffer Exemption Area (BEA) are outlined in the Calvert County Zoning Ordinance, Article 8, Section 8-1.01(5). The applicant proposes to remove all buildings and existing impervious surfaces within 30-feet of mean high water on the property and construct a 3,000 square foot pavilion. Based on our conversation about this proposal, we understand that since the proposed development does not constitute "replacement of a structure", the proposed pavilion would be considered new development, and therefore the provisions for new development would apply (Section 8-1.01(5)(c)(iii)).

- 2) The provisions for new development in a BEA state that in no case may impervious surfaces extend shoreward of any setback line as defined by existing structures on adjacent lots or parcels, *and* that the shoreward extent of impervious surfaces shall be minimized insofar as possible. The existing building on the adjacent property (Parcel 36) is located within 35 feet of mean high water, while the pavilion is proposed 15 feet from mean high water.

We note that the Solomons Master Plan and Zoning Ordinance includes a provision that applies in this case. Since the pavilion is a non-water dependent facility, the pavilion should be located outside of the 30-foot setback (Chapter VIII, Section A(1)).

- 3) In order to determine whether the project complies with the provisions for new development in a BEA, or whether a variance would be necessary, additional information about the site and the proposed development is necessary. The following information would be helpful in further evaluating this proposal:
  - a) the area of existing and proposed impervious surface coverage within the 100-foot Buffer, and within the 30-foot setback,
  - b) a detailed site plan showing the existing conditions and the proposed development on Parcel 34, including the adjacent property (Parcel 36) which is owned by the Solomons Island Yacht Club, and
  - c) evaluation of whether the proposed pavilion could be sited elsewhere on the property, or reduced in size, to maximize the setback.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Regina Esslinger (Critical Area Commission)

CA Solomons Yacht Club

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 3, 2004

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

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

Dear Ms. Vidotto:

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

We received a revised subdivision plan on February 2, 2004. Based on the revised information provided, we have the following comments regarding the current subdivision proposal.

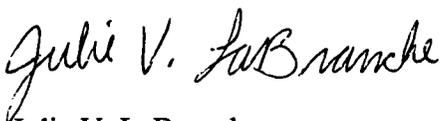
- 1) The 100-foot Critical Area Buffer and the nontidal wetland buffer are shown on the current site plan. As measured from the site plan, the 100-foot Buffer for the tributary stream appears to be shown incorrectly on Lot 1 (as shown on the attached copy of the subdivision plan). The Buffer should be revised accordingly on the final subdivision plan.
- 2) Individual lots within the Critical Area can be allowed up to 25 percent impervious surface coverage, providing the subdivision does not exceed 15 percent impervious surface coverage (Article 4, Section 4-8.07 of the Calvert County Zoning Ordinance). The 15 percent impervious surface coverage limit for the subdivision must include all impervious areas, structures and roads within the Critical Area. Because impervious surface coverage is difficult to track after the lots have been sold and developed, we recommend that a maximum impervious surface coverage limit be established, and recorded on the final subdivision plat, for each lot within the Critical Area.

This office would not support variances to exceed impervious surface limits for future improvements to these lots, such as patios, sheds, or other accessory structures. We note that the revised subdivision plan does not include impervious surface coverage limits for each lot.

- 3) An evaluation must be completed by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species on the property and within the vicinity. If present, DNR's recommendations for protection of species and their habitat must be addressed before final approval of the subdivision. At this time, we have not yet received a copy of DNR's evaluation of this site.
  
- 4) On May 7, 2003, the Critical Area Commission approved the designation of several properties in the Back Creek area as Buffer Exemption Areas (BEAs) as well as new provisions to allow subdivision within Buffer Exemption Areas. This property, Parcel 41, was designated a BEA. One of the new provisions for subdivision in a BEA states that only properties less than 5 acres can be subdivided and retain BEA status. Since Parcel 41 is greater than 5 acres, only the portion of the property containing the original primary structure – Lot 9 - will retain its Buffer Exemption Area status following subdivision. As a result, the residue parcel will no longer be have BEA status and all development proposed on the residue parcel must be located outside the 100-foot Buffer. (We note that the building restriction line on the residue parcel is concurrent with the 100-foot Buffer.) ***In addition, the County's Critical Area maps must be amended to reflect the change in designation of the residue parcel, upon recordation of this subdivision.***

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: David Brownlee (Calvert County, Dept. of Planning and Zoning)  
Regina Esslinger (Critical Area Commission)  
Mary Owens (Critical Area Commission)

CA 713-03, revised plan

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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February 3, 2004

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

Re: SD-03-29 Premier Point  
(Tax Map 44, Parcel 171)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 4.564-acre parcel to create 6 lots within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently undeveloped, with the exception of a gravel driveway, shed, a partial foundation, and a pier.

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

- 1) The 100-foot Buffer appears to be correctly identified on the property. We recommend that a note be added to the final subdivision plat stating that disturbance within the Buffer is not permitted by the Calvert County Zoning Ordinance (Article 8, Section 8-1.01(C)).
- 2) The maximum clearing limits for permitted for each lot by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03(G)(1)(c)) are included in the site plan notes. Although clearing is permitted within these limits, without a variance, the criteria for development within a Limited Development Area require that "development activities shall be designed and implemented to minimize destruction of woodland vegetation" within the Critical Area (Article 8, Section 8-1.03(G)(1)(c)). We also note that some of the forested area on Lots 2, 3, 4, and 5 are within the 100-foot Buffer. Since clearing in the Buffer is not permitted, the maximum clearing limits on these lots would not be permitted, except by variance. We strongly recommend that the notes regarding clearing limits for each lot be clarified.

- 3) As required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03(G)), new lots in the Critical Area are limited to 15 percent impervious surface coverage. The impervious surface coverage on lots that are one acre or less can be increased to 25 percent, providing the subdivision does not exceed 15 percent impervious surface coverage overall, including associated public and private roads, sidewalks and other impervious infrastructure. In order to ensure compliance with impervious surface limits for the subdivision and the new lots, we strongly recommend that impervious surface limits for each lot be noted on the final subdivision plat.
- 4) As permitted by the Calvert County Zoning Ordinance (Article 9, Section 9-7.05) and COMAR (27.01.03.07), the applicant proposes a community pier with six slips, one for each lot in the subdivision. When community piers and slips are provided as part of new development, private piers in the development are not allowed (Calvert County Zoning Ordinance Article 9, Section 9-7.05(A)(5) and COMAR 27.01.03.07). The existing pier is not permitted as part of the subdivision, in addition to the community pier, and should be removed from the site plan.
- 5) During a phone conversation of February 3, 2004, I discussed with the applicant's consultant, Dean Wilkinson (R.A. Barrett & Associates), the shoreline access features shown on the site plan (marked as a stippled area). The applicant proposes a 7-foot wide wooden walkway to provide pedestrian access from Pelagic Lane to the proposed community pier. In addition, the walkway extends within the Buffer and includes multiple switchbacks adjacent to the shoreline, which connect with the proposed community pier.

Water-dependent facilities, including access to community piers, are permitted in the Buffer in Limited Development Areas (Calvert County Zoning Ordinance Article 9, Section 9-70.5 and COMAR 27.01.03.07), providing that disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities. As shown on the site plan, the entire site is relatively flat, with the exception of 10 percent slopes contained within 30 feet of the shoreline. As observed during previous visits to this property, the first 50 feet (and more) of the Buffer is fully forested. As proposed, the wooden walkway and switchback would result in disturbance within the Buffer that appears excessive given the conditions on this property and therefore does not comply with the minimization requirement for water-dependent facilities. We recommend that the access to the community pier be redesigned to minimize disturbance to the Buffer, including the amount of clearing and structures within the Buffer.

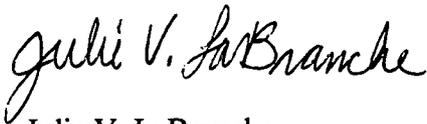
- 6) As part of the subdivision proposal, the applicant should provide to the County an evaluation of the property by the Department of Natural Resources (DNR), Wildlife and Heritage Service for the presence of rare, threatened and endangered species. At this time, we have not received information from DNR about this property.

Olivia Vidotto  
SD-03-29 Premier Point  
February 3, 2004  
Page 2

- 7) During a phone conversation of February 3, 2004, Dean Wilkinson (R.A. Barrett & Associates) stated that item #6 in the LDA Critical Area notes will be removed from the site plan. Lots 4, 5, and 6 will utilize slips in the community pier.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Rick Stotler (Calvert County Dept. of Planning and Zoning)  
Dean Wilkinson (R.A. Barrett & Associates)  
Regina Esslinger (Critical Area Commission)  
Bob Tabisz (MDE, Wetlands and Waterways Program)

CA 50-04

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 3, 2004

Pam Cotter  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21404

Re: Board Appeals Case BA 96-03S and BA 97-03V  
(Tax Map 45, Parcel 568)

Dear Ms. Cotter:

This letter is in response to the above referenced Board of Appeals cases. We understand that the appeal is taken from the conditional granting of a special exception to perfect the expansion of a non-conforming use (second dwelling), and a variance to permit the expansion of a non-conforming use greater than 30 percent with less Buffer than required and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently developed with two single-family dwellings, two sheds, and two driveways. I accompanied County staff, Pam Cotter and Lori Rhodes, on a site visit on Monday, August 4, 2003. (photographs taken during this site visit are attached).

This office opposes the granting of a variance to permit the expansion of a non-conforming use greater than 30 percent with less Buffer than required and with disturbance to steep slopes.

- 1) Particularly in this case, this office does not support the actions of the property owner to illegally expand the non-conforming structure, without proper authorization, beyond that which was permitted by the previous Board of Appeals decision (Case# BA1-01A of November 2002). In this decision, the Anne Arundel County Board of Appeals established that the original footprint (or "land area") of the non-conforming structure on this property was 1,106.25 square feet, consisting of the main structure and three covered porches. Based on the information provided by the applicant, the footprint of the non-conforming structure (main house and sunroom) has been expanded to 2,041.7 square feet, including enlargement of the basement footprint, and the addition of a deck. Based on the current footprint of 2,041.7 square feet, the non-conforming structure has been expanded by 935.45 square feet or 84 percent beyond its original footprint.

- 2) Additionally, ***had the property owners properly submitted a variance request for expansion of the non-conforming structure within the permitted limits***, the local Critical Area regulations require that impacts within the Critical Area, and especially within the Buffer, should be minimized (Article 28, §1A-102 and §1A-105(h)). Upon review of the information provided by the applicant and the County, this office concludes that impacts within the Buffer were not minimized. In fact, the non-conforming structure extends farther within the Buffer than the original structure and the structure has been expanded beyond the permitted limits. We also note that the applicant did not address alternative configurations for the expansion of the non-conforming structure or consider opportunities for expansion elsewhere on the property.

We offer the following comments as to the property owners' compliance with the variance standards. The Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance both provide the standards a local government must use when granting a variance. I have outlined those standards below.

1. ***That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.***

In 2002, the General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Currently, development on the property consists of a principal dwelling, the secondary dwelling, as well as two sheds, two driveways, and a road for shoreline access. It appears that the applicant enjoys the use of a substantial portion of this 4.06-acre property, including opportunity for additional expansion of the primary dwelling outside the Critical Area Buffer. The nonconforming structure (or secondary dwelling) is not the principal dwelling on this property. As established by the previous nonconforming use decision, the applicant has enjoyed continuous use of this secondary dwelling since the applicant purchased the property in 1986. Therefore, denial of a variance to expand the nonconforming structure would not create an unwarranted hardship for the applicant or deny reasonable use of the property.

2. ***That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.***

Development within the Buffer and on steep slopes within the Critical Area is expressly prohibited by the Anne Arundel County Zoning Ordinance (Article 28, §12-220 and §14-108). Such development is permitted by variance, and by special exception, only if the applicant complies with each one of the County's variance standards, and providing that impacts within the Critical Area have been minimized to the extent possible and the request represents the minimum necessary to provide relief. Upon review of the information provided by the applicant and the County, this office concludes that impacts within the Buffer were not minimized and the request not does represent the minimum necessary to provide relief. Not only was the non-conforming structure expanded beyond that which was

permitted previously by the Board, the non-conforming structure now extends further within the Buffer than the original structure. We also note that the applicant did not address alternative configurations for the expansion of the non-conforming structure nor did the applicant consider opportunities for expansion elsewhere on the property. The property owners provided no information from which the Board could conclude that denial of this variance would deny the applicant rights commonly enjoyed by other properties within the Critical Area of Anne Arundel County.

- 3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.***

Parcels in a Resource Conservation Area within the Critical Area are limited to a development density of one dwelling unit per twenty acres. Because this property has a legal non-conforming use, which is grandfathered under the Critical Area Law, the applicant enjoys greater use of the property than permitted in a Resource Conservation Area. Expansion of the non-conforming structure, beyond that which was permitted previously by the Board, would further intensify the current use of the property, beyond that which is permitted on similar properties.

- 4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.***

The applicant has requested a special exception to legalize the expansion of the non-conforming structure (Anne Arundel Zoning Ordinance Article 28, §12-220 and §14-108), and a variance to legalize expansion of the non-conforming structure beyond the 30 percent allowed and for disturbance to steep slopes and the 100-foot Buffer (Anne Arundel Zoning Ordinance Article 28, §11-102.1). A variance is required for all new development or redevelopment activities within the 100-foot Buffer, expanded Buffer or on steep slopes within the Critical Area, except for properties designated as a Buffer Exemption Area. The Dudley property is not designated as a Buffer Exemption Area. We understand that expansion of the nonconforming structure was conducted without the necessary permits and without a variance for disturbance to steep slopes and the 100-foot Buffer within the Critical Area, and therefore the requests for a special exception and a variance are most certainly based upon conditions or circumstances which are the result of the actions by the applicant.

- 5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.***

The provisions of the Critical Area Act and Criteria establish specific limits on impervious surface coverage, and development within the 100-foot Buffer and on steep slopes within Resource Conservation Areas for the purpose of protecting water quality and natural habitats within the Critical Area. Additional development and human activity within the Buffer contributes to the detrimental effects on water quality and habitat around the Bay and its

tributaries. In fact, the non-conforming structure extends further within the Buffer than the original structure and the structure has been expanded beyond the permitted limits. As measured from the site plan and during our site visit, the expanded non-conforming structure is located within 6 feet of the top of steep slopes on the side yard (east) and within 12 feet of the top of steep slopes in the front yard. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area Law and the regulations.

Based on our review of this case, this office does not support the granting of a variance to expand the non-conforming structure beyond the 30 percent expansion permitted previously by the Board of Appeals. At a minimum, the footprint of the non-conforming structure (including decks and other additions to the principal structure) should be reduced to comply with the 30 percent expansion permitted previously by the Board of Appeals.

If the Board of Appeals grants the request for special exception and variance, this office recommends the following conditions

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required in accordance with the Anne Arundel County Zoning Ordinance (Article 28, §1A-105). Mitigation plantings can be accommodated on the property and should be utilized to establish a fully forested Buffer on this property. The required mitigation should provide canopy and understory within the Buffer, consisting of dense plantings of native trees and shrubs. The Board should require the property owners to develop and submit to the County a Buffer Management Plan to ensure completion of the mitigation.
- 2) Stormwater runoff from the expanded non-conforming structure should be directed away from steep slopes to stable vegetated outfalls or best management practices. Water quality treatment should be provided for all runoff generated from the structure, the walkways, and the driveway.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Ren Serey (Critical Area Commission)  
Marianne Mason (Office of the Attorney General)

AA 434-03 Dudley BOA

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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January 30, 2004

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

Re: Variance 2003-0521 Teresa Heavener

Dear Mr. Konowal:

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

Based on the information provided, we have no comments regarding the setback variance. We understand that an existing impervious walkway will be replaced with porous pavers to offset the additional impervious surface of the proposed shed. This will result in a reduction of 6 square feet of impervious surface coverage on the property. Because the property is designated an IDA, water quality benefits must be provided on the site. Reduction of pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 920-03, revised

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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January 29, 2004

John Gonzalez  
McCrone, Inc.  
118 North Street  
Elkton, Maryland 21921

Re: Chesapeake Country Scenic Byways, Bohemia River Bridge Access Site

Dear Mr. Gonzalez:

Thank you for providing information on the above referenced project. We received a complete set of site plans for this project on January 28, 2004. The Cecil County Commissioners and the Cecil County Office of Planning and Zoning have proposed to improve an existing public access area located within the right-of-way for MD 213 and adjacent to the Bohemia River in Cecil County. The property is designated a Resource Conservation Area (RCA) and is currently developed with a parking area and associated facilities. We understand that the proposed project is necessary because the existing site does not provide adequate facilities for fishing, boating and other recreational activities, for which the public already uses the site.

As provided by COMAR 27.01.03 and 27.01.09, certain water dependent facilities and activities are permitted within the Buffer of a Resource Conservation Area, providing that all other provisions and requirements of the local Critical Area Program and other regulations are met. The proposed improvements at the Bohemia River Bridge Access are for the purpose of establishing facilities for water-dependent recreational activities at the site, which is a permitted use. As shown on the landscape plan provided (Sheet 8 of 8), mitigation for disturbance within the Buffer will be provided on site, with plantings of native trees and shrubs within the Buffer and outside the Buffer. Stormwater management will also be provided on site through the construction of two constructed wetlands/bioretenion areas located outside the Buffer.

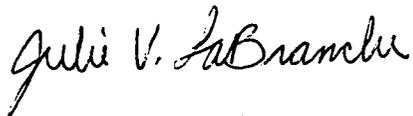
As required by COMAR 27.02.02, the County or their representative must submit a consistency report to the Commission, certifying that the project is in compliance with the provisions and requirements of the Cecil County Critical Area Program. At this time, it appears that the project will meet the requirements of the Cecil County Critical Area Program. We note that information was not provided about whether impacts to Habitat Protection Areas within the Critical Area,

John Gonzalez  
Chesapeake Country Scenic Byways, Bohemia river Bridge Access Site  
January 29, 2004  
Page 2

other than the Buffer, would result from this project. This issue should be clarified in the consistency report.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

cc: Eric Sennstrom (Cecil County, Office of Planning and Zoning)  
Regina Esslinger (Critical Area Commission)

CE 844-03

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  
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January 29, 2004

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

Re: Variance 2003-0537 Joseph Jehl, Jr.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, deck and driveway. We have no comments regarding the setback variance.

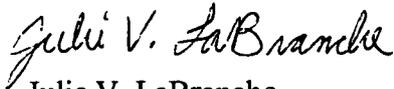
Providing this lot is properly grandfathered, we do not oppose the variance for disturbance to steep slopes within the Buffer. We have the comments regarding the current development proposal.

- 1) As stated by the applicant, a large portion of the property is constrained by steep slopes. With expansion of the Buffer for steep slopes, it appears that the entire property is within the expanded Buffer. We note that the existing dwelling is located on steep slopes, approximately 150 feet from the shoreline of Broad Creek. Given these constraints, the existing dwelling could not be expanded without disturbance to steep slopes. As shown on the site plan, the applicant has proposed a modest sized addition.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. To the extent possible, mitigation plantings should be accommodated on the site, preferably to non-forested areas between the dwelling and the shoreline. Mitigation plantings should consist of a mix of native trees and shrubs.

Ramona Plociennik  
Variance 2003-0537 Joseph Jehl, Jr.  
January 29, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 38-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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January 29, 2004

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

Re: Variance 2003-0517 Bruce Larsen

Dear Ms. Plociennik:

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

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

- 1) As shown on the site plan, the applicant has attempted to minimize disturbance within the Buffer by locating the proposed dwelling no further waterward than the existing dwelling. As measured from the site plan, the proposed dwelling is located outside the Buffer. We understand that the non-forested area within the Buffer, between the dwelling and the shoreline, will be reforested utilizing plantings for stormwater management requirements on the site. Plantings within the Buffer should consist of native species.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because plantings are already proposed on the site, mitigation alternatives will need to be addressed.
- 3) Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the site.

Ramona Plociennik  
Variance 2003-0517 Bruce Larsen  
January 29, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 32-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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January 29, 2004

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

Re: Variance 2003-0527 David and Beverly Brown

Dear Ms. Plociennik:

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

Based on the information provided, we oppose this variance request. We question the extent of relief requested by the applicant, as it does not appear that disturbance within the Buffer and to steep slopes have been minimized to the extent possible and that the provisions of the Anne Arundel County Zoning Ordinance for redevelopment in a BEA (Article 28, §1A-109) have been met. We have the following comments regarding the current development proposal.

- 1) The applicant proposes to construct a sunroom, a deck, a brick walkway and a boardwalk within the Buffer and waterward of the existing dwelling. We recommend that the applicant consider the following revisions to the current development plan, which would result in far less disturbance within the Buffer and address the provisions for redevelopment in a BEA:
  - The proposed deck (20 feet by 29 feet) should be reduced in size to maximize the setback from the shoreline.
  - The proposed brick walkways (adjacent to the proposed deck and toward the shoreline) should be replaced with pervious wooden walkways.

- The boardwalk adjacent the shoreline should be eliminated because, although pervious, the boardwalk is considered a structure and new accessory structures shall be designed and located to maximize the distance from the shoreline (Article 28, §1A-109). Alternatively, a wooden walkway would be appropriate to provide access the pier.

If granted we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be directed to non-forested areas within the Buffer and elsewhere on the property.
- 2) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 35-04

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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January 29, 2004

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

Re: Variance 2003-0523 John and Andrea Bertrand

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, we do not oppose the variance for the dwelling addition. We recommend planting of the area where the bluestone patio will be removed.

We have the following comments regarding the variance for the detached garage.

- 1) As shown on the site plan, most of the property is constrained by steep slopes, the (expanded) Buffer, and the irregular shape of the lot. The building restriction lines and steep slopes at the rear of the property present further challenges in developing the site. It appears that there may be alternative configurations for the proposed garage that could minimize disturbance to steep slopes and increase the side yard setbacks. For example, the garage could be reconfigured and relocated to the north over an area of the existing driveway, and reduced in size if necessary.

If granted, we recommend the following be made conditions of the variance for the garage.

Ramona Plociennik  
Variance 2003-0523 John and Andrea Bertrand  
January 29, 2004  
Page 2

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is mostly forested, mitigation alternatives will need to be addressed.
- 2) Stormwater from the garage should be directed to stable vegetated outfalls, away from steep slopes, to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 33-04

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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January 28, 2004

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

Re: Variance 2003-0532 Anne Arundel County Board of Education

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit disturbance to steep slopes to repair an existing storm drain and to rehabilitate a stream. The property is designated a Limited Development Area (LDA) and an Intensely Developed Area (IDA), and is currently developed with an elementary school and associated facilities. This office received revised site plans from the consultant on January 21, 2004.

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

- 1) As shown on the site plans, the applicant proposes disturbance to steep slopes and the 100-foot tributary stream Buffer to repair an existing storm drain and stabilize the eroding stream channel. In order to provide access to the storm drain and stream, clearing and grading is proposed on steep slopes and within the 100-foot tributary stream Buffer. We recommend replanting of areas of steep slopes and Buffer that are disturbed to provide access to the site during construction. Mitigation plantings can be used for this purpose.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. As shown on the revised site plans, mitigation will be provided on site in accordance with these standards through reforestation of 1.23 acres within the LDA and IDA portions of the site (Areas A and B). In addition to Critical Area mitigation for disturbance within the Critical Area, reforestation is also proposed within the Critical Area to meet the forest conservation requirements outside the Critical Area. The areas

Kathy Shatt  
Variance 2003-0532 Anne Arundel County Board of Education  
January 28, 2004  
Page 2

proposed for reforestation (Areas C and D) will expand the existing forested areas adjacent to steep slopes and the tributary stream Buffer.

- 3) We also note that clearing is proposed in an area of steep slopes associated with construction of a fence and recreational fields for the new school. An additional variance would be necessary for disturbance to steep slopes within the Critical Area. It appears that the limits of disturbance could be adjusted to eliminate disturbance to steep slopes associated with construction of these facilities. We suggest that the applicant investigate the feasibility of modifying the current site plan to eliminate the need for an additional variance.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 922-03

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

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

Re: Special Exception 2003-0541 Elm Street Development

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to permit the modification of a previously approved special exception for a planned unit development. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

As shown on the revised site plan, development is not proposed within the Critical Area portion of the site. Provided that all LDA requirements within the Critical Area are addressed, we have no comments regarding this request for a special exception.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 135-03

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

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

Re: Anne Arundel County Department of Public Works  
Variance 2003-0535 and Special Exception 2003-0534

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variances. The applicant is requesting a variance to permit a public utility with less landscape buffer than required, and a special exception to permit modification of a previously approved public utility. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a sanitary sewer pump station.

Based on the information provided, we have no comments regarding this request for a variance and special exception. Mitigation should be provided for disturbance within the Critical Area in accordance with local regulations.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 37-04



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

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

Re: Variance 2003-0640 Rita Robertazzi

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction of pollutants from runoff can be achieved with plantings or through the implementation of a best management practice.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 532-02, revised plan

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 28, 2004

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

Re: Variance 2003-0539 Betty Lagundo

Dear Ms. Plociennik:

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

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

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 39-04



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

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

Re: Variance 2003-0531 David Carmack

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding the setback variance. We understand that the applicant proposes to construct a two-story addition and porch to the existing dwelling and a detached garage. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the site. Mitigation plantings should consist of dense plantings of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 36-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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January 22, 2004

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

Re: Variance 04-3008 Robert and Janet Harvey

Dear Ms. Whitt:

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

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

- 1) Based on the information provided, it appears that applicant has attempted to minimize impacts to steep slopes by proposing a modest sized dwelling of 1,522 square feet (including the garage and porch). The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the down-slope end. We recommend that the deck footers be dug by hand to further minimize disturbance to steep slopes.
- 2) Stormwater should be directed to stable vegetated outfalls or a best management practice, away from steep slopes, to provide water quality benefits on the site.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed. To the extent possible, we recommend that mitigation plantings be used to stabilize areas of steep slopes that are disturbed during construction.

Roxana L. Whitt  
Variance 04-3008 Robert and Janet Harvey  
January 22, 2004  
Page 2

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 22-04

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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January 22, 2004

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

Re: Variance 04-3009 Mark Wells

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with greater than 6,000 square feet of clearing and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

- 1) We understand that the lot is constrained by steep slopes and is fully forested. Based on the information provided, it appears that applicant has attempted to minimize impacts to steep slopes by proposing a modest sized dwelling of 1,440 square feet, excluding the deck. However, the variance request does not appear to be the minimum necessary in this case.
- 2) The applicant proposes 7,428 square feet of clearing to construct a dwelling, deck and septic system. Based on the site plan provided, the overall disturbance on the site could be reduced by limiting clearing in the back yard to the minimum necessary for installation of the septic system.
- 3) As proposed, the 8-foot wide deck is 50 feet long on the north side of the dwelling and 44 feet on the east side of the dwelling. The extent of the proposed deck seems excessive when compared with the size of the dwelling. We recommend that the applicant consider a reduction in the overall length of the deck to further minimize impacts to steep slopes and the amount of clearing necessary on the site. The deck should be constructed to be pervious, with

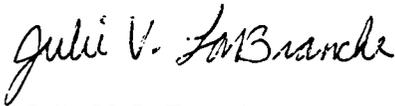
Roxana L. Whitt  
Variance 04-3009 Mark Wells  
January 22, 2004  
Page 2

a gravel or vegetated substrate and vegetative stabilization on the down-slope end. We recommend that the deck footers be dug by hand to further minimize disturbance to steep slopes.

- 3) Stormwater should be directed to stable vegetated outfalls or a best management practice, away from steep slopes, to provide water quality benefits on the site.
- 4) Mitigation for forest clearing should be provided, as required by the Calvert County Zoning Ordinance (Article 8, Section 8-1.03). To the extent possible, we recommend that mitigation plantings be used to stabilize areas of steep slopes that are disturbed during construction.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 23-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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January 22, 2004

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

Re: Variance 03-2917 DesJardins

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and septic system within the 100-foot Buffer to a tributary stream and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received a revised site plan for this variance on January 15, 2004.

Providing this lot is properly grandfathered, we do not oppose variances to develop this property. However, the scope of variances requested should be the minimum necessary to provide relief. We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property is constrained by its irregular shape, extensive nontidal wetlands, a tributary stream, and steep slopes. The applicant has proposed a single-family dwelling measuring 1,800 square feet (30 feet by 60 feet), located entirely within the Buffer. Would it be possible to reconfigure the dwelling and reduce its footprint to minimize impacts? It appears that a custom design, that accommodates development and considers the features of the site, might result in less overall disturbance to steep slopes and the Buffer.
- 2) If in the future, the applicant wishes to have a deck, walkways, or other impervious structures, these structures should be shown on the current site plan so that no further variances will be necessary. Given the sensitive features of this site, we would not support variances for additional development of this property.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the site is fully forested, mitigation alternatives will



Roxana L. Whitt  
Variance 03-2917 DesJardins  
January 22, 2004  
Page 2

need to be addressed. To the extent possible, we recommend the use of mitigation plantings to stabilize steeply sloping areas that are disturbed during construction.

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

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

CA 415-03, revised plan

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 16, 2004

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

Re: Town Hall Renovation project

Dear Mr. Watson:

The purpose of this letter is to provide an update regarding our review of the Town Hall Renovation project for consistency with the local Critical Area regulations. We received revised site plans and 10% Rule calculations on January 6, 2004. I have summarized our review of the site plans and other project information below.

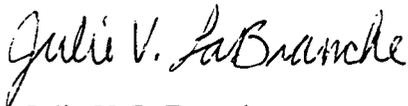
- 1) The revised 10% Rule calculations provided are correct, and the project complies with, and exceeds, the requirements for pollutant reduction from runoff for redevelopment in an Intensely Developed Area (IDA).
- 2) The existing grass swales bordering the Town Hall site are shallow, poorly defined channels (as shown in the attached photographs taken during my site visit of November 13, 2003). Based on my previous discussion with Terry Wright (Barrett & Associates, Inc.), I understand that the existing grass swales will be modified to meet the current MDE stormwater design guidelines for use of a dry swale as an approved best management practice and to meet the pollutant removal efficiency used for the 10% Rule calculations.
- 3) The plantings selected for the three raingardens (bioretention areas) are summarized in the Tree Planting Schedule (Sheet 4 of 4) and shown on the revised redevelopment plan (Sheet 2 of 4). Our science advisor, Claudia Jones, reviewed this information and provided recommendations for alternative plant selections for the proposed raingardens.
  - *Acer platanoides* is not red maple (as noted in the Tree Planting Schedule) but Norway maple, an especially invasive species. We do not recommend this species for planting in the Critical Area.

- Red maple (*Acer Rubrum*) is appropriate in general for bioretention areas but its very shallow root system precludes planting of other vegetation close to it once it is established. Due to the local high water table, it will be important to maximize infiltration and plant uptake of runoff in the raingardens. For these reasons, we do not recommend the use of red maple for this site.
- Other attractive and adaptive woody vegetation suitable for bioretention areas include: sweetbay magnolia (*magnolia Virginiana*), maple leaf (*Viburnum acerifolium*) and possum-haw (*Viburnum nudum*).
- It is also suggested that there be an herbaceous component to a bioretention area to increase efficiency in absorption and filtering of runoff. The following species are recommended: blueflag iris (*Iris virginica*), blue lobelia (*Lobelia siphilitica*), swamp milkweed (*Asclepias incarnata*), Virginia bluebells (*Mertensia virginica*), and New York fern (*Thelypteris noveboracensis*).
- In addition, we suggest using a greater diversity of vegetation to ensure success with the variable nature of stormwater hydrology.

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

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

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

CB 463-03 consistency

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

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

Re: Variance 2003-0212, Gelfand, Jeffrey

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct several dwelling additions (garage, covered walkway and enclosed hot tub) and expansion of the existing driveway with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, patio, shed, and driveway. We received revised site plans on January 6, 2004 for the Board of Appeals hearing associated with this case.

We have not comments regarding the setback variance. Providing this lot is properly grandfathered, we do not oppose the Buffer variance. With expansion of the Buffer for steep slopes, the entire property is within the Buffer. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Stormwater from the additions should be directed to stable vegetated outfalls away from steep slopes. We recommend implementation of best management practices that promote infiltration of runoff and provide water quality benefits on the site.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive script.

Julie V. LaBranche  
Natural Resource Planner

AA 439-03, revised



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

Michael S. Steele  
Lt. Governor

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January 12, 2004

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

Re: Variance 2003-0464 David Gookin

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes, and to permit a swimming pool in the front yard. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, garage, deck, and driveway.

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

- 1) The applicant proposes to remove the existing dwelling, garage, driveway, as well as existing gravel areas along the shoreline of the property. The existing dwelling is approximately 14 feet from mean high water as measured from the site plan provided. The property has 7,290 square feet of impervious surface or 31 percent. The current proposal includes 5,543 square feet of impervious surface or 23.5 percent.
- 2) As proposed, it appears that the variances requested are not the minimum necessary to provide relief. With the proposed reduction in impervious surface coverage, it appears that the site plan could be reconfigured to locate more of the proposed development outside the Buffer, increase the setback from mean high water, and reduce disturbance to steep slopes. We strongly recommend that the applicant investigate alternative proposals that would minimize the scope of the variances requested.

Liz West  
Variance 2003-0464 David Gookin  
January 12, 2004  
Page 2

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

- 1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native trees and shrubs. We recommend that plantings be directed first to areas within the Buffer where impervious surface will be removed and on steep slopes near the shoreline.
- 2) Stormwater runoff should be directed to stable vegetated outfalls or best management practices to provide water quality benefits on the site. Runoff should be directed away from steep slopes.

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

Sincerely,



Julie V. LaBranche  
Natural Resources Planner

AA 799-03

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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January 12, 2004

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

Re: Variance 2003-0503 William and Kris Phebus

Dear Ms. Plociennik:

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

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

- 1) Due to the presence of steep slopes, the 100-foot Buffer is expanded to include most of the property. As shown on the site plan, the proposed location of the dwelling and driveway serves to maximize the setback from the shoreline and minimize disturbance within the Buffer and to steep slopes.
- 2) To minimize disturbance to steep slopes, we recommend that the footer for the proposed deck be dug by hand. The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the down-slope end. To further minimize overall disturbance within the Buffer, one of the two proposed decks may be eliminated.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that mitigation plantings, consisting of a mix of native trees and

Ramona Plociennik  
Variance 2003-0503 William and Kris Phebus  
January 12, 2004  
Page 2

shrubs, be directed first to non-forested areas within the Buffer then to other areas of the property.

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

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 910-03

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

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

Re: Board of Appeals Variance - Fortier  
(Tax Map 101, expansion of Freedy Avenue)

Dear Mr. Watson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit expansion of a private access road within the Critical Area Buffer. The existing and proposed private access road is located on Lots 31, 30, 16, and 15 within the 30-foot right-of-way for Freedy Avenue.

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

- 1) As measured from the site plan by Commission staff, the 30-foot right-of-way for Freedy Avenue is located within the 100-foot Buffer. The Buffer should be identified on a revised site plan. We understand that expansion of Freedy Avenue is proposed on the northern side of the existing gravel road. At this time, no disturbance is proposed to tidal wetlands adjacent to the eastern side of the gravel road.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. The required mitigation will be based on the area of disturbance proposed within the Buffer (the proposed road widening area as reported on the site plan). We recommend that mitigation plantings be accommodated along the northern side of the improved road to the extent possible following construction. Since the right-of-way can only accommodate a limited amount of plantings, mitigation alternatives will need to be addressed. The use of public or private lands for off-site mitigation may include: creation or expansion of forested stream Buffers, creation or expansion of forested nontidal wetland buffers, street plantings, creation of vegetated rain gardens, and plantings on residential lots and public lands within the Town (either within or outside of the Critical Area).

William R. Watson  
Board of Appeals Variance  
Fortier (Tax Map 101, expansion of Freedy Avenue)  
January 6, 2004  
Page 2

- 3) Because the property is designated an IDA, the project must comply with the 10% Rule requirements for pollutant reduction from runoff. The applicant has proposed the use of a dry swale to meet the 10% Rule requirements on the site. However, the location of the proposed dry swale is not shown on the site plan provided. The applicant should provide a revised site plan that shows the location and design specifications of the proposed best management practice, and that demonstrates the best management practice proposed to meet the 10% Rule requirements can be implemented on the site

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

Sincerely,

Julie V. LaBranche  
Natural Resource Planner

CB 927-03, revised

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

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

Re: Board of Appeals Variance - Fortier (Tax Map 101, Lots 15 and 16)

Dear Mr. Watson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single-family dwelling and facilities within the Critical Area Buffer. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped with the exception of a paved area on the eastern property boundary. We received a revised site plan and project information for this variance request on December 29, 2003.

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

- 1) As shown on the revised site plan, a large portion of the lot is located within the Critical Area Buffer, which is expanded due to the presence of steep slopes. Compared with the previous development proposal, the applicant has attempted to minimize clearing and disturbance to the Buffer by reducing the size of the driveway and relocating the dwelling along the northern property boundary. These changes to the site plan have substantially reduced the limits of disturbance and clearing proposed on the site.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. The required mitigation will be based on the area of disturbance proposed within the Buffer. We recommend that mitigation plantings be accommodated on the property to the extent possible following completion of construction. Mitigation plantings can be used to provide stabilization of steep slopes.

William R. Watson  
Board of Appeals Variance  
Fortier (Tax Map 101, Lots 15 and 16)  
January 6, 2004  
Page 2

Since the property is mostly forested, mitigation alternatives will need to be addressed. The use of public or private lands for off-site mitigation may include: creation or expansion of forested stream Buffers, creation or expansion of forested nontidal wetland buffers, street plantings, creation of vegetated rain gardens, and plantings on residential lots and public lands within the Town (either within or outside of the Critical Area).

- 3) Because the property is designated an IDA, water quality improvements should be provided on the site. Pollutant reductions from runoff can be achieved through the implementation of best management practices (grass swales, infiltration trenches, rain gardens or bioretention areas) or with plantings on the site.

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

Sincerely,

Julie V. LaBranche  
Natural Resource Planner

CB 572-03, revised

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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January 6, 2004

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

Re: Board of Appeals Variance: Fortier (Tax Map 101, Lot 30)

Dear Mr. Watson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single-family dwelling and facilities within the Critical Area Buffer. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped. We received a revised site plan and project information for this variance request on December 29, 2003.

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

- 1) As stated in the site plan notes, the entire lot is located within the Critical Area Buffer, which is expanded due to the presence of steep slopes. The applicant has attempted to minimize disturbance to steep slopes by locating the dwelling close to the front of the lot and limiting the size of the driveway. It appears that the disturbance within the Buffer, and the associated mitigation, might be reduced if retaining walls were installed at the back of the lot where extensive grading is currently proposed.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. The required mitigation will be based on the area of disturbance proposed within the Buffer. We recommend that mitigation plantings be accommodated on the property to the extent possible following completion of construction. Mitigation plantings can be used to provide stabilization of steep slopes.

Since the property is mostly forested, mitigation alternatives will need to be addressed. The use of public or private lands for off-site mitigation may include: creation or expansion of forested stream Buffers, creation or expansion of forested nontidal wetland buffers, street

William R. Watson  
Board of Appeals Variance  
Fortier (Tax Map 101, Lot 30)  
January 6, 2004  
Page 2

plantings, creation of vegetated rain gardens, and plantings on residential lots and public lands within the Town (either within or outside of the Critical Area).

- 3) Because the property is designated an IDA, water quality improvements should be provided on the site. Pollutant reductions from runoff can be achieved through the implementation of best management practices (grass swales, infiltration trenches, rain gardens or bioretention areas) or with plantings on the site.

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

Sincerely,

Julie V. LaBranche  
Natural Resource Planner

CB 573-03, revised

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

Michael S. Steele  
Lt. Governor

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January 6, 2004

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

Re: Board of Appeals Variance - Fortier (Tax Map 101, Lot 31)

Dear Mr. Watson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single-family dwelling and facilities within the Critical Area Buffer. The property is designated an Intensely Developed Area (IDA) and is currently developed with a shed and a concrete pad. We received a revised site plan and project information on December 29, 2003.

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

- 1) As stated in the site plan notes, the entire lot is located within the Critical Area Buffer, which is expanded due to the presence of steep slopes. The applicant has attempted to minimize clearing and disturbance to the Buffer by reducing the size of the driveway. We also note that Lot 31 has been reduced in size from 20,320 square feet to 13,480 square feet as shown on the revised site plan.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. The required mitigation will be based on the area of disturbance proposed within the Buffer. We recommend that mitigation plantings be accommodated on the property to the extent possible following completion of construction. Mitigation plantings can be used to provide stabilization of steep slopes.

Since the property is mostly forested, mitigation alternatives will need to be addressed. The use of public or private lands for off-site mitigation may include: creation or expansion of

William R. Watson  
Board of Appeals Variance  
Fortier (Tax Map 101, Lot 31)  
January 6, 2004  
Page 2

forested stream Buffers, creation or expansion of forested nontidal wetland buffers, street plantings, creation of vegetated rain gardens, and plantings on residential lots and public lands within the Town (either within or outside of the Critical Area).

- 3) Because the property is designated an IDA, water quality improvements should be provided on the site. Pollutant reductions from runoff can be achieved through the implementation of best management practices (grass swales, infiltration trenches, rain gardens or bioretention areas) or with plantings on the site.

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

Sincerely,

Julie V. LaBranche  
Natural Resource Planner

CB 574-03, revised

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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January 6, 2004

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

Re: Variance 2003-0520 Joseph Peterson

Dear Ms. Plociennik:

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

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

- 1) As measured from the site plan, the property consists of approximately 3,128 square feet of impervious surface coverage, including extensive impervious surface coverage surrounding the dwelling. As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-105), lots of this size is limited to 31.25 percent impervious surface coverage, or 2,100 square feet in this case, and therefore the property is non-conforming with respect to impervious surface coverage. The applicant proposes to increase the impervious surface coverage by 100 square feet to construct a shed.

This office does not support a variance to further exceed the impervious surface limits on this property. Based on the site plan provided, there appear to be opportunities to remove 100 square feet of existing impervious surface to offset the proposed shed. For example, portions of the driveway and impervious surface adjacent to the swimming pool could be removed.

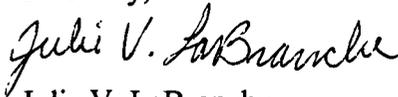


Ramona Plociennik  
Variance 2003-0520 Joseph Peterson  
January 6, 2004  
Page 2

- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Given the small amount of disturbance proposed, it appears that mitigation plantings could be accommodated on the property. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 919-03

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

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

Re: Variance 2003-0511 Ronald Merkling

Dear Ms. Plociennik:

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

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

- 1) We understand that the property is currently non-conforming with respect to impervious surface coverage with 4,199 square feet or 49 percent. Lots of this size are limited to 31.25 percent impervious surface coverage, or in this case, 2,656 square feet (Anne Arundel Zoning Ordinance, Article 28, Section 1A-105). With the proposed addition, impervious surface coverage would increase by 84 square feet to 4,250 square feet or 50 percent. A variance would be required to further increase, and exceed, the impervious surface limits.

This office does not support a variance to further exceed the impervious surface limits on this property. Based on the site plan provided, there appear to be opportunities to remove 84 square feet (or more) of existing impervious surface could from the property to offset the proposed addition. For example, portions of stone patio or concrete driveway could be removed, and the area established in vegetation.



Ramona Plociennik  
Variance 2003-0511 Ronald Merklng  
January 6, 2004  
Page 2

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

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

Sincerely,



Julie V. LaBranche  
Natural Resource Planner

AA 917-03

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

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

Re: Variance 2003-0506 Dennis and Laverne Smith

Dear Ms. Plociennik:

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

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

- 1) As stated in the Critical Area Report (See Environmental Services, Inc.), the property consists of 3,980 square feet or 35 percent impervious surface coverage. We understand that the proposed dwelling will be constructed within the footprint of the existing dwelling and with no increase in impervious surface coverage.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Mitigation plantings, consisting of a mix of native trees and shrubs, should be directed first to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

*Julie V. LaBranche*

Julie V. LaBranche  
Natural Resource Planner

AA 912-03

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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January 6, 2004

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

Re: Variance 2003-0510 William Higgins

Dear Ms. Plociennik:

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

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

Providing this lot is properly grandfathered, we do not oppose the Buffer variance. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the site. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 916-03

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

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

Re: Variance 2003-0521 Teresa Heavener

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding the setback variance. We understand that an existing impervious walkway will be replaced with porous pavers to offset the additional impervious surface of the proposed shed. This will result in a reduction of 6 square feet of impervious surface coverage on the property. Because the property is designated an IDA, water quality benefits must be provided on the site. Reduction of pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 920-03

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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January 6, 2004

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

Re: Variance 2003-0526 Kelly Johnson

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding this setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction of pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 921-03

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

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

Re: Variance 2003-0508 Ronald Swank

Dear Ms. Plociennik:

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

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

- 1) We understand that the proposed dwelling will be constructed, for the most part, within the footprint of the existing dwelling and the total impervious surface coverage on the property will be reduced by 1,530.8 square feet.
- 2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property, especially in areas where existing impervious surface will be removed and non-forested areas within the Buffer. Mitigation plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 914-03

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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January 6, 2004

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

Re: Variance 2003-0509 Elizabeth Shumway

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding this setback variance. Stormwater from the addition should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 915-03

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

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

Re: Variance 2003-0513 Jeffrey Zients

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (barn) with greater height than permitted. The property is designated a Resource Conservation Area (RCA) and is currently developed with a primary dwelling, a secondary dwelling, and several accessory structures.

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

- 1) As stated in the Critical Area report (See Environmental Services, Inc.), a bioretention basin or similar facility will be constructed to treat runoff from the proposed barn and tennis court. At this time, we understand that the location and design of the stormwater best management practice has not been determined. Mitigation must be provided for any clearing or Buffer disturbance associated with the proposed best management practice.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be directed first to non-forested areas within the Buffer then to other areas of the property.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 918-03

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

STATE OF MARYLAND  
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January 5, 2003

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

Re: Variance 2003-0525, Jonathan Marcinik

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (and attached garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, deck, and driveway.

Based on the information provided, we have no comments regarding the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings can be accommodated on the property. Mitigation plantings should consist of native species of trees and shrubs. Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resources Planner

AA 291-03, revised

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

STATE OF MARYLAND  
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January 5, 2004

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

Re: Variance 2003-0505 Tanya Minion

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding the setback variance. If disturbance is proposed, mitigation should be required at a ratio of 1:1. It appears that mitigation plantings, consisting of a mix of native trees and shrubs, could be accommodated on the property. Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 911-03

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

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

Re: Variance 2003-0507 Brian Brown

Dear Ms. Plociennik:

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

Based on the information provided, we have no comments regarding the setback variance. As shown on the scaled site plan provided, the applicant proposes 2,086 square feet of impervious surface coverage, including the addition. As measured from the same site plan, Commission staff estimates that approximately 2,756 square feet of impervious surface converge (house, addition, driveway, shed and swimming pool) is proposed. We note, for the applicant, that this property is limited to 31.25 percent impervious surface coverage or 3,637.5 square feet (Anne Arundel County Zoning Ordinance, Article 28, §1A-105). Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings, consisting of a mix of native trees and shrubs, could be accommodated on the property. Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche  
Natural Resource Planner

AA 913-03

Robert L. Ehrlich, Jr.  
*Governor*



Martin G. Madden  
*Chairman*

Michael S. Steele  
*Lt. Governor*

Ren Serey  
*Executive Director*

**STATE OF MARYLAND  
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June 28, 2004

Ms. Karen Houtman  
Dorchester County Planning & Zoning Office  
P O Box 107  
Cambridge, Maryland 21613

RE: Longboat Estates Subdivision – Growth allocation review

Dear Ms. Houtman:

We have reviewed the final subdivision plans, landscape plan, tree placement and public dock plan, and information you sent last week on the Longboat Estates growth allocation and subdivision. The proposal is to change 15.73 acres of LDA to IDA and create 38 lots entirely or partially within the Critical Area. 166 lots are proposed throughout the entire subdivision. We would like to provide the following comments.

1. A gazebo is proposed within the 100-foot Buffer to Jenkins Creek. A gazebo is not a water-dependent structure and is not permitted in the Buffer.
2. The landscape plan shows only portions of “new afforestation” in the 100-foot Buffer. When a site is converted from agricultural use to residential use, the 100-foot Buffer must be established in natural vegetation. Required afforestation must be directed to the Buffer first since the site will no longer be used for agriculture. In addition, the Critical Area Criteria state that new IDAs and LDAs should be located in order to minimize their impacts to Habitat Protection Areas and in an area and manner that optimizes benefits to water quality. The 100-foot Buffer is a designated Habitat Protection Area and appropriate protection measures will be necessary to ensure that this guideline is addressed. We recommend any planting plan include an agreement to ensure survivability over a specified time.



3. The submittal did not include an environmental report. All projects of this scale involving growth allocation should provide an assessment of existing resource conditions on the site and address the habitat issues in the Critical Area Program.
4. No details were provided on the proposed stormwater management. It appears there are two outfalls that bisect the Buffer. Without the 10% phosphorus reduction calculations and additional information on exactly what is proposed, we are unable to determine if the stormwater treatment is sufficient and meets the Critical Area provisions.
5. The plan shows a proposed boat ramp and two piers; however, no information was provided about these water-dependent facilities. Are any slips proposed? Has the Maryland Department of the Environment reviewed the location of the boat ramp and piers? Why are two piers proposed?
6. The information submitted does not address the adjacency and locational guidelines in §8-1808.1(c) of the Natural Resources Article of the Annotated Code of Maryland.
7. The information submitted does not address the locational guideline in COMAR 27.01.02.07.B(6) regarding the location of new IDAs at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.
8. Any new subdivision within the Critical Area must have a letter from the Department of Natural Resources Heritage Division indicating whether there are any threatened or endangered species on site.

The preceding comments represent the review and evaluation of the materials submitted to Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal before the County awards growth allocation. Please contact either Regina Esslinger or me if you have any questions.

Sincerely,

*Wanda Cole*

*for*

Mary R. Owens, Chief  
Program Implementation Division

cc: Roby Hurley  
Wanda Cole  
Anne Roane

May - Reader

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/

June 15, 2004

Ms. Sue Veith  
St. Mary's County  
Department of Land Use and Growth Management  
P.O. Box 653  
Leonardtown, Maryland 20650

**RE: Use of RCA Lands for Sewage Disposal for Non-Critical Area Development  
St. George's Peninsulas**

Dear Ms. Veith:

I am writing in response to your request for information from the Critical Area Commission regarding the use of land designated as a Resource Conservation Area (RCA) to provide wastewater treatment associated with development located outside the Critical Area. Your request relates to a proposed subdivision, identified as St. George's Peninsulas, which includes the use of approximately 35 acres of RCA land to construct an on-site wastewater treatment system for 65 lots located outside the Critical Area. The property includes 320.61 acres in the RCA and is already developed with 16 lots, which exhausts the allowable density.

Section 27.01.02.05.C.4 of the Critical Area Criteria states that, "Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres." This spring, the General Assembly passed House Bill 1345 which added the following definition of dwelling unit to the Critical Area law:

*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 associated with daily life.*

Clearly, the General Assembly acknowledged that permanent provisions for sanitation are part of a dwelling unit and must be considered when evaluating density on a property. The density calculations on the St. George's Peninsulas site include the 16 lots with individual septic systems within the Critical Area, therefore, there is no further development potential on the RCA portion of the property that could be used for the wastewater treatment system for the 65 lots.



Ms. Veith

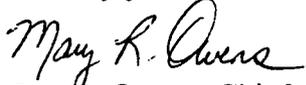
June 15, 2004

Page 2

It is possible that growth allocation could be used to change the Critical Area designation of a portion of the property to Limited Development Area (LDA) to accommodate the on-site wastewater treatment system. It appears that approximately 35 acres of growth allocation would be needed to accommodate the use. Because this change in designation would reduce the RCA acreage, it is likely that additional acreage associated with two or more of the Critical Area lots would also need to be deducted to ensure that the number of RCA lots was supported by the appropriate RCA acreage at one unit per 20 acres. In addition, the on-site wastewater treatment system would need to be designed to meet all other provisions of the County's Critical Area regulations regarding the Buffer, Buffer expansion, steep slopes, forest clearing, etc.

I hope this clarifies how sanitation facilities are considered when density is analyzed on RCA properties. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Wanda Cole, CAC  
Marianne Mason, OAG  
Phil Shire, St. Mary's County

Robert L. Ehrlich, Jr.  
Governor



*Mary Reader*

Martin G. Madden  
Chairman

Ren Serey  
Executive Director

Michael S. Steele  
Lt. Governor

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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June 8, 2004

Ms. Anne D. Roane  
City of Cambridge  
Department of Public Works  
Planning and Zoning  
705 Leonard Lane  
Cambridge, Maryland 21613

**Re: City of Cambridge Critical Area Map Amendment  
Maple Dam Road Mapping Mistake**

*Anne*  
Dear Ms. Roane,

This office has received the additional information regarding the City's request for Critical Area Commission review of a Critical Area map amendment involving the correction of a mapping mistake in the Maple Dam Road area of the City of Cambridge. The mapping mistake involves a change in the designation of several parcels, located between the City boundary and the Critical Area boundary along Maple Dam Road, from RCA to IDA. This request is accepted for processing and has been reviewed by the Chairman of the Commission. On June 7, 2004, Chairman Madden determined that this matter will be handled as an amendment to the City's Critical Area Program. A public hearing has been tentatively scheduled for June 30, 2004 in Cambridge, and Commission staff will contact you in the next week regarding the arrangements.

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

Sincerely,

*Mary R. Owens*

Mary R. Owens, Chief  
Program Implementation Division

cc: Roby Hurley, Department of Planning  
Linda Nabb, City of Cambridge



*May - Rutter*

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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June 2, 2004

Mr. Joseph Rutter  
Anne Arundel County  
Department of Planning and Zoning  
2664 Riva Road, Fourth Floor  
Annapolis, Maryland 21401

**RE: Critical Area Commission Program Subcommittee Review  
Revisions to Anne Arundel County's Zoning Ordinance**

Dear Mr. Rutter:

I am writing to follow up on the Critical Area Commission Program Subcommittee's discussion on May 5, 2004 regarding the draft revisions to the Zoning Ordinance. At the Commission's meeting on April 7, 2004, representatives from Anne Arundel County's Office of Law and the Planning and Zoning Office discussed the County's plans to revise its various development codes. The County presented the draft revisions to the Zoning Ordinance and asked the Commission to provide comments. The Program Subcommittee asked staff to review the draft ordinance and discuss the changes at the May 5<sup>th</sup> meeting.

At the Subcommittee meeting, Commission staff explained that the County has undertaken a considerable task. The existing ordinance was adopted many years ago and has undergone significant amendment. The revisions currently proposed by the County are intended to enable users, including the public, the County staff and the Commission to review projects and crosscheck references much more easily. Commission staff then summarized the issues they believed represented the most substantive changes and discussed these. The comments outlined below were discussed with the Program Subcommittee; however, they do not represent a comprehensive evaluation of the draft zoning regulations by the Subcommittee. Due to the anticipated revisions to the Subdivision Regulations and other County codes, it is likely that Commission staff will have additional questions and items for your consideration in the future.

The following provisions were discussed with the Program Subcommittee:

- 1) The agricultural district will allow additional density for sites over 50 acres. This provision should be clarified to assure consistency with the Critical Area law and Criteria. There may be a provision in the revised ordinance that assures this consistency, but we were unable to locate it.
- 2) The revised ordinance adds a 50-foot planted buffer between a principal structure and slopes 25% or greater.
- 3) The revised ordinance now requires new setback standards for structures and parking lots in industrial districts.
- 4) The County reviewed certain use classifications in commercial and industrial districts to determine if they are outdated, inappropriately named or variations of the same use.
- 5) Setbacks for accessory structures were reduced in certain residential zoning districts.
- 6) Section 27-10-111 defines accessory dwelling units as being located in the principal dwelling on a lot at least 15,000 square feet. The section limits these dwellings to one, and specifies that they may not be attached to the principal dwelling by a garage or breezeway. This section likely will need amending in regard to the definition of dwelling unit, as addressed in recently enacted HB 1345. We will provide new language to the jurisdictions when the Governor signs the bill.
- 7) Section 27-10-116 allows home occupations in any zoning district, including childcare up to 12 children. This may need to be reviewed for consistency with approved uses in the Resource Conservation Area as set out in the existing ordinance.
- 8) Section 27-10-121 and Section 27-11-139 allow lots with at least 50% of their minimum lot size in the Critical Area to be counted when determining the number of slips at a community marina. This provision will need to be discussed with the Commission.
- 9) Section 27-1-101: The definitions of some uses that are on the County's approved RCA Use list have changed, and the County has added some new uses and definitions that they may want to add to the RCA Use list. Some of the uses that may warrant additional analysis are:
  - Adult day care center
  - Assisted living facilities
  - Bed and breakfast homes

- Bed and Breakfast inns
  - Camps, private
  - Campgrounds, commercial
  - Conference retreat facility
  - Dwelling unit, accessory
  - Dwelling, adult independent units
  - Kennels, commercial
  - Nurseries with landscaping and plant sales
  - School, private academic
- 10) Section 27-4-106: The permitted, conditional, and special exception use table does not appear to address uses in the RCA. However, RCA uses are covered in Section 27-13-205. We have not compared the revised list to the existing ordinance, but no changes are indicated in the County's notations.
- 11) Section 27-4-107: This section does not appear to address the uses that are only permitted in the IDA and the uses that are generally prohibited in the Critical Area. However, these items are covered in Section 27-13-203.
- 12) Section 27-4-203(d)(3): It is not clear how the provisions for the "unmerger" of lots would work in the Critical Area. Would development be permitted on both properties even if one were not a "buildable lot" when it was recorded? Would both re-established lots be required to fully comply with all Critical Area provisions?
- 13) Section 27-16-302 adds the declassification of Critical Area lands to the items that may be considered by the Administrative Hearing Officer. The change clarifies the authority of this unit of County government. Previous decisions by succeeding Hearing Officers were inconsistent in regard to whether land could be removed from the Critical Area on the basis of mistake.
- 14) Section 27-16-305 sets out the standards for granting variances in the Critical Area. Recently enacted HB 1009 will require certain changes to this language. We will provide the new language to the jurisdictions when the Governor signs the bill.
- 15) Section 27-17-203 sets out the provisions for civil fines and citations. Recently enacted HB 1009 also contains new language for the jurisdictions in regard to fines. We will provide the language when the Governor signs the bill.

Thank you for the opportunity to provide comments on the draft revisions at this stage in the review process. Please advise Commission staff when further review and comment would be appropriate. It is anticipated that letters regarding the required changes to local Critical Area Programs resulting from the enactment of House Bills 1009 and 1345 will be sent to the

Mr. Rutter  
June 2, 2004  
Page 4

jurisdictions by mid-June. In the interim, if you have any questions about the required changes, please call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Ms. Betty Dixon  
Ms. Elinor Gawel  
Ms. Sally Iliff  
Ms. Linda Schuett  
Mr. Ren Serey

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

Ms. Laschelle Miller  
Commissioners of Leonardtown  
P. O. Box 1  
Leonardtown, Maryland 20650

**RE: LE 664-02  
Phase I Leonardtown Landing**

Dear Ms. Miller:

I have completed my review of the Landscape Plan for Leonardtown Landing – Phase I. The final plan was prepared by Mr. Ken Beck of D.H. Steffens Company, and the last revisions were completed on April 29, 2004. This plan satisfactorily addresses the mitigation requirements for development in Modified Buffer Areas as set forth in the Town's Critical Area Ordinance.

The Leonardtown Landing – Phase I project involves 33,652 square feet of disturbance in the Buffer, which requires 67,304 square feet of mitigation to meet the two-to-one planting requirement. In addition, the project must also provide a forested or landscaped bufferyard in the 30-foot and 50-foot setback from the stream systems and Breton Bay respectively. Because some of this area was already naturally vegetated, supplemental planting and landscaping was recommended.

A mitigation credit of 5,971 square feet was obtained through the reduction of existing impervious surface area in the Buffer on the site, leaving 61,333 square feet to be accomplished through planting. On November 5, 2003, the Critical Area Commission recommended to the Town that they work towards the mitigation goal of providing one third of the mitigation in the Park and commercial area, one-third in the residential area, and one third at an off-site Buffer location on McIntosh Run. This goal resulted in the need to provide 20,240 square feet of mitigation on this project site.

The Landscape Plan provides 28,612 square feet of mitigation with 20,252 provided to meet the two-to-one mitigation requirement and 8,360 square feet provided in the form of forest and landscaping to enhance existing natural vegetation in the setback areas. It is recommended that

Ms. Miller  
M̄ay 6, 2004  
Page 2

the Town require the developer to guarantee the survival of all plantings for a minimum of two years.

I want to thank you for the opportunity to work with you and the staff of D.H. Steffens to develop the landscape plan for this project. Mr. Ken Beck and Mr. Larry Ludwig's cooperation and responsiveness to the Commission's comments were greatly appreciated, and I look forward to seeing the site when the planting is complete. If you have any questions about the plan, please contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Ken Beck (D.H. Steffens Co.)  
Ms. Colleen Bonnell (Town of Leonardtown)  
Mr. Larry Ludwig (D.H. Steffens Co.)  
Mr. Ron Russo (RAR, Inc.)

*May Reader*

Robert L. Ehrlich, Jr.  
Governor



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Ren Serey  
Executive Director

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April 9, 2004

Ms. Lan Hogue  
Michael Vergason Landscape Architects  
1102 King Street, Second Floor  
Alexandria, Virginia 22314

**RE: Revised Landscape Plan for New College Entrance Road (Revised November 5, 2003)  
St. Mary's College 35-02**

Dear Ms. Hogue:

Thank you for providing a revised set of landscape plans for the St. John's Entrance Road Project. The project involves impacts to the Buffer and requires 14,562 square feet of mitigation. The planting proposed adjacent to Wherrits Pond (wetlands shown on the plan) fully satisfies the Buffer mitigation requirement and meets the intent of establishing permeable areas in vegetation as required by the Critical Area Criteria.

The plan also provides for planting around the new entrance road. Based on conversations with Michael Vergason last fall, the mitigation credits have been adjusted. The London Plane tree will receive full mitigation credit due to its better survivability in urban settings, and the Summersweet Clethra and Virginia Sweetspire will receive full mitigation credit as they are proposed to be planted at 3'-0" on center. This spacing will allow the plants to reach mature size while providing the habitat benefits associated with denser vegetation. Mitigation credit as detailed in the attached summary equals 21,225 square feet and may be used to satisfy the outstanding planting requirements for the Somerset Hall Expansion and Renovation Project and the New Student Residence Project. The letters on these projects dated July 25, 2003 provide additional details regarding the planting requirements.

There appears to be a typographical error on the Plants Schedule on Sheet L-2. The key "IVR" should read "IWR" as shown on the plan on Sheet L-1.



Ms. Hogue  
April 9, 2004  
Page 2

If you have any questions about these comments, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Ms. Meaghan Longcor, St. Mary's College

**CREDIT SUMMARY FOR ST. JOHN'S ENTRANCE ROAD PROJECT**  
**Revised April 9, 2004**

<b>SY M</b>	<b>COMMON NAME</b>	<b>BOTANICAL NAME</b>	<b>QNT</b>	<b>S.F. CREDIT</b>	<b>TOTAL CREDIT</b>
AR	Red Maple	Acer rubrum	13	100	1300 SF
PA1	London Plane	Platanus acerifolia	16	100	1600 SF
PA2	London Plane	Platanus acerifolia	13	100	1300 SF
BNH	River Birch	Betulus nigra	16	100	1600 SF
CAH	Summersweet Clethra	Clethra alnifolia	100	25	2500 SF
CS	Redtwig Dogwood	Cornus sericea	38	50	1900 SF
IWR	Winterberry Holly	Ilex verticillata	24	50	1200 SF
IHG	Virginia Sweetspire	Itea virginica	351	25	8775 SF
MP	Northern Bayberry	Myrica pennsylvanica	21	50	1050 SF
<b>TOTAL (9 Species, 592 Plants)</b>					<b>21225 SF</b>

*May - Reader*



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Chairman

Ren Serey  
Executive Director

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Lt. Governor

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April 8, 2004

Ms. Anne Roane  
City of Cambridge  
Department of Planning and Zoning  
705 Leonard Lane  
Cambridge, Maryland 21613

**Re: Maple Dam Road Mapping Mistake**

Dear Ms. Roane:

This office has received the information regarding the Critical Area map amendment involving the correction of a mapping mistake in the Maple Dam Road area of the City of Cambridge. In order for the Commission to accept this amendment for processing, the following additional information is needed:

1. It is not clear whether the City is requesting that the map amendment involve a correction to change the Critical Area designation from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) or Limited Development Area (LDA). The information submitted by the City includes findings relative to an IDA designation and an LDA designation. Please clarify whether the mistake involved an original designation that should have been IDA or that should have been LDA.
2. Attachment 6 does not include the entire area proposed for reclassification. Please provide a topographical map from the same time period showing the entire area.
3. Attachment 7 does not include the entire area proposed for reclassification. Please provide an aerial photograph from the same time period showing the entire area. The copy of the aerial submitted is somewhat difficult to read. If an original photograph is available, Commission staff could have a reproduction made.
4. Attachments 1, 2, 4, 6, and 7 show slightly different Critical Area boundaries. It appears that the boundary depicted on Attachment 1 is the most accurate. This boundary should be

the same on all of the supporting documentation. Commission staff can assist you in accurately reproducing this boundary on the other attachments.

Upon receipt of the requested information, the Critical Area Commission will accept this map amendment for processing. After it is accepted, Chairman Madden will make an amendment or refinement determination within 30 days. Following his determination 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) 260-3480.

Sincerely,



Mary R. Owens, Chief  
Program Implementation Division

cc: Ms. Marianne Mason (AG)  
Mr. Roby Hurley (MDP)

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

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April 8, 2004

Ms. Anne Roane  
City of Cambridge  
Department of Planning and Zoning  
705 Leonard Lane  
Cambridge, Maryland 21613

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1. It is not clear whether the City is requesting that the map amendment involve a correction to change the Critical Area designation from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) or Limited Development Area (LDA). The information submitted by the City includes findings relative to an IDA designation and an LDA designation. Please clarify whether the mistake involved an original designation that should have been IDA or that should have been LDA.
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Ms. Roane  
April 8, 2004  
Page 2

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Upon receipt of the requested information, the Critical Area Commission will accept this map amendment for processing. After it is accepted, Chairman Madden will make an amendment or refinement determination within 30 days. Following his determination 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) 260-3480.

Sincerely,



Mary R. Owens, Chief  
Program Implementation Division

cc: Ms. Marianne Mason (AG)  
Mr. Roby Hurley (MDP)

*May Reader*

Robert L. Ehrlich, Jr.  
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March 25, 2004

Ms. Collen Bonnell  
Commissioners of Leonardtown  
P. O. Box 1  
Leonardtown, Maryland 20650

RE: LE 664-02  
Phase I Leonardtown Landing

*Collen*  
Dear Ms. Bonnell:

The purpose of this letter is to follow up on your request for additional information following our phone conversation last week regarding the plans for Phase I - Residential of the Leonardtown Landing Project. As we discussed, I had spoken with Mr. Ron Russo, and he subsequently provide me with a copy of the "Easement Plat/Subdivision Plat" for the project. I have reviewed the drawing, and I have the following comments:

1. It appears that portions of the storm drain easement and the electric utility easement are located within the 30-foot setback from the stream on the eastern boundary of the property. In general, disturbance associated with underground utilities should be avoided within the setback, unless there is no reasonable alternative. It appears that the storm drain and electric utility easement could be shifted slightly to avoid the setback area. This area is proposed to be heavily landscaped in order to meet the mitigation requirements for Buffer impacts associated with the project. It is recommended that utility easements, which sometimes must be excavated for repairs, not be located in areas proposed for mitigation planting because of adverse impacts to the vegetation.
2. Although the 50-foot setback from Breton Bay and the 30-foot setback from the two wetland/stream systems are shown on the plans, they are included within the lot boundaries of approximately 13 lots, and there are no notes describing that these areas are to be protected from disturbance in accordance with the Town's Critical Area provisions. Notes must be provided on the plat or the lot boundaries should be modified to exclude these areas. It should also be clearly stated that the removal of natural or planted vegetation within these areas is prohibited.

Ms. Bonnell  
March 25, 2004  
Page 2

3. It has been the experience of Commission staff that when setback or Buffer areas are included within the lot boundaries on multi-family projects, it can become extremely difficult to enforce the provisions relating to the maintenance and protection of existing vegetation. It is recommended that appropriate signage, fencing, or dense shrub plantings be used to clearly mark the setback area or the lot boundaries be adjusted to exclude these areas.
4. Additional comments on the Landscape Plan for this project have been provided to Mr. Ken Beck at D.H.Steffens, and he is making revisions. It appears that approximately 21,000 square feet of planting will be provided to satisfy the 20,444 square feet mitigation objective (one-third of the overall project requirement) for this portion of the project.

Thank you for the opportunity to review the plans. If you have any questions or would like to arrange a meeting to discuss these comments, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Ken Beck (D.H. Steffens Co.)  
Ms. Laschelle Miller (Town of Leonardtown)  
Mr. Larry Ludwig (D.H. Steffens Co.)  
Mr. Ron Russo (RAR, Inc.)

May - Reader

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March 16, 2004

Ms. Anne D. Roane  
City of Cambridge  
Planning and Zoning  
705 Leonard Lane  
Cambridge, Maryland 21613

**RE: City of Cambridge – Maple Dam Road, Mapping Mistake Amendment**

Dear Ms. Roane:

Thank you for providing information on the referenced map amendment proposal, which involves a change in the Critical Area designation of approximately 100 acres from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). The City proposes to make this change on the basis that a mistake was made at the time of the original Critical Area mapping.

In evaluating map amendments that involve the correction of mistakes made during the original Critical Area mapping, local governments are guided by the Court of Special Appeals decision in August Bellanca v. County Commissioners of Kent County. See Enclosure (1). The Commission's role in reviewing these amendments is to ensure that when a local government finds that a mistake was made at the time of the original mapping, that the subject properties met the required mapping standards at that time.

In the Maple Dam Road proposal, the City would need to determine that a mistake occurred and that the property should have been designated IDA. The Commission would then need to determine that at the time of original mapping (1988), the area met the mapping standards for IDA. At that time, the property would have had to have at least one of the following features:

- 1) Housing density equal to or greater than four dwellings per acre;
- 2) Industrial, institutional, or commercial uses were concentrated in the area; or
- 3) Public sewer and water collection and distribution systems were currently serving the area and housing density was greater than three dwelling units per acre.

Ms. Roane

March 16, 2004

Page 2

Based on the information submitted and a review of Soil Conservation District areal photography from the late 1980s provided by Mr. Roby Hurley, it is not clear whether the property had any of the features necessary to designate it as IDA. It appears that the City may need to perform some additional research and provide additional documentation in order for the Planning Commission and City Commissioners to determine whether a mistake was made on all or a portion of the area.

Thank you for the opportunity to review the information on this proposed map amendment. As you know, the Critical Area Commission staff provides preliminary comments on this type of proposal. However, should the City approve this amendment and submit it to the Commission, the Commission may have additional comments or request additional information during their review. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

Enclosure (1)

May Reader

Robert L. Ehrlich, Jr.  
Governor



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March 16, 2004

Ms. Anne D. Roane  
City of Cambridge  
Planning and Zoning  
705 Leonard Lane  
Cambridge, Maryland 21613

**RE: City of Cambridge – Maple Dam Road, Mapping Mistake Amendment**

Dear Ms. Roane:

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Ms. Roane  
March 16, 2004  
Page 2

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Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

Enclosure (1)

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



*Mary Healy*

Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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February 23, 2004

Ms. Sue Veith  
St. Mary's County Government  
Department of Land Use and Growth Management  
PO Box 653  
Leonardtown, MD 20650-0653

RE: SM 622-03 St. Jerome's Branch  
SUB #03-120-023

Dear Ms. ~~Veith~~ *Sue*:

Thank you for providing plans and information on the referenced project. The project is located on a property identified as Tax Map 71, Block 20, Parcel 247 and proposes the creation of ten residential lots on a 73.21 acre parcel of land with 55.28 acres in the Critical Area. The applicant is requesting approval of the use of growth allocation for this project, and you have requested comments on the growth allocation deduction methodology that is outlined in Section 41.9.6 of the St. Mary's Comprehensive Zoning Ordinance. These comments have been prepared without an analysis of the subdivision history of the parcel, and it is my understanding that this parcel existed in its current configuration as of December 1, 1985.

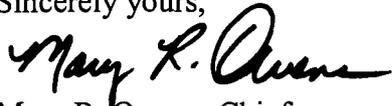
1. Water-dependent facilities are permitted within the 300-foot setback, even if the setback is not to be deducted from the County's growth allocation. Parking for the community pier is not considered water-dependent; therefore, it would need to be relocated outside of the 300-foot setback, unless the County proposes to deduct this area. It appears that the access to the pier could be located between Lots 8 and 9, which could allow the parking to be moved outside the 300-foot setback.
2. In accordance with the County's Ordinance, the 300-foot setback does not need to be deducted, even if it does not meet the 20-acre requirement. Appropriate deed restrictions and an easement identifying the activities and management practices allowed in the setback must be approved as a condition of the growth allocation award by the County.
3. The area north of Creek View Drive and adjacent to Lot 10, totaling approximately 4.1 acres, must be included in the development envelope because it is not part of the 300-foot setback, and it is not adjacent and contiguous to a larger Resource Conservation Area that is permanently protected from development by an easement.

Ms. Veith  
February 23, 2004  
Page 2

4. The letter from Regina Esslinger, Project Evaluation Division Chief for the Critical Area Commission, dated September 15, 2004 provides additional comments that could affect the growth allocation deduction. Information on stormwater management has not been provided. Stormwater management facilities must be included in the development envelope and cannot be located in the 300-foot setback if the setback is not deducted.

Thank you for the opportunity to provide additional comments on this project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

Mary-Reader

Robert L. Ehrlich, Jr.  
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February 18, 2004

Mr. Bill Watson  
The Developer's Advocate  
11215 Oakwood drive  
Dunkirk, Maryland 20754

**RE: Bayview Hills Planting Inspection**

Dear Mr. Watson:

The purpose of this letter is to follow up on our site visit to inspect the plantings at Bayview Hills on January 27, 2004. The landscape plan submitted to the Commission has been implemented to satisfy the mitigation planting requirement for the Chesapeake Beach Sidewalk Improvement Project that was approved by the Commission in February 1998. In accordance with the Commission's approval of that project, 41,320 square feet of planting was required.

Your letter and the attached "Comparison of Planned versus Actual Plantings to Satisfy Critical Area Mitigation Requirements In Bayview Hills" indicate that the plantings installed total 67,475 square feet of mitigation credit. This credit exceeds the required mitigation of 41,320 square feet by 26,155 square feet; therefore the Town has a "mitigation bank" for use on future projects of 26,155 square feet.

Thank you for assisting me with the site inspection on January 27, 2004. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

cc: Julie LaBranche, CAC



MARY - READ ER

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
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Ren Serey  
Executive Director

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January 30, 2004

Mr. Frank Jacklitsch  
Calvert County Department of Planning and Zoning  
176 Main Street, Room 300  
Prince Frederick, Maryland 20678

**RE: Maryland Department of Natural Resources Critical Area Boundary Mapping**

Dear Mr. Jacklitsch:

Over the last three years, Critical Area Commission staff has been working with Department of Natural Resources (DNR) staff to make the Critical Area maps for all affected counties and municipalities available on the Internet through DNR's "MERLIN" system. This task has involved updating digital data created by the Commission when original programs were developed, digitizing the Critical Area boundary from hard copy maps, and incorporating and adapting County digital data into DNR's system.

At this time, all of the affected counties have been completed except for Queen Anne's County and Calvert County. The staff of Queen Anne's County is in the process of finalizing an electronic version of their Critical Area maps, which is compatible with DNR's mapping technology and can be readily incorporated into the MERLIN system. It is anticipated that their maps will be available on the MERLIN system by June 2004.

Several years ago, Calvert County did a similar project, using grant funds provided by the Critical Area Commission. Commission staff worked closely with County staff to review the maps, and final maps were developed and approved by the County and the Commission. It was understood by the Commission that electronic versions of the maps would be made available to the Commission, so that DNR staff could use them to complete the Calvert County Critical Area mapping component of the MERLIN system.

At this time, we are requesting that this digital data be forwarded to the Department of Natural Resources, so the Critical Area mapping component of the MERLIN system can be completed. Based on conversations that I have had with Dave Foreman, the GIS technician at DNR that has been coordinating this effort, we believe that there may be some compatibility issues between the County's data and the MERLIN system. If this is the case, I hope that I can count on the full



Mr. Jacklitsch  
January 30, 2004  
Page 2

cooperation of you and your staff to help us resolve these issues, so that this important mapping effort can be completed as soon as possible.

In order to assist DNR staff in scheduling the completion of this work effort, I need to let them know when the data will be available. Please let me know when you can forward the data to the Commission. If you would like to meet with me and the DNR staff involved in this project to discuss the most efficient way to transfer the data and resolve any compatibility issues with the MERLIN system, we can certainly meet with you and your staff at your convenience. Please contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

Cc: Julie LaBranche, CAC  
Dave Brownlee, Calvert County  
Dave Foreman, DNR

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/](http://www.dnr.state.md.us/criticalarea/)

January 16, 2004

The Honorable Steven F. Pearson  
Town of Perryville  
P.O. Box 773  
Perryville, Maryland 21903-0773

**Re: Growth Allocation - Frenchtown Crossing**

Dear Mayor Pearson:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On January 7, 2004, the Commission concurred with the Chairman's determination that the request to use 15.96 acres of growth allocation to change the Critical Area Designation from Limited Development Area (LDA) to Intensely Developed Area (IDA) for the Frenchtown Crossing Project was a refinement to the Town's Critical Area Program, and it was approved.

This change shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the Town Critical Area Map reflecting the change to the Commission as soon as it becomes available.

Should you have any questions, feel free to give me a call.

Sincerely,

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

Mary R. Owens, Chief  
Program Implementation Division

Copy: Joanna Hannah, Town of Perryville  
Julie LaBranche, CAC

Mary-Reader

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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January 5, 2004

Mr. Eric Moriscato  
Town Commissioners of Perryville  
P.O. Box 773  
Perryville, Maryland 21903-0773

**RE: Frenchtown Crossing Growth Allocation  
Tax Map 800, Parcel 527**

Dear Mr. Moriscato:

Thank you for providing information to Mary Ann Skilling of the Maryland Department of Planning regarding the referenced growth allocation request. Ms. Skilling has forwarded the information to the Critical Area Commission for processing. This request involves the use of 15.96 acres of growth allocation to change the Critical Area designation of Parcel 527 on Tax Map 800 from Limited Development Area (LDA) to Intensely Developed Area (IDA). It is my understanding that the Town Commissioners approved this map change on November 15, 2002, and the Cecil County Board of Commissioners approved the use of growth allocation on December 17, 2002. The information that you have provided has been determined to be a complete submittal.

Chairman Madden has determined that this change is a refinement to the Town's Critical Area Program. It has been placed on the agenda for consideration by the full Commission on January 7, 2004. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

cc: Mary Ann Skilling, MDP  
Julie LaBranche, CAC

