

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 29, 2004

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

Re: Cole Ventures - MS 04-100

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has addressed the comments of my last letter dated September 21, 2004. In regard to the rare species issue, we understand that information is forthcoming; therefore, we recommend final plat approval not occur until this issue is resolved.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 637-04



Robert L. Ehrlich, Jr.
Governor



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December 27, 2004

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

Re: 05-WL-0658, Heritage Harbour Community Association

Dear Mr. Cuthbertson:

I have received the above-referenced request to construct a 10-slip community association slip area with an associated pier extension, finger piers, mooring piles and stone groins. The applicant also requests to emplace 70 cubic yards of clean sand along 50 feet of shoreline as beach nourishment. The requirements for a new community pier and boat docking facility are enumerated in the Natural Resources Article §8-1808.5(C) 1-6 and include the following:

The facility:

1. Is water dependent;
2. Meets a recognized private right or public need;
3. Is community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision; and
4. Is associated with a residential development approved by the local jurisdiction for the Critical Area and is consistent with all criteria and local regulations for the Critical Area;
5. Adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
6. Insofar as possible, nonwater dependent structures or operations associated with water dependent projects or activities are located outside the buffer;

Mr. Cuthbertson
December 27, 2004
Page Two

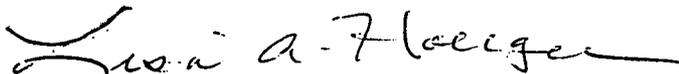
7. Disturbance to the buffer is in the minimum necessary to provide a single point of access to the facility;
8. Food, fuel, or other goods and services are not offered for sale, and adequate and clean sanitary facilities are provided; and
9. When a community pier and slips is provided as part of a new development project, private piers are not permitted in the development area.

I have not had the opportunity to visit the site, however, the beach nourishment project should not require clearing of any natural vegetation along the shoreline to create a beach area, if one does not exist there already.

For any portion of this request that may be permitted, any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
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December 27, 2004

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

Re: River Creek, Inc. - 2004-0521-S

Dear Ms. Plociennik:

I have received the above-referenced request for a special exception for a Planned Unit Development (PUD) approval. Since it appears the portion of the property within the Critical Area has no proposed improvements, this office offers no comment concerning the PUD approval issue.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 944-04

Robert L. Ehrlich, Jr.
Governor



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December 27, 2004

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

Re: Turkey Point
Lots 12, 13 and P/O 11

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. The applicant has addressed all of the comments of my last letter dated August 20, 2004. It appears the only outstanding comment I have relates to the siting of the stormwater management measures inside the 100-foot Buffer. The applicant's response indicated that the County considered these locations acceptable since this is a resubdivision; however, any new disturbance to the Buffer on either a grandfathered or non-grandfathered lot or parcel requires a variance unless it is a water-dependent facility. Since only the outfall of a stormwater management facility can be considered water-dependent, the siting of the stormwater management measure is not permitted.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 602-04



Robert L. Ehrlich, Jr.
Governor



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December 27, 2004

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

Re: Five Buoys at Rock Creek - S 04-096, P 04-182
Revised Sketch Plan

Dear Ms. Chalkley:

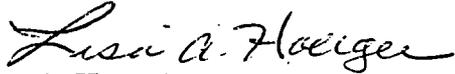
I have received another revised sketch plan from the applicant. A table showing the allowable clearing and impervious area was added to the plan. I have outlined my comments below.

1. We continue to recommend that on the final plat and deeds, this table include clearing information per lot, with a note indicating that no further clearing is permitted on those lots within the Critical Area, otherwise a future homeowner may be clearing areas set aside in the conservation easement areas.
2. There are two active recreation areas in the Critical Area that appear to be currently forested; however, future clearing on these areas could result in exceeding 30% overall clearing. How does the applicant propose to address this issue since this would require the future homeowners association to mitigate at a 3:1 ratio? On this site, that would likely mean a fee be paid since it appears there are no other areas to reforest.
3. Are the "T turnaround", all sidewalks (not just in front of proposed lots) and the existing roadway included in the impervious area calculations?

Ms. Chalkley
December 27, 2004
Page Two

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 635-04

Robert L. Ehrlich, Jr.
Governor

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Chairman

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December 22, 2004

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

Re: Kent School, Inc. - 04-147

Dear Ms. Moredock:

I have received the above-referenced variance request for review and comment. The applicant proposes to construct three additions to an existing school facility that will require a variance to the County's impervious surface limits. While I have not had the opportunity to visit this site, we trust that the applicant has taken steps to minimize the proposed impervious area. This would include examining areas of existing impervious area that might be removed in order to offset the proposed impervious area.

Based on the information provided by your office, it is our understanding that the additions will increase the overall impervious area by one percent; therefore, this office does not oppose the requested variance provided the County is satisfied that the applicant can demonstrate minimization. If the Board of Appeals finds the applicant is entitled to relief we recommend the applicant provide additional stormwater management measures to address the surplus runoff created by the new additions.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: KC 928-04

Robert L. Ehrlich, Jr.
Governor

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December 17, 2004

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

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

Dear Mr. Callahan:

I have received another set of the revised plans, plat and forest conservation sheets for the above-referenced subdivision request. I have outlined my comments below:

1. If the Limited Common Element will limit the impervious area on each lot, then we recommend a note be added to the final plat and plan that clearly states that no additional impervious areas will be permitted with each unit. The current impervious surface table includes a column that is labeled allowed, which may cause confusion with the homeowners.
2. A similar note should state that no clearing is permitted.
3. It appears a sidewalk is proposed along one side of Manhattan Beach Road. This impervious area needs to be added to the impervious surface figures.
4. We understand an updated letter from the Department of Natural Resources was requested. Of course, we would recommend to the County that final plat approval be withheld until the updated letter is received, and any comments are received regarding the plant species listed in the 2001 letter.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
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December 16, 2004

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

Re: Phelps Property
S 98-073, P 98-165

Dear Mr. Callahan;

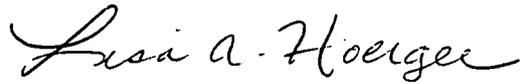
I recently received revised copies of the Forest Conservation and Critical Area plans and plat for the above-referenced project. I have outlined my comments below.

1. The total clearing figure reported under the Critical Area Tree Clearing computations and the clearing provided under the Critical Area computations do not match. Please have the applicant check these figures.
2. Was the area of the sidewalks included in the impervious surface figures? If, not they need to be added. We recommend the area of the sidewalks be listed as a separate item so that it is clear the sidewalks have been accounted for in the total figure.
3. Lots 8, 10, 11, 15, 16, 17 and 18 all support a small portion of conservation area. We have recommended in past comment letters that the conservation area be kept off of the lot areas to avoid any disturbance by future lot owners. We continue to make this recommendation.
4. Why is open space area #4 being deeded to the Department of Public Works?

Mr. Steve Callahan
December 16, 2004
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

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

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December 16, 2004

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

Re: Mark Hestrin Property - MS 04-089

Dear Mr. Torney:

I have received another revised plan and plat for the above-referenced subdivision request. It appears the applicant has again changed the plan to now show two riparian lots rather than one riparian lot and one non-riparian lot. I have outlined my comments below.

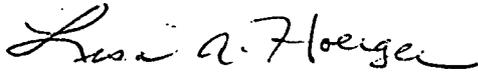
1. As stated in my last comment letter, the Buffer shall be reestablished with native plantings. In Article 26, Section 3-110 (a)(1) it is stated that, "There shall be a minimum 100-foot Buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands." The County's definition of Buffer in Article 26, Section 1-101(5B) states, "Buffer means a naturally forested area or forested area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances." Therefore, in order for this subdivision to be in compliance with the County Code, the Buffer shall be reestablished on proposed lot 2 since this is a newly created riparian lot and is suggested on lot 1.
2. It appears that proposed lot 1 will exceed its allowable impervious surface limitation of 15% (15% of 45,552.37 = 6,833 square feet, proposed impervious is 8,535 square feet). Therefore, the plan needs to be adjusted so that the lot area provides a sufficient allowance of impervious cover, or some existing impervious area must be removed from lot 1 so that it conforms to the 15% limit, otherwise lot 1 will be nonconforming with regard to the impervious surface limits.

Mr. Torney
December 16, 2004
Page Two

3. Since the applicant will be required to provide reforestation we recommend that some of that obligation be met on site rather than the entire obligation paid into the County's fee-in-lieu fund. We recommend the applicant consider the Buffer area on lot 1 as one area that will be planted in order to address some of the required reforestation.
4. We recommend a note be added to the final plat concerning the removal of the nonconforming structures to ensure their removal so that the impervious area associated with these structures may be credited in determining the overall proposed impervious area.
5. We recommend a note be added to the final plat that indicates the maximum width for the riparian access paths.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 68-04

Robert L. Ehrlich, Jr.
Governor



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December 15, 2004

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

Re: Mill Creek Landing
MS 04-105

Dear Mr. Callahan:

I have received the revised plat and plan for the above-referenced subdivision request. The applicant has provided a clear plan and has addressed some of the comments of my last letter dated September 9, 2004. I have outlined my continued concerns and comments below.

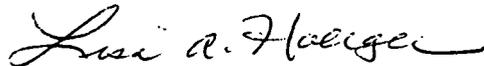
1. The expanded Buffer for steep slopes does not appear to be correct on the plans. Steep slopes in the Critical Area are defined as 15% or greater; therefore, the applicant shall expand the Buffer from the top of 15% slopes instead of 25% slopes. Please have the applicant correct this on the plans.
2. The Buffer expansion for steep slopes on lots 1-4 needs to be clarified since there are some areas where no expanded Buffer line is shown. Please explain or have the applicant show a continuous Buffer on these lots.
3. The impervious surface information appears correct.
4. The allowable clearing information still appears to be incorrect. We recommend the applicant simply state that total allowable clearing is 3.12 acres (up to 20% with 1:1 mitigation) or 4.67 acres (30% with 1.5:1 mitigation), which is based on the total existing forest area of 15.58 acres.

Mr. Callahan
December 15, 2004
Page Two

5. The field determination by the Army Corps of Engineers indicates that there is no jurisdictional stream, which suggests that this determination does not account for the County's definition of stream; however, in this case, since the report indicated this area is an abandoned roadbed, if the County is satisfied that no stream exists according to the County's definition of stream (intermittent or perennial, not jurisdictional status), then this office is also satisfied. If your office is still uncertain, please contact our office for verification.
6. There does not appear to be a note referencing the riparian access afforded to each lot. Please have the applicant add a note that minimizes disturbance and clearing.
7. The existing structure on proposed lot 5 should be removed in order to bring this new lot into conformance with the County's Critical Area regulations concerning setbacks.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 659-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 15, 2004

Ms. Cathy Bridges
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Karl & Ursula Selinger - S 04-070, P 04-131

Dear Ms. Bridges:

I have received a revised plat and plan for the above-referenced project. It is my understanding this resubdivision request will correct an existing illegal parcel that was previously a legal parcel. Provided the County will view the resulting parcels as grandfathered, then this proposal appears to be consistent with the County's Critical Area Program.

It appears the applicant will be reducing the overall impervious area, which was my primary concern with previous reviews of this project. According to the site plan submitted, the impervious surface on parcel 248 will not exceed allowable impervious area, and the impervious surface area on parcel 244 will decrease. We recommend a note be added to the final plat that states that all proposed impervious areas for removal shall occur prior to final permits are issued.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 431-04

Robert L. Ehrlich, Jr.
Governor



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December 15, 2004

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Betty Kay Hines
MS 04-094

Dear Mr. Murray:

I have received a revised plat and site plan for the above-referenced subdivision. It appears the applicant has addressed all of the comments of my last letter dated August 18, 2004. Based on the revised plat and plans submitted, this office has no further comments.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 603-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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December 15, 2004

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Windermere
S 74-121, P 04-250

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to subdivide an existing 46 acre parcel into two lots in the Resource Conservation Area (RCA). I have outlined my comments below.

1. In those instances where 15% or greater slopes extend beyond the limits of the minimum 100-foot Buffer from tidal waters or tributary streams, the Buffer shall be expanded 4 feet for every one percent of slope. Please verify that the expanded Buffer has been properly delineated across the entire site.
2. The house site may need to be adjusted depending on the outcome of the letter from the Heritage and Biodiversity Division. Based on the aerial photograph submitted, it appears there may be enough contiguous forested area to qualify this site as Forest Interior Dwelling Bird habitat. Therefore the DNR letter should be received prior to final recordation.
3. We recommend a table be added to the final plat indicating the total allowable impervious area and clearing permitted per lot.
4. An easement should be placed on the remaining forested area. Please have the applicant show this area on the final plan and plat.

Mr. Callahan
December 15, 2004
Page Two

5. A note should be added to the final plat indicating the maximum width permitted for riparian access.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 887-04

Robert L. Ehrlich, Jr.
Governor



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December 14, 2004

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Riva Properties - 2004-0431-S

Dear Ms. Cotter:

This letter supplements my letter to your office dated November 5, 2004 concerning the Planned Unit Development (PUD) approval. As stated in that letter, this office offers no comment concerning the PUD approval issue. It is my understanding that if the Administrative Hearing Officer grants PUD approval, then sketch plan approval will also be completed. The last time this office received and commented on the sketch plan for this subdivision was in a letter dated December 12, 2003 to Ms. Lori Allen. I have attached that letter for your information, although many of the issues raised in that letter have been addressed by the most recent plans. Below are comments on the latest plans. These comments can be addressed at final.

1. We recommend a note be added to the final plan and plat indicating that while 25% impervious cover is permitted for new lots less than one acre, the overall subdivision shall maintain no more than 15% impervious cover. Therefore, each lot cannot use the maximum 25% as shown in the table otherwise the 15% limit could be exceeded. The column that is labeled "use" would ensure that the overall 15% limit is not exceeded. Please have the applicant make an appropriate notation.
2. Since proposed lot 36 is greater than one acre, it is limited to 15% impervious cover. Please have the applicant adjust this information in the impervious area table.

3. The area of proposed lot 36 is constrained by the expanded Buffer to steep slopes and by the RCA on the lot. Therefore, we recommend a note be added to the final plan and plat that states no new accessory structures or additions may be located in the expanded Buffer. In addition, accessory structures should not be allowed in the RCA portion of the lot.
4. The rear of proposed lots 25, 29 and 30 all have a substantial area of RCA. Accessory structures should not be located in this area, and the minimum rear setback information shown on the cover sheet for these lots needs to be adjusted to reflect that the setback on these lots is at the RCA line.
5. A previous comment in our letter of December 12, 2003 concerned the access road into the project. We commented that the road should not be located in the RCA unless the County makes a determination that the site cannot be accessed except by means of the RCA portion of the site; however, we have been informed that there exists an existing right-of-way on either side of the existing access road. The applicants have been instructed to have the improved road follow this path since the right-of-way already exists. Since no Habitat Protection Areas will be impacted, this office has no further comment on this issue.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 780-04

Robert L. Ehrlich, Jr.
Governor



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December 13, 2004

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

Re: Tanyard Springs Infrastructure
S 82-192, P 97-019

Dear Ms. Allen:

I have received a submittal for the above-referenced subdivision request for review and comment. The last time this office commented on this plan was in a letter to you dated March 26, 1997. I have outlined my comments below.

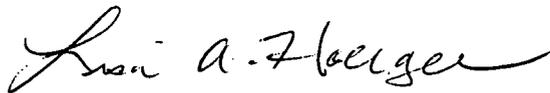
1. I was able to see the overall calculations for forest clearing and impervious cover, which appear correct; however, the applicant states that the Critical Area calculations have been added to the final plat and final plan on a parcel-by-parcel basis yet I could not locate this information. Was this information supposed to appear in a table?
2. I see that the proposed stormwater management pond on lot 10 has been moved entirely outside the Resource Conservation Area (RCA). Why does the stormwater management easement need to extend over the RCA? What is the purpose of this easement area? If it is for future stormwater management needs besides an outfall, it cannot be placed in the RCA.
3. No development activities associated with the commercial development of lot 10 can be located in the remaining RCA area of lot 10 that is not in the stormwater easement or in the reforestation area.

Ms. Allen
December 13, 2004
Page Two

4. Has the County requested an updated letter from the Maryland Department of the Natural Resources, Heritage and Biodiversity Division? If not, it appears an updated letter may be required since the last submission was over two years ago.
5. Please have the applicant correct the typographical error in Critical Area note #1 where LDA is referenced.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: 909-04

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 8, 2004

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

Re: Paul Griffith Property
MS 04-123

Dear Ms. Krinetz:

I have received the above-referenced subdivision request to reconfigure three existing parcels. I apologize for the delay in receiving this comment letter. This office received a copy of the Short Form Critical Area Report, but has still not received a copy of a site plan or plat. Once we receive a copy of a Critical Area plan and plat, we will be able to provide more substantive comments. In the meantime, since the Critical Area Report included a topographical map showing the proposed reconfiguration, I will attempt to make some preliminary comments.

1. The reconfiguration of the parcels should not create any nonconforming issues with regard to density, setbacks or impervious surface issues.
2. The applicant should provide documentation that these three parcels were part of a recorded subdivision plat prior to December 1, 1985 to ensure they are properly grandfathered. The information available to this office only shows one parcel; however, we recognize this information may not be current.
3. It is difficult to determine whether the proposed development activities on proposed lots 2 and 3 will impact the nontidal wetlands on the site. It appears that at a minimum, the driveway access may cross the wetland and its buffer, which will require authorization from the Maryland Department of the Environment, and require a variance from the Administrative Hearing Officer.

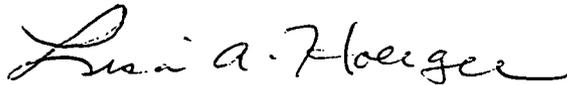


Ms. Krinetz
December 8, 2004
Page Two

4. It appears the Critical Area Data Table in the Critical Area Report is correct. The only question I have is whether the 5,500 square feet of clearing shown for lot 1 is already cleared area? Or, will there be additional clearing on a portion of lot 1 for the driveway access to lots 2 and 3 that is not represented on the table?
5. It appears the new configuration of the existing parcels will now create riparian access; therefore, a note should be added to the final plat indicating that this area of Carrs Creek has been identified by the Department of Natural Resources as historic waterfowl concentration areas, and that any proposed water-dependent facilities may require permits from the County and the Maryland Department of the Environment. The note should also include the closure dates for construction of such facilities, which is November 15 to April 30.
6. We recommend another note that references the 100-foot Buffer, and any area required for expansion in the case of hydric soils, and indicates that this is an area of no new disturbance.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 777-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 7, 2004

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

Re: Allen Shapiro
200560673/05-WL-0652

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 73 feet of stone revetment within a maximum of 20 feet channelward of the mean high water line for the purpose of shore erosion control. We defer to your office concerning the appropriate means of shore erosion control.

Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 7, 2004

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

Re: The Shoppes at Bay Hundred - Planting Plan

Dear Ms. Verdery:

The applicant has forwarded a revised site plan of The Shoppes at Bay Hundred. The plan proposes 51 native marsh grasses to be planted along the grass swale in order to address the 10% Pollutant Reduction calculation. I have outlined my comments below.

1. In my last letter to you dated October 25, 2004, I stated that, "...the applicant is required to plant 51 plants (trees/shrubs) on site. We recommend these trees and/or shrubs be planted along the grass swale or along the edge of existing impervious areas." Therefore, the plantings should consist of trees or shrubs in order for the plantings to be considered acceptable for the purpose of addressing the removal requirement for the 10% Pollutant Reduction requirement.
2. The note added to the plan will be sufficient once the type of species is changed.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Lee Mayer, Lane Engineering
TC 930-03



Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 6, 2004

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

Re: County Council Bills 961, 962, 963, 964

Dear Mr. Kinney:

At its meeting on December 1, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with the Chairman's determination to approve County Council Bills 962, 963, and 964 as refinements to the Talbot County Critical Area Program. These bills addressed the conditions of the Commission's May 5, 2004 approval of the County's Comprehensive Review.

With regard to County Council Bill 961, the Commission Panel responded to the County's request to amend the condition and recommended that the Commission modify the previous condition of approval for County Council Bill 926 regarding the definition of dwelling unit to read:

Dwelling unit means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an accessory apartment, and a guest house.

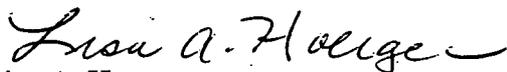
Specifically excluded from this definition are in-law apartment and caretaker residence because Talbot County does not permit these uses in any zoning district.

Once the Commission approved this change to the prior condition, the Commission concurred with the Chairman's determination that County Council Bill 961 be approved as a refinement to the Talbot County Critical Area program.

Mr. Kinney
December 6, 2004
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Michael Pullen, County Attorney
Mr. R. Andrew Hollis, County Manager
Ms. Marianne Mason, Assistant Attorney General
Ms. Kerrie Gallo, Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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December 6, 2004

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

Re: U.S. Route 50
Redline Revision #7 Widening of EZ™ Pass Lane

Dear Mr. Anderson:

At its meeting on December 1, 2004, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays granted conditional approval to the U.S. Route 50 Widening of EZ™ Pass Lane, Redline Revision #7 project with the following conditions:

1. The MdTA performs mitigation with native species at a 3:1 ratio.
2. The MdTA receives all required permits from the Maryland Department of the Environment prior to commencement of construction.

It is our understanding that the required planting has been accomplished. Please sign and return the enclosed Plantings Agreement Form for our files. Please make a copy of the signed version for your file. Thank you and your consultant team for your cooperation, and for attending the Commission meeting. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 6, 2004

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

Re: U.S. 50 Bay Bridge Toll Plaza
Redline Revision #6 Widening of Departure Lanes

Dear Mr. Anderson:

At its meeting on December 1, 2004, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Red Line Revision #6 Widening of the Departure Lane project with the following condition:

- The MdTA receives all required permits from the Maryland Department of the Environment prior to commencement of construction.

It is our understanding that the required planting has been accomplished. Please sign and return the enclosed Plantings Agreement Form for our files. Please make a copy of the signed version for your file. Thank you and your consultant team for your cooperation, and for attending the Commission meeting. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
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December 6, 2004

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

RE: Cox Creek DMCF – Unloading Pier

Dear Mr. Brown:

At its meeting on December 1, 2004, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the construction of the unloading pier at the Cox Creek Dredged Material Containment Facility site with the following conditions:

1. The Maryland Port Administration develop appropriate erosion and sediment controls and stormwater management facilities in cooperation with Critical Area Commission staff.
2. The Maryland Port Administration receives all required authorizations from the Maryland Department of the Environment prior to commencement of construction.

In keeping with condition 1, please continue to keep Commission staff apprised of the discussions with MDE regarding stormwater treatment. This office must sign off on the method selected that will treat the 10% Pollutant Reduction requirement.

Thank you and your team for your cooperation and for attending the meeting last week. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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December 6, 2004

Ms. Linda M. Schuett, Esq., County Attorney
Anne Arundel County Office of Law
2660 Riva Road, 4th Floor
Annapolis, Maryland 21401

Re: County Council Bill No. 67-04 - Amendment No. 50
Legacy Development

Dear Ms. Schuett:

Thank you for your email concerning the above-referenced amendment to Council Bill 67-04 sponsored by Councilman Reilly. This letter reflects comments of the Critical Area Commission staff, in consultation with the Assistant Attorney General, and does not represent an official position of the Commission. As you know, the Commission itself must approve any changes to the County's Critical Area Program submitted by the Council and County Executive.

This office is aware of the County's struggle regarding whether to continue to allow intrafamily transfers throughout the County. We appreciate the Council's attempt to provide a compromise for those constituents who will be affected if the intrafamily transfer provision is eliminated, as is proposed in Bill 67-04. Of course, we take no position on the amendment to the extent that its provisions would apply outside of the Critical Area. However, in regard to the Critical Area, the amendment as currently drafted appears to conflict with the intrafamily transfer provisions in the State's Critical Area law. In addition, even if the specific provisions of Amendment No. 50 discussed below are reconciled with state law, we remain concerned about the County's acknowledged inability to track and enforce those provisions.

The intrafamily transfer provisions of Anne Arundel County's Critical Area Program have been the subject of numerous discussions among our staff, the County Law Office, the County Office of Planning and Zoning, the Commission's Program Subcommittee and a panel of Commission members who conducted a public hearing on the County's comprehensive changes to its local

program. Your office and the Office of Planning and Zoning informed us that other provisions of State law and the County Code prevent the County from implementing the tracking and enforcement provisions contained in the intrafamily transfer section of the Critical Area law. Therefore, when the full Commission approved the County's comprehensive changes on March 7, 2004, the approval included the following condition:

"The Commission understands, based on information provided by the County, that the County finds that the provisions of Section 8-1808.2 of the Annotated Code of Maryland, regarding intrafamily transfers, cannot be effectively implemented; therefore, the County agrees to notify the Commission when it receives requests for such intrafamily transfers between the time of this approval and when the County is able to promulgate its new zoning regulations. If the new zoning regulations do not include provisions for effective implementation of the intrafamily transfer regulations, the Commission will revisit this issue to determine what action is necessary to resolve the problems that have been identified."

In the interim, the Office of Planning and Zoning has continued to keep Commission staff informed about the legislation now under consideration by the County Council. Until you provided us with a copy of Councilman Reilly's amendment, we understood that, for various reasons, intrafamily transfers would be eliminated countywide. However, the introduction of the Councilman's amendment has renewed our concerns about the County's previous statements regarding its inability to track and enforce intrafamily transfers and subsequent conveyances of these lots. Accordingly, we believe that the County must determine conclusively whether it can enforce the provisions in its current program. If the County continues to maintain that it cannot enforce these provisions, the Critical Area law does not provide alternative mechanisms to allow the County to permit intrafamily transfers in the Critical Area. If the County determines that it can enforce the provisions, it must do so consistent with the law (attached). While it appears that Amendment No. 50 provides more precise standards for intrafamily transfers than currently exist in the County Code, it also appears to conflict with State law in certain instances, as I have outlined below.

- Transfer to a Third Party: In Subtitle 11, Section 26-7-1102 (A) (2) provides that intrafamily transfer lots shall "not be conveyed to a third party for at least ten years from the date the record plat is signed by the Planning and Zoning Officer..." The Critical Area law does not specify a time period that intrafamily lots must be held before they can be transferred to a third party. However, the law requires that among the standards and procedures a local jurisdiction establishes for the subsequent conveyance of an intrafamily transfer lot are the following:

“The standards and procedures shall assure that: (1) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and (2) (i) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this subtitle and that warrants an exception; or (ii) Other circumstances that are consistent with this subtitle and with the Commission’s criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in resource conservation areas warrant an exception.” Natural Resources Article, Section 8-1808.2 (g) (1) and (2).

- Minimum Parcel Size: We do not see in Amendment No. 50 a minimum size for qualifying parcels, although such qualifications may exist in certain referenced sections of the County Code. The Critical Area law includes the following provisions in regard to parcel size:

“If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of its local program, the local jurisdiction shall permit a bona fide intrafamily transfer to be made only from parcels of land that: (1) Were of record on March 1, 1986 in the Chesapeake Bay Critical Area or on June 1, 2002 in the Atlantic Coastal Bays Critical Area; and (2) Are 7 acres or more and less than 60 acres in size.” Natural Resources Article, Section 8-1808.2 (c).

- (1) “A local jurisdiction: (i) May approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer; and (ii) May not approve any greater subdivision of the parcel of land or any portion of the parcel of land.
- (2) A parcel that is 7 acres or more and less than 12 acres in size may be subdivided into 2 lots.
- (3) A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots. The lots may be created at different times.” Natural Resources Article, Section 8-1808.2 (e).

If the County is able to craft an intrafamily transfer provision that is consistent with State law and which both the County and the Critical Area Commission are confident can be enforced, then such a proposal would appear to meet the requirements of the law. Again, we appreciate your providing us with a copy of Amendment No. 50 and look forward to continuing to work with you and other County officials and staff. If you have questions or would like to discuss these matters

Ms. Schuett
December 6, 2004
Page Four

further, we are available to meet at your convenience. You are welcome to contact me at (410) 260-3478 or Ren Serey at (410) 260-3462.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Honorable Edward R. Reilly
Honorable Cathleen M. Vitale
Robert D. Miller
Joseph W. Rutter, Jr.
Elinor Gawel

Article - Natural Resources

[\[Previous\]](#) [\[Next\]](#) [\[Another Article\]](#)

§ 8-1808.2.

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Bona fide intrafamily transfer" means a transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.
- (3) "Immediate family" means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.
- (b) Notwithstanding density limitations established in criteria of the Commission, as part of its local program, a local jurisdiction may submit provisions by which an owner of a parcel of land in the resource conservation area may be permitted to make bona fide intrafamily transfers.
- (c) If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of its local program, the local jurisdiction shall permit a bona fide intrafamily transfer to be made only from parcels of land that:
- (1) Were of record on March 1, 1986 in the Chesapeake Bay Critical Area or on June 1, 2002 in the Atlantic Coastal Bays Critical Area; and
- (2) Are 7 acres or more and less than 60 acres in size.
- (d) A bona fide intrafamily transfer from a parcel of land shall be a subdivision of the parcel of land that is subject to local approval under the "Subdivision Control" subtitle of Article 66B of the Code, under Title 7 of Article 28 of the Code, or under any subdivision control provisions of a charter county.
- (e) (1) A local jurisdiction:
- (i) May approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer; and
- (ii) May not approve any greater subdivision of the parcel of land or any portion of the parcel of land.
- (2) A parcel that is 7 acres or more and less than 12 acres in size may be subdivided into 2 lots.
- (3) A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots. The lots may be created at different times.
- (f) (1) As a condition of approval, a local jurisdiction shall require that:
- (i) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this section; and
- (ii) A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to

any person other than a member of the owner's immediate family, except under procedures established pursuant to subsection (g) of this section.

(2) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.

(g) If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of the local jurisdiction's local program, the local jurisdiction shall establish standards and procedures, subject to the approval of the Commission, by which the local jurisdiction will permit the subsequent conveyance of lots to persons other than immediate family members. The standards and procedures shall assure that:

(1) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and

(2) (i) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this subtitle and that warrants an exception; or

(ii) Other circumstances that are consistent with this subtitle and with the Commission's criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in resource conservation areas warrant an exception.

[\[Previous\]](#) [\[Next\]](#) [\[Another Article\]](#)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Governor



Martin G. Madden
Chairman

Ren Serey
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December 3, 2004

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Sharyn Vogel
2004-0420-V

Dear Ms. Schappert:

I have received the above-referenced variance request to construct a 10' x 12' shed in the 100-foot Buffer. This is a grandfathered property located in a Limited Development Area and Buffer Exemption Area in the County's Chesapeake Bay Critical Area. While I did not have the opportunity to visit this site prior to the hearing, I have read the applicant's justification for the variance. Unfortunately this office is unable to support the requested variance for the reason I have explained below.

In 2002 and 2004, the Maryland General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

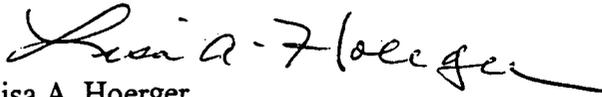
Based on the site plan provided, it appears a shed of this size could be located elsewhere on the lot. Even without the shed, the applicant's information indicates that storage exists on this parcel within the existing dwelling and garage, which still provides the applicant reasonable and significant use of the property; therefore, this office believes that the standard of unwarranted hardship has not been met.

Ms. Schappert
December 3, 2004
Page Two

In conclusion, it is our position that, unless the Hearing Officer finds that the applicant has met the burden of proof on each one of the County's variance standards, then he must deny this application.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc : Marianne Mason, Counsel
AA 891-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 3, 2004

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Merritt Properties, LLC
Oregon Avenue Industrial Park, Parcel 4

Dear Ms. Schappert:

Thank you for forwarding the above-referenced Critical Area reclassification and rezoning request to this office for review and comment. As you know, this office has no comment regarding the application for rezoning. Since our meeting with the applicant's counsel, a review of the supporting documentation, and our site visit this past Tuesday, the County has requested the Commission staff's recommendation concerning this reclassification request. Based on Commission staff's assessment, it appears the County intended to map this site as an RCA.

In order to explain our determination, we will provide you the guidance given to the Commission, which involve two court cases (copies enclosed). The two cases, Kent Island Limited Partnership from Queen Anne's County and August Bellanca from Kent County, provide the standards for how a local government makes a mapping mistake determination, and the proper role of the Critical Area Commission in this process.

The Kent Island case establishes the Commission's role in reviewing mapping mistakes when the Court stated, "The role of the Critical Area Commission is to examine the amendment to determine whether the amendment is consistent with the criteria." Therefore, once the Hearing Officer makes his determination, the Critical Area Commission will examine whether that determination is consistent with the mapping standards in the Code of Maryland Regulations at 27.01.02. If it is, then the Commission must approve the mapping mistake when it is forwarded

Ms. Schappert
December 3, 2004
Page Two

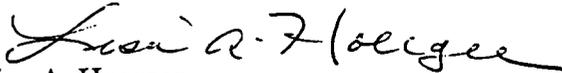
for review and approval by the County. In the Merritt situation, if the County determines the site was mistakenly mapped as an RCA and is now mapped as an IDA, then the Commission would examine the mapping rules for IDA to see whether it is consistent.

In the Bellanca case, the court stated, "...the County Commissioners could approve appellant's application only if the evidence produced by the appellants in support of their original amendment application was not only compelling, but was 'strong evidence' that the classification was a mistake...". In other words, the County's determination should not be based on the premise that the site could have been mapped IDA, or was more appropriately mapped IDA. Instead, the Hearing Officer must find, based on "compelling" evidence, that the original designation of the site in question was a mistake. Presently, this office is unaware, as it appears you are also, of compelling evidence that the RCA designation was a mistake. To date, you have indicated that the site was zoned OS during the Critical Area mapping process, and was likely the reason the site was mapped RCA. The County must examine those maps or resources that were used by the County staff at the time of original mapping. While other maps may have existed at the time, if they were not the basis for the County's decision, they are not the proper means for determining mistake.

Given the direction provided by the Courts, as explained above, I hope this information is useful to you and the Hearing Officer in making a determination of the Critical Area reclassification request on this property.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Ms. Elinor Gawel, Office of Environmental and Cultural Resources
Ms. Marianne Mason, Office of the Attorney General

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

December 2, 2004

Mr. Colin P. Henderson
T.Y. Lin International
201 Alhambra Circle, Suite 900
Coral Gables, FL 33134

Re: Anacostia Riverwalk Trail
Draft Environmental Assessment
TYLI Project Number 421573.03

Dear Mr. Henderson:

Thank you for forwarding the above-referenced document to this office for review and comment. Having received the document last week, I have not had the opportunity to perform a thorough review; however, I will provide you with some basic comments concerning the preferred alternative in Section 3 since it is only this section of the trail that impacts Maryland's Chesapeake Bay Critical Area. I have outlined my comments below.

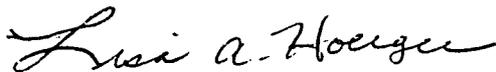
1. In section 2.3.3, the document indicates that the trail will be 12 feet wide and 14 feet wide in those areas that are proposed as a boardwalk. Why are the boardwalk areas two feet wider? I assume certain areas are proposed for boardwalk in order to cross a stream or wetland, which is an area that should have the least amount of disturbance.
2. Since it appears Section 3A will impact a wetland (WLO19a), will this area be constructed as a boardwalk? How is the wetland being impacted? Is only the 25-foot nontidal wetland buffer impacted, or is the wetland itself being impacted?
3. In addition to the wetland in this area of the trail, there is a minimum 100-foot Buffer from the edge of mean high water of the Anacostia River or from the edge of tidal wetlands. It appears this section of the trail (north of New York Avenue/ US Rt. 50) will be within the 100-foot Buffer. We would recommend an alternative route in this area to avoid the 100-foot Buffer to the Anacostia.

Mr. Henderson
December 2, 2004
Page Two

4. In Section 5.1.3 the document states that alternative 3A was selected over 3B and 3C since it had the least wetland impacts; however, if you review the table in Section 4.10.1 it appears the total area impacted to wetland WLO19 for alternative 3A is 849.42 square feet, which is greater than the impacts for alternatives 3B and 3C which are zero square feet. How is this statement consistent with the table?
5. Why would the impacts to wetland WLO19 be different among the three alternatives, when it appears that this section of the trail is in the same location for all three alternatives?
6. In section 4.14.1 Habitats, the applicant references Maryland's 1991 Forest Conservation Act and questions whether a full forest stand delineation will be required. Since the entire portion of the proposed trail is in Maryland's Chesapeake Bay Critical Area, this portion of the trail will not be subject to Maryland's Forest Conservation Act. Instead, the applicant must adhere to the forest preservation requirements of the state's Critical Area Law and Criteria.
7. While a full forest stand delineation is not required, the applicant will be expected to provide mitigation for any forest or vegetation cleared for the construction of the trail. The Park Service and D.C. DOT can expect to provide mitigation at a 1:1 ratio for clearing up to 20% of the parcel; 1.5:1 mitigation for clearing up to 30%; and 3:1 mitigation for clearing in excess of 30%.

Thank you again for the opportunity to comment on the Draft Environmental Assessment. If you have any questions concerning these comments, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Matthew R. Martin, T.Y. Lin International
Ms. Eileen Nivera, MNCPPC
Mr. Richard Thompson, PG Co. DER

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 30, 2004

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Charles and Carla Downs
2004-0417-V

Dear Ms. Schappert:

I have received the above-referenced variance request to enclose an existing porch with less front setbacks than required in the Critical Area. Since this enclosure will not create new impervious area or require clearing, no mitigation is recommended. This office has no further comments regarding the setback issue.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 889-04



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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November 30, 2004

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Lily R. Walther
2004-0419-V

Dear Ms. Schappert:

I have received the above-referenced variance request to construct a second story addition with less setbacks than required. Since the addition will not create additional impervious surfaces, or create the need for clearing, this office has no comment regarding the setback issue.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 890-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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November 30, 2004

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

Re: Anne Arundel County Council Bill 65-04

Dear Ms. Gawel:

This office has received County Council Bill 65-04. It is our understanding that the purpose of the bill is to address the conditions required as part of the Commission's April 7, 2004 approval, and incorporates the changes made by the Maryland General Assembly in its 2004 legislative session. The Critical Area Commission is today accepting these bills for processing. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 29, 2004

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

Re: James and Christine Ventura- 2004-415-V

Dear Mr. Konowal:

This office has received the above-referenced variance request for review and comment. The applicants propose to demolish portions of an existing dwelling and replace it with a new dwelling that will require disturbance to steep slopes in the 100-foot Buffer, and less sideyard setbacks than required.

While I have not had the opportunity to visit the site, it is has been the recommendation of this office, and a requirement of the County's variance standards that any disturbance be the minimum necessary. It is unclear from the site plan and the explanation letter provided how disturbance was minimized; however, if the applicant is able to convince the hearing officer that disturbance was minimized, we recommend mitigation at a 3:1 ratio for the area of grading to the slope within the Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 884-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 29, 2004

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

Re: Anne Ashare – 04-410-V

Dear Mr. Konowal:

This office has received the above-referenced variance request for review and comment. The applicant proposes to construct three additions to an existing dwelling. The application materials indicate that the property may be within an expanded Buffer for steep slopes; however, the area of the proposed additions does not appear to be located directly on steep slopes according to the topographical information provided. This office does not oppose the requested variances provided mitigation is performed at a 3:1 ratio for new disturbance to the expanded Buffer (if applicable).

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 885-04

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 29, 2004

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

Re: Gene C. Van Slyke and Amy K. Van Slyke – 04-409-V

Dear Mr. Konowal:

This office has received the above-referenced variance request for review and comment. The applicant proposes to remove an existing dwelling and replace it with a new dwelling. From the information provided it appears the overall impervious area will be slightly reduced and the new dwelling will be located further from the edge of steep slopes.

This office does not oppose the requested variance, but recommends the following conditions of approval:

- Mitigation is performed at a 3:1 ratio for new disturbance to the expanded Buffer.
- The impervious areas shown for removal should be completed at the time the existing dwelling is demolished.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 883-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 29, 2004

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

Re: James J. Cadicamo – 2004-413-V

Dear Mr. Konowal:

This office has received the above-referenced variance request for review and comment. The applicant proposes two dwelling additions that will require less setbacks than required. Since there appears to be no Critical Area issues, this office has no comment regarding this request.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 882-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 24, 2004

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Finizio, Tobin Family Subdivision
S 04-132, P 04-242

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create five family conveyance lots, with three inside the Critical Area. I have outlined my comments below.

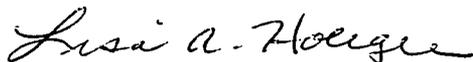
1. Please have the applicant provide the subdivision history of the parcel to ensure that the parcel was of record on March 1, 1986. If any subsequent subdivision of this parcel occurred since that date, this parcel is not eligible for an intrafamily transfer subdivision.
2. The final plat shall include a note indicating the lots in the Critical Area may only be conveyed to a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter, and that the lots may not be conveyed to persons other than immediate family members except if there were a change in circumstances as described in the County Code.
3. We recommend certain notes be added if they do not already appear on the plat. Those notes should include information about clearing and impervious surface limits, and information about the Forest Interior Dwelling Bird habitat on site.
4. The applicant is proposing a 10-foot pathway to a proposed community marina area. Since this parcel is considered to support Forest Interior Dwelling Bird (FIDs) habitat, any pathway to the water must retain canopy closure. We recommend path be limited to the minimum width required for pedestrian traffic. It is our understanding the County typically allows riparian paths to be a maximum of six feet wide.

Ms. Krinetz
November 24, 2004
Page Two

5. The area proposed at the shoreline for the community marina area requires too much clearing in FID habitat. Similar to the path, this area should also be the minimum necessary to provide access to a future pier. We recommend that it only include the area of the path, and that canopy cover be maintained. Please have the applicant adjust this on the plans.
6. The proposed dwelling locations may need to be adjusted due to the FID habitat. For example, the dwelling locations should be clustered and no further than 300 feet from the existing forest edge, which absent visiting the site, I assume may be the existing dirt road.
7. Any clearing will require mitigation that creates new FID habitat; therefore, an off-site location will likely be required to be identified.
8. The proposed bioretention area appears to create excessive clearing. Will that bioretention area be serving the dwelling on lot 1 and a portion of the road?
9. How much additional clearing will be required for the road?
10. The expanded Buffer in the area of proposed lot 1 does not appear to be correct. It appears the 15% slopes have not been accounted for in the expansion area. Please have the applicant adjust this line.
11. There is no setback shown from the isolated steep slopes that appear on proposed lot 3. Please have the applicant show the proper setback.
12. Why are the lots 2 and 3 set back so far from the road? Since this is FID habitat, we recommend these dwelling locations be sited closer to the road to minimize isolated breaks in the canopy.
13. Sheet 3 of 3 does not show the property boundary between lots 4 and 5.
14. A note should be added to the final plat that restricts further development activities associated with lots 4 and 5 on the Critical Area portions of those lots.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 863-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 24, 2004

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Merle and Judy Howard Subdivision
Queenstown Forest, Lot 1- MS 04-133

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create two family conveyance lots and one residue, with two lots inside the Critical Area. I have outlined my comments below.

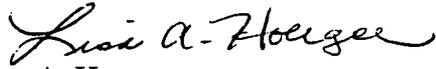
1. Please have the applicant provide the subdivision history of the parcel to ensure that the parcel was of record on March 1, 1986. If any subsequent subdivision of this parcel occurred since that date, this parcel is not eligible for an intrafamily transfer subdivision.
2. The final plat shall include a note indicating the lots in the Critical Area may only be conveyed to a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter, and that the lots may not be conveyed to persons other than immediate family members except if there were a change in circumstances as described in the County Code.
3. We recommend certain notes be added if they do not already appear on the plat. Those notes should include information about clearing and impervious surface limits for each lot. We recommend a table.

Ms. Krinetz
November 24, 2004
Page Two

4. A note should be added to the final plat that restricts further development activities associated with lot 3 on the Critical Area portion of that lot.
5. Where is the proposed easement area that will be planted?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 864-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 24, 2004

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

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

Dear Mr. Callahan:

I have received a revised sketch plan for the above-referenced subdivision request. It appears the applicant addressed the comments of my last letter dated May 10, 2004. Please ensure the applicant forwards the 10% pollutant reduction calculation to this office for review.

The only other remaining issue is whether the Department of Natural Resources has been contacted subsequent to Mr. See's plant survey of the property to ensure that they concur with his determination that neither plant species listed in their March 4, 2004 letter are present on this site. This should occur prior to final.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 232-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 24, 2004

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

Re: Oyster Harbor, S 91-070, P 04-003

Dear Ms. Krinetz:

I have received the revised plat and plans for the above-referenced subdivision. I have outlined my comments below.

1. The impervious surface figure appears to be corrected on the plans, but not on the final plat. Please have the applicant check these figures.
2. The note restricting lot 2 to buffer variances did not appear on the plat or plan as was stated in the applicant's response letter. Please ensure this is accomplished on the final plat and plans.
3. We see on the stormwater management plan sheet that the existing gravel area in the Buffer will be removed; however this is not stated on the final plat. We recommend a note appear on the final plat indicating this impervious surface area will be removed prior to issuing a building permit for that lot.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 20-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 23, 2004

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

Re: Anacostia Riverwalk Trail
35% Plan Submission – Design Section 3

Dear Mr. Martin:

I have received the above-referenced plans for the Anacostia Riverwalk Trail project. As you know, the last portion of the trail in section 3 is within Maryland's Critical Area; therefore, this office will review this section of the trail. I understand these plans are at 35% so they do not yet show the level of detail needed for my review. In any case, below I have provided a list of those items that should be included in future submissions so that I can provide comments.

- Total proposed impervious surface
- Total disturbance/grading
- Total clearing
- Type of trail surface
- Proposed mitigation for clearing, disturbance/grading (All Buffer impacts require mitigation at a 3:1 ratio, and clearing outside the Buffer will require mitigation at a 1:1 ratio)
- Type of stormwater management
- Type of sediment and erosion control
- Environmental Review letter from the Maryland Department of Natural Resources for the presence of threatened or endangered species or species in need of conservation.
- List of any other required permits (e.g. for wetlands crossing/disturbances, stormwater)

Mr. Martin
November 23, 2004
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Eileen Nivera, MNCPPC

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 22, 2004

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

Re: Town of Vienna - Boat Ramp Staging Area

Dear Ms. Gordy:

Thank you for forwarding the above-referenced project to this office. I have reviewed the proposed project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. This office agrees with your assessment that the project is consistent with the Town's Critical Area Program. I have provided some additional recommendations below.

1. This office views the boat staging area as a water-dependent use provided no long-term parking is permitted.
2. The proposed plantings attached to your report by the landscape company do not appear to be native. Please have the landscaper include native trees, shrubs and grasses and include quantities for each species listed.
3. The proposed planting in the 100-foot Buffer should occur at a 2:1 ratio (the 2:1 ratio is from the Town's Buffer Exemption Area provisions found in Chapter 16, Section 10-6 and encouraged in the Town's Critical Area Program's Water Dependent Facilities section) for the new impervious area created by the boat ramp staging area.



Ms. Gordy
November 22, 2004
Page Two

4. I calculate the mitigation to equal 2,040 square feet ($15 \times 68 = 1020$ sq. ft., $1020 \times 2 = 2040$ sq. ft.). If the town planted five clusters of one tree and three shrubs, or five clusters of one tree and two small trees, this requirement would be met.

Since the Town will be designing a Buffer Management Plan related to the overall waterfront park improvements, the Town may elect to fold the mitigation requirement for the boat ramp staging area into that plan. In any case, please inform this office of the town's intentions for planting, and notify us once this project is complete.

Thank you again for forwarding this project for review and comment. If you have any questions, or if I can provide you or the Town with any assistance please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: VI 756-04

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
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November 22, 2004

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

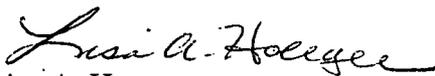
Re: Marbury Councell
200560369-WL-0551

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace a 25-foot long by 14-foot long wide stone groin with a maximum of 25 feet channelward of the mean high water line and to emplace 25 cubic yards of clean sand along 20 feet of shoreline as beach nourishment with a maximum of 6 feet channelward. Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 22, 2004

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

Re: Brainard W. Parker, II
200560553/05-WL-0625

Dear Mr. Cuthbertson:

I have received the above-referenced project to fill, grade and plant marsh vegetation along 547 feet of shoreline with 250 cubic yards of clean sand placed within a maximum of 12 feet channelward of mean high water, and to place 480 feet of biologs within a maximum of 13 feet channelward. This office supports non-structural means of shore erosion control where possible; therefore, if your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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November 18, 2004

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

Re: Richard Burgess Property
MS 04-130

Dear Ms. Krinetz:

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

1. We recommend a note be added to the final plat indicating that no further impervious area is permitted on either lot.
2. Does the County agree that the site currently supports a minimum of 15% forest cover as explained in the Critical Area report? If so, how was that determination made?

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 838-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Lt. Governor

Ren Serey
Executive Director

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November 18, 2004

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

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

Dear Ms. Schatt:

I have received another revision for the above-referenced subdivision request. It appears the applicant has addressed the comments of my last letter dated September 20, 2004. I have outlined my remaining comments below.

1. There is a bioretention facility in the Resource Conservation Area portion of the parcel. Is this stormwater management facility serving any of the development activities inside the RCA (i.e. roads, driveways, dwellings)? Please have the applicant clarify since these facilities should only be permitted in the RCA if they will be serving development activities in the RCA.
2. As you know, the County is debating whether the intrafamily transfer provisions will be eliminated. Will this project be considered "grandfathered" if it is not platted before the County Council votes on this issue, and the vote is to eliminate the intrafamily transfer provision?
3. If the project will be "grandfathered" how will the County ensure the intrafamily transfer lots will be conveyed to immediate family members?

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 772-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Executive Director

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November 18, 2004

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

Re: Molly Properties LLC/ Lawrence Property
MS 04-126

Dear Ms. Krinetz:

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

1. We recommend a note be added to the final plat indicating that no further impervious area is permitted on the lots.
2. We recommend that the Buffer be shown on the final plat with a note indicating that it is an area of no new disturbance.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 818-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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Chairman

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Executive Director

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November 16, 2004

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

Re: Cooke's Hope Growth Allocation

Dear Mr. Hamilton:

Thank you for forwarding the applicant's response to my letter dated April 23, 2004. The applicant has responded to all four items in that letter; however, since the letter from the Department of Natural Resources is still pending, this office cannot consider your request a complete submittal and is unable to accept this package for processing. Once you receive that letter, please forward it to this office with a formal request for processing the growth allocation application.

Once this office accepts the submittal as a complete package for processing, the Chairman will have 30 days to make an amendment or refinement determination. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney, Planning Officer, Talbot County
Mr. Bill Stagg, Lane Engineering



Robert L. Ehrlich, Jr.
Governor

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November 15, 2004

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

Re: Bayside Marina & Public Landing – Consistency Report

Dear Ms. Moredock:

Thank you for sending the consistency report for the Bayside Marina & Public Landing project. I have reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying site plan, this office agrees that the project is consistent with the local Critical Area Program.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: KC 477-04

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 10, 2004

Ms. Linda M. Schuett, County Attorney
Anne Arundel County Office of Law
2660 Riva Road, 4th Floor
P.O. Box 6675
Annapolis, Maryland 21401

Re: Code Revisions – Articles 26 and 27

Dear Ms. Schuett:

Thank you for providing us with a summary of the issues we identified at our last meeting. Below I will provide you with our staff recommendations concerning outstanding issues.

Article 27 - Zoning

The maximum number of children allowed in a child care center appears to be eight. We consulted with section 5-553 of the Family Law Article, Annotated Code of Maryland, and COMAR 07.04.01.23, both of which provide that day care providers in family day care homes may care for not more than eight children; therefore, the County should similarly limit this type of use in the Resource Conservation Area to 8 children.

It is our understanding, based on your last email correspondence with Marianne Mason, that the County has agreed to remove the reference to "50% of the minimum lot size is in the Critical Area" from the provision that calculates slips in the Critical Area.

Article 26 – Subdivision

We recommend that a definition of agriculture be included in the subdivision ordinance. As you may recall, we agreed that the definition of farming provided in the zoning ordinance is sufficient.

In regard to the definition of Buffer Management Plan perhaps our concern that it would not cover reestablishing the Buffer is not with the term "development" as we first thought, but that the definition only seems to cover "development" that would occur in the Buffer. Therefore, we

Ms. Schuett
November 10, 2004
Page Two

recommend that a separate sentence be included in the definition that states "A buffer management plan is required in those instances where the Buffer is required to be reestablished."

Along the same lines, in §26-8-303 are the provisions for establishing the Buffer. These provisions establish how to calculate the amount of planting required. This formula that prescribes a 1:1 ratio for impervious area developed outside the Buffer and 3:1 for impervious area inside the Buffer does not achieve the goal contemplated in the Critical Area Criteria concerning establishing the Buffer. That goal is to replant the entire Buffer, which we have consistently stated translates to approximately 400 woody stems per acre. Therefore, we recommend this formula for mitigation is removed and the provision instead state that, "The Buffer shall be reestablished in three tier, native vegetation."

This section might also state that a "Buffer Management Plan is required when reestablishing the Buffer", then we may not need to alter the definition of "Buffer Management Plan".

We have discussed the issue of adding the Buffer to the County's list of Habitat Protection Areas (HPAs) and our position has not changed. We strongly believe that the 100-foot Buffer needs to be included as a HPA since the Critical Area Criteria define the Buffer as one of five categories of HPA. We also believe that including it in the list of HPAs will not weaken the clear Buffer provisions. If that is still a concern, we recommend a cross reference be provided to the Buffer provisions. Therefore, at §26-8-501 the Buffer should be included in the list of HPAs.

In our meeting, we indicated that the definition of "highly erodible soils" does not include, "...soils with a slope greater than 15 percent." This language should be inserted into the existing definition so that it is consistent with the Critical Area criteria.

One item that we did not discuss was a suggested reference to the Commission's Guidance Document on Forest Interior Dwelling Birds (FID) in the HPA section at §26-8-501. The County has reviewed development projects where FID habitat was present using this guidance document, and it is our understanding the County wishes to continue to do so. Absent this reference, the County must propose alternative protection measures for FIDs.

Finally, we discussed that the provision in the Critical Area criteria that allow roads, bridges and utilities to cross HPAs would not include the Buffer in the subdivision code since the Buffer is not identified as an HPA. We note that you have inserted this provision in the Buffer section of the code. As discussed, the Buffer is a designated HPA, which the County has recognized in the past through the application of the provision for roads, bridges and utilities. As discussed with HPAs, we still believe that the Buffer should be included in the HPA list, and that would eliminate the need to insert the roads, bridges, and utilities provision in 26-8-301.

Ms. Schuett
November 10, 2004
Page Three

Thank you for continuing to work with the Commission staff and counsel on these very important issues. While the issue of the County's incorporation of the General Assembly's 2004 Critical Area legislation regarding increased fines remains outstanding, we look forward to continued discussions with you about this matter. If you have any questions, please telephone us anytime.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter
Mr. Robert Miller
Ms. Betty Dixon
Ms. Lois Villemaire
Ms. Elinor Gawel
Ms. Sally Iliff
Ms. Marianne Mason
Mr. Ren Serey
Ms. Mary Owens

Robert L. Ehrlich, Jr.
Governor



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Ren Serey
Executive Director

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November 8, 2004

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

Re: Coxby's Estates, Section 3 Revision of Lot 23
S 95-030, P 04-165

Dear Ms. Krinetz:

Since my last letter to you dated August 9, 2004 I have received further information from the applicant's engineer concerning the status of the streams on this property. In the last submission a waters of the U. S. determination was included, which was not sufficient for purposes of reviewing for perennial or intermittent streams in the Critical Area according to the Anne Arundel County Code and the State Critical Area Criteria. Since that time the applicant has forwarded documentation that the Maryland Department of the Environment (MDE) performed a site visit at the applicant's request and determined the streams to be ephemeral channels, which as you know, do not require a 100-foot Buffer.

This office will accept the MDE determination. However, this leaves the application of Buffer mitigation unclear. Since the Anne Arundel County Board of Appeals issued conditions of its approval of variances for this site, which included 3:1 mitigation for Buffer impacts, it seems this condition may need to be amended. We request the County ensure that this item is properly handled.

Since the Buffer is no longer applicable, will the applicant be adjusting the LOD? If so, they should be reminded that the Anne Arundel County Board of Appeals in their decision dated December 6, 2000 required certain conditions. The first condition of that approval stated the following:

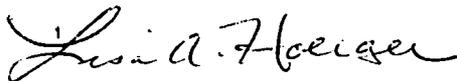
Ms. Krinetz
November 8, 2004
Page Two

The remaining areas on each lot outside the limit of disturbance (LOD), which LOD shall not constitute more than six percent (6%) of the entire property, shall be placed in a conservation easement.

Since the site supports Forest Interior Dwelling Bird (FID) habitat, the LOD on the site should not change. This is consistent with the Board's condition and the lengthy discussions your office had with the prior owners and this office concerning the long-term protection of FID habitat on this site.

I still have not received a revised site plan, assuming the applicant intends a revision. In any case, this office will be happy to respond to any questions of the County or the applicant. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Ed Brown
Mr. Milt McCarthy
Penny Chalkley
AA 238-99

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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November 8, 2004

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

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

Dear Mr. Torney:

I would like to provide an additional comment on the above-referenced project since my last comment letter to you dated October 14, 2004. It has come to my attention that the applicant is only proposing to put less than half of the site in a forest easement; however, that is not sufficient area to ensure that 70% of the existing forested area will not be cleared or disturbed. Therefore, this office recommends the applicant increase the area of the easement to ensure no more than 30% of the site is cleared.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Penny Chalkley, Planning and Zoning
AA 379-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Lt. Governor

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Executive Director

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November 5, 2004

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

Re: C. Edward Hartman, II
200465716/05-WL-0417

Dear Mr. Cuthbertson:

I have received the above-referenced project to fill, grade and plant marsh vegetation along 659.4 feet of shoreline with 150 cubic yards of clean sand placed within a maximum of 20 feet channelward of mean high water, and to place 659.4 feet of stone sill within a maximum of 28 feet channelward. This office supports non-structural means of shore erosion control where possible; therefore, if your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Nevertheless, any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Ren Serey
Executive Director

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November 5, 2004

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

Re: MD DNR – 200560058/05-WL-0458

Dear Mr. Cuthbertson:

I have received the above-referenced project for review and comment. The applicant proposes to emplace 780 linear feet of stone revetment within a maximum 20 feet channelward of the mean high water line. I have outlined my comments below.

I have not visited the site, but have viewed some aerial photographs that indicate this section of shoreline does not appear to be subjected to excessive fetch. In fact, this shoreline appears to be somewhat protected by a partially enclosed lake area. We will defer to your office concerning the most appropriate means of shoreline erosion protection at this site; however, we would strongly recommend that the applicant consider soft shoreline applications.

Since the applicant is the Department of Natural Resources, this project must be reviewed and approved by the Critical Area Commission regardless of the type of application ultimately approved by your agency. Please include a condition of your approval that this project seek Commission approval.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Executive Director

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November 5, 2004

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

Re: Victoria Johnson Property
MS 04-122

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicants propose to create three lots on an approximately four-acre parcel in the Limited Development Area (LDA). I have outlined my comments below.

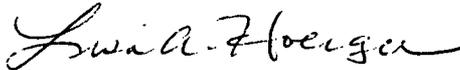
1. The 100-foot Buffer must be shown on the plan and plat.
2. It appears the Buffer may extend over a portion of the septic reserve areas on the proposed lots. This office will not support a variance for any new development activities in the Buffer. Please have the applicant reconfigure these areas.
3. We recommend a note be added to the final plat that indicates no disturbance is permitted within the 100-foot Buffer.
4. The Buffer may require expansion in the case of steep slopes that are 15% or greater. Please have the applicant expand the Buffer where necessary.
5. Is the Conservation Property all areas outside of the limits of disturbance? How much area is in the Conservation Property? A minimum of 70% of the existing forested area must be placed in a perpetual easement.

Mr. Callahan
November 5, 2004
Page Two

6. Has the applicant had the results of the plant survey for Giant Cane and Box Huckleberry verified by the Department of Natural Resources? We recommend this occur prior to final plat approval.
7. If the applicant proposed to remove the debris on the site, a Forest Preservation Plan or Buffer Management Plan should be required to ensure the area is reestablished in native vegetation. We recommend the County Forester be consulted in this case.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 793-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 5, 2004

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Michael and Laura Daras – 2004-0464-C

Dear Ms. Schappert:

I have received the above-referenced reclassification request for review and comment. The applicants propose to reclassify 14.96 acres from a Limited Development Area (LDA) to a Resource Conservation Area (RCA). This request is premised on the provision in the County's Critical Area Program document that states, "Land within 2,000 feet of an existing water or sewer line...was also classified as an LDA." This provision also states that public lands and wetlands would remain RCA; therefore, any wetlands that may exist on the site should remain RCA. We assume, absent information to the contrary that the site does not support any public lands.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 788-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 5, 2004

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Riva Properties – 2004-0431-S

Dear Ms. Schappert:

I have received the above-referenced special exception request for review and comment. The applicant proposes to permit a Planned Unit Development (PUD) in an R5 district. This office has no comment regarding the immediate request for a PUD.

We have previously reviewed and commented on a reclassification request for this property, which was partially granted by the Administrative Hearing Officer in case #2002-0321-C. The Critical Area Commission subsequently approved the reclassification permitted in that case, and we anticipate providing comments on the sketch plan that will ensure compliance with the County's Critical Area program requirements.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA780-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 4, 2004

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

Re: Map Amendment - Sorrell Property

Dear Ms. Gawel:

At its meeting on November 3, 2004, the Critical Area Commission concurred with the Chairman's determination that the above-referenced Critical Area Map amendment was a refinement to the Anne Arundel County Critical Area Program. The refinement was approved with the following condition:

Only the portion of the site within 2,000 feet of the existing sewer line that is not wetlands be mapped as an LDA and the area that is wetlands remain RCA.

The County reclassified a total of 11.55 acres of RCA to LDA. Since the condition requires that the areas of wetlands remain RCA, the total acreage reclassified to LDA will change. Once the total acreage is determined, the County must deduct 5% of that total from the County's available growth allocation reserves. Please forward the resulting acreage reclassified from RCA to LDA, and the amount of growth allocation deducted once it becomes available.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA Refinement File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 4, 2004

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

Re: Bill No. 3-2004 - Text Changes

Dear Ms. Webb Owings:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced bill, which revises various sections of the Kent County Zoning Ordinance involving compliance with the changes made by the Maryland General Assembly in 2004. Those changes included revising provisions governing accessory uses in the Resource Conservation District, adding provisions for variances, revising the definition of dwelling unit, adding the definition of unwarranted hardship, and revising penalties for violations in the Critical Area. At its meeting on November 3, 2004, the Critical Area Commission concurred with the Chairman's determination to approve Bill No. 3-2004 as a refinement to the Kent County Critical Area Program.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Kent County Refinement File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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November 4, 2004

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

Re: Wilmer Park, Town of Chestertown, Kent County - POS # 4643-14-64

Dear Mr. Price:

Thank you for forwarding the above-referenced project for review. This office supports the Town's efforts to maintain and improve this park, which provides public access to the Chester River. Since the Wilmer Park is in the Town's Critical Area, the proposed improvements must be consistent with the Town of Chestertown's Critical Area program. Some of the consistency items that the Town must consider may include the following:

- The park is located in an Intensely Developed Area, which requires adherence to the 10% Pollutant Reduction requirement if the repaving will exceed 250 square feet.
- No improvements considered structures by the Town are permitted within the 100-foot Buffer to the Chester River unless they are water-dependent.

A consistency report should be sent to Commission staff for review. Thank you again for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. William Ingersoll, Town Manager
Town of Chestertown, Clearinghouse File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 1, 2004

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

Re: Millington Waterfront Park, Town of Millington, Kent County - POS # 4645-14-66

Dear Mr. Price:

Thank you for forwarding the above-referenced project for review. This office supports the Town's efforts to maintain and improve this park, which provides public access to the Chester River. Since the park is in the Town's Critical Area, the project must be forwarded to Commission staff to determine if full Commission approval will be required. I have outlined below some recommendations:

- While the shoreline stabilization and small boat launch projects are considered water-dependent activities, they require mitigation for impacts to the 100-foot Buffer. This office recommends mitigation at a 1:1 ratio for shoreline erosion control and mitigation at a 2:1 ratio for public shoreline access for the areas cleared or impacted by these activities.
- Nonstructural methods of shoreline stabilization are recommended.

Until this office receives further details on the proposed project, we cannot determine if the project will require full Commission review, or if a consistency report can adequately document the project. In either case, the project information must be sent to the Commission staff for that determination. Thank you again for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Ann Skilling, Critical Area Circuit Rider
Town of Millington, Clearinghouse File



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 28, 2004

Mr. Rick Ayella
Maryland Department of the Environment
Water Management Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

Re: Sterling Design Group, Ltd. - 200365029/03-PR-2199

Dear Mr. Ayella:

I have received the above-reference project that is on Public Notice. It appears the applicant is modifying an existing authorization to construct a 30-slip community marina. We defer to your office regarding the placement and configuration of the piers and slips; however, we are concerned with the proposed excavation of 763 square feet of uplands.

In your description of the uplands, it seems the only vegetation growing is tall fescue, and the area is primarily fill. Since the Buffer is providing little habitat or water quality functions, and the excavation will also facilitate the installation of a soft shoreline application, this office does not oppose the excavation. The owner should be made aware that since the location of mean high water may change with the installation of the marsh, the extent of the Buffer on the property may change; therefore some portion of the property that was previously not within the 100-foot Buffer may be after the excavation and will be subject to the Buffer regulations of the town.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 28, 2004

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

Re: Downs Park Renovation/Fishing Pier, Anne Arundel County
POS # 4604-2-212

Dear Mr. Price:

I have received the above-referenced project for review and comment. This office has coordinated with Anne Arundel County Department of Recreation and Parks on this project. I visited the site last fall so I am familiar with the site and the plans for the pier and access path. We have informed the County that the project is consistent with the Anne Arundel County Critical Area Program; however, we recommend that appropriate mitigation be performed. This office has directed the County to mitigate for the 1:1 obligation (15,773 square feet) by reforestation, and the remaining balance of the mitigation (6,977 square feet due to impacts to the 100-foot Buffer) can be achieved with the County's proposed eradication project.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA Clearinghouse File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 26, 2004

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

Re: Genine Drive and Genine Court - Consistency Report

Dear Ms. Gawel:

Thank you for sending the consistency report for the Genine Drive and Genine Court Road Reconstruction project. I have reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying documentation from the Department of Public Works (DPW), this office agrees that the project is consistent with the Anne Arundel County Critical Area Program.

It is our understanding the required 10% pollutant removal requirement of .20 pounds of phosphorus will be treated at an alternative location due to insufficient area at the project site. The DPW has informed this office that the removal requirement will be treated at the Patapsco Road Reconstruction site and that project is expected to be completed by November of 2005. Please instruct DPW to notify us when that project is completed.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Kenneth B. Fleming, P.E. - AA DPW
AA 421-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Ren Serey
Executive Director

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October 26, 2004

Mr. R. Andrew Hollis
County Manager
Talbot County Government Building
142 N. Harrison Street
Easton, Maryland 21601

Re: Talbot County Council Bills 961, 962, 963 and 964

Dear Mr. Hollis:

This office has received County Council Bills 961, 962, 963 and 964. We acknowledge these bills enact the conditions required as part of the Commission's May 5, 2004 approval. The Critical Area Commission is today accepting these bills for processing. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Philip Carey Foster, Talbot County Council President
Mr. Michael L. Pullen, Esquire, County Attorney
Mr. George Kinney, Planning Officer
Ms. Mary Kay Verdery, Assistant Planning Officer
Ms. Marianne Mason, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 25, 2004

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

Re: The Shoppes at Bay Hundred - Site Plan, 10% Calculations

Dear Ms. Verdery:

The applicant's engineer contacted this office about the above-referenced project. It is my understanding the County is withholding final approval until the issues surrounding the 10% pollutant reduction calculations are satisfied (see my last letter dated May 10, 2004).

After recalculating the 10% calculations, it appears a removal requirement of .245 pounds of phosphorus is required. The Maryland Department of the Environment (MDE) has informed our office that grass channels cannot be used to treat rooftop runoff, but only road runoff; therefore, given the site constraints the applicant has agreed to provide plantings to address this relatively small removal requirement. This method of treatment is reserved for those instances where an appropriate Best Management Practice cannot be achieved on site, and the removal requirement is less than .5 pound of phosphorus.

The Commission's Critical Area 10% Guidance Manual indicates that one acre of planting is equal to treating two pounds of phosphorus, or one half acre of planting is equal to treating one pound of phosphorus. The Commission's 10% manual does not recommend a planting rate, or equate a certain number of trees to pounds of phosphorus. However, the Maryland USDA/Natural Resource Conservation Service has published a practice standard for conservation cover. For water quality improvement the establishment goal is 300 to 400 trees and/or shrubs per acre after two years. The recommended planting rates will vary depending on the type of planting stock (bare root seedlings vs. containerized). Given the low survivability rate for bare root seedlings, containerized trees and shrubs should be planted at a rate of 210 plants per pound of phosphorus removal (or 105 plants for the maximum of 0.5 pounds). Native, non-invasive species are acceptable.

Ms. Mary Kay Verdery

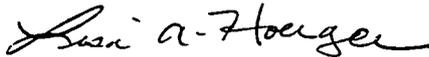
October 26, 2004

Page Two

Since the removal requirement is .245 pounds of phosphorus, the applicant is required to plant 51 plants (trees/shrubs) on site. We recommend these trees and/or shrubs be planted along the grass swale or along the edge of existing impervious areas. The applicant should provide a planting plan that shows the required planting on site prior to final approval. We recommend the grasses used in the channel for water quality be one of the varieties found in Appendix A of the MDE Stormwater Design Manual. Finally, we continue to recommend a note be added to the final plat that references compliance with the 10% calculations through plantings on-site.

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

Sincerely,



Lisa A. Hoerger

Natural Resources Planner

cc: Mr. Lee Mayer, Lane Engineering
TC 930-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 22, 2004

Mr. Richard M. Bruce
Project Manager
Elm Street Development
175 Admiral Cochran Drive, Suite 204
Annapolis, Maryland 21401

Re: Easton Village Buffer Management Plan

Dear Mr. Bruce:

Thank you for providing this office with the proposed Buffer Management Plan for the Easton Village Planned Unit Development. I consulted with the Commission's former Science Advisor, Ms. Claudia Jones, concerning the establishment of the Buffer on this site. With regard to the Delmarva Fox Squirrel habitat, I consulted with Mr. Glenn Therres of the Department of Natural Resources and Ms. Charisa Morris of the U.S. Fish and Wildlife Service. Based on the review of these individuals and Commission staff, it appears the Buffer Management Plan requires additional information before the Critical Area Commission can review and approve it as a final document.

It is our understanding this plan was prepared to address the establishment of the Buffer and the Delmarva Fox Squirrel habitat restoration goals. All agencies have agreed that one document can address both issues. Below is a summary of the comments of the individuals and agencies listed above.

Buffer Management Plan/Delmarva Fox Squirrel Plan

1. Please provide a summary of each quad that clearly distinguishes the existing conditions and the proposed conditions (e.g., soils, slopes, existing vegetation vs. proposed vegetation types).
2. A schedule for each quad should be included that indicates when and how each quad will be prepared and planted.
3. A plan for invasive control should be included in detail.
4. Include the specific exotics to be removed in each quad and how they will be controlled.
5. A plan concerning the phragmites eradication should be included in detail.
6. The plan should include those who will be installing the plantings.

7. The number of stems per acre needs to be clarified. Are 400 stems proposed or 440 stems proposed? Will this number be consistent across the various quads? Once the size of the trees is provided, we can offer more specific comments with regard to recommended stocking.
8. The list of plant species includes several nonnative species. The list should only include those species that are native to the coastal plain of Maryland, and in particular, to the Eastern Shore. We recommend the soils be investigated to ensure that the appropriate species are being selected.
9. What is meant by "natural grasses"?
10. A maintenance plan should be outlined, and the plan should state there is to be no mowing after the site is prepared. The maintenance plan should include the invasive control, afforestation areas and shoreline areas.
11. Canopy closure must be maintained since this is important to Delmarva Fox Squirrel (DFS) habitat. The plan should state this item.
12. What is the ratio of trees to shrubs? DNR has recommended it be a 70/30 split with less shrubs. This should be stated in the plan.
13. The plan states that pines will be planted. With the DFS habitat, DNR has recommended that no more than 50% of the trees be pine species. Also, the only pine species recommended is Loblolly pine. The other pines listed on the plant list should be removed.
14. The oak species should be limited to chestnut, scarlet, red, swamp, white, water and willow.
15. The USFWS, DNR and this office recommend that dead snags and fallen trees remain on site since they are an important component of DFS habitat.

Once the plan is resubmitted that addresses the comments above, we will provide further feedback. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Andrea Lockett, The Landscape Design Center
Mr. Glenn Therres, DNR
Ms. Charisa Morris, USFWS

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 20, 2004

Mr. Richard Kibby
US Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203-1715

Re: AA Recycle & Sand/Pennington Ave. Compost Facility/Lot Fill
04-65571-18

Dear Mr. Kibby:

I have received the above-referenced project on Public Notice for review and comment. Based on the vicinity map that was enclosed I was unable to verify if the project site is inside the Chesapeake Bay Critical Area. If the site is in the Critical Area, this office has the following comments.

1. The Critical Area in this portion of the County has a Resource Conservation Area (RCA) overlay, which generally precludes new commercial type uses. A leaf recycling and compost facility is also not included on Anne Arundel County's list of allowable uses in the RCA found in its current Zoning Ordinance; therefore, the exact location of this site needs to be verified.
2. In addition to the RCA overlay restrictions on commercial uses, the Code of Maryland Regulations (COMAR), Title 27, Subtitle 01, Chapter 02. Section 02 G prohibits certain uses in the Critical Area regardless of the Critical Area overlay. Section .02 G of COMAR does not permit solid or hazardous waste collection or disposal facilities; therefore, if the Maryland Department of the Environment would classify the proposed facility as either solid waste collection or solid waste disposal facility, then the use may not be permitted.

Mr. Kibby
October 20, 2004
Page Two

3. If the site is not classified as a solid waste collection or disposal facility, and it is not in the RCA, then the applicant would be required to meet any other Critical Area requirements including protection of any Habitat Protection Areas that may exist on the site.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: MDE, Standards and Certification Division
Ms. Elinor Gawel, Anne Arundel County, Environmental & Cultural Resources

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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October 15, 2004

Ms. Lori Allen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Brice Manor West
S 00-027, P 2004-085

Dear Ms. Allen:

I have received another revised final plat and plans for the above-referenced subdivision request. The applicant has addressed some of the comments of my last letter. I have outlined my remaining comments below.

1. The applicant has stated that an updated letter from the Department of Natural Resources was requested. This should be received prior to final recordation.
2. I calculated the total clearing allowed as 52,597 square feet based on the figures in that column of the Critical Area Calculations table.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 591-00

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 15, 2004

Mr. James Rosenstock
Resource Management, National Capital Parks- East
National Park Service
1900 Anacostia Drive, SE
Washington, D.C. 20020

Re: Environmental Assessment- Land Exchange Between Waterside Conservation, LLC and
Piscataway Park - National Park Service U.S. Department of the Interior

Dear Mr. Rosenstock:

I have received a copy of the Environmental Assessment dated September 16, 2004 for review and comment. I have outlined my comments below.

1. As you are aware, I have provided preliminary comments to your office in a letter dated July 20, 2004. The comments in this letter are still applicable concerning the protection of Forest Interior Dwelling Birds; therefore any necessary clearing will require mitigation and coordination with this office
2. Further coordination with the Maryland Department of Natural Resources (DNR), Heritage and Biodiversity Division may be required due to the presence of an unidentified species of Matelea, and those species listed in the letter from Ms. Byrne dated July 5, 2003. Ms. Byrne's telephone number is (410) 260-8573.

Since the project is on Federal lands, the project does not require approval by the Critical Area Commission; however, the project is required to demonstrate compliance with the Maryland Critical Area Law. Provided the above comments are addressed, this project will be considered in compliance.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Lori Byrne, DNR
Mr. Elder Ghigiarelli, MDE
Mr. Richard Thompson, PG DER
Mr. Jim Stasz, MNCPPC
Mr. John Diehl, ECC, Inc.

Robert L. Ehrlich, Jr.
Governor



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Executive Director

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October 14, 2004

Ms. Cathy Bridges
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Karl & Ursula Selinger
S 04-070, P 04-131

Dear Ms. Bridges:

I have received a revised site plan for the above-referenced subdivision request. The applicants have changed the proposed property line adjustment between the existing parcels and this change appears to be more in conformance with the County's impervious surface limits; however, I have a few questions that I have outlined below.

1. It appears the adjustment resulted in less gravel area on Parcel 248; however, the chart for Parcel 244 also shows a reduction in gravel area. How is that possible? Is the applicant proposing to remove some gravel area?
2. This is also the case on Parcel 244 for the pavers, pavement and concrete areas. All three show a reduction. Are the pavers being removed or counted as 100% pervious? What about the pavement and concrete areas?
3. Why has the area of the buildings increased in impervious area?
4. If there are areas of existing impervious proposed for removal, we recommend this be added as a note to the final plat.

Ms. Bridges
October 14, 2004
Page Two

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 431-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 14, 2004

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

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

Dear Mr. Torney:

I have received the revised sketch plans for the above-referenced site plan. The applicant has addressed some of the comments of my last letter dated May 25, 2004. I have outlined my comments below.

1. Item #6 under the Critical Area Analysis appears incorrect. The maximum allowable impervious area for this subdivision is 15% rather than 20%. Therefore, the total allowable impervious area is 1.32 acres (8.83 x 15%).
2. The applicant added a table of the total impervious area for each lot; however, it does not include any other incidental impervious that may be associated with the subdivision. For example, will this community have sidewalks? If so, they must also be included in the impervious surface total.
3. There should be a note on the final plat, or additional column that states how much remaining impervious area is permitted per lot for the future.
4. The applicant indicated that a note was added to the plan that states no further clearing is permitted. It does not appear on the plans sent to our office. We recommend this be done at final.

Mr. Torney
October 14, 2004
Page Two

5. We recommend the expansion of the Buffer be reevaluated to ensure it meets the County's requirement for expansion which is to calculate 4 feet for every one percent of slope rather than expand the Buffer an additional 100 feet. Please verify if the Buffer is drawn as required by the County's Ordinance.
6. We recommend the proposed edge of forest be shown.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 379-04

Robert L. Ehrlich, Jr.
Governor



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/

October 13, 2004

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

Re: Beards Retreat, Slattery Property
S 02-041, P 04-197

Dear Ms. Krinetz:

I have received the final plans for the above-referenced property. It appears the applicant has addressed some of the comments of my last letter dated November 19, 2003. I have outlined my comments below.

1. Sheet 1 of 6 of the Final Development Plan Title Sheet shows two tables. One is titled "Woodland Clearing Calculations" and the other is titled "Impervious Calculations." These tables refer to lots ranging in number from 2-23. It appears these tables were placed here in error. Please have the applicant check these items.
2. The required mitigation note on the same sheet also appears to be incorrect. It does not match the total site area figures provided under the site tabulations. Please have the applicant check this information.
3. The site tabulations indicate there are 3,155 square feet of tidal wetlands on the property. The applicant must determine whether these are State or privately owned wetlands for the purpose of counting allowable impervious area.
4. Sheet 3 of 3 on the Critical Area Plan shows an impervious surface table. For those lots over one acre in size, the impervious area should be limited to 15%, not 25% as indicated on the table. Please have the applicant revise these figures.
5. The area of the road must be added into the final impervious total.

Ms. Krinetz
October 13, 2004
Page Two

6. Can the applicant complete the required reforestation on-site by planting the area on lot 3 that is in the expanded Buffer (i.e. existing dirt road)?
7. It appears the applicant is given reforestation credit for planting 54 ornamental grasses. We recommend that credit for reforestation only be given for woody stems (e.g. trees, shrubs).

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 282-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 13, 2004

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

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

Dear Mr. Torney:

I have received the plat and revised final development plan for the above-referenced subdivision. The applicant has addressed some of the comments of my last letter dated May 10, 2004. I have outlined my comments below.

1. The allowable impervious surface area per lot depends of the size of the lot. For new lots less than one acre, 25% impervious cover is permitted provided the entire subdivision does not exceed 15% cover. For lots greater than one acre, impervious cover is limited to 15%. Please have the applicant adjust the allowable impervious figures per lot accordingly.
2. When adding the clearing shown to the clearing permitted on lots 3 and 4, the clearing could exceed 20%, which would require mitigation at a 1.5:1 ratio. Please have the applicant adjust the allowable clearing so that it would not exceed 20%; otherwise a note should be added to the plat indicating a greater mitigation ratio may be required.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 291-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 13, 2004

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

Re: Furnace Branch - MS 04-036

Dear Mr. Callahan:

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

1. The applicant provided this office with the 10% Rule calculations, which appear correct. The proposed Best Management Practice is a dry swale; however, I could not locate the dry swale on the plans submitted. The applicant does show two items labeled "water quality trenches", but the specifications provided for these structures are different than a dry swale. Please have the applicant clarify.
2. We continue to encourage that native species be used on this site to provide additional habitat and water quality benefits and a screen from the road.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 207-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 12, 2004

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

Re: ¹ Edgewater Elementary Wetland Creation Project
Consistency Report

Dear Ms. Gawel:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying Critical Area report, this office agrees that the project is consistent with the Anne Arundel County Critical Area Program for the reasons outlined below. The project will:

- Create 1.5 acres of wetlands
- Restore shallow water habitat for multiple species
- Create a new population of Atlantic white cedar forest
- Establish a stable stream and floodplain
- Remove blockages for local fish species

Due to the reasons outlined above, this project is considered a habitat restoration project and is not considered a development activity; therefore, it will not require formal approval by the Chesapeake Bay Critical Area Commission.

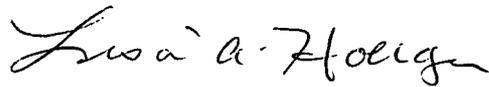
The information provided indicates that all other resource agencies have reviewed the project, and that there are no rare, threatened or endangered species at the project site.

Ms. Gawel
October 12, 2004
Page Two

Since this project was already constructed prior to the receipt of this consistency report, we would like to take this opportunity to ask your office to remind the various County agencies that any project proposed must be reviewed and deemed consistent by your office and Commission staff prior the initiation of the project according to COMAR 27.02.02.02 B.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: ¹ Nancy Heagerty, DPW
AA 736-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 8, 2004

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Project
Potomac Crossing Consultants/URS Corporation
6711-A Oxon Hill Road
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Project
I-295 Interchange - MA 2/3 Fill Area

Dear Sirs:

I have received a copy of the site plan for the proposed fill area within the I-295 interchange. It is our understanding that the area where the fill will be placed is entirely outside the 100-foot Buffer, and this area is subject to a sediment and erosion control permit issued by the Maryland Department of the Environment.

This office approves the request. If any of the above items change, then the request must be resubmitted to this office for review. Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Donald Sparklin, SHA
Mr. Jitesh Parikh, FHWA
Mr. Richard Thompson, Prince George's County DER

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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October 8, 2004

Mr. Charles J. Montrie
Maryland National Capital Park and Planning Commission
Department of Parks and Recreation
6600 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Rosalie Island - Trail Extension from Rosalie to National Harbor
Approval of Conditions

Dear Mr. Montrie:

At its meeting on October 6, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Rosalie Island Trail Extension with the following conditions:

- 1) The project shall comply with all USFWS and DNR recommendations for protection of the bald eagle.
- 2) Any changes to either the Buffer Management Plan or the Stormwater and Sediment and Erosion Control Plans must be resubmitted to Commission staff for review.

The Commission also approved the Buffer Management Plan and pending Stormwater and Sediment and Erosion Control Plans for the entire project with the following conditions:

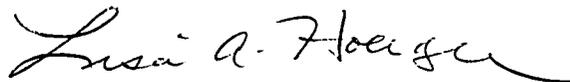
- 1) Staff recommends approval of the Buffer Management Plan provided MNCPPC submits a Planting Agreement to Commission staff that includes the initial planting date. The standard two-year monitoring period is recommended.
- 2) Commission staff recommends approval of the stormwater and sediment and erosion control plans provided MNCPPC receives final approval from MDE. If the plans change, the MNCPPC must return to the Commission for approval of those plans.

Mr. Montrie
October 8, 2004
Page Two

I have enclosed the Plantings Agreement Form to be returned to Commission staff within 30 days. Once the MDE permits are received, please forward copies of those permits for our file.

Thank you and your colleagues at the State Highway Administration and the consultant team for your assistance. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Robert Douglas, SHA
Mr. Richard Thompson, PG Co. DER

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 8, 2004

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

Re: David Taylor Research Center
C 04-006

Dear Ms. Allen:

Recently, your office requested our approval of the plans for the above-referenced project. In a letter dated September 27, 2004 to Ms. Carol Sanner of your office I suggested that this office could approve the concept plans with certain conditions, which included an updated cover sheet with certain notes. I have received a revised cover sheet from the applicant. It appears the notes on the cover sheet address the conditions I outlined in my letter to Ms. Sanner.

I look forward to reviewing the final plans. If you have any questions, or need additional information please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Cathleen M. Vitale
The Honorable Barbara Samorajczyk

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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October 8, 2004

Ms. Barbara Grey
Department of Natural Resources
Resource Planning
580 Taylor Avenue, E4
Annapolis, Maryland 21401

Re: Ft. Washington Mariana
Outbuildings and Restaurant Addition

Dear Ms. Grey:

At its meeting on October 6, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the outbuildings and restaurant addition with the following conditions:

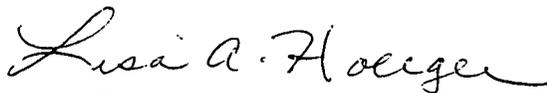
1. The Planting Agreement that includes a Buffer Management Plan associated with the restaurant addition be completed and returned to Commission staff within 30 days of this approval.
2. The proposed Best Management Practice(s) and their location(s) associated with all five buildings, including the restaurant addition, are finalized within 30 days of this approval.
3. Any change in location of those structures that are temporary or mobile in nature shall be resubmitted to the Commission staff for review and approval by the Commission if required.
4. Any required permits from MDE for stormwater or sediment and erosion control, or if a letter of exemption is issued, should be received by DNR prior to initiating construction on site.

Ms. Grey
October 8, 2004
Page Two

I have enclosed the Plantings Agreement Form for completion. Please forward copies of the MDE permits or letter of exemption for our files. In the meantime, we will arrange another site visit to finalize the Best Management Practice condition mentioned above.

Thank you and your colleagues and the consultant teams for your assistance. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Lou Trescott, DNR
Mr. Bob Gaudette, DNR
Mr. Keith Knowlton, Marina Manager
Mr. Frank Tatum, Proud Mary's Restaurant

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 8, 2004

Ms. Barbara Grey
Department of Natural Resources
Resource Planning Division
580 Taylor Avenue, E4
Annapolis, Maryland 21401

Re: Ft. Washington Marina
Buffer Exemption Area Request

Dear Ms. Grey:

At its meeting on October 6, 2004 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Buffer Exemption Area (BEA) request for the Ft. Washington Marina site. The designation of this shoreline as a BEA satisfies an outstanding recommendation of the Critical Area Commission to the Department of Natural Resources when the redevelopment of this site was approved by the Commission in 1987.

I have enclosed a copy of the Commission's BEA policy for future use and consultation. Thank you and your colleagues for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Lou Trescott, DNR
Mr. Bob Gaudette, DNR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 7, 2004

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

Re: Kent County Land Use Ordinance – Text Amendments

Dear Ms. Owings:

The Critical Area Commission received the text amendments approved by the Kent County Commissioners. The text amendments include changes to the standards for approving variances, fines and accessory dwelling units as amended by the Maryland General Assembly in the 2004 legislative session. We are accepting the application as a complete submittal. Chairman Madden will review this request and will make an amendment or refinement determination within 30 days. Commission staff will notify you regarding his decision and consideration of this issue at a future Commission meeting.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 28, 2004

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

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

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has addressed most of the comments in my last letter dated July 15, 2004. I have outlined my remaining comments below.

1. Our concern with the proximity of the edge of the proposed dwelling on lot 2 is that it does not take into consideration future decks or patios that would encroach into the Buffer; therefore, we recommend adequate room be left to accommodate these future amenities. The area on lot 1 may be adequate, but there is no room on lot 2.
2. The Critical Area Calculations table shows 6,850 square feet of allowable impervious area for lot 2; however, 15% of the area of lot 2 is only 6,826 square feet. Please have the applicant correct this figure.
3. The gravel pad, along with any other existing impervious areas needs to be included in the calculations table under a separate column to ensure this area is captured and the site will not exceed 15% impervious cover.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 20-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Governor

Ren Serey
Executive Director

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September 28, 2004

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

Re: Town of Vienna - Extension of Market Street
Plans (Drainage Area and Landscape Plans)

Dear Ms. Gordy:

Thank you for forwarding the above-referenced documents to this office. Based on the plans submitted, it appears the Town will be planting in excess of 20 trees and will be removing an area greater than 2,750 square feet in order to comply with the pollutant removal requirement. We commend the Town and your efforts in not only achieving, but also exceeding this requirement.

I understand the project has begun. Please inform this office once the project is completed and the plantings are installed.

If you have any questions, or if I can provide you or the Town with any assistance please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: VI 30-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Governor

STATE OF MARYLAND
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September 28, 2004

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

Re: Five Buoys at Rock Creek - S 04-096, P 04-182
Revised Plan

Dear Ms. Chalkley:

I have received a revised plan from the applicant. A table showing the allowable clearing and impervious area was added to the plan. I have outlined my comments below.

1. We continue to recommend that on the final plat and deeds, this table include impervious and clearing information specific to each lot in the Critical Area to ensure future homeowners are aware of the restrictions.
2. Since a fence is not shown on the rear of those lots that will adjoin the Forest Conservation Area, we recommend a note be added to the final plat and deeds indicating the distance from the dwelling to the easement area so that future homeowners will be aware of the easement area, including its restrictions.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 635-04

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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September 28, 2004

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

Re: Silver Sands
S 96-051, P 04-064

Dear Mr. Callahan:

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

1. The final plat should indicate the total allowable impervious area and clearing.
2. The final plat should include the extent of the 100-foot and expanded Buffer for steep slopes.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 638-04

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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September 28, 2004

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

Re: Critical Area Map Designation Change
Byron and Viola Sorrell

Dear Ms. Gawel:

The Critical Area Commission received the above-referenced map amendment approved by the Administrative Hearing Officer. The map amendment reclassifies 11.55 acres to a Limited Development Area from a Resource Conservation Area on the basis that a mistake was made at the time of the original mapping. We are accepting the application as a complete submittal. Chairman Madden will review this request and will make a refinement determination within 30 days. Commission staff will notify you regarding his decision and consideration of this issue at a future Commission meeting.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 27, 2004

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

Re: David Taylor Research Center
C 04-006

Dear Ms. Sanner:

At your request, I am providing your office with our recommendations for approval of the concept plans. The last comment letter submitted to the County by this office was dated August 26, 2004. In that letter we requested certain information be provided on the final plat. It is our understanding these comments can be addressed during the permit submittal stage; therefore, we will issue our conditional approval of the concept plans with the following conditions:

1. That in general, the comments of our last letter dated August 26, 2004 are addressed.
2. The final plat and the landscape plans specifically state the three requirements for the Buffer Exemption Area mitigation that includes: 25% of the existing Buffer is replanted in no less than 10-foot wide strips; a 2:1 mitigation ratio; a 10% net decrease of impervious area in the Buffer.
3. All areas within the 100-foot Buffer that are currently shown in grass be changed to show plantings of perennial selections that are otherwise outside of the pathway system and that are otherwise not be planted with woody species.

Ms. Sanner
September 27, 2004
Page Two

In the interim process, between the permit stage and final plat approval, we recommend these comments be addressed as notes on the current cover sheet.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Cathleen M. Vitale
The Honorable Barbara Samorajczyk

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 21, 2004

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

Re: Coles Ventures - MS 04-100

Dear Ms. Krinetz:

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

1. We recommend a note be added to the final plat that prohibits any disturbance or clearing in the nontidal wetland or the 25-foot buffer.
2. In my letter dated April 13, 2004 to Mr. Roy Little of Terrain, Inc. our office recommended that the applicant install any required plantings along the ditch and the small wetland buffer.
3. The April 27, 2004 letter from the Department of Natural Resources indicates that a State listed rare plant species could occur on the site. Has the applicant addressed this comment from DNR?

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 637-04

Robert L. Ebrlich, 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/

September 21, 2004

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

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

Dear Mr. Callahan:

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

1. We still continue to recommend that each lot in the Critical Area be assigned allowable impervious area and allowable clearing, and this information should be added to the plat and community covenants.
2. The letter from the Department of Natural Resources should be addressed, or an updated letter should be requested since the current letter in my file is dated 2001.
3. It appears the Limited Common Element (LCE) area is just large enough to include the proposed unit. How will clearing or additional impervious areas (decks, patios) outside the LCEs be avoided?
4. The note about the Conservation Property that states the prohibited uses should remain, but the exception should be removed.
5. Please have the applicant clarify the total number of acres to be put in an easement to ensure it meets the County's requirements.

Mr. Callahan
September 21, 2004
Page Two

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 347-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 18, 2004

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

Re: Phelps Property
S 98-073, P 98-165

Dear Ms. Chalkley;

I recently received the Forest Conservation and Critical Areas Plans for the above-referenced project. I have outlined my comments below.

1. The last time I commented on the Final Plat and Plans was in a letter dated May 6, 2004; however, I have not yet received any written responses to this comment letter. Has the applicant revised these documents since the May submittal?
2. It appears the information shown on Sheet 1 of 4 of the Forest Conservation and Critical Area plans are correct. We would like clarification regarding the proposed signs. Will they only be in place until construction activities are completed, or will they remain after the lots have been conveyed?
3. Will the signs in the Critical Area portion of the parcel indicate the easements are Critical Area Forest Easements per the County's Critical Area Program?
4. The Buffer line on Sheet 4 of 4 is still difficult to distinguish. Please have the applicant adjust this sheet so that the Buffer is more clearly delineated.

Ms. Chalkley
September 18, 2004
Page Two

5. Where does the applicant propose to locate the required reforestation for the proposed clearing that will occur in the Critical Area?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 18, 2004

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

Re: E.L. Gardner Property
S 04-065, P 04-122

Dear Ms. Krinetz:

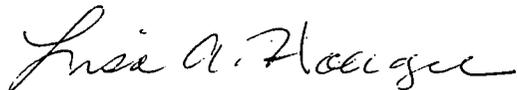
I have received the above-referenced subdivision request for review and comment. The applicant proposes to create two lots from one parcel in the Limited Development Area. I have outlined my comments below.

1. We recommend a table be added to the final plat that indicates the allowable impervious area per lot and the allowable clearing.
2. Since it appears the total clearing will be at 30%, there should be a note indicating that no further clearing is permitted.
3. If future clearing would be required in order to utilize the secondary septic reserve trenches, we recommend a note be added to the plat indicating the area of the primary trenches be restored with native trees and shrubs, otherwise a variance may be necessary.
4. The 100-foot Buffer should be shown on the plat with an accompanying note that states no clearing or disturbance is permitted in the Buffer.

Ms. Krinetz
September 18, 2004
Page Two

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 636-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 20, 2004

Mr. Kathy Schatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

Dear Ms. Schatt:

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

1. Provided there is sufficient acreage after the State tidal wetlands, which are shown on the map provided to this office by the applicant, are deducted then an intrafamily transfer subdivision may be permitted. The type 51 wetlands on the map are required to be deducted for density purposes and impervious surface allowances. If the applicant wishes to field delineate the wetlands, and that delineation shows no areas of State wetlands, then no deduction is necessary. As stated in my previous letter, that determination would include verification by the Maryland Department of the Environment.
2. As stated in my previous letter, the limits of the Buffer must be shown on the final plan regardless of the Buffer Exemption Area (BEA) status, particularly in this case where the existing dwelling is proposed for removal, and the applicant has the opportunity to site a future dwelling outside the Buffer. We recommend the note added to the final plat regarding the BEA status include the setback requirements and mitigation requirements as described in the Zoning Ordinance at 1A-109.

Ms. Schatt
September 20, 2004
Page Two

3. In reviewing lot 6, it appears the area of the forest conservation easement is also within the 100-foot and expanded Buffer, which should help to ensure the long-term protection of these areas from additional disturbances; therefore, if the County permits a pedestrian access for lot 6, we will have no further comment.
4. If there exists documentation that the County agreed with the current owner to permit the reconfiguration and subsequent fragmentation of the existing conservation easement on this property to facilitate new development, then this office has no further comment. However, the Commission is still interested in the long-term environmental benefits of these changes to easements.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 772-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 13, 2004

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

Re: Ordinance #7-2004
Modified Buffer Area Provisions

Dear Mayor Bailey:

The Critical Area Commission received the above-referenced text amendment approved by the Mayor and Town Council. The text amendment adopts new provisions for development in Modified Buffer Areas within the Town of Chestertown. We are accepting the application as a complete submittal. Chairman Madden has reviewed this request and determined this text change to be a refinement to the Town's Critical Area Program. This item has been placed on the agenda for the October 6, 2004 Critical Area Commission meeting.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. William Ingersoll, Town Manager



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 9, 2004

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

Re: Five Buoys at Rock Creek - S 04-096, P 04-182

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create a total of eighteen lots with six lots, or portions thereof inside the Critical Area. I have outlined my comments below.

1. We recommend a table be added to the final plan and plat that lists each lot and its proposed and allowable impervious area. Since these lots are less than one acre, the impervious areas are limited 25% per lot, but 15% must be maintained over the entire subdivision within the Critical Area.
2. We recommend a table be added that indicates the total clearing proposed in order to determine the required mitigation.
3. We recommend fencing be established on the rear of those lots that will adjoin the proposed Forest Conservation Area.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 635-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 9, 2004

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

Re: Mill Creek Landing
MS 04-104

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to resubdivide four existing legal parcels into five lots. I have outlined my comments below.

1. The site plan provided is difficult to read. We recommend a plan with a larger scale be submitted so that all site features can be seen and accounted for in the review. For example, it is difficult to locate the intermittent streams and the Buffer to those streams and Mill Creek.
2. I have read the accompanying soils analysis and this office believes an expanded Buffer is required on proposed lots 1-4 since there appears to be steep slopes that adjoin a stream in addition to highly erodible soils.
3. The report states that 25% impervious cover is permitted; however, since all five lots exceed one acre the impervious cover is limited to 15% per lot. Please have the applicant revise the allowable impervious surface cover per lot on the plan.
4. We also recommend that the proposed impervious area for each lot be stated, since it appears the applicant is showing approximate driveway and dwelling locations.

Mr. Callahan
September 9, 2004
Page Two

5. The report also states that allowable clearing is limited to 25%. As you know, clearing is ultimately limited to 30% with varying degrees of mitigation depending on the amount of clearing (e.g. 0-20% = 1:1, 20-30% = 1.5:1, over 30% = 3:1). Please have the applicant amend this information on the plan.
6. A review letter from the Department of Natural Resources, Heritage and Biodiversity Division should be received prior to final approval. Any threatened or endangered species habitat could result in an amendment to the proposed subdivision.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 659-04

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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September 7, 2004

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

Re: Arrow Cove
S 95-083, P 00-244

Dear Ms. Krinetz:

I have received the revised final development plans for the above-referenced subdivision request. We are aware that this case is pending before the Administrative Hearing Officer and the Board of Appeals. Absent these decisions, we are basing our current review on the standing decision of the Administrative Hearing Officer, which included various conditions. This plan appears to address some of the conditions of the November 18, 2003 decision of the Hearing Officer. I have outlined our comments below.

1. Since the site is RCA and the current number of lots exceeds the one dwelling unit per twenty acres density restriction, the Code of Maryland Regulations 27.01.02.07 states that any consolidation of those lots shall be insofar as possible. It is our understanding the County has determined there are 135 grandfathered lots on these parcels. There was testimony at the recent variance hearing that there may be 12 grandfathered lots following application of the County's Antiquated Lot Law. Under either scenario, it appears that resubdivision of these lots would require fewer variances and result in fewer lots than reconsolidation of the existing lots.
2. The revised plan now proposes to create seven lots as conditioned by the Hearing Officer. It appears the location of the dwellings on what are now proposed lots 5 and 7 have been shifted to minimize disturbances.

Ms. Krinetz
September 7, 2004
Page Two

3. It does not appear the limits of disturbance were reduced compared to the former plan that showed eight lots. Please have the applicant demonstrate that the LOD, clearing and impervious area were reduced. According to the calculations table only impervious area was reduced.
4. Compared to the plan submitted last fall, there are no longer any structures in the expanded Buffer.
5. The stormwater management noted on the plans appears to be conceptual. All stormwater management measures, with the exception of any outfalls, are not permitted in the Buffer without a variance.
6. The Hearing Officer restricted water access to a community marina; however, the plans do not show an area for community access to a single pier. We recommend this be shown on the final plan and plat to avoid siting issues in the future.
7. The Forest Conservation Easement should establish that all forested areas protected by this easement shall remain in perpetuity.
8. It appears the total allowable clearing number in the Critical Area Impervious and Clearing Calculations table is incorrect. I get a total of 257,942 square feet. Please have the applicant recheck this figure.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 576-00

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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August 30, 2004

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

Re: U. S. Home Corporation - Tanyard Cove
2004-0344-S, 2004-0360-S, 2004-0361-S

Dear Ms. Allen:

This office has received the above-referenced special exception requests to permit a Planned Unit Development (PUD) and two sewage pumping stations. I have outlined our comments below.

PUD Request 2004-0344-S

This office has no comment regarding the proposed PUD. We have seen the preliminary plans for this site and have worked with the applicant to address concerns related to Forest Interior Dwelling Bird (FID) habitat that exists on the site. The applicant is aware that mitigation for FID habitat will be required for clearing inside the Critical Area.

Pumping Stations 2004-0360-S 2004-0361-S

It appears the south sewer pumping station is not within the Critical Area; therefore, this office has no comments regarding the location of this station. The north sewer pumping station appears to be in the Resource Conservation Area (RCA) of the Critical Area. It is unclear from the site plan provided whether the station will impact any stream or wetland buffers or steep slopes. The County's Zoning Code in section 1A-103(f) states, "Roads, bridges and utilities may not be located in any designated habitat protection areas unless there is no other feasible alternative..." Therefore, if this station impacts any Habitat Protection Area (HPA) this office cannot support this location.



Ms. Allen
August 30, 2004
Page Two

Absent any HPA issues identified above, this office cannot support the location of the south sewer pumping station because it is in an RCA. All development activities associated with development outside the RCA or the Critical Area shall be located outside the RCA since the RCA is described in the County's Critical Area Program document as nature-dominated environments and areas for resource-utilization activities that include agriculture, forestry, fisheries and aquaculture. Individual property owners whose lots may have a split Critical Area designation or are partially inside the Critical Area are not permitted to site their wells or septic areas in the RCA portion of their land if the dwelling is not being sited in the RCA; therefore, a pumping station that will serve multiple lots should similarly not be sited in the RCA portion of this site.

Thank you for the opportunity to comment. Please submit these comments as part of the record for the special exception requests. Please notify the Commission of the decision made in these cases.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 625-04

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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August 26, 2004

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

Re: Annapolis Roads Property Association
200464707/05-WL-0108

Dear Mr. Cuthbertson:

I have received the above-referenced project to fill, grade and plant marsh vegetation along 505 feet of shoreline with 447 cubic yards of clean sand placed within a maximum of 30 feet channelward of mean high water, and to place 505 feet of segmented stone sill within a maximum of 50 feet channelward. This office supports non-structural means of shore erosion control where possible; therefore, if your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Nevertheless, any vegetation cleared above mean high water must be replaced on an equal area basis. This office defers to your expertise regarding the pier request.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 26, 2004

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

Re: David Taylor Research Center
C 04-006

Dear Ms. Chalkley:

This office has received the resubmittal dated August 18, 2004 for the above-referenced project. It appears the applicant has addressed many of the comments of my last letter dated July 6, 2004. I have outlined our remaining comments below.

1. The Formal Site Plan Submission document forwarded in this resubmittal includes a chapter titled, "Landscaping, Screening and Buffering Program." This chapter describes the planting requirements, however, the requirements associated with the Buffer Exemption Area requirements for Government Reuse Facilities are not provided in detail. We recommend that the final plat and the landscape plans specifically state the three requirements: 25% of the existing Buffer is replanted in no less than 10-foot wide strips; a 2:1 mitigation ratio; a 10% net decrease of impervious area in the Buffer.
2. Page 26 of the Formal Site Plan Submission document and Sheet L-03 show a cross section of the Buffer. This view shows grasses nearest to the shoreline; however, there is no scale on the plan. How wide of a grass strip does the applicant anticipate planting? On the landscape plans it appears this grass and perennial area will also include some canopy trees. We recommend this area include some woody stems. Please clarify.

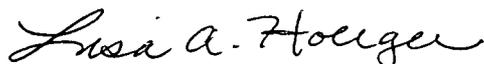


Ms. Chalkley
August 26, 2004
Page Two

3. In regard to the Buffer planting plans on sheets L-07a and L-08 there are a few areas within the 100-foot Buffer that have no symbol; therefore, I have assumed these areas will be planted in grass. We recommend that no areas within the 100-foot Buffer be planted in grass. The only areas available for walking should be the pathway system that is proposed. In the place of the grass areas we recommend the applicant plant these areas with the grass/perennial selections on the plant lists.
4. On page C-05 the pathway in the Buffer on the left-hand side of the plan crosses some slopes; however, no grading is shown. How will this be possible? It appears this location was chosen to avoid clearing. Is that the case?
5. The mitigation charts on pages L-07a and L-08 appear correct concerning required Buffer mitigation. It appears all three components are displayed on these sheets including the 2:1 mitigation requirement, the minimum 25% coverage requirement, and the 10% impervious surface reduction; however, we still recommend that notes be added to the plat concerning these items.
6. We received the amended 10% calculations and they appear correct.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Cathleen M. Vitale
The Honorable Barbara Samorajczyk

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 25, 2004

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

Re: 04-WL-1461, Property Owners Association of Arundel on the Bay

Dear Mr. Cuthbertson:

I have received the above-referenced request to expand an existing 15-slip community marina to 22 slips. According to the Natural Resources Article §8-1808.5, the number of slips is based on each 50 feet of shoreline in a Limited Development Area or according to a lot to slip ratio, whichever is less. From the information provided, I am unable to determine whether the application meets this provision. This office will defer to your agency with regard to the proper location and design of this pier.

The requirements for a new community pier and boat docking facility are enumerated in the Natural Resources Article §8-1808.5(C) 1-6 and include the following:

The facility:

1. Is water dependent;
2. Meets a recognized private right or public need;
3. Is community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision; and
4. Is associated with a residential development approved by the local jurisdiction for the Critical Area and is consistent with all criteria and local regulations for the Critical Area;

5. Adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
6. Insofar as possible, nonwater dependent structures or operations associated with water dependent projects or activities are located outside the buffer;
7. Disturbance to the buffer is in the minimum necessary to provide a single point of access to the facility;
8. Food, fuel, or other goods and services are not offered for sale, and adequate and clean sanitary facilities are provided; and
9. When a community pier and slips is provided as part of a new development project, private piers are not permitted in the development area.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 20, 2004

Ms. Kelly Krinetz
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Turkey Point
Lots 12, 13 and P/O 11

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to resubdivide three lots in a Limited Development Area. I have outlined my comments below.

1. Does the County consider these lots to be merged since it appears the existing dwelling may straddle lots 12 and 13? If so, how is the current proposal possible?
2. The impervious surface information must be based on the allowable impervious area according to the lot area, rather than equally dividing the overall allowable impervious area among each lot.
3. The plan notes two bioretention areas in the 100-foot Buffer. Since these would be used to treat stormwater they should be located outside the Buffer. Only the outfalls to these treatment systems are permitted in the Buffer without a variance.
4. We recommend the entire afforestation obligation be planted in the 100-foot Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 602-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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August 20, 2004

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

Re: Mark Hestrin Property - MS 04-089

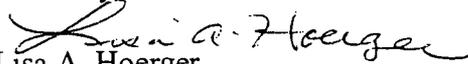
Dear Mr. Callahan:

I have received a revised plan for the above-referenced subdivision request. It appears the applicant has changed the plan to show two lots rather than three lots. I have outlined my comments below.

1. The plan indicates that all nonconforming structures in the Buffer are proposed for removal, and the existing dwelling outside the 100-foot Buffer will remain. We recommend the Buffer be reestablished in native vegetation after the removal of the nonconforming structures are completed.
2. The County should require a deadline for removal of the nonconforming structures, or at a minimum, require the demolition prior to issuing a building permit for lot 2 since compliance with the County's impervious surface limitations is contingent on removal of these structures.
3. Any planting in the Buffer may be counted towards required reforestation.
4. The impervious surface information appears incorrect. Each lot is limited to 15% impervious area since each lot exceeds one acre. Please have the applicant check these figures regarding allowable impervious area per lot.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 20, 2004

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

Re: Bodkin Plains Lots 42 & 43

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to reconfigure two lots in a Limited Development Area. I have outlined my comments below.

1. The expanded Buffer for steep slopes does not appear on the site plan. If the slopes are 15% or greater then a fifty-foot expansion is required since it appears the top of the slopes end within the 100-foot Buffer on this site.
2. If an expanded Buffer is required, a variance may be required for the area of the septic system since portions of the expanded Buffer may be over the proposed septic area. Please verify this prior to final approval.
3. We recommend a note be added to the final plat indicating the allowable impervious area per lot.
4. The information provided indicates clearing to be at 28%. We recommend a portion of the reforestation obligation occur on-site where possible before a fee-in-lieu of is collected.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman
Ren Serey
Executive Director

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August 18, 2004

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

Re: Betty Kay Hines - MS 04-094

Dear Ms. Krinetz:

I have received the above-referenced subdivision request to create two lots from one parcel in the Limited Development Area. I have outlined my comments below.

1. The site plan provided shows existing conditions, but not the proposed two-lot configuration. This must be provided so that the lot locations and lot areas are known.
2. Afforestation is required since the site has less than 15% forest cover. Since 15% of .92 acres is .14 acres and the site currently has .06 acres of forest cover, then the applicant is required to afforest .08 acres.
3. We recommend a note be added to the final plat that indicates the allowable impervious surface for each lot.
4. The lot with the existing dwelling should not exceed the impervious surface limit when subdivided.
5. The new lot should have sufficient buildable area to ensure no Habitat Protection Areas will be impacted by future development activities.

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

Sincerely,

Handwritten signature of Lisa A. Hoerger in cursive script.
Lisa A. Hoerger
Natural Resources Planner

cc: AA 603-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 18, 2004

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

Re: A. Copeland Hubbard - 04-86

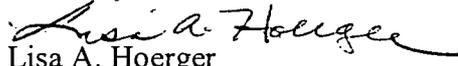
Dear Ms. Moredock:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create one intra-family transfer lot in the Limited Development Area from an existing 26 acre parcel. I have outlined my comments below.

1. The County must receive a letter from the Department of Natural Resources, Heritage and Biodiversity Division to confirm whether this sites supports any rare, threatened or endangered species habitat prior to final recordation.
2. Has an environmental review been performed that describes the existing features of the site (e.g. Is the area of the proposed lot forested or open field, do wetlands exist on the site, etc.)?
3. The proposed lot must contain sufficient buildable area so that no Habitat Protection Areas will be impacted. The site plan provided does not show enough detail to make this determination.
4. We recommend the final plat include a table that lists each lot and its allowable impervious surface.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: KC 598-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 18, 2004

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

Re: Kirk Hassell - 04-89

Dear Ms. Moredock:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to subdivide one parcel into five lots in the Limited Development Area. I have outlined my comments below.

1. The County must receive a letter from the Department of Natural Resources, Heritage and Biodiversity Division to confirm whether this site supports any rare, threatened or endangered species habitat prior to final recordation.
2. Will the applicant be required by the County to provide a field verification of the wetlands that exist on site?
3. All development activities, including dwellings, accessory structures, roads, wells and septic systems must be located outside of the nontidal wetland and its buffer; therefore, it must be determined that sufficient buildable area exists on each lot to preclude any disturbance to the nontidal wetlands.
4. Will public water or public sewer serve the lots? If public sewer is not available, has the Health Department reviewed the sites to see whether they perc?
5. We recommend the final plat include a table that lists each lot and its allowable impervious surface.
6. We recommend the final plat include a note that states no disturbance is permitted within the nontidal wetland and its 25-foot buffer.



Ms. Moredock
August 18, 2004
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: KC 599-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 18, 2004

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

Re: Anacostia Riverwalk Trail – Engineering Feasibility Analysis
Design Section 3

Dear Mr. Martin:

Thank you for providing this office with the Engineering Feasibility Analysis for Section 3 of the Anacostia Riverwalk Trail. From the information provided, it appears this section of the trail will not be within Maryland's Critical Area; therefore, our input is not required at this time and I will not be attending the September 2, 2004 meeting. As stated in my last letter of August 5, we request that the portion of the trail in Maryland's Critical Area be designed according to the issues outlined in my letter to you dated June 1, 2004.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Eileen Nivera, MNCPPC



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 18, 2004

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

Re: Consistency Report
Downs Memorial Park – Recreational Pier

Dear Ms. Gawel:

Thank you for forwarding a consistency report for the Downs Memorial Park recreational pier project. As you know, I was able to visit the site last fall so I am familiar with the site and the plans for the pier and access path. Based on your consistency letter, it appears the project is consistent with the Anne Arundel County Critical Area Program with the exception of the mitigation plan. While we support the County's efforts to remove invasive plants and vines in an effort to save certain forest areas, eradication does not address the no net loss of forest cover goal in the Critical Area.

Our recommendation for mitigation is that the County mitigate for the 1:1 obligation (15,773 square feet) by reforestation, and the remaining balance of mitigation (6,977 square feet) can be achieved with the eradication project. This would make the project consistent with the County program.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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August 12, 2004

Ms. Deborah A. Renshaw
Zoning Inspector
The Commissioners of St. Michaels
P.O. Box 206
St. Michaels, Maryland 21663-0206

Re: Amendments to St. Michaels Zoning Ordinance

Dear Ms. Renshaw:

I have received your letter of August 5, 2004 and a copy of the updated Zoning Ordinance, which incorporated the changes to Ordinance No. 304. This submission satisfies the requirement in the Natural Resources Article §8-1809(o)(2) that program amendments be incorporated into the adopted program within 120 days of receiving notice that the Commission approved the amendment.

Thank you for providing us with an updated ordinance. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Executive Director

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August 12, 2004

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

Re: William and Wendy Schickler
04-82

Dear Ms. Moredock:

I have received the above-referenced variance request for review and comment. The applicants propose to remove a deteriorating concrete sidewalk both inside and outside the 100-foot Buffer and replace it with porous pavers, and install a patio in the 100-foot Buffer. We have no comment regarding the installation of porous pavers in the 100-foot Buffer since it is for the purpose of maintaining a safe, riparian access provided the width of the new path is no wider than the width of the existing concrete path.

In regard to the patio, it is our understanding this lot is in a Buffer Modified Area; however, the patio encroaches further waterward than the existing dwelling. It appears the applicant could install a patio on the waterside of the dwelling without extending beyond the dwelling thereby eliminating the need for a variance. This office recommends the patio be permitted provided it extends no further waterward than the existing dwelling. The Buffer Modified Area was initiated with the goal of encouraging waterfront property owners to minimize disturbance to the Buffer. Minimization includes reducing impervious area and encroachment into the Buffer. From the information provided it is unclear what the resulting impervious area will be in the Buffer.

If the Board of Appeals finds the applicant is entitled to relief we recommend the following conditions:



Ms. Moredock
August 12, 2004
Page Two

1. Mitigation is performed at a 3:1 ratio with native Buffer plantings, preferably on-site in the Buffer if the Board of Appeals grants a patio to extend beyond the footprint of the dwelling; or
2. Mitigation is performed at a 2:1 ratio with native Buffer plantings, preferably on-site in the Buffer if the Board of Appeals grants a patio no further waterward than the footprint of the dwelling.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: KC 546-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 12, 2004

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

Re: Notice of Rezoning in the Town's Critical Area

Dear Ms. Thomas:

We have received notice of the rezoning of 72.167 acres of property known as Perry Cabin Farm. We understand the proposed zoning is for Traditional Neighborhood Development Zone (TND). As you are aware this property was recently awarded growth allocation by the Town Commissioners and the Critical Area Commission, which changed the Critical Area designation of this property from a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA). All proposed development on the site must be compatible with the IDA designation and all Habitat Protection Areas on the property are required to be protected regardless of any zoning change.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 12, 2004

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

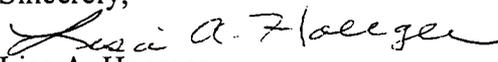
Re: Ken & Doreen Gray
200463366/04-WL-1450

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct 13 low profile sand containment groins and 13 fiber roll surface groins, and to plant marsh vegetation to control shoreline erosion. This office supports non-structural means of shore erosion control where possible; therefore, if your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Nevertheless, any vegetation cleared above mean high water must be replaced on an equal area basis with native species within the 100-foot Buffer.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Amy Moredock, Kent County Planning Office

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 10, 2004

Ms. Lisa Keck
GAI Consultants
570 Beatty Road
Monroeville, PA 15146-1300

Re: Dominion Natural Gas Pipeline Project-
Upland Erosion Control, Revegetation and Maintenance Plan and the
Wetland and Waterbody Construction and Mitigation Procedures

Dear Ms. Keck:

Thank you for forwarding the "Upland Erosion Control, Revegetation and Maintenance Plan" and the "Wetland and Waterbody Construction and Mitigation Procedures". I have reviewed both documents and have provided my comments below.

Upland Erosion Control, Revegetation and Maintenance Plan

We have no specific comments on this plan except to add that any required mitigation in the Critical Area on State or locally owned lands will require that Planting Plans be submitted to the Commission for review. Commission staff will perform subsequent site visits for a minimum of two years after the initial planting. Mitigation in the Critical Area consists of planting. In some cases, natural regeneration is permitted.

Wetland and Waterbody Construction and Mitigation Procedures

Page 2 Definitions – The definition of waterbody seems to exclude streams that may not have flow. Under the Critical Area Criteria, intermittent streams are considered Habitat Protection Areas and may not always have flow; however, these types of streams require a 100-foot Buffer.

Page 4 – The storing of hazardous chemicals and concrete coating activities both include the term 'waterbody'.

Ms. Keck
August 10, 2004
Page Two

Page 6 – Spoil storage areas are permitted within 50 feet from the water's edge. The Critical Area Criteria do not allow these activities within 100 feet.

Page 7 – Where did the 10-foot setback come from that is allowed for spoil pile placement?

Page 11 – What is meant by intermittent drainage ditches under item "c" and in various other places in the document?

Who is the "Secretary" that is referred to under item "9" and in various other places in the document?

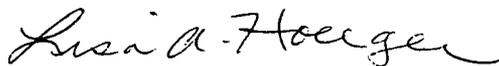
Page 13 – Where are Sections V.C.3 and C.C.6 referred to in item "8"?

Page 15 – Who is the "Director" referred to in item "3" and in various other places in the document?

Page 16 – Under item "B" 1 a. & b." the setback for extra work areas should be 100 feet to tidal wetlands, tidal waters and tributary streams and 50 feet for nontidal wetlands.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Kathy Anderson, ACOE

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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August 9, 2004

Mr. Raja Veeramachaneni, Director
Office of Planning and Preliminary Engineering
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland

Re: Project No. PG221A11, MD 210 Multi-Modal Study
From I-95/I-495 to MD 228 Prince George's County, Maryland

Dear Mr. Veeramachaneni:

Thank you for forwarding the Final Environmental Impact Statement/Section 4(f) Evaluation for the above-referenced project. From the information provided, it appears that a section of the preferred alternative 5A Modified Mainline is in the Critical Area; however, that portion of the project does not appear to include any widening or improvements. Provided the Critical Area portion will not result in clearing or any increase in impervious area, or any other new disturbances, this office has no further comment. In the future, if the project is funded, it should be resubmitted to Commission staff for review and comment.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Meg Andrews, DOT
Mr. Richard Thompson, Prince George's County DER

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 9, 2004

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

Re: Coxby's Estates, Section 3 Revision of Lot 23
S 95-030, P 04-165

Dear Ms. Krinetz:

I have received the revision for Lot 23 in Section 3 of Coxby's Estates for review and comment. It is my understanding the applicant proposes a revision; however, there was no site plan accompanying this request that shows a new building envelope. In addition, it appears the Army Corps of Engineers (ACOE) performed a field review of the property and made a waters of the U.S. determination. A determination by the ACOE concerning whether a waterbody is considered waters of the U.S. does not indicate the presence or absence of a stream according to the County and State definition. The Commission's Science Advisor, Ms. Claudia Jones, and I visited this site in 2000 with the former engineer and Ms. Penny Chalkley of your office during the subdivision review. At that time the determination was made that a stream existed on the site by which the County's Critical Area Program requires a minimum 100-foot Buffer. If the applicant disagrees with the stream determination made as part of the original subdivision approval and the County concurs that there is an error in the determination, the Commission can request that the ACOE evaluate the site using the definition of a stream as defined by the Anne Arundel County Code and the State Critical Area Criteria; however, the letter accompanying this request appears to be a waters of the U.S. determination.

Notwithstanding the stream Buffer issue, this site also supports Forest Interior Dwelling Bird (FID) habitat. Prior to final recordation of this lot, our offices were involved in extensive discussions regarding the location of the building envelopes of lots 22 and 23 due to the FID

Ms. Krinetz
August 9, 2004
Page Two

habitat issue. Any additional clearing may affect the required mitigation. According to the approved building envelope, 1:1 mitigation was required; however, that reforestation had to occur as FID habitat. It is our understanding the developer was searching for an off-site location, with the County's assistance, to fulfill that obligation.

This office cannot offer any further comments until a revised plan is submitted, nor can we accept a waters of the U.S. determination as a basis for no stream buffer. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 238-99
Penny Chalkley

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 5, 2004

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

Re: Anacostia Riverwalk Trail
35% Plan Submission, Design Section 1 and Section 2

Dear Mr. Martin:

Thank you for providing this office with the 35% design for sections and 1 and 2 of the Anacostia Riverwalk Trail. From the information provided, it appears these sections of the trail will not be within Maryland's Critical Area; therefore, our input is not required at this time and I will not be attending the August 12, 2004 meeting. We would only ask that as the team begins design of that section within Maryland's Critical Area that you keep in mind the issues outlined in my letter to you dated June 1, 2004.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Ms. Eileen Nivera, MNCPPC

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 5, 2004

Ms. Georgia Dent DiPietro
3773 Glebe Meadow Way
Edgewater, Maryland 21037-1961

Re: Franklin Point Park – Anne Arundel County

Dear Ms. DiPietro:

Thank you for your letter expressing concerns about the Master Plan proposed by the Anne Arundel County Parks and Recreation Department for the Franklin Point Park property. Our office has been in contact with Mr. Jack Keene of Parks and Recreation and he is aware that the proposed master plan must be reviewed and approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays prior to the transfer of the property from the State to the County. We have spoken with Ms. Barbara Grey with the Department of Natural Resources, Resource Planning Division, who is also aware of the master plan and will be providing comments.

The Commission meets the first Wednesday of every month. The County has not provided us with any final documents at this time; therefore, it is still unclear whether it will be on the agenda for our September 1, 2004 meeting. If you wish, please contact me anytime for the status of the project. I can be reached via electronic mail at lhoerger@dnr.state.md.us or at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Edward R. Reilly
The Honorable Cathleen M. Vitale

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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August 5, 2004

Mr. Steve Burzenski, Project Manager
Bureau of Engineering
Anne Arundel County Department of Public Works
2662 Riva Road, MS 7301
Annapolis, Maryland 21401

Re: Broadwater Reclamation Facility - Dewatering Project

Dear Mr. Burzenski:

At its meeting on August 4, 2004, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Broadwater Reclamation Facility Dewatering Project with the following conditions:

1. The Department of Public Works perform 3:1 mitigation for the new areas of impervious surface in the expanded Buffer with a mix of native trees and shrubs.
2. The Department of Public Works install appropriate stormwater best management practices to treat runoff from the new and modified structures to provide additional water quality benefits to the site.

Mr. Heiner has provided me with an updated Planting Schedule and it is our understanding that the proposed mitigation planting will occur in the Fall of 2004. Please notify this office once the plantings are complete.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Heiner
Ms. Elinor Gawel

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

August 2, 2004

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

Re: Saunders Point, Lot 7

Dear Ms. Krinetz:

I have received the above-referenced request to legalize lot 7. This office has no comment since it appears there will be no impacts to any Habitat Protection Areas, and the Administrative Hearing Officer has requested certain conditions be met by the future owner that will satisfy this office's concerns.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 561-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 30, 2004

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

Re: Jan Churchill & Randal Kell
200461437/04-WL-1003

Dear Mr. Cuthbertson:

I have received the above-referenced project to fill, grade and plant marsh vegetation along 595 feet of shoreline with 1,510 cubic yards of clean sand placed within a maximum of 35 feet channelward of mean high water, and to construct a 190 foot long pier. This office supports non-structural means of shore erosion control where possible; therefore, if your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Nevertheless, any vegetation cleared above mean high water must be replaced on an equal area basis. This office defers to your expertise regarding the pier request.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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July 30, 2004

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

Re: Robert Springer
200464344/05-WL-0001

Dear Mr. Cuthbertson:

I have received the above-referenced project to mechanically dredge a 107-foot long by 27-foot wide spur channel and a 35 x 35-foot slip area to the 8-foot depth. The Code of Maryland Regulations at 27.01.03.04 B (6) states the following:

That dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area...

This includes submerged aquatic vegetation or other Habitat Protection Areas that may be in the vicinity of the project.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 30, 2004

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

Re: Tilghman on the Chesapeake, Phase 4
Final Plat

Dear Ms. Verdery:

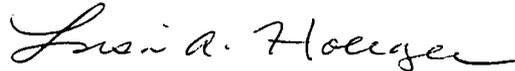
Thank you for forwarding the final plat for the above-referenced subdivision request. I have outlined my comments below.

1. It appears lots 11 and 12 has not been reconfigured to avoid future disturbance to the 25-foot nontidal wetland buffer. As stated in my previous letter, this office will not support a variance for new development activities to a designated Habitat Protection Area in the County's program regardless of whether the applicant can secure permits from the Maryland Department of the Environment.
2. The applicant has added a table to the plat; however, it appears the applicant is still using that area of the "Remaining Lands" to generate allowable impervious surface. This is not permitted and must be amended to reflect the allowable impervious area for those lots based on the Critical Area acreage on the parcel for which the lots are being created.
3. Has a letter from the Department of Natural Resources, Heritage and Biodiversity Division been received by the County? Final plat approval should not occur until this information is provided.

Ms. Verdery
July 30, 2004
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Amanda Sigillito, MDE
Mr. Alan Kampmeyer, MDE
TC 235-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Governor

Ren Serey
Executive Director

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July 30, 2004

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

Re: Timothy E. Wyman – Wye Town Point
M 1034

Dear Ms. Verdery:

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

- 1) We continue to recommend coordination occur between the Department of Natural Resources (DNR), Heritage and Biodiversity Division and the U.S. Fish and Wildlife Service (USFWS) prior to final plat approval to ensure all species issues including Delmarva Fox Squirrel and historic waterfowl concentration areas are addressed.
- 2) It appears there was no change reported for the lot area for proposed lot 8. As stated in my previous letter the area of the pond cannot be used for calculating density or allowable impervious area; therefore these figures may need to be adjusted. As you know, this may affect overall density.
- 3) The afforestation area now appears to be addressed as part of the reestablishment of the 100-foot Buffer on the new lots.
- 4) The stream crossing for a private road will require a variance. Has the applicant considered accessing lots 2-7 off of Wye Town Farm Road to avoid the stream crossing?
- 5) Was the impervious area created by Shaw Bay Lane included in the impervious surface figure for lot 8? Please check this to ensure all existing impervious area has been calculated.
- 6) The impervious surface figure calculated for lot 8 was not adjusted based on my observation that the figure must be calculated based on the lot area minus the area of State tidal wetlands; therefore, 15% would be 836,378 square feet with 738,025 square feet remaining (836,378 – 98,353).

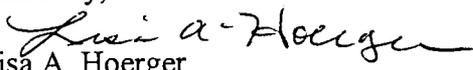


Ms. Verdery
July 30, 2004
Page Two

- 7) The individual and community pier are still on the plan. This does not appear to be consistent with Natural Resources Article 8-1808.5 9(c)(6) that states if community piers or slips are provided, private piers are not allowed; therefore, any notes regarding any future pier must be consistent with the Natural Resources Article.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 514-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 30, 2004

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

Re: Bette S. Kenzie
M 1028

Dear Ms. Verdery:

Thank you for forwarding the revision of the preliminary plat for the above-referenced subdivision request. The comments of my March 17 and July 1, 2004 letters are still applicable. Since the subdivision will change the parcel history, we recommend a note be added to the final plat stating the remaining RC lands are ineligible for intrafamily transfer lots.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 503-02



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 29, 2004

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

**RE: Critical Area Reclassification 2004-0272-C,
Judge W. Byron Sorrell & Viola B. Sorrell**

Dear Mr. Konowal:

Thank you for providing information on the above-referenced Critical Area reclassification request. The applicant is proposing that 11.55 acres be reclassified from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). The parcel is developed with a residential dwelling.

You have requested our comment on the reclassification request. Based on information from your office and contained in the application it appears that a sewer line existed within 2,000 feet of this site since 1989. As you know, the County's mapping criteria for LDAs included sites that were within 2,000 feet of an existing water or sewer line unless it was a wetland or public property; therefore, unless this site supports wetlands, the County may have overlooked this parcel and others along this sewer line as being eligible for LDA classification.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Elinor Gawel
AA 499-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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July 29, 2004

Ms. Mary Ann Skilling
Critical Area Circuit Rider
Maryland Office of Planning
Upper Eastern Shore Regional Office
Centreville, Maryland 21617

Re: Baum/Leigh Property Subdivision

Dear Ms. Skilling:

At your request, this office is providing comments on the final site plan that is pending before the Betterton Planning Commission. As you know, this project has a long history. As such, I have spoken with Ms. Claudia Jones of this office who worked closely with yourself and the applicant during the review of this subdivision request. I have provided my comments below.

1. Based on the plans submitted and the notes added to those plans, it appears the plan is consistent with the recommendations provided by Ms. Jones in her October 23, 2003 letter.
2. It is our understanding the applicant agreed to pursue a conservation easement on certain portions of the property. We recommend this be accomplished prior to final subdivision approval.
3. At the time of building permit, any required Forest Interior Dwelling Bird mitigation must be addressed and planting schedule agreed upon.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Dr. Leigh
BE 153-00

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 23, 2004

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

Re: Nancy Hansen
04-73

Dear Ms. Moredock:

I have received the above-reference variance request to demolish and replace a screen porch and a portion of a dwelling that is in the 100-foot Buffer. It is my understanding that Kent County typically does not permit these requests for nonconforming structures absent proof of structural damage. This office would recommend the applicant explore expansion possibilities outside the Buffer. However, if the Board of Appeals finds the request has met the variance standards, we recommend the applicant provide mitigation in the form of native vegetation at a 3:1 ratio.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: KC 501-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 20, 2004

Ms. Gayle Hazelwood
Acting Superintendent
National Park Service
United States Department of the Interior
1900 Anacostia Drive, S.E.
Washington, D.C. 20020

Re: "Waterford Cove" Proposed Stormwater Easement Exchange
Piscataway Park, National Park Service

Dear Ms. Hazelwood:

At your request, and as required to ensure consistency with Maryland's Critical Area Law, this office has been coordinating with the consultant for the Peterson Companies and various Prince George's County reviewers concerning the above-referenced project on Federal lands. It is our understanding that the easement will be solely for the purposes of placing a stormwater pipe and outfall. The installation of the pipe and outfall should not create the need for clearing and should only result in temporary disturbance to an abandoned road.

This office received comments from the Maryland Department of Natural Resources (DNR) indicating the presence of two rare plant species; however, the Prince George's County reviewers assured us that these plant habitats would not be impacted. The other sensitive species indicated in the DNR letter was the possible presence of Forest Interior Dwelling Birds (FIDs) on this site. Since the site likely supports these species given the amount of contiguous forest cover and proximity to the riparian zone, any development activities associated with the installation of the pipe and outfall should occur outside the breeding season. Therefore, any activities should not occur between April – August. If any canopy is removed as a result of placement for the pipe and the outfall, then FID mitigation may be required. If no canopy loss occurs, mitigation for compliance with Maryland's Critical Area Law is not required for this project.

Ms. Hazelwood
July 20, 2004
Page Two

In the meantime, I have spoken with Mr. John Diehl of ECC, Inc. and he has assured me that our office will receive a copy of the final Environmental Impact Statement for this project so that we will have an opportunity to provide further comments, if necessary.

Thank you for coordinating with us on this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Jim Rosenstock, NPS
Mr. Elder Ghigiarelli, MDE
Mr. Richard Thompson, PG DER
Mr. Jim Stasz, MNCPPC
Mr. John Diehl, ECC, Inc.
NPS File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

July 15, 2004

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

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

Dear Mr. Shaver:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has slightly reconfigured the lot lines since the last review. I have outlined my comments below.

1. It appears the limits of disturbance (LOD) for lots 1 and 2 may not be realistic. The corner of the proposed dwelling on lot 2 is only a few feet away from the LOD and the edge of the 100-foot Buffer, and there is only ten feet, at its closest point, of area between the corner of the dwelling on lot 1 to the LOD and Buffer.
2. How will the note that now appears on the plat ensure future lot owners will not disturb the 100-foot Buffer? The lot owners will need to know where the edge of the Buffer is located on their lots; therefore, we still recommend fencing or some other method to avoid violations to the County's Critical Area Program.
3. We still recommend a note on the final plat that limits the width of the riparian access paths to no wider than six feet, with a walking surface of no wider than three feet.
4. In the response letter the applicant did not address whether the existing gravel parking in the Buffer will be used for future activities, and how is it currently accessed?

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

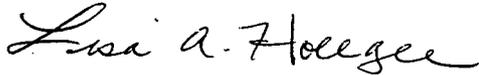
TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Mr. Shaver
July 15, 2004
Page Two

5. The total area within the Critical Area listed in the Critical Area Calculations table is less than what the total would be if you add the figures provided in that column. I get 248,398 square feet if I total that column. Please clarify.
6. What is Echinacea purpuree that is listed as a native grass in the Plant Schedule? I could not locate it in either the Anne Arundel Native Plant Booklet or the U.S. Fish and Wildlife Service list. Please clarify.
7. It appears the Latin names of two the species listed in the Plant Schedule may be spelled incorrectly. To avoid any confusion, please have the applicant check on the spelling for the silky dogwood and the orange coneflower.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 20-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 14, 2004

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

Re: Duvall Farm, LLC and Cyclops Farm, LLC – Line Revisions

Dear Ms. Verdery:

I have received the amended plat sheets for the above-referenced lot line revisions. It appears the information on the plats is consistent with the Talbot County Critical Area program provided no density is transferred from one zone to another zone, and all Habitat Protection Areas that may be present on the site are still protected.

As stated in our last letter, Commission staff would still like to meet with County staff to discuss the County's density transfer provisions.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner



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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July 9, 2004

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

Re: MD 468 MD 255 to Snug Harbor Road – Phase II
Widening and Resurface, Anne Arundel County

Dear Ms. Simpson:

At its meeting on July 7, 2004, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above-referenced project with the following conditions:

1. The State Highway Administration shall submit a Planting Agreement to Commission staff that includes a written agreement from the Anne Arundel County Department of Recreation and Parks indicating the location and area to be planted, and that area will remain in forest cover in perpetuity.
2. If for unseen reasons the Franklin Point Property becomes unavailable for mitigation planting, the State Highway Administration shall submit an alternative site to the Commission for review and approval.

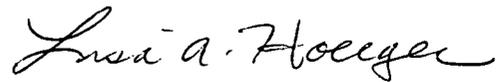
I have attached the Plantings Agreement Form referenced in condition 1. Please return this form with the plantings plan and expected planting date information within 60 days.

In regard to the proposed mitigation banking site of 4.3 acres at the Franklin Point property, it is our understanding that SHA would like to receive Commission approval for its use. In order for this item to be approved, SHA needs to propose to the Commission the means for tracking these sites. Our office will be happy to meet with your staff to discuss this issue.

Ms. Simpson
July 9, 2004
Page Two

Thank you and your staff for your assistance with this project. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa a. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Donna Buscemi

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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July 8, 2004

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

Re: Bayside Marina & Public Landing

Dear Mr. Moredock:

I have received the above-referenced project to repave a public boat ramp for review and comment. Since this is a local government project please forward a consistency report. Also, please provide an update on any Buffer mitigation performed and stormwater management installed for the boardwalk project proposed at this site in May 2003. Since this site is in an Intensely Development Area, compliance with the 10% pollutant reduction rule must be demonstrated.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: KC 464-03

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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July 8, 2004

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

Re: Hubard & Sharon Kendall - 04-63

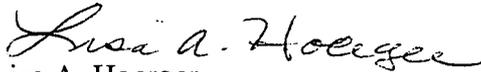
Dear Mr. Moredock:

I have received the above-referenced variance request for review and comment. The applicant proposed to construct a 28' x 24' addition that will encroach into a nontidal wetland and its 25-foot buffer. Based on the information provided by your office, it is our understanding that the addition cannot be configured to avoid the wetland. If the Board of Appeals finds the applicant is entitled to relief we recommend the following conditions:

1. Mitigation is performed at a 3:1 ratio with native Buffer plantings, preferably on-site.
2. Suitable stormwater management measures are provided to address the runoff generated by the new area of impervious surfaces created by the new addition.
3. Since this site is designated as an Intensely Developed Area, the applicant must comply with Section 9.7 B 14 of the Kent County Zoning Ordinance concerning water quality.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: KC 420-04

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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July 8, 2004

Ms. Lillian Lord
Town of Oxford
100 North Morris Street
P O. Box 339
Oxford, Maryland 21654

Re: Nolker Variance

Dear Ms. Lord:

Thank you for forwarding the above-referenced variance application to this office for review and comment. The applicant is requesting a variance to the 100-foot Buffer to construct a new dwelling. As we discussed, it appears this application also requires a variance to the Town's impervious surface limitations on lots of this size. I have outlined my comments and recommendation to the Board of Appeals below.

Variance to the 100-foot Buffer

This office does not oppose the variance to the 100-foot Buffer for the following reasons:

It is our understanding this lot existed prior to December 1, 1985; therefore, it appears to be a properly grandfathered lot, and its present configuration cannot be changed to accommodate a dwelling entirely outside the 100-foot Buffer.

The applicant has sited the new dwelling no closer to the water than the previous dwelling on this lot and this demonstrates a willingness on the part of the applicant to minimize intrusion into the 100-foot Buffer. Based on the circumstances of this application, and under the standards for a variance set forth in Chapter 526 of the 2002 Laws of Maryland, we believe that the applicant would suffer an unwarranted hardship without a variance for a dwelling.

Ms. Lord
July 8, 2004
Page Two

Based on the landscaping plan, the applicant is replanting portions of the lot including the 100-foot Buffer between the proposed dwelling and Town Creek that will enhance the Buffer by providing habitat and water quality well above that provided by the two existing trees and grass lawn area.

Incorporated into the landscaping plan are four bioretention areas that will provide a filter for stormwater runoff from the new dwelling. These areas, if properly designed, can provide treatment for this stormwater in a more effective manner than traditional downspouts that empty untreated water across lawn areas.

Variance to the Town's Impervious Surface Provisions

Section 33.07 8 (a-e) of the Town's Zoning Ordinance provides the limits on impervious surfaces. This section does not permit grandfathered lots that are greater than one-half acre to exceed 15% impervious surface; therefore, the development on this property as proposed requires a variance to the Town's Critical Area Program. While the Maryland General Assembly amended the Natural Resources Article in 1996 to include provisions for additional impervious surface for grandfathered lots, the Town has not amended its program to include those provisions. If the Town chooses to do so, it may submit an amendment to its local Critical Area Program. This office does not oppose the impervious surface variance for the reasons outlined below.

Based on the impervious surface calculations provided to this office it appears the net gain in impervious surface is around +/- 4% (depending if the overhang area is included) over the allowable 15% limitation. This represents an additional 117 square feet of impervious surface over the 4,060 square feet permitted. Since this is a relatively small, grandfathered lot and the Natural Resources Article, notwithstanding local zoning ordinance limitations, would allow up to 5,445 square feet, this additional impervious area appears to be minimal.

In addition, we understand the latest plan was amended to reduce the amount of impervious area on this lot. For example, the applicant will utilize two types of semi-porous pavers for the driveway and parking area to reduce impervious surfaces. This office has reviewed the manufacturer's specifications for those products and we are in agreement with the percent perviousness indicated by the manufacturer, provided the applicant installs these paver systems according to those specifications, and that a soil engineer or other qualified individual approved by the Town determines the appropriate base course to ensure perviousness.

Ms. Lord
July 8, 2004
Page Three

We also understand that the applicant eliminated a covered porch area on the waterside of the dwelling to further reduce impervious area. This amenity will instead be a deck that will allow water to pass through and percolate into the ground below.

Recommendations to the Board of Appeals

If the Board of Appeals grants either variance this office recommends the following conditions:

For disturbance to the 100-foot Buffer (grading, footprint), we recommend 3:1 mitigation in the form of native Buffer plantings be established on site.

For the additional +/- 4% of additional impervious area on this lot, we recommend alternative stormwater measures be utilized on this lot to address the increase in stormwater runoff that may be generated on this site.

The Board will find the applicant has already addressed these recommendations based on the proposed landscape plans. The applicant has worked closely with this office and your staff since the first public hearing to ensure that both the Town's and our concerns were addressed prior to resubmitting to the Board of Appeals.

Thank you for the opportunity to comment and participate in this hearing process. Please submit this letter as part of the record for the variance requests. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Roby Hurley, Maryland Department of Planning, Circuit Rider
OX 387-04

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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July 6, 2004

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

Re: Magruder Park Field Renovation, City of Hyattsville
Prince George's County – POS/CPP Project #4484-16-620

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. It appears the proposal to construct an athletic field may be in conflict with the Critical Area designation of the property. Based on the maps in this office, it appears the parcel was mapped by Prince George's County as a Resource Conservation Overlay (RCO). Typically, development activities in RCOs are limited to low intensity development. In the case of recreational areas, newly proposed recreation areas should consist of passive recreational activities.

Depending on the type and scope of the proposed athletic field this project may not be consistent with the RCO Critical Area designation. If not, growth allocation may be required for this parcel in order for it to support active recreational activities.

Thank you for the opportunity to comment. If you need additional information, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Richard Thompson, DER
Ms. Cecilia Lammers, MNCPPC

CLEARINGHOUSE REVIEW

June 30, 2004

RECEIVED

JUL 2 2004

CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Glenn Therres, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 Tammy Broll, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
 Marian Honecny, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *[Signature]* James W. Price, Director, Program Open Space
 Marketa L. Walker, Program Manager, Community Parks & Playgrounds

SUBJ: DNR Clearinghouse Review of Local POS/CPP Project #4484-16-620, Magruder Park Field Renovation, City of Hyattsville, Prince George's County

Construct an athletic field and replace deteriorated fencing.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

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

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

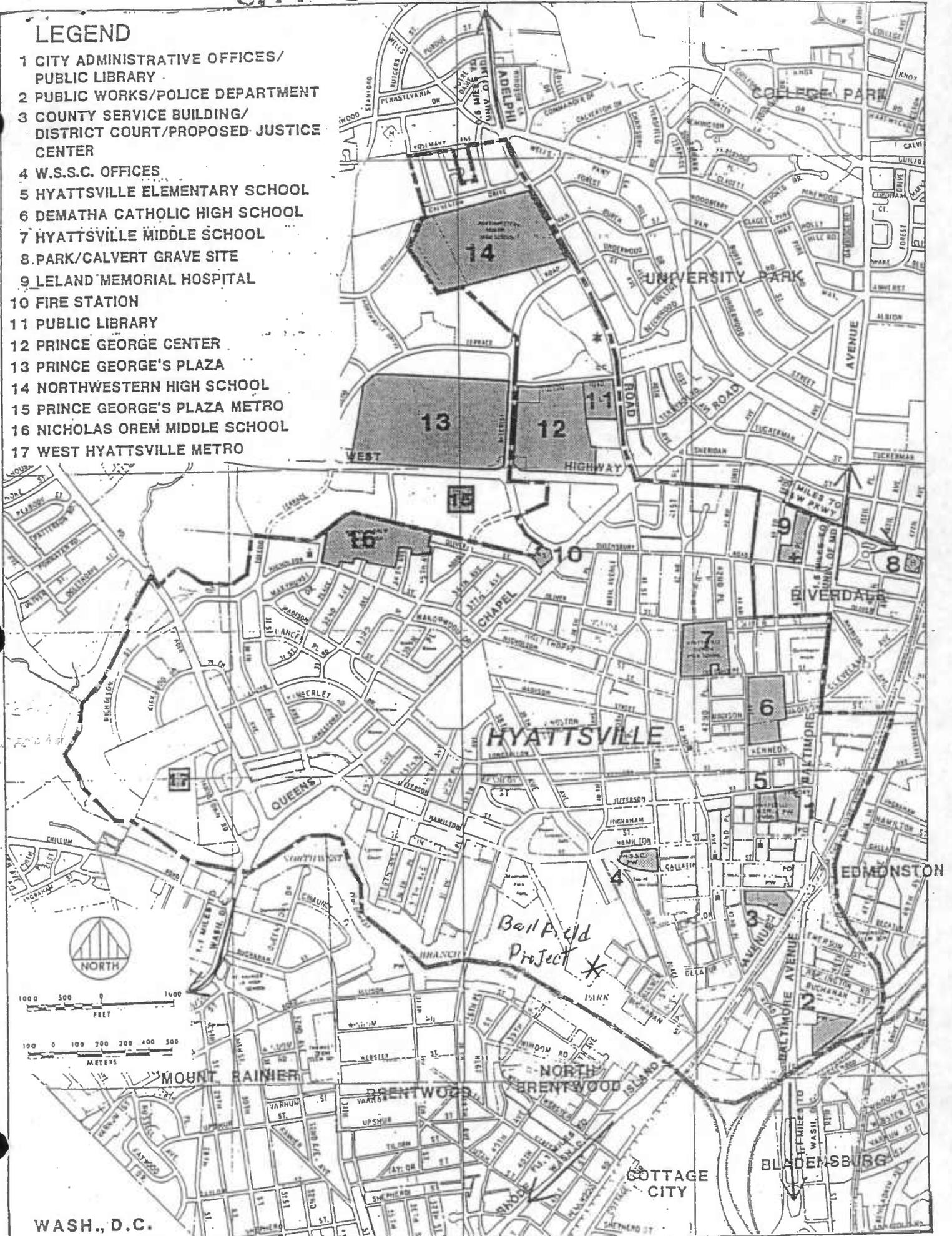
Laz 7/6/04

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

CITY OF HYATTSVILLE

LEGEND

- 1 CITY ADMINISTRATIVE OFFICES/
PUBLIC LIBRARY
- 2 PUBLIC WORKS/POLICE DEPARTMENT
- 3 COUNTY SERVICE BUILDING/
DISTRICT COURT/PROPOSED JUSTICE
CENTER
- 4 W.S.S.C. OFFICES
- 5 HYATTSVILLE ELEMENTARY SCHOOL
- 6 DEMATHA CATHOLIC HIGH SCHOOL
- 7 HYATTSVILLE MIDDLE SCHOOL
- 8 PARK/CALVERT GRAVE SITE
- 9 LELAND MEMORIAL HOSPITAL
- 10 FIRE STATION
- 11 PUBLIC LIBRARY
- 12 PRINCE GEORGE CENTER
- 13 PRINCE GEORGE'S PLAZA
- 14 NORTHWESTERN HIGH SCHOOL
- 15 PRINCE GEORGE'S PLAZA METRO
- 16 NICHOLAS OREM MIDDLE SCHOOL
- 17 WEST HYATTSVILLE METRO



Robert L. Ehrlich, Jr.
Governor



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Chairman

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Lt. Governor

Ren Serey
Executive Director

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July 6, 2004

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

Re: David Taylor Research Center
C 04-006

Dear Ms. Chalkley:

This office has received the resubmittal dated June 15, 2004 for the above-referenced project. It appears the applicant has addressed many of the comments of my last letter dated April 26, 2004. I have outlined our comments remaining comments below.

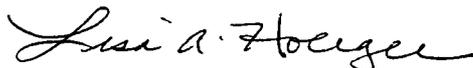
1. The applicant has indicated in their response that the plantings outside the Buffer that will not be native species will be street trees. While we still recommend that all plantings on-site be native, the street tree plantings will not be providing the habitat functions expected from the natives that will be planted closer together; therefore, if the County is agreeable to limiting the non-native plantings to the street trees, this office has no further comments on the species selection.
2. On Sheet L-07 it appears the mitigation calculation appears correct; however, where did the 600 square foot credit come from that is shown in the "Mitigation Planting Requirements" table? We generally recommend 400 square feet of credit for every cluster on one tree (2-inch caliper) planted with either two small trees or three shrubs.
3. As you know the other planting requirement for Government Reuse Facilities includes planting 25% of the 100-foot Buffer area. The applicant has shown this calculation on a separate sheet (Sheet L-08); therefore it is in a separate table. We recommend this table be more clearly labeled so that it is clear this mitigation component is also required in addition the 147,042 square feet that was calculated on the previous page and table.

Ms. Chalkley
July 6, 2004
Page Two

4. The 10% pollutant reduction calculations were calculated using a "C" value of 1.08. The Commission recently updated its guidance (December 2003) and now all "C" values used in the calculation are equal to .30. The .26 and 1.08 values are no longer valid. I recalculated the numbers using the .30 "C" value and still got a negative removal requirement (RR = -11.78 lbs P/yr).
5. Although the RR resulted in a negative number, we see that the applicant is still proposing two Best Management Practices (BMPs) that include a bioretention area and an infiltration trench. Where are these BMPS located?
6. Since the calculations also yielded a different L post number, the calculations for the BMPs need to be recalculated. For example, the recalculated L post number is 46.88, so for the bioretention area the load removed would be equal to 3.58 lbs (.50 x .153 x 46.88).
7. At the bottom of page 22 of the 10% calculations sheets there is a note stating that RR = 84.04 pounds. Where did this figure come from?
8. Why will the stormwater management trenches located in the expanded Buffer not require a variance?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 2, 2004

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

Re: Karl & Ursula Selinger
S 04-070, P 04-131

Dear Ms. Bridges:

I have received the above-referenced subdivision request for review and comment. The applicants propose to adjust the property line between two existing parcels. From the information provided it appears the impervious surface for parcel 244 will be at 52% impervious cover. While parcel 248 will have no impervious cover, it will be proposed in the future when an application for a building permit is submitted. Since the impervious coverage of this site already exceeds allowable limits, this office cannot support the subdivision as requested.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 431-04



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 2, 2004

Mr. George B. Heiner, P.E., DEE
Project Manager
Anne Arundel County Department of Public Works
Bureau of Engineering
2662 Riva Road, MS 7301
Annapolis, Maryland 21401

Re: Broadwater Water Reclamation Facility – Planting Agreement

Dear Mr. Heiner:

Thank you for providing this office with an update of the above-referenced planting agreement. I will amend our copy of the planting agreement to reflect the planting installation as the fall of 2004.

Please contact me once the plantings are completed, so I may schedule subsequent site inspections. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 700-02



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Lt. Governor

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Executive Director

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July 1, 2004

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

Re: Warren and Mary Lou Wolbert
A 038

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request for review and comment. It is our understanding the deck was built without the benefit of a variance or building permit. We also understand the applicant has elected to remove the portion of the deck that would require a Board of Appeals approval. The remaining portion of the deck would remain; therefore the administrative variance process is required.

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

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Executive Director

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July 1, 2004

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

Re: Bette S. Kenzie
M 1028

Dear Ms. Verdery:

Thank you for forwarding a copy of the preliminary plat for the above-referenced subdivision request. I have outlined my comments below.

1. As stated in my previous letter, prior to final plat approval, the County should receive a letter from the Department of Natural Resources, Heritage and Biodiversity Division.
2. The Development Rights Summary indicates there are zero development rights remaining in the Critical Area. Please provide information on where the permitted density right was used.
3. Comments #3, 4 and 5 of my last letter dated March 16, 2004 are still applicable.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 503-02



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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July 1, 2004

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

Re: Donald D. Foster
M 1046

Dear Ms. Verdery:

I have received the final plat for the above-referenced subdivision request. I have outlined our comments below.

- 1) Has DNR and USFWS been contacted regarding the Delmarva Fox Squirrel issue? This should occur prior to final plat approval.
- 2) Has the Army Corps of Engineers completed their field determination? What is the status of the streams? As you know, the applicant may be required to seek a variance for the proposed private road to access the lots if these streams exist. Also, any state wetlands cannot be counted for the purpose of calculating density of allowable impervious surface.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Scott Smith, DNR
TC 828-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Executive Director

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July 1, 2004

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

Re: Timothy E. Wyman – Wye Town Point
M 1034

Dear Ms. Verdery:

I have received a revised final plat for the above-referenced subdivision request. I have outlined our comments below.

- 1) The letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division indicates the site may support Delmarva Fox Squirrel habitat. We recommend the applicant consult with DNR and the U.S. Fish and Wildlife Service (USFWS) prior to final plat approval.
- 2) The DNR letter also indicates that open waters adjacent to the site are known historic waterfowl concentration areas. Since the applicant proposes a pier, coordination with Mr. Larry Hindman is required for the pier's location.
- 3) The pond on lot 8 is considered tidal. Was this pond area included in the acreage figures for lot 8 and the overall acreage in the Critical Area? If so, its area must be deducted for purposes of calculating density and allowable impervious area.
- 4) If the pond was not already deducted, then the acreage required for 10 development rights may not be available. Please clarify.

- 5) The afforestation area is still split by the proposed access road. We still recommend the smaller portion be credited in a portion of the 100-foot Buffer that is required to be reestablished or along one of the three stream corridors on the property. Also, since the site may support Delmarva Fox Squirrel habitat, the new location of the access road near the proposed afforestation area to be planted on either side, may create a crossing hazard for any squirrels that might use this area. Again, please have these issues cross-checked by DNR and USFWS.
- 6) The proposed relocation of the road appears to cross a stream. Does this portion of the road currently exist or is this private road a paper road? If the road does not exist and there will be new disturbance created by the road to the stream and its 100-foot Buffer, then the road will require a variance. Since it appears there is an alternative location that would avoid the need for a variance, this office would have difficulty supporting the variance, absent other circumstances we are not aware of.
- 7) As stated in my previous letter, please determine whether Shaw Bay Lane is part of this parcel and if so, it must be included in the impervious surface figures.
- 8) The impervious surface figure calculated for lot 8 appears incorrect. The impervious surface figure must be calculated based on the lot area minus the area of State tidal wetlands; therefore, 15% would be 836,378 square feet with 738,025 square feet remaining (836,378 - 98,353).
- 9) It appears the applicant still proposes to create a six-slip community pier and the allowance of an individual pier for lot 8. How does this comply with the Natural Resources Article 8-1808.5 9(c)(6) that states if community piers or slips are provided, private piers are not allowed?
- 10) We note the applicant has shown the proposed path to the community pier; however, its surface should be a maximum of three feet wide with allowance for trimming of any vegetation to a six-foot maximum.
- 11) We note the applicant has shown the 100-foot Buffer around the tidal pond on lot 8; however, it disappears on the northern site. Please ensure the Buffer is shown around the entire pond prior to final approval.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Scott Smith, DNR
TC 514-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 17, 2004

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

RE: Universal Contracting Industrial Park Project
6100 Chemical Road

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to grade an existing site and build a 7,600 square foot Boat garage and parking area (outside the 100 foot Buffer), a year round barge unloading facility, a seasonal boat ramp, an access road within the 100-foot Buffer, a marina facility and proposed 45 foot bulkhead extension. The site was a past barge unloading facility and currently has tons of trash, debris, scrape metal, empty drums and railroad ties on the site. The site is 3.20 acres in size and in an Intensely Developed Area.

We also understand that a total of 100 indigenous trees and shrub scrubs will be removed as well as the increase in impervious surface from 0.6 acres to 1.2 acres. Also, the site is next to the City's Curtis Creek Cove, a Historic Waterfowl Staging and Concentration Area and is entirely in the City's Designated Habitat Protection Area (DHPA).

We also understand that the applicant is proposing to enhance the bird habitat on the site by creating a wet marsh habitat area for waterfowl and establish an upland forest canopy with evergreens to buffer the adjacent waterfowl staging and concentration area. The 10 % calculations reflects this proposed wetland stormwater management facility as a Best Management Practice.

We also understand:

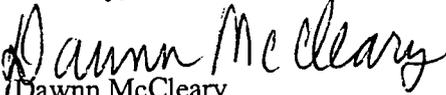
1. That 1.64 acres of clearing will be in the Buffer with 2.54 acres to be mitigated for buffer impacts. The total on-site trees to be planted is 177; and,
2. That 0.72 acres of existing wetland (such as invasive phragmites) will be replaced with new wetland plants such as shrubs and herbaceous plants. Total proposed wetland mitigation will be 0.55 acres.

Continued, Page Two
Universal Contracting Industrial Park
6100 Chemical Road
December 17, 2004

After reviewing the site plan, this office does not oppose the re-development of this site. However, we would like to receive copies of all approvals from MDE in reference to impacts to 0.72 acres of non-tidal wetlands\ tidal marsh located on the north shoreline of the site, the proposed marina facility, and proposed bulkhead extension. This includes a letter from DNR identifying threatened and endangered species on-site.

Once we receive this information, we will provide final comments. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 888-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 17, 2004

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

RE: Otter Creek Sewer Line Installation
Consistency Report

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with the Harford County Critical Area Program. This office understands that the County is proposing to construct approximately 570 linear feet of sewer line in order to correct a failing septic system which is in use by the residents of this address. This line will run from the dwelling unit at 618 Otter Point Road to the nearby 2-½ inch sewer line at the Anita Leight Center.

This office understands that the property is located along Otter Point Road south of Pulaski Highway. The property is approximately 61.24 acres of land all which is designated as a Resources Conservation Area. The proposed construction of the sewer line would create minimal new impervious surface and the majority of the disturbance is to run in an underground pipe. Trenching and boring will be the primary methods of installation of the piping. The total area will not exceed 4,700 square feet and will not disturb the 100-foot Buffer or steep slopes.

To complete our review of this consistency project, this office needs a letter from the Department of Natural Resources, Heritage Division stating that there are no threatened and endangered species at the site of the sewer line replacement.

Continued, Page Two
Otter Creek Sewer Line Replacement
Consistency Report
December 17, 2004

Once this information is available, I will complete my review of the above project. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
1 Regina Esslinger
HC 898-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 17, 2004

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

RE: Silo Point Subdivision and Site Plan
1800 East Fort Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's subdivision and site plan to redevelop a vacant industrial parcel by building 121 townhouses, mixed-use (e.g. office, retail, & residential) buildings in existing structures on site, a new parking garage, driveways, sidewalks and landscaping. They are also proposing to renovate the existing warehouse and grain Silo tower for use as office/retail/residential buildings and the construction of a new community building. The site is currently occupied by a grain plant, silo, office building, pump house, maintenance shop, etc. The site is 9.95 acres in size with 67.6 % of the site in the Intensely Developed Area and outside the 100-foot Buffer.

After reviewing the subdivision and site plan, this office does not oppose the re-development of this site. It appears that there will be a reduction in impervious surface from 14.0421 acres to 11.2238 acres resulting in a 20.07 % reduction in existing impervious surface on site. This office also understands that the 22.06 % reduction in impervious surface has resulted in meeting the 10 % pollutant reduction requirements.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
BA 866-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

December 17, 2004

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

RE: American Can Pad Site
2500 Boston Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to remove existing grass/concrete and build a one story commercial and retail building. Other improvements on site include minor reconfiguration of the parking spaces, reconstruction of the sidewalks and new utility connections. The site is 0.32 acres in size and is in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the proposed development of the site. This office understands that the site constraints for the pollutant reduction requirements are impractical. Therefore, the applicant will pay a stormwater off-set fee to satisfy the 10 % Rule requirements. We look forward to reviewing the landscaping plan when it becomes available.

This office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3484.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 912-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 17, 2004

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

RE: Grace Davison Security Fence Installation
5500 Chemical Road

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to clear brush, trees, vines, in and outside the 100-foot Buffer to construct a 900-foot long security fence. The total length of the clearing is 775 linear feet with 80 linear feet in the Buffer to be cleaned and 292 trees to be removed outside the 100-foot Buffer but within the Critical Area. The site is 58 acres in size and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the proposed security fence. We understand that for Buffer disturbance, the applicant will mitigate at 3:1 ratio with native species. Disturbance outside the Buffer will be mitigated at 2:1 with native species. The total mitigation area inside and outside the Buffer is 1.47 acres (64,000 square feet) with a total of 638 trees proposed to be planted.

This office has determined that the proposed development activity and buffer management plan are correct and consistent with the City's local Critical Area program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
BA 894-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 14, 2004

Mr. Otis Rolley, II
Planning Director
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

**RE: Offset Fee Expenditure Requests
War Memorial Plaza and Critical Area Mapping**

Dear Mr. Stuart:

This office received your letter dated November 15, 2004 requesting comments on the War Memorial Plaza Planting and the Critical Area Mapping Project. For the War Memorial Plaza planting, this office understands that the total site acreage for the planting area is 20,998 square feet or 0.4820 acres, which includes the center green space and the "third row" of tree pits.

We will support the use of \$52,495 of the City's Buffer Offset funds towards the planting of the 36 *Platanus acerifolia* 'Bloodgood', the 71 *Ilex crenata* 'Helleri', and the 80 *Ilex crenata* 'Green Lustre.' This figure is based on the City's Buffer Offset fee of \$2.50 per square foot multiplied by 20,998 square feet, which is the area that is to be planted. We do not support the use of Buffer Offset funds for the perennials, vinca, bulbs and annuals, since these plantings are primarily for aesthetic purposes and do not provide significant water quality or habitat benefits.

In reference to your December 9, 2004 e-mail requesting to add \$2,000 to put in permanent educational signage at the Plaza, we understand that the funds would be used for construction of an educational sign to explain the project, Critical Area funding and Critical Area goals. This office will support the use of the Offset Buffer funds for the signage, and if the City would like assistance preparing the text for the sign, Commission staff would be willing to work with City staff on the proposed sign design. Please reflect the request for additional funding in the "Construction Cost Estimate" sheet and submit it to us for our records when it has been finalized.

Mr. Stuart
December 14, 2004
Page 2

We have also reviewed the revised Worksheet A for Critical Area 10% Rule compliance and understand that the Stormwater Offset funds to be used have been adjusted from \$49,700 to \$45,150 because the impervious surface removal was reduced. This change reduced the pollutant removal from 1.42 pounds to 1.29 pounds of phosphorus.

In reference to the Critical Area mapping, we support the use of \$4,875 for Geographic Data Conversion of the City's paper and mylar Critical Area maps as long as the electronic data is prepared in a format that can be directly transferred to the Department of Natural Resources (DNR) GIS Division for use in the Department's MERLIN mapping system. It is our understanding that the City's consultant has contacted Mr. Dave Foreman at DNR and discussed the format necessary to ensure the maps are consistent with the State's system.

Thank you for the opportunity to provide comments on these projects. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Ren Serey
Mary Owens
BA General Files

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 9, 2004

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

RE: Ritz-Carlton Residence
801 - 821 Key Highway

Dear Mr. Stuart:

Thank you for providing additional information on the above project since 2001. This office understands that the applicant is proposing to build three or four story condominiums, restaurants, parking garage, promenade, marina office building, driveway entrance and landscaping. The site is 6.084 acres in size and in an Intensely Developed Area. The current site consist of a paved parking lot and a two story and three story warehouse. We understand that the site is partially in the 100-foot Buffer.

After reviewing the site plan, this office does not oppose the proposed redevelopment of this site. This office understands that the site constraints for both the pollutant reduction requirements and the City's Buffer requirements, are impractical. Therefore, the applicant will pay a stormwater offset fee and buffer offset to satisfy the 10 % Rule and the City's Buffer requirements. We look forward in reviewing the landscaping plan when it becomes available.

This office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 77 -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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December 9, 2004

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

RE: Off Set Proposal for
Hawkins Point Trailer Facility
2201 Hawkins Point Road

Dear Mr. Stuart:

Thank you for providing additional information on the above project. This office has reviewed the applicant's request to clear the wooded site and construct a new truck and trailer sales facility. The site is 7.51 acres in size and is in an Intensely Developed Area.

After reviewing the information, this office does not oppose the proposed development of this site. The applicant is proposing to meet part of the pollutant removal requirement on the project site and to satisfy the remaining removal requirement by planting off-site at Farring Brook Park.

It is not clear from the information submitted whether the applicant is proposing to obtain credit by planting forest in an area where impervious surfaces are being removed (Option 4 on page 6-6 of the Critical Area 10% Rule Guidance Manual) or by implementing a riparian reforestation project (Option 5.d on page 6-7 of the Critical Area 10% Rule Guidance Manual.) Although the credit for both options is two pounds of phosphorus for each acre planted, the requirements for each option are different. The consultant's letter dated November, 16, 2004 shows that Option 4 and Option 5 are both being used; however, it is not clear how both would apply.

It is possible that this issue may be clarified by reviewing a landscape plan for the proposed offsite mitigation area. Please provide a copy of this plan to the Critical Area Commission.

Page 2

Off Set Proposal for
Hawkins Point Trailer Facility
December 9, 2004

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 77 -04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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December 6, 2004

Mr. Mike Hild
Chief of Engineering Division
Maryland Port Administration (MPA)
2310 Broening Highway
Baltimore, Maryland 21224

RE: Masonville Marine Terminal
Phase I-Rough Grading at Cell 5

Dear Mr. Hild:

On December 1, 2003, the Chesapeake Bay Critical Area Commission unanimously approved Phase One's rough grading at Cell 5 in Masonville Marine Terminals. In the Spring of 2005, the MPA will submit a proposal to complete grading and to pave a larger portion of the site.

I would like to thank you, Mark Kreifle of your office and Craig Huntley from Moffat & Nichol Engineering for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Mark Kreifle
Craig Huntley
Phil Lee
Ren Serey
State File: DOT- MPA 44-04

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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December 6, 2004

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Ordinance O-11-04: Valuing and Replacing
Trees in Development Areas

Dear Mr. Smith:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced ordinance involving valuing and replacing trees in development areas. On December 1, 2004, the Critical Area Commission concurred with the Chairman's determination to approve Ordinance O-11-04 with conditions as refinements to the City's Critical Area Program.

The conditions of approval are as follows:

1. On page 6 in Table 17.09.070 "Tree Replacement Requirements," change "1 for 2" to "1 for 1" in the Limited Development Areas column for plant material size category "Trees 1 to 4" DBH.'
2. On page 10, in Section 17.09.070. I (1), add the following language: "**In addition to the requirements in H above**, the overall acreage of forest and woodland within the resource conservation area may not be decreased."
3. On page 10, in Section 17.09.070. I (2), correct the typographical error to provide the correct reference as follows, "... except where trees are removed according to subparagraphs 4, 6 and 8 of subsection **J of this section.**"

Annapolis Ordinance O-11-04
December 6, 2004
Page 2

In accordance with §8-1809(o)(2) of the Natural Resources Article of the Annotated Code of Maryland, the revised ordinance, as amended by the conditions herein, shall be incorporated into the City of Annapolis' Critical Area Program within 120 days of the date of this letter. Please provide a copy of all reprinted documents to Commission staff as soon as they are available.

Critical Area staff would like to thank Megan Owen and Marisa Wittlinger for their assistance in the review of this refinement. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Marisa Wittlinger
Jon Arason
Mary Owens
City of Annapolis Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

December 6, 2004

Mr. Tom Smith
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21201

RE: Anne McKenrick Variance
1 Rideout Street

Dear Mr. Smith:

This office has reviewed the additional information you recently submitted to us in reference to the variance application for an after-the-fact retaining wall in the 100-foot Buffer on steep slopes. The site is 0.0987 acres in size and in a Resource Conservation Area.

We understand that when the retaining wall was constructed, it was constructed to protect the site from runoff coming off of Rideout Street. We also understand that the area of the applicant's parcel was affected by a City owned failing storm drain that was finally corrected this year.

We do not oppose the granting of the after-the-fact variance as per the additional information. We understand that your office will recommend several conditions pertaining to the Buffer impacts. One condition is that the applicant reduce the height of the retaining wall by 18". The second condition is that the applicant mitigate for Buffer disturbance through a revised Buffer Management Plan. We also understand that the City will require the applicant to mitigate above and beyond what the revised Buffer Management Plan requires. Please forward the revised Buffer Management Plan when it becomes available.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
AN 589-03

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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1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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December 3, 2004

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

RE: 1840's Inn Phase II and Plaza Garage
29 & 33 South Front Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to renovate an existing structure into a hotel\bed and breakfast facility and construct a six story parking garage. The site is 0.37 acres in size and in an Intensely Developed Area.

This office does not oppose the redevelopment of this site. However, this office understands that the applicant proposes to satisfy the City's stormwater management and Critical Area 10 % pollutant requirements by installing 0.03 acres of hanging planters on the east and west walls of the new parking garage and 0.04 acres of a green roof block system on the roof top of the one of the buildings. It appears the applicant wants to meet the 10% pollutant reduction requirements by installing the planters and green roof.

We have no problem with the applicant getting credit for a reduction in impervious surface area associated with the green roof. However, this office cannot support getting credit for hanging planters to satisfy the 10 % pollutant requirements.

The proposed planters intercept rainwater. However, they do not result in an overall reduction in the impervious area of the site, therefore they do not reduce the quantity of stormwater or affect the quality of the stormwater. If the hanging planters are removed from the 10 % calculations, the pollutant removal requirements in Step 4 will be 0.05 pounds of phosphorus. Since the removal requirement is relatively small, the Commission would support the City if City staff determined that the collection of a stormwater offset fee would be appropriate.

Continued, Page Two
1840's Inn Phase II
December 3, 2004

Thank for the opportunity to comment. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 767-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 2, 2004

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

RE: Andy Weltlinger Project
1401 Jackson Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a new two-story townhouse on a vacant lot. The site is 0.0368 acres in size and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the re-development of this site. This office understands due to the small size of the lot and a small pollutant requirements of 0.045 pounds for phosphorus, the applicant will pay a stormwater offset to satisfy the 10 % Rule.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
BA 868-04

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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December 2, 2004

Mr. Jay Bautz
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Bulle Rock Yacht Club
Water Front Development

Dear Mr. Bautz:

This office has reviewed the additional information you submitted to us in November 2004. The information submitted was your consultant's response to my October 20, 2004 letter.

After reviewing the additional information, this office does not oppose the re-development of this site. This office understands that the proposed pond will not be used for stormwater management. Also, the proposed plan will reduce the amount of impervious surface by 23 %.

This office has determined that the proposed redevelopment activity and the 10% pollution reduction calculations have been met and are consistent with the local Critical Area Program. Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
HG 717-04

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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December 2, 2004

Ms. Jackie Rouse
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Bowen Property Annexation

Thank you for providing information on the annexation of the Bowen Property, identified as Parcels 163 and 335 on Tax Map 51. It is my understanding that the City Council will be reviewing the annexation in the coming weeks. The annexed property totals 19.2391 acres with a portion of the property located within the Critical Area and designated Resource Conservation Area (RCA).

In order for the Commission to review this Critical Area program change, the following additional information is needed:

1. A written request for approval of the annexation by the Critical Area Commission;
2. A subdivision history of the property from August 1988 (date of adoption of Anne Arundel County's Critical Area Program) to ensure that the density of the RCA portion of the property has not already been utilized by development within the County;
3. The acreage of the parcel that is in the Critical Area; and,
4. A copy of the City Council bill once approved.

Please forward this information to our office. Upon receipt of this information, the request can be placed on the agenda for the next Commission meeting.

Ms. Rouse
December 2, 2004
Page Two

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Megan Owen
Tom Smith
Ren Serey
Mary Owens
AN Amendment Files

Critical Area Commission

STAFF REPORT

December 1, 2004

APPLICANT: Maryland Port Administration

PROPOSAL: Masonville Marine Terminal
Phase I – Rough Grading at Cell 5

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending Subcommittee Review

STAFF: Dawnn McCleary

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

DISCUSSION:

The Maryland Port Administration (MPA) is preparing to expand the Cell 5 Dredge Disposal Facility at Masonville Marine Terminal. The site is a 13.82-acre dredge disposal containment facility authorized by the Army Corps of Engineers in 1977 and purchased by MPA in 1978. It is located in southwest Baltimore, north of the I-895 toll plaza. MPA performs periodic maintenance activities including re-grading to insure proper drainage. Some of this work is currently underway. The entire site is in the Critical Area.

The Port Administration proposes to rough grade and place gravel over 9.89 acres of the site. The work is proposed to accommodate expanded use of the Masonville area by the Port Administration's tenant, ATC Logistics of Maryland, Inc. The proposed rough grading and gravel placement will be outside the 100-foot Buffer. In Spring 2005 the Port Administration will submit a proposal to complete grading and to pave a larger portion of the site.

MPA submitted plans to the Department of the Environment for approval of the initial Erosion and Sediment Control plan and a waiver for stormwater management for rough grading of the site. It is unclear at this time if placement of gravel on the site was included in the request for waiver of stormwater management.

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
L. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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November 26, 2004

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

RE: Westport Yard Facility Consistency
2339 Nevada Street

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City's Critical Area program. This office understands that the applicant is proposing to remove an existing trailer and pavement and construct a one-story masonry office building. The applicant is also resurfacing existing parking spaces, creating new sidewalks and landscaping the area. This parcel is a City-owned transportation facility maintenance yard.

The site is currently being used by the City for roadway maintenance equipment. The entire site is 3.864 acres, however, 3.17 acres are in the Critical Area and in an Intensely Developed Area. The site is entirely out of the 100-foot Buffer.

This office understands:

1. That there will be a net decrease of 10,624 square feet in impervious surface for post development conditions. This will result in a 11.14 % reduction in impervious surface area below existing conditions within the disturbed area;
2. That a portion of the site is out of the Critical Area. However, the entire disturbed area would be within the Critical Area;
3. That 0.61 acres of the site sheet flow northerly to an existing inlet. Stormwater runoff to the rest of the site flow southeast to an existing inlet;

Continued, Page Two
Westport Yard Facility
November 26, 2004

4. There are six existing street trees where five will be saved with 60 additional trees will be planted; and,
5. There are no known Federal and State threatened or endangered plant or wildlife species present at this time.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 772-04

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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November 26, 2004

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

RE: BG & E West Port Substation
2100 Kloman Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to expand the existing Constellation Energy substation in the West Port Community. The site is 3.37 acres in size and in an Intensely Developed Area. After reviewing Worksheet A, Step 5 shows that the applicant wants to receive credit from the upgrading of the Spring Garden's facility from a project we received in 2001.

According to our records, the Westport Substation and the BG & E Spring Garden's projects are on two different parcels. Therefore, the applicant cannot deduct 1.12 pounds of phosphorus on the Westport Substation project from the BG & E Spring Gardens site. Using the "Critical Area 10 % Rule Guidance Manual", the applicant should find another Best Management Practice option to use to treat the 1.12 pounds of phosphorus for the above project.

Thank you for the opportunity to provide comments on this project, and we look forward to reviewing the BMP options for the project. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawn McCleary".
Dawn McCleary
Natural Resource Planner

cc: Ren Serey
Regina Esslinger
BA 768-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 22, 2004

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

RE: Waterview Avenue Town Homes

Dear Mr. Stuart:

This letter provides additional preliminary comments after our meeting with you and staff on November 1, 2004. Our office understands that the entire site is a wooded 8.0 acre site and in an Intensely Developed Area. The 100-foot Buffer will not be impacted although steep slopes of over 15 % will be.

We understand that there will be 81 units of condominiums and townhouses. There is a proposal to restore existing wetlands on site by reconstructing a wetland detention pond and to maintain most of the wooded area except the proposed access road into the subdivision on steep slopes. After our meeting, we understand that copies of the following information will be provided to us for our records. They are:

1. A letter from DNR identifying threatened and endangered species;
2. A planting plan showing the proposed 18 acres of plant mitigation and mitigation off-site; and,
3. A letter from the Maryland Department of the Environment on required Corps permits for non-tidal wetland impacts.

Also, Worksheet A, for the 10 % pollutant reduction requirements needs to be submitted for our review. Once we receive this information and a formal notification of application, that includes the various site plans, we will provide comments. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Handwritten signature of Dawnn McCleary in cursive script.

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 393-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 17, 2004

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

RE: Inner Harbor East- Parcel B
800 Aliceanna Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a large multi-story mixed-use tower on Parcel B. The site is currently used as a parking lot. The site is 2.28 acres in size and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the re-development of this site. However, Worksheet A, Step 4, shows that 0.53 lbs of phosphorus needs to be removed as a pollutant removal requirement. It appears that the applicant is proposing to pay an offset fee to satisfy the pollutant removal requirements. This office recommends that the City explore, for guidance, off-site Best Management Practices (BMP) outlined in the "Critical Area 10 % Rule Guidance Manual" before paying an offset fee. As you are aware, offsets are used when on-site practices are either infeasible and/or insufficient to comply with the 10% Rule at the development site. (10 % Rule Manual, p.6-2).

If the offset is infeasible, the applicant must demonstrate and submit documentation that full compliance with the 10% Rule using on-site stormwater BMPs will not work and that paying an offset fees is the most feasible option. (10 % Rule Manual, p.6-1).

Thank you for the opportunity to comment. We look forward to reviewing additional information for the above pollutant removal requirements. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 804-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

November 17, 2004

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

RE: Temporary Floating Dock\Walkway
National Aquarium in Baltimore City (Piers # 3 & # 4)

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to install a temporary fire existing floating dock\walkway with gangways between Piers # 3 and # 4. This office understands that the temporary floating dock is to provide a fire exit during the Aquarium expansion construction of Pier # 3. We also understand that once the Aquarium addition is completed, the fire exit floating dock will be removed.

This office has determined that the proposed temporary emergency exit floating dock\walkway is consistent with the local Critical Area program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
BA 795-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 17, 2004

Ms. Marti Sullivan
Program Open Space
Dept. of Natural Resources
Tawes State Office Building, E-4
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local
POS\CPP Project #4608-2-214,
Back Creek Park, City of Annapolis, Anne Arundel

Dear Ms. Sullivan:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to an expand institutional and exhibit space at the Osprey Nature Center in the Critical Area.

This office does not oppose the proposed development activity. Since the development will take place on City land, the City will need to submit the project for review under COMAR 27.02.02 for "Development in the Critical Area Resulting From State and Local Agency Action". If there are any questions, please feel free to call me at (410) 260-3483.

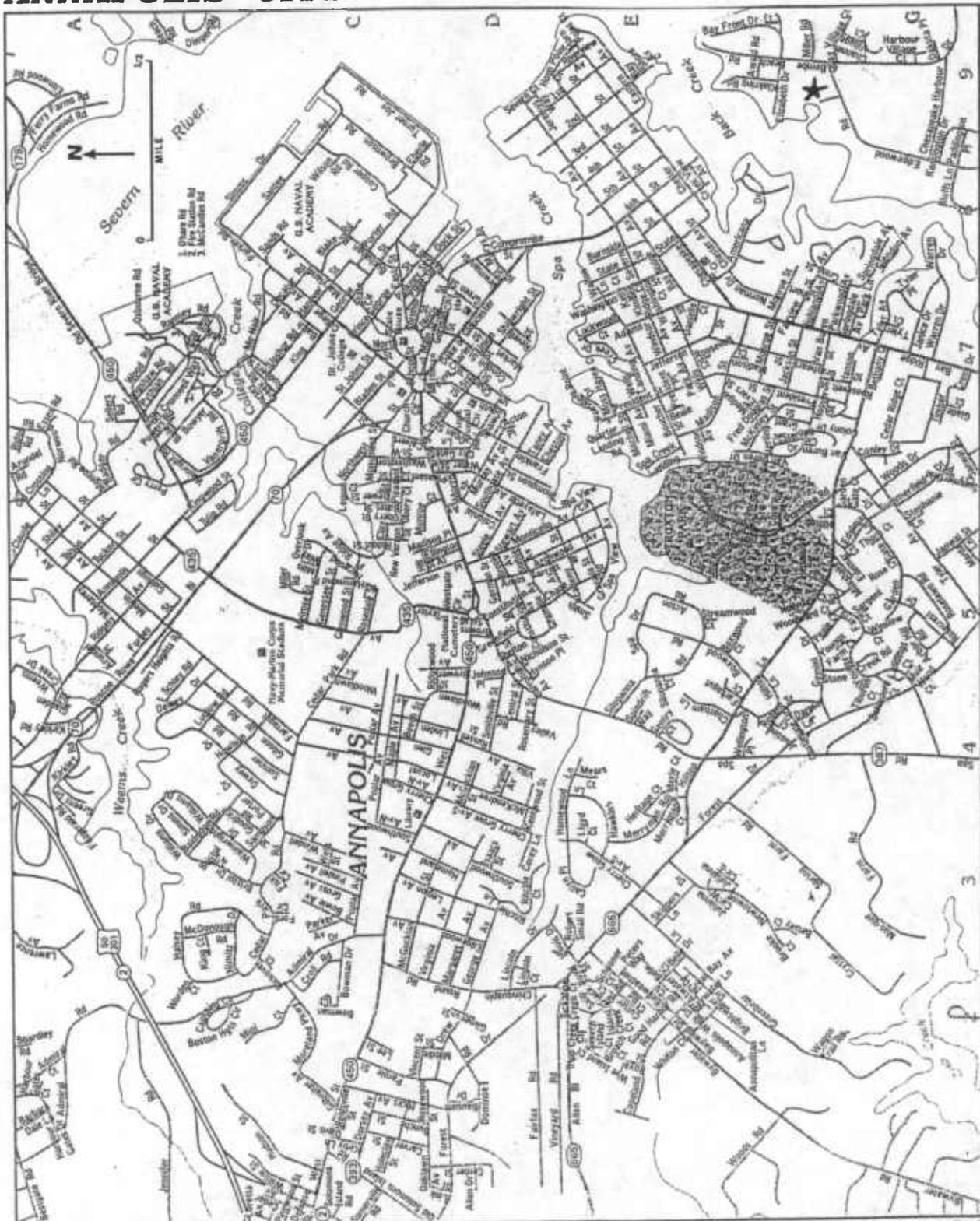
Sincerely,

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

cc: Megan Owen
Ren Serey
Regina Esslinger
General File

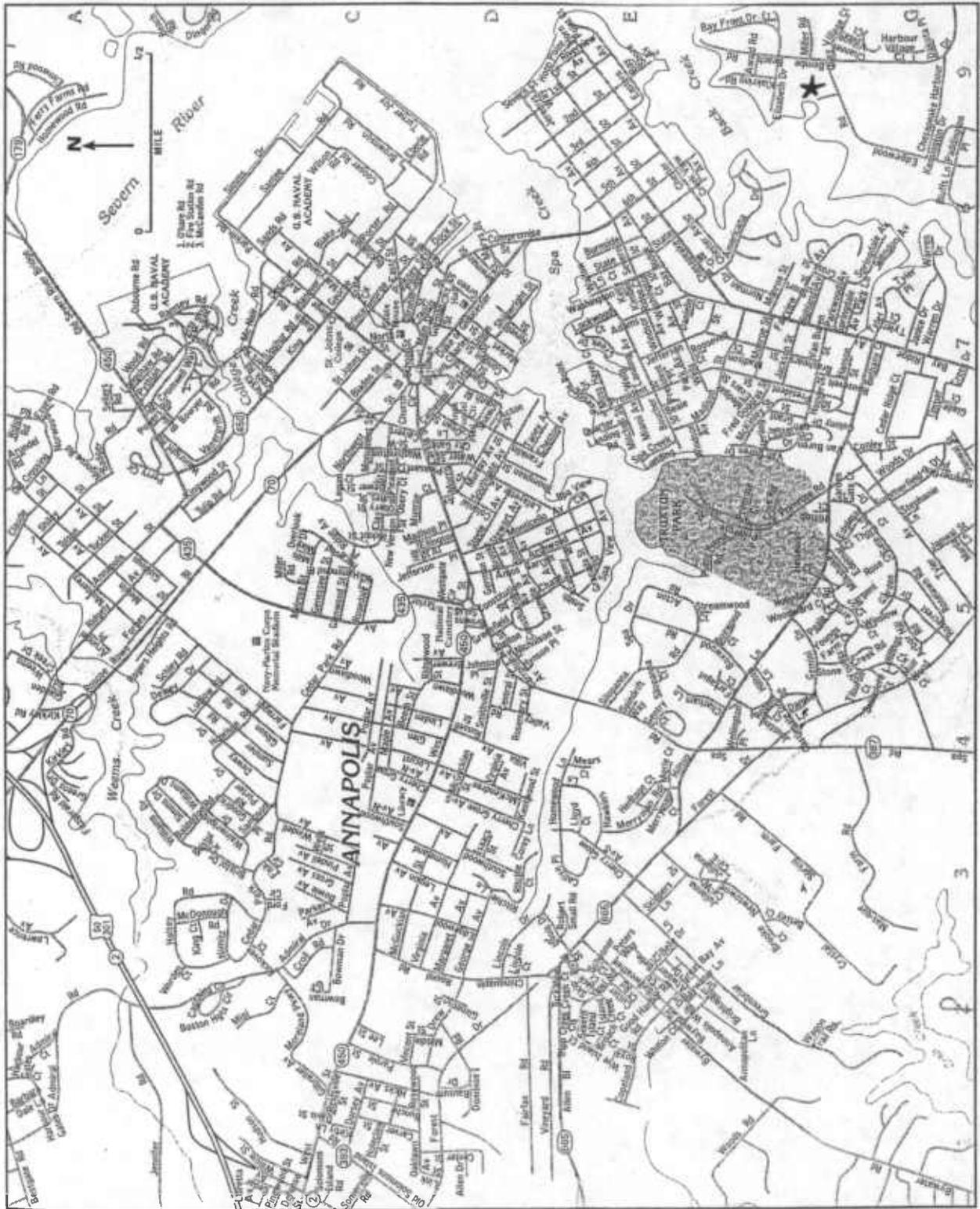
APPENDIX D: Supporting Documents
CITY ROAD MAP

ANNAPOLIS CITY



APPENDIX D: Supporting Documents
CITY ROAD MAP

ANNAPOLIS CITY



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Map by MAPQUEST

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Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

November 15, 2004

Ms. Jeanette DeLude
Town of Greensboro
P.O. Box 340
Greensboro, Maryland 21639

RE: Ordinance No. 2004-O-28: Buffer Exemption Area Designation of Sunset Avenue Area and Riverview Lane Area
Ordinance No. 2004-O-29: Buffer Exemption Area Provisions

Dear Ms. DeLude:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced ordinances involving the designation of two new Buffer Exemption Areas and the adoption of new BEA provisions within the Town of Greensboro. On November 3, 2004, the Critical Area Commission concurred with the Chairman's determination to approve these changes with conditions as refinements to the Town's Critical Area Program.

The conditions of approval are as follows:

1. On page 4, revise Paragraph T.5. (c)(10)C of §158-49 to read as follows:
 - C. Applicants who cannot comply with either the planting or offset requirements in **(9) and (10) A. or B.** above shall pay into a fee-in-lieu program as follows:
 - (i) Applicants shall submit to the Zoning Administrator two cost estimates from qualified landscape businesses for planting the **required mitigation area(s)** ~~equivalent of twice the extent of the development within the 100-foot Buffer.~~

2. On page 5, revise Paragraph T.5. (d)(1) of §158-49 to read as follows:
 - (1) New development and redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the local setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 25 feet from the water (or the edge of tidal wetlands), **except as described in (2) below.**

In accordance with §8-1809(o)(2) of the Natural Resources Article of the Annotated Code of Maryland, the revised ordinance, as amended by the conditions herein, and map shall be incorporated into the Town of Hillsboro's Critical Area Program within 120 days of the date of this letter. Please provide two copies of all reprinted documents and one copy of the amended map to Commission staff as soon as they are available. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
GR Amendment Files

Critical Area Commission

STAFF REPORT
November 3, 2004

APPLICANT: Town of Greensboro

PROPOSAL: Map and Zoning Ordinance Amendment- Buffer
Buffer Exemption Areas

JURISDICTION: Town of Greensboro

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Section 8-1809(h) - (p)

DISCUSSION:

On October 7, 2004, the Town Commissioners voted to approve Ordinance 2004-O-28 and Ordinance No. 2004-O-29. Please see attached, Ordinances 2004-O-28 and 2004-O-29. The two ordinances will be amendments to the Town's Critical Area Program.

The first amendment adds two new Buffer Exemption Areas to the Town's Critical Area Map. The two areas are identified as the "Sunset Avenue Area" which includes five parcels and the "Riverview Lane Area" which includes four parcels. These sites include Buffers adjacent to tidal waters and tributary stream. Existing development within the Buffer includes houses, driveways, decks, a pool, outbuildings, a town street, and parking areas. The second amendment involves replacing the Town's provisions for development activities within Buffer Exemption Areas with revised provisions that are consistent with the Commission's policies for.

Critical Area Commission

STAFF REPORT

November 3, 2004

APPLICANT: Town of Greensboro

PROPOSAL: Ordinance No. 2004-O-29: Buffer Exemption Area Designation for Sunset Avenue Area and Riverside Lane Area
Ordinance No. 2004-O-29: Buffer Exemption Area Provisions

JURISDICTION: Town of Greensboro

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Roby Hurley and Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Section 8-1809(h) - (p) and COMAR 27.01.09.01

DISCUSSION:

The Town of Greensboro recently amended its Critical Area Program to add two new Buffer Exemption Areas to the Town's Critical Area Map and to replace the Town's provisions for development activities within Buffer Exemption Areas. The changes are the result of potential interest in redeveloping one area of the Town and inquiries from homeowners in another area. A study of these areas was conducted to determine eligibility for Buffer Exemption Area (BEA) designation. BEA evaluation reports were produced for both areas and are included in Ordinance No. 2004-O-28. (See attachments.)

The two areas are identified as the "Sunset Avenue Area" which includes five parcels and the "Riverview Lane Area" which includes four parcels. In general, these properties are developed with residential, commercial and institutional uses. These sites include Buffers adjacent to tidal waters and tributary stream. Existing development within the Buffer includes houses, driveways, decks, a pool, outbuildings, a town street, and parking areas. The Town Council determined that the existing pattern of development in these areas prevented the Buffer from fulfilling the Buffer function relating to water quality enhancement and habitat protection because the Buffer is

developed and is actively used.

The second amendment involves the adoption of new BEA provisions that are consistent with the Commission's policies and are included in Ordinance No. 2004-O-29. (See attachments.) The provisions include separate sections for addressing single-family residential development and for addressing commercial, industrial, institutional, and multi-family residential development. The new regulations also require a 50-foot setback for new development on undeveloped lots and a minimum 25-foot setback for redevelopment on developed lots. There are also specific planted mitigation requirements, as well as provisions for offsets and fees-in-lieu of planting.

The Town Council held a public hearing on September 16, 2004, and there were some questions from the public, which were addressed. On October 7, 2004, the Town Commissioners voted to approve Ordinance 2004-O-28 and Ordinance No. 2004-O-29.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 1, 2004

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

RE: Vallerie Trailer Project
700 Block of Frankfurst Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a new trailer sales/maintenance facility on Frankfurst Avenue. This site is currently a 7.07 acre vacant parcel, adjacent to the Masonville Designated Habitat Protection Area and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the development activity. This office understands that the applicant is proposing to clear 1.05 acres and plant with native species, 114 trees as mitigation within the Critical Area. In order to satisfy the 10 % calculations, the applicant has proposed two shallow wetlands both on-site. Part of drainage area No.2 outside of the Critical Area will be treated on-site by the second shallow wetland.

This office has determined that the proposed redevelopment activity is consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 733 - 04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

October 21, 2004

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

RE: BG & E Spring Gardens
Buffer Management Plan

Dear Mr. Stuart:

Thank for providing information on two areas in the 100-foot Buffer that the applicant wants to disturb for security and emergency work. We understand that in Area # 1, there is a proposal to clear brush and trees along a 1,955-foot security fence with two feet on either side of fence. In Area # 2, the applicant is proposing to clear for emergency repair and construction of protective earth berm to be placed over 24-inch gas main. The berm will eventually be vegetated with a grass mix to stabilize the area disturbed. The entire site is 0.18 acres, is in an Intensely Developed Area and will impact the entire 100-foot Buffer.

This office does not oppose the development activity on this site. The buffer management plan shows that the applicant will have to clear 52 trees which will require mitigation for impacts at a 3:1 ratio using native plantings on site. The applicant is proposing to plant 156 trees as mitigation within Buffer on site. The site plan shows that the proposed mitigation area will be located in the southwest portion of the BGE Spring Gardens Facility.

This office has determined that the proposed redevelopment activity is consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
BA 759-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

October 20, 2004

Mr. Jay Bautz
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Bulle Rock Yacht Club
Water Front Development

Dear Mr. Bautz:

This office has reviewed the applicant's request to build 36 townhouses and a Clubhouse with a pool. The property is currently vacant and was used as a marina with boat sales. The proposed units will front the water line currently improved with bulkheads, where some will need replacement. The site is 3.70 acres in size and in an Intensely Developed Area and in a Buffer Exemption Area.

In order to complete my review of the project, this office will need Worksheet A for the 10 % pollution reduction calculations. We will also need to know how stormwater will be treated on this site. The site plan shows a proposed pond. Will this pond be used as a stormwater management facility? We need more information on the type of mitigation for the increase in impervious surface on site.

Thank you for the opportunity to comment. We look forward in reviewing additional mitigation for impervious surface increase when available. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
HG 717-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

October 18, 2004

Ms. Jeanette DeLude
Town of Greensboro
P.O. Box 340
Greensboro, Maryland 21639

RE: Ordinance No. 2004-O-28: Buffer Exemption Area Designation of Sunset Avenue Area and Riverview Lane Area
Ordinance No. 2004-O-29: Buffer Exemption Area Provisions

Dear Ms. DeLude:

Thank you for providing information regarding the two ordinances recently passed by the Town of Greensboro as amendments to its Critical Area Program. The first amendment adds two new Buffer Exemption Areas to the Town's Critical Area Map. The areas are identified as the "Sunset Avenue Area" which includes five parcels and the "Riverview Lane Area" which includes four parcels. These sites include Buffers adjacent to tidal waters and tributary stream. Existing development within the Buffer includes houses, driveways, decks, a pool, outbuildings, a town street, and parking areas. The second amendment involves replacing the Town's provisions for development activities within Buffer Exemption Areas with revised provisions that are consistent with the Commission's policies for.

We understand that the Town Commissioners voted to approve Ordinance No. 2004-O-28 and Ordinance No. 2004-O-29 on October 7, 2004. The Critical Area Commission received your letter on October 13, 2004 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Natural Resources Planner

cc: Roby Hurley
Mary Owens

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

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

October 15, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Amos Garret Street-End Park Project
Amos Garrett Blvd and Spa Creek

Dear Mr. Smith:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. This office understands that the second phase of the master plan for the park involves the installation of a rain garden as improvements to the Amos Garrett Street-End park. The intent in installing the raingarden is not only to provide stormwater management but to educate the public of their benefits to the environment.

The park is located with the Intensely Developed Area and almost entirely within the 100-foot Buffer and designated as a Buffer Exempt Area (BEA). The park has approximately 120 linear feet of shoreline. The park is located within a portion of the City right-of-way for Amos Garrett Boulevard that is 130 feet deep by 100 feet wide, for a total area of 13,000 square feet.

There are no existing structural improvements to the park except for the access path, which is 500 square feet in area. This office understands that there will be no negative impact to rare, threatened and endangered species.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially

Continued, Page One
Amos Garrett Street-End Park Project Phase II
October 15, 2004

affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
Megan Owen
An 732-04

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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1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

October 12, 2004

Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Code Amendment to City of Annapolis
Critical Area Program

Dear Mr. Smith:

Thank you for providing information on the proposed changes to sections in the City of Annapolis Municipal Code. Based on the information submitted, we understand that the City Council of Annapolis approved Ordinance O-11-04 on September 13, 2004. This ordinance amends Title 17 within the City of Annapolis Municipal Code to improve the method of valuing and replacing trees in development areas. The purpose of the proposed amended language is to change the criteria for mitigating removed trees from a system based on the monetary value of the removed trees to a system based on the size of the removed trees.

The Critical Area Commission staff received your letter on October 5, 2004 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Mary Owens
City of Annapolis Comprehensive Files

TTY For the Deaf

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



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

October 8, 2004

Mr. Mark Kreiffl
Engineering Division
Maryland Port Administration (MPA)
2310 Broening Highway
Baltimore, Maryland 21224

RE: Maisel Street Mitigation Project
Critical Area Institutional Management Plan

Dear Mr. Kreiffl:

On October 6, 2004, the Chesapeake Bay Critical Area Commission unanimously approved the Maisel Street Mitigation project. MPA is proposing to remove the roads and backfill the disturbed area with topsoil and seed with a mixture of grasses and wildflowers. The City's Parks and Recreation Division will keep the site as a forested wildlife habitat area.

I would like to thank David Stuart from STV, Inc. and Phil Lee from Moffatt and Nichol for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Phil Lee
David Stuart
Ren Serey
Regina Esslinger
State 18-04

Critical Area Commission

STAFF REPORT

October 6, 2004

APPLICANT: Maryland Port Administration (MPA)

PROPOSAL: Maisel Street Mitigation Project Under the
Critical Area Institutional Management Plan

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

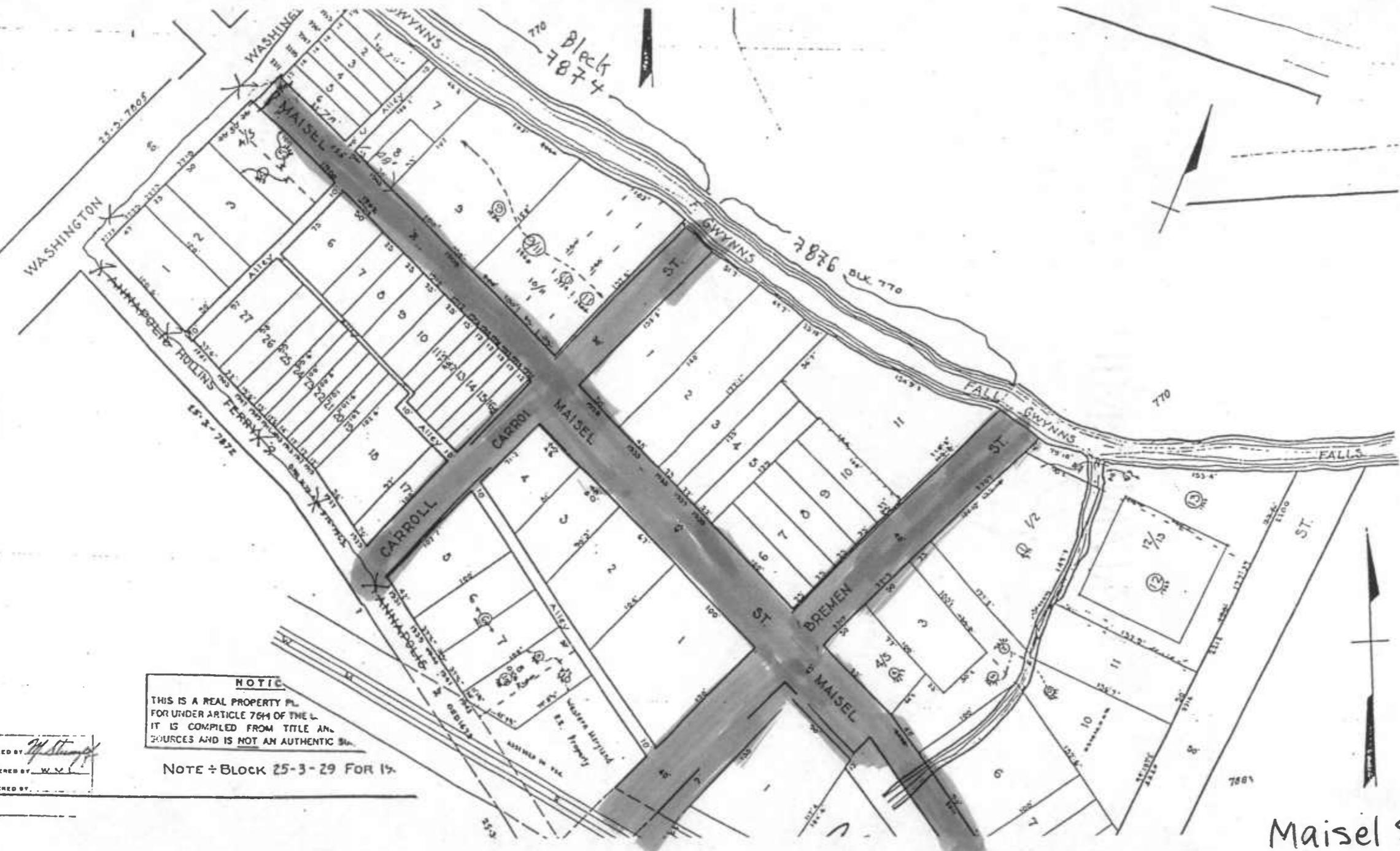
DISCUSSION:

On May 5, 2004, the Critical Area Commission approved the Critical Area Institutional Management Plan for stormwater management on Intensely Developed State lands in the Critical Area. The plan provides possible offsite mitigation options to meet the 10% pollutant reduction requirements for five Maryland Port Administration properties where on-site stormwater treatment may be infeasible.

The Maisel Street Mitigation Project is another proposal by the Maryland Port Administration to address the Port's inability to treat phosphorus on site. The Maisel Street site is 8.74 acres of vacant land along the Gwynn's Falls River in Southwest Baltimore. All of the site is in the Critical Area and designated both Resource Conservation Area and Intensely Developed Area. The area was residential with some commercial property. However, after Hurricanes Agnes and David, the City purchased most of the properties with floodplain acquisition money and demolished all the buildings, leaving the roads.

The MPA is proposing to remove the roads and backfill the disturbed area with top soil and seed with a mixture of grasses and wildflowers. The community surrounding this project planted hundreds of trees, reforesting all the area that will not be disturbed by the removal of impervious surfaces. The City's Parks and Recreation Division will protect the area and keep it as a forested wildlife habitat area.

The Port currently owes 3.24 pounds of phosphorus treatment based on past projects. This plan proposes to treat 3.13 pounds. The MPA will still owe 0.11 pounds of phosphorus.



NOTICE

THIS IS A REAL PROPERTY PL.
 FOR UNDER ARTICLE 764 OF THE L.
 IT IS COMPILED FROM TITLE AND
 SOURCES AND IS NOT AN AUTHENTIC S.

NOTE ÷ Block 25-3-29 For 19-

Maisel Street
 Mitigation Project

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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/

September 29, 2004

Mr. Jay Bautz
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Tidewater Marina Project
Local Case Number: 540-04

Dear Mr. Bautz:

This office has reviewed the additional information the consultant sent us on the proposed 7,883 square foot retail\office building and parking within the Tidewater Marina complex. This office understands that the existing site is an 11.44 acre marina. The property contains approximately seven existing building and several of sheds and is mainly used for storage, office and maintenance. The area of the proposed building will cover 0.64 acres.

After reviewing the revised site plan, 10% calculations and summary sheet, this office does not oppose the proposed development. In order to satisfy the 10% calculations, the applicant has proposed a 310 linear foot modified bioretention facility with a filterstrip along the northern portion of parking area. The applicant is also proposing a 90 linear foot modified surface sand filter facility that will treat approximately 5,887 square feet of rooftop run-off that will be directed into the sand filter through downspouts. These proposed Best Management Practices will satisfy the 10% pollutant reduction requirements in the City's Critical Area Program.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program.

Continued, Page Two
Tidewater Marina Project
September 29, 2004

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
Brian Dicara
HG 514-04

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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September 21, 2004

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

RE: Moorings @ Light House Point
2701 Boston Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build 67 new townhouses. The site is currently used as a boat yard with a parking lot and commercial buildings. The townhouses are proposed where the existing parking lot is located. Over half the site is in the 100-foot Buffer. Improvements will include private streets, alleys and a public promenade. The site is 4.94 acres in size and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the development. This office understands that the applicant is proposing to reduce the impervious surface, therefore no Best Management Practice is required. Since the current Buffer is impervious, the applicant proposes to pay a Buffer offset fee.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Regina Esslinger
Ren Serey
BA 168-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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September 13, 2004

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: William and Tammi Mulliken
Buffer Management Plan

Dear Ms. Schmick:

We understand that the County approved the variance to construct the house, driveway and septic fields in the 100-foot Buffer. We received from the consultant a Buffer Management Plan and a summary of what the applicant is proposing to do to fulfill the variance requirement to mitigate for Buffer disturbance. The applicant is responsible for planting 156 trees. The proposal is to plant 25 canopy trees and 50 under-story trees on-site, with the remaining plantings to be covered by fee-in-lieu. The Plan shows an off-site area directly across Park Drive owned by the County available for planting.

Please note that the Plan shows mitigation for not only the items approved under the variance, but also the garage denied by the Board. While the planting of additional trees is encouraged, it does not change this office's position on the detached garage. From the information provided, I am unable to determine how many trees are associated with this portion of the mitigation. Otherwise, the Plan is acceptable to this office.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Sean Callahan
Regina Esslinger
CR 501-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 10, 2004

Mr. Randy Harrill
Program Director
Department of Natural Resources (DNR)
Engineering and Construction
580 Taylor Avenue, D-3
Annapolis, Maryland 21401

RE: Canoe Launch at Susquehanna State Park

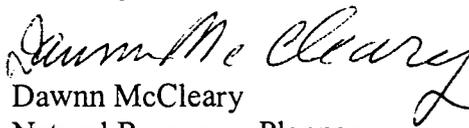
Dear Mr. Harrill:

On September 1, 2004, the Critical Area Commission unanimously approved the proposed construction of the canoe launch/takeout, timber steps and the stabilization of an access trail in the 100-foot Buffer with the following conditions:

1. DNR shall determine a mitigation location within 60-days and coordinate with the Commission staff on an appropriate planting plan.
2. DNR will provide to Commission staff, a letter from Susquehanna Power Company authorizing the proposed activities.

I would like to thank David Decker for working diligently with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
David Decker
Regina Esslinger
State 27- 04

Critical Area Commission

STAFF REPORT **September 1, 2004**

APPLICANT: Department of Natural Resources

PROPOSAL: Proposed Canoe Launch at Deer Creek
Susquehanna State Park

JURISDICTION: Harford County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Condition

STAFF: Dawnn McCleary

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

DISCUSSION:

The Maryland Department of Natural Resources is proposing to construct a canoe launch\takeout along Deer Creek, immediately upstream of the Susquehanna River. The total area of disturbance is 2,890 square feet, with 1,425 square feet of impervious surface being created. The construction of the launch is intended to provide improved access to Deer Creek in an area that is heavily used by canoers and tubers. The launch will also stabilize existing erosion at the site and provide safer access for recreational users.

The proposed project will include the construction of a 30 feet long by 8 feet wide gravel canoe ramp, timber steps to the top of the stream bank and a stabilized 6-foot wide access trail in the 100-foot Buffer. Buffer impacts total 2,225 square feet with 1,040 square feet of impervious surface being created. The access trail will provide a connection between the ramp and an existing gravel parking area that is located adjacent to the site. The site will also have a stone lined drainage channel in order to correct the existing erosion problem and to prevent undermining of the proposed trail. No impacts to any other Habitat Protection Areas will occur.

The proposed project will require the removal of trees; however, clearing activities will be confined to the removal of low brush. Mitigation at a 2:1 ratio is proposed for impacts to the 100-foot Buffer. DNR is currently looking for mitigation locations on-site.

Condition:

DNR shall determine a mitigation location within 60 days and coordinate with Commission staff on an appropriate planting plan.

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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August 30, 2004

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

RE: War Memorial Plaza
Offset Fee Project

Dear Mr. Stuart:

Thank you for sending our office Worksheet A from the Critical Area 10 % Rule Guidance Manual for the War Memorial Plaza project. I have reviewed Worksheet A and agree with your determination that the difference in the pre-development and post development impervious area will result in a reduction of 1.42 pounds of phosphorus. Based on information included in the Commission guidance, the cost of removing a pound of phosphorus is approximately \$35,000 per pound; therefore the Commission would support the use of \$49,700 of Stormwater Offset Fees for this project.

It is my understanding that the City may wish to use some Buffer Offset Fees for this project. If portions of the plaza are proposed to be planted with trees and shrubs, then the use of Buffer Offset Fees for this part of the project could be recommended. We would like to review a landscape plan for the project and work with you to determine the appropriate amount.

Thank you for the opportunity to provide additional comments on this project, and we look forward to reviewing a detailed landscaping plan when it is available. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

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

cc: Regina Esslinger
Mary Owens ✓
BA General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

August 27, 2004

Ms. Jennifer Shull
Director
Housing and Community Development
Town of Denton
13 North Third Street
Denton, Maryland 21629

RE: Wood & Board of Education Annexation
Town of Denton

Dear Ms. Shull:

Thank you for providing information about the proposed annexation of 36.018 acres of land from Caroline County into the Town of Denton. The annexation involves three parcels and a portion of Sharp Road and Lupine Road. This office understands a portion of the proposed land to be annexed lies within the Critical Area.

We understand that the Denton Town Council is having a public hearing on September 13, 2004 to review the annexation and that once the annexation is approved the Town will request Commission approval of this map amendment. At that time, information about the acreage of land within the Critical Area and the existing and proposed Critical Area designation should be included in the request.

If there are any questions, please feel free to call me (410) 260-3483.

Sincerely,

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

cc: Roby Hurley
Mary Owens
File Copy

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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August 5, 2004

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

RE: Mitchell Asphalt Parking and Office Facility
Chesapeake Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to redevelop a portion of the Chevron site in Fairfield by demolishing existing tanks for a parking facility and offices. The site is 9.49 acres with 6.5 acres in the City's Intensely Developed Area. No portion of the site is within the 100-foot Buffer and no Habitat Protection Areas are on site.

This office does not oppose the redevelopment on this site. In order to satisfy the 10 % calculations, the applicant has proposed a wet swale. We understand that this site may have contaminated soils. Therefore, please notify us if the City determines that this wet swale is not feasible for this site.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Regina Esslinger
BA 513-04



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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August 5, 2004

Mr. Jay Bautz
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Tidewater Marina Project
Local Case Number: 540-04

Dear Mr. Bautz:

This office has reviewed the applicant's proposal to construct a 8,000 square feet retail/office building within the Tidewater Marina complex. The site is currently used for boat dry storage. The entire site is 11.44 acres and is in an Intensely Developed Area. The site of the proposed development is outside the 100-foot Buffer.

The 10 % calculations are incorrect. The site area within the Critical Area must include the drainage area for the entire new building, not just the parking, sidewalks, and part of the building. All development within this area must be shown on the worksheet. The bioretention is proposed in a different drainage area, so the plan needs to show both drainage areas as well as the design and planting list for the bioretention.

Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Regina Esslinger
HG 514-04



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

July 29, 2004

Mr. Nick Walls
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Lower Bynum Run Sewer Expansion

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County Critical Area Program. This office understands that the County is proposing a new parallel interceptor sewer line to increase the capacity and reliability of Harford County's wastewater treatment collection system. Approximately 8,671 linear feet of new 36-inch sewer line will be installed near Bynum Run in the southern end of the County.

This office understands:

1. That new impervious surfaces have been minimized and are estimated to be less than 1,500 square feet;
2. That the increase in impervious surface is in the form of junction boxes and concrete manholes;
3. That there are minor impacts to the 100-foot Buffer due to the fact that the sewer line will be placed immediately adjacent to the existing sewer line which runs along Bynum Run;

TTY For the Deaf

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



Continued, Page Two
Lower Bynum Run Sewer Expansion
Consistency Report
July 29, 2004

4. That there will be time of year restrictions which will be followed for the construction of this sewer line where it occurs within the Buffer;
5. That there are no tidal wetlands within the limits of disturbance for the proposed sewer line;
6. That the proposed construction of the Lower Bynum Run parallel interceptor sewer line will not impact adjacent steep slopes areas;
7. That there will be no clearing of Forest Interior Dwelling Bird habitat (FIDs) and there are no State or Federally listed threatened or endangered species in the project area; and,
8. That 31,000 square feet of forest will be cleared and mitigated on a 1:1 ratio.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. *(See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).*

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 458-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 29, 2004

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: William and Tammi Mulliken
Local Case Number: #04-013V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 50' x 80' single-family house, a 30' x 40' detached garage, and proposed driveway in the 100-foot Buffer. The property is 3.73 acres in size and is designated a Limited Development Area. Most of the site is constrained by wetlands and the 100-foot Buffer. The septic reserve area encompasses the portion of the site that has the least constraints.

In September 2001, this office received a Buffer variance application for a 28' x 48' house in the Buffer and a driveway. The current application shows 5,200 square feet of house and garage in the Buffer, an increase of 3,856 square feet from the previous application. This figure does not include the driveway. This office cannot support such a substantial increase in Buffer impacts. While we recognize that the lot cannot be developed without impacts to the Buffer, the current proposal does not demonstrate that impacts to the Critical Area have been minimized.

With careful changes to the current development proposal, an alternative proposal could be developed that would reduce the impacts to the Buffer while accommodating a smaller house with a garage, a driveway and a portion of the sewage reserve area in 100-foot Buffer. For this reason, denial of this variance request would not result in an unwarranted to the property owner nor would it deprive the property owner from enjoying reasonable and significant use of the property.

Continued, Page Two
Willima and Tammi Mulliken
Local Case Number: # 04-013V
July 29, 2004

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 application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 501-01

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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July 29, 2004

Mr. Nick Walls
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Lower Bynum Run Sewer Expansion

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County Critical Area Program. This office understands that the County is proposing a new parallel interceptor sewer line to increase the capacity and reliability of Harford County's wastewater treatment collection system. Approximately 8,671 linear feet of new 36-inch sewer line will be installed near Bynum Run in the southern end of the County.

This office understands:

1. That new impervious surfaces have been minimized and are estimated to be less than 1,500 square feet;
2. That the increase in impervious surface is in the form of junction boxes and concrete manholes;
3. That there are minor impacts to the 100-foot Buffer due to the fact that the sewer line will be placed immediately adjacent to the existing sewer line which runs along Bynum Run;

Continued, Page Two
Lower Bynum Run Sewer Expansion
Consistency Report
July 29, 2004

4. That there will be time of year restrictions which will be followed for the construction of this sewer line where it occurs within the Buffer;
5. That there are no tidal wetlands within the limits of disturbance for the proposed sewer line;
6. That the proposed construction of the Lower Bynum Run parallel interceptor sewer line will not impact adjacent steep slopes areas;
7. That there will be no clearing of Forest Interior Dwelling Bird habitat (FIDs) and there are no State or Federally listed threatened or endangered species in the project area; and,
8. That 31,000 square feet of forest will be cleared and mitigated on a 1:1 ratio.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 458-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

July 19, 2004

Mr. Roby Hurley
Critical Area Circuit Rider
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801

RE: Six-Year Comprehensive Review for Town of Hillsboro

Dear Mr. Hurley:

On July 7, 2004, the Critical Area Commission unanimously approved the Town of Hillsboro's comprehensive review. The Commission officially voted to approve Hillsboro's revised Critical Area Ordinance and Map with the following conditions: (Language to be removed is shown as ~~strikethrough text~~ and new language is shown as **bold text**.)

1. Section 1-105. [Page 14] – Add the following language to this section and recodify as necessary:

(g) **Reasonable accommodations for the needs of disabled citizens.** The Board of Appeals may make reasonable accommodations to avoid discrimination on the basis of a physical disability. Reasonable accommodations for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in the following paragraphs.

- (1) An applicant shall have the burden of demonstrating the following:
 - A. The existence of a physical disability;
 - B. Literal enforcement of the provisions of this ordinance would result in discrimination by virtue of such disability;
 - C. A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this ordinance;

- D. **The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this ordinance as applied to the property;**
 - E. **Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the particular disability of the applicant.**
- (2) **The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.**
- (3) **The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this ordinance. Appropriate bonds may be collected or liens placed in order to ensure the Town's ability to restore the property should the applicant fail to do so.**
2. Section 1-108.(c)(4) [Page 24] – ~~Delete the last sentence which reads, "Non-industrial activities which support surface mining, agriculture, and forestry may be established or expanded provided they conform with the other requirements of this ordinance."~~ This provision is not included in the Criteria and could be interpreted in a manner that is inconsistent with other provisions in the ordinance.
3. Section 1-109. Growth Allocation [Page 25] – Incorporate the growth allocation provisions approved by the Commission and included as Attachment A.
4. Section 1-124.(e) Public notice [Page 56] – ~~Delete the second and third sentences, "Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If additional habitat areas are designated in the future, as desired by the local government or if the Secretary of the Department of Natural Resources designates additional species and/or habitat areas, a public hearing, as appropriate, shall be held to consider comments on these areas and protection measures proposed."~~ Add the following, **"If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, additional local public hearings, as appropriate, shall be held to consider comments on the protection measures proposed for these species."**

5. Section 1-125. Plant and Wildlife Habitat and Nontidal Wetlands Protection [Page 60] – Add the following provisions as paragraph (f):

(f) Public notice. The determination of the existence and extent of these habitats and protection areas shall result from a cooperative effort between the Town and public agencies or private organizations. If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, public hearings, as appropriate, shall be held to consider comments on these areas and the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary's designation.

6. Section 1-102. Definitions [Page 2] and Section 1-123 The 100-foot Buffer [Page 53] – Replace the current definition of Buffer with the following definition: **“Buffer means an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.”**
7. Section 1-102. Definitions [Page 2] – Add the following definition, **“Dwelling unit means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.”**
8. Section 1-102. Definitions [Page 2] – Add the following definition, **“Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.”**
9. Section 1-104. Program Enforcement [Page 12] – Add the following language to this section:

(c) Violations. In addition to any other penalty applicable under state or municipal law, a person who violates a provision of Natural Resources Article, Title 8 Subtitle 18, or the Town's Critical Area Program, ordinance, or regulations is subject to a fine not exceeding \$10,000.

(1) In determining the amount of the penalty to be assessed under paragraph (c), the Town may consider the following:

A. The gravity of the violation

B. Any willfulness or negligence involved in the violation; and

C. The environmental impact of the violation

10. Section 1-112. Variances [Page 32] – Add the following language to paragraph (a) as indicated, “... variance may be obtained. **In considering an application for a variance, the Town shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of the Town’s Critical Area Program. The provisions for granting such a variance ...**”
11. Section 1-112. Variances [Page 33] – Add the following language to paragraph (b)(4) as indicated, “... which are the result of actions by the applicant, **including the commencement of development activity before an application for a variance has been filed, nor does the request arise from ...**”
13. Section 1-112. Variances [Page 33] – Add the following language to paragraph (c) as indicated, “... the Board of Appeals shall make **written** findings reflecting analysis of each standard. **The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in paragraph (a) above. The Town shall notify the ...**”
14. Section 1-112. Variances [Page 33] – Add the following language to this section and recodify as necessary:
 - (d) **Findings. Based on competent and substantial evidence, the Town shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in paragraph (a) above. With due regard for the person’s technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:**
 - (1) **The applicant;**
 - (2) **The Town or any other government agency; or**
 - (3) **Any other person deemed appropriate by the Town.**

Since the Town’s current Critical Area Program placed approval by the Critical Area Commission before approval by the Town Commissioners, it is my understanding that the Commissioners will formally approve the new ordinance in the next several weeks.

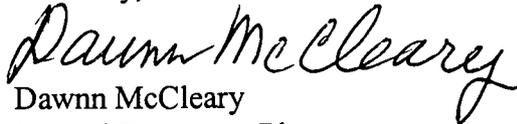
In accordance with §8-1809(o)(2) of the Natural Resources Article of the Annotated Code of Maryland, the revised ordinance, as amended by the conditions herein, and map shall be

Mr. Hurley
July 19, 2004
Page 5

incorporated into the Town of Hillsboro's Critical Area Program within 120 days of the date of this letter. Please provide two copies of all reprinted documents and one copy of the revised map to Commission staff as soon as they are available.

Critical Area staff would like to thank the Town Commissioners and you for all your help and patience in completing the comprehensive review. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Ron Stafford, President, Hillsboro Town Commissioners
Mary Owens, CAC
Hillsboro Amendment File

ATTACHMENT A

Section 1-109 Growth Allocation.

- (a) Definition. Growth allocation means the number of acres of land in the Critical Area that a local jurisdiction may use to create new Intensely Developed and new Limited Development Areas. The growth allocation shall be calculated based on five percent of the total Resource Conservation Area in the local jurisdiction at the time of the original approval of the local jurisdiction's program by the Commission, not including tidal wetlands or land owned by the federal government.
- (b) Description. The upland area of the Town within the Critical Area comprises about 54.45 acres or 67%. Within the Critical Area, 0 acres of land were classified as IDA, 25.35 acres were classified as LDA, and 29.10 acres were classified as RCA. The State Critical Area Law permits the County to allocate 5 percent of its RCA for use for future growth as either IDA or LDA. Caroline County originally had 436.22 acres of growth allocation available. Of this acreage 16.89 acres have been used. Of the County's available growth allocation acres, 0 acres have been given to the Town of Hillsboro. At the time of this ordinance, 0 acres have been used by the Town of Hillsboro.
- (c) Guidelines. The area of expansion of Intensely Developed and Limited Development Areas, or both, shall be coordinated with the Town. When locating new Intensely Developed or Limited Development Areas the Town shall use these guidelines:
- (1) New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
 - (2) New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas.
 - (3) New Intensely Developed Areas (IDA) shall be at least 20 acres in size unless:
 - A. They are contiguous to an existing IDA, LDA; or
 - B. They are a grandfathered commercial or industrial uses which existed as of the date of local Program approval. The amount of growth allocation deducted shall be the equivalent to the area of the entire parcel or parcels subject to the growth allocation request.

- (4) New Intensely Developed Areas and Limited Development Areas should be located in order to minimize impacts to Habitat Protection Areas as specified in this ordinance (Section 1-122-126) and in an area and in a manner that optimizes benefits to water quality;
 - (5) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Areas (Section 1-108) ;
 - (6) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
 - (7) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to the Town Program for such areas, shall be so designated on the Town Zoning Map and shall constitute an amendment to this program subject to review and approval by the Town Commissioners, the County Commissioners and the Critical Area Commission.
- (d) Process. Applicants for growth allocation shall submit a request for growth allocation accompanied by appropriate plans and environmental reports in accordance with the following process:
- (1) All applications for growth allocation shall be submitted to the Town Commissioners and to the County Planning staff. Both the Town and the County shall review all growth allocation requests. Wherever possible hearings shall be held jointly between the County and the Town. Requests shall be accompanied by a concept plan and appropriate environmental reports and/or studies so as to provide sufficient information to permit the Planning Commission to review the application for consistency with the Town's Critical Area regulations. The subdivision history of parcels designated as RCA must be provided as part of the growth allocation application. The date of December 1, 1985, is the date used for the original Critical Area mapping and shall be used as a beginning point of analysis.
 - (2) All applications for growth allocation shall be forwarded to the Planning Commission for review and shall include comments and recommendations from the County Planning staff. The Planning Commission shall hold a public hearing on the growth allocation request prior to making a recommendation on the proposal to the Town Commissioners.

- (3) The applicant shall address the Planning Commission's comments and recommendations and may revise the concept plan accordingly. The growth allocation request shall then be forwarded to the Town Commissioners with a recommendation for approval or denial from the Planning Commission.
- (4) The Town Commissioners shall hold a public hearing, as per Section 1-113 on the request for growth allocation.
- (5) The Town Commissioners may establish conditions of approval that are consistent with the intent of the Town's Critical Area Program.
- (6) *Upon approval of the growth allocation request by the Town Commissioners and the County Commissioners, the Town shall send a request to the Critical Area Commission to award growth allocation to the project. The request shall be accompanied by pertinent plans and environmental reports and/or studies pertaining to the project and a letter from the County documenting the County's authorization of the Town's proposed use of the growth allocation. Upon receipt of the request from the Town, the Critical Area Commission shall notify the Town regarding the processing of the request as an amendment or refinement to the Town's Critical Area Program. Refinements shall be acted on within 30 days of the Commission's notification to the Town of a complete submission. Amendments shall be acted on within 90 days of the Commission's notification to the Town of a complete submission.*
- (7) Following approval of the growth allocation request by the Critical Area Commission, the Town Commissioners may implement the change, and the applicant may proceed to the preparation of the final site plan or subdivision plat for recordation.
- 8) Prior to approving the final site plan or subdivision plat, the Planning Commission or their designee shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, etc.
- (9) Final subdivision plats and site plans shall be processed in accordance with the requirements of this ordinance and/or the Town's Subdivision Regulations.

- (10) The Town's official Critical Area maps shall be amended to reflect the new land classification, and a copy of the new map shall be provided to the Critical Area Commission.
- (11) A condition of approval shall be that Growth Allocation shall be awarded to a specific project and the projects approved for Growth Allocation be substantially completed within three (3) years of the date of approval. Substantially completed shall be determined by the Town Commission and is defined as projects in which all public improvements, such as roads, sewer and /or water facilities, etc. have been built, as required by the Town or State.

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/

July 16, 2004

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Bernard & Anna Heflin Variance
04-016V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 12' x 36' deck to the rear of the existing dwelling in the 100-foot Buffer. The property is 1.052 acres in size and is designated a Limited Development Area.

After reviewing the site plan, this office does not oppose the variance for the deck. A proposed porch is also shown on the site plan next to the deck, but doesn't appear to be part of this variance request. If a variance is granted, this office recommends that any disturbance to the 100-foot Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 489-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 16, 2004

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Williston Heights Variance
04-11V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 12 x 21 square foot patio within the 100-foot Buffer. The property is 1.10 acres in size and is designated a Limited Development Area.

After reviewing the site plan and speaking with your staff, this office understands that there are two existing porches, one of which is shown on the site plan. We also understand that the Board of Appeals recently turned down this variance because of the existing porches. This office supports the Board's denial.

Thank you for the opportunity to comment. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

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

cc: Regina Esslinger
CR 512-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 15, 2004

Mr. Roby Hurley
Critical Area Circuit Rider
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801

RE: Choptank River Park Conditional Approval
Town of Greensboro

Dear Mr. Hurley:

On July 7, 2004, the Critical Area Commission unanimously granted the conditional approval for a proposed pavilion on parcel 1148 in the 100-foot Buffer.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Jeanette Delude
Regina Esslinger
GR 386-04

Choptank River Park Town of Greensboro



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 14, 2004

Mr. Doug Novocin
Engineering Division
Maryland Transportation Authority (MdTA)
300 Authority Drive
Glen Burnie, Maryland 21222

RE: MdTA Police Training Facility
Hawkins Point

Dear Mr. Novocin:

On July 7, 2004, the Critical Area Commission unanimously approved the Police Training Facility. If the proposed plans change, please notify me as changes may need to go back to the Commission.

I would like to thank Harry Canfield, consultant from JMT for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Harry Canfield
Regina Esslinger
State 51-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 13, 2004

Ms. Lori Schmick
Caroline County Dept. of Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Tribett Farm\Caroline Fields Rezoning and Growth Allocation
Local Case Number: 04-15

Dear Ms. Schmick:

Thank you for providing information on the applicant's proposal to rezone the RCD portion of the site to LDD. The proposed subdivision is 54.261 acres, with 11.212 acres of RCD in the Critical Area. Lots 11-17, 29 and 30 are in the RCD. The applicant is also requesting growth allocation to change the Critical Area designation from RCD to LDD.

Any development proposed for growth allocation must meet the County's policy for growth allocation and will need to be reviewed and approved by the Critical Area Commission. (*See County's Growth Allocation Policy, Resolution # 95-001*). A copy of the response from the Heritage Division of the Department of Natural Resources will need to be provided at that time. It appears that the applicant is requesting the entire 11.212 acres be changed to LDD.

A perennial stream is shown on the site, but the 100-foot Buffer is not provided on Lot 11 in the Critical Area. The Buffer is expanded on Lots 12-14, and should be properly labeled as such on the plan.

Please provide information that addresses the above policy and site plan. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
CR 412-04

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

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July 9, 2004

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Amos Garret Street-end Park Project

Dear Mr. Smith:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. This office understands that City is proposing to create a living shoreline at the Amos Garrett Park. The shoreline restoration project is a joint venture between the Spa Creek Conservancy, the Maryland Department of Natural Resources, the Chesapeake Bay Foundation, and various residential associations.

The park is located with the Intensely Developed Area and almost entirely within the 100-foot Buffer and designated as a Buffer Exempt Area (BEA). The park has approximately 120 linear feet of shoreline. The shoreline is highly eroded with almost no vegetation. The purpose of this project is to restore the shoreline to its natural state.

This office understands that:

1. That there are no structural improvements to the park except for the access path;
2. That there will be no new impervious surface;

Continued, Page Two
Amos Garrett Street-end Park
July 9, 2004

3. That existing concrete rip-rap will be removed from the shoreline and replaced with biologs and marsh plantings;
4. That no sediment and erosion controls are needed;
5. That tree protection fencing will be installed to ensure safety of the trees within the pocket park; and,
6. That mitigation is proposed for disturbance to the 100-foot Buffer, exceeding the required 2:1 mitigation.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Megan Owen
An 469-04

Critical Area Commission

STAFF REPORT

July 7, 2004

APPLICANT: Maryland Transportation Authority (MdTA)

PROPOSAL: Police Training Facility

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

The Maryland Transportation Authority (MdTA) is proposing to build a 35,000 square foot Police Training Facility with 117 parking spaces and a future outdoor training area behind the proposed building on a site located at Quarantine Road. The purpose of the facility is for the training of MdTA police cadets and officers. The project site totals 12.8 acres, with 12.2 acres in the Critical Area and 0.6 acres outside of the Critical Area. The site is an area of intense development. The site contains an abandoned building foundation, areas of disturbed ground, and vegetated areas. There are also non-tidal wetlands. A total of 5.15 acres of forest will be cleared. There are no Federal or State records for rare, threatened or endangered plant or animal species within the project area. There are no Habitat Protection Areas that will be impacted by this proposal.

The project must demonstrate a 10% reduction in pollutant loadings running off the site. This reduction is measured in pounds of phosphorus. The total phosphorus removal requirement for the above project is 0.34 pounds. MdTA is proposing a pocket wetland and grass channel that will remove 0.996 pounds of phosphorus.

MdTA is proposing to mitigate for all forest cleared. Plantings will occur both on-site and adjacent to the site, for a total of 5.19 acres. A portion of the plantings, 0.38 acres, will occur in the Buffer. There is no clearing proposed in the Buffer.

Critical Area Commission

STAFF REPORT

July 7, 2004

APPLICANT: Town of Greensboro (Caroline County)

PROPOSAL: Choptank River Park

JURISDICTION: Town of Greensboro

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

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

DISCUSSION:

The Town of Greensboro is proposing a pavilion in the Buffer as part of its plan to develop its Choptank River Park. The site is in an Intensely Developed Area (IDA) and was acquired as a result of a FEMA buyout. A single-family residence was removed from the site. The proposal will need conditional approval because the entire site is located within the 100-foot Buffer.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project has the following characteristics:

The following are the responses of the applicant:

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project from being implemented;

The site contains existing special features such that the literal enforcement of the Critical Area regulations would prevent the project from being implemented. The lot is entirely within the 100-foot Buffer and in fact is only 70 feet wide.

There are many different user groups that visit the Park and enjoy this section due to its high banks. The Town owns adjacent waterfront that contains some non-Buffer land; however, it is much lower land and thus more prone to flooding.

B.(2) That the project otherwise provides substantial public benefits to the Critical Area Program;

The addition of a public gazebo provides substantial public benefit to the Critical Area Program. The Critical Area law states that a local program must include designation of shoreline areas that are suitable for parks, public access or assembly. The gazebo benefits the various user groups of the Park by providing shelter. Fishermen, bird watchers and other passive park users that benefit from being close to the River use this part of the Park. The opposite shoreline is a natural forested riverine wetland that supports many different wildlife species that can be viewed from the Park side. The Critical Area Criteria for IDA lands state that areas of public access to the shoreline should be encouraged.

B.(3) That the project is otherwise in conformance with this subtitle;

The Park gazebo otherwise is in conformance with Chapter 2 of the Commission's regulations for local government development projects. The Town will mitigate for the new development by planting trees and/or shrubs at a 3:1 ratio. Six trees, 12 understory trees and/or 18 shrubs, or a combination thereof, will be planted in the Buffer in Choptank River Park. With the gazebo, impervious surfaces equal 9 % of the site. All existing tree and lawn surfaces will be maintained. There are no other Habitat Protection Area issues.

The conditional approval request shall, at a minimum, contain the following:

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

Literal enforcement of the provisions of Subtitle 02 would prevent the project from being implemented because the lot is entirely within the 100-foot Buffer and in fact is only 70 ft. wide.

C.(2) A proposed process by which the project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program;

This is the only structure proposed for the lot and it is the least flood-prone waterfront lot owned by the Town. The gazebo actually has much less impervious surface than the single-family residence that formerly existed on the lot. Except for the Buffer impacts, the proposed redevelopment otherwise is in conformance with Subtitle 02.

C.(3) Measures proposed to mitigate adverse effects of the project.

Measures proposed to mitigate adverse impacts of the project include tree and/or shrub planting at a 3:1 rate amounting to 6 trees, 12 understory trees and/or 18 shrubs, or a combination thereof, planted in the Buffer in Choptank River Park as detailed in the Buffer Management Plan.

The Commission is required to base its approval, denial or modification to this project on the following factors:

1. The extent to which the project is in compliance with the requirements of the relevant chapters of this subtitle;
2. The adequacy of any mitigation measure proposed to address the requirements of this subtitle that cannot be met by the project; and
3. The extent to which the project, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 1, 2004

Honorable Paula C. Hollinger, Chair
Senate Education, Health and Environmental Affairs Committee
2 West, Miller Senate Building
Annapolis, Maryland 21401

Honorable Maggie L. McIntosh, Chair
House Environmental Matters Committee
141 Lowe House Office Building
Annapolis, Maryland 21401

Honorable Roy Dyson, Senate Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
102 James Senate Office Building
Annapolis, Maryland 21401

Honorable Barbara Frush, House Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
210 Lowe House Office Building
Annapolis, Maryland 21401

Dear Senator ~~Hollinger~~ *Paula*, Delegate McIntosh, Senator Dyson and Delegate Frush:

The Maryland General Assembly in its 2004 session enacted House Bill 1345 and Senate Bill 795 entitled *Chesapeake and Atlantic Coastal Bays Critical Area – Dwelling Units*. The bills define the term *dwelling unit* as it applies to the Critical Area, and require the 63 local Critical Area jurisdictions, including 16 counties, Baltimore City and 46 municipalities, to include all dwelling units within the calculation of residential density in the Resource Conservation Area. This density is limited to one dwelling unit per 20 acres.

Page 2
November 1, 2004

The bills further provide for an exception to the density limit. The exception permits, at the local jurisdiction's discretion, one additional dwelling unit per lot or parcel in addition to the primary dwelling if the additional dwelling meets certain criteria for size, location, and waste disposal.

Local jurisdictions are required to maintain records of additional dwelling units permitted under the exception and to report this information to the Critical Area Commission on a quarterly basis. The law became effective June 1, 2004.

As of September 30, 2004 no jurisdictions have amended their local Critical Area Programs to include the optional exception to allow an additional dwelling unit in the Resource Conservation Area, and no jurisdictions have reported the approval of any such dwelling units.

The Critical Area Commission greatly appreciates the support of the Committees and looks forward to working with you in the future. If you have questions about the program or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Honorable Thomas V. Mike Miller
Honorable Michael E. Busch
Karl S. Aro, Department of Legislative Services

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 1, 2004

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Joint Committee on the Chesapeake and Atlantic
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Dear Senator Hollinger, Delegate  McIntosh, Senator Dyson and Delegate Frush:

The Maryland General Assembly in its 2004 session enacted House Bill 1345 and Senate Bill 795 entitled *Chesapeake and Atlantic Coastal Bays Critical Area – Dwelling Units*. The bills define the term *dwelling unit* as it applies to the Critical Area, and require the 63 local Critical Area jurisdictions, including 16 counties, Baltimore City and 46 municipalities, to include all dwelling units within the calculation of residential density in the Resource Conservation Area. This density is limited to one dwelling unit per 20 acres.

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November 1, 2004

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The Critical Area Commission greatly appreciates the support of the Committees and looks forward to working with you in the future. If you have questions about the program or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Honorable Thomas V. Mike Miller
Honorable Michael E. Busch
Karl S. Aro, Department of Legislative Services

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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210 Lowe House Office Building
Annapolis, Maryland 21401

Dear Senator Hollinger, Delegate McIntosh, Senator  Dyson and Delegate Frush:

The Maryland General Assembly in its 2004 session enacted House Bill 1345 and Senate Bill 795 entitled *Chesapeake and Atlantic Coastal Bays Critical Area – Dwelling Units*. The bills define the term *dwelling unit* as it applies to the Critical Area, and require the 63 local Critical Area jurisdictions, including 16 counties, Baltimore City and 46 municipalities, to include all dwelling units within the calculation of residential density in the Resource Conservation Area. This density is limited to one dwelling unit per 20 acres.

Page 2
November 1, 2004

The bills further provide for an exception to the density limit. The exception permits, at the local jurisdiction's discretion, one additional dwelling unit per lot or parcel in addition to the primary dwelling if the additional dwelling meets certain criteria for size, location, and waste disposal.

Local jurisdictions are required to maintain records of additional dwelling units permitted under the exception and to report this information to the Critical Area Commission on a quarterly basis. The law became effective June 1, 2004.

As of September 30, 2004 no jurisdictions have amended their local Critical Area Programs to include the optional exception to allow an additional dwelling unit in the Resource Conservation Area, and no jurisdictions have reported the approval of any such dwelling units.

The Critical Area Commission greatly appreciates the support of the Committees and looks forward to working with you in the future. If you have questions about the program or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Honorable Thomas V. Mike Miller
Honorable Michael E. Busch
Karl S. Aro, Department of Legislative Services

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/

November 1, 2004

Honorable Paula C. Hollinger, Chair
Senate Education, Health and Environmental Affairs Committee
2 West, Miller Senate Building
Annapolis, Maryland 21401

Honorable Maggie L. McIntosh, Chair
House Environmental Matters Committee
141 Lowe House Office Building
Annapolis, Maryland 21401

Honorable Roy Dyson, Senate Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
102 James Senate Office Building
Annapolis, Maryland 21401

Honorable Barbara Frush, House Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
210 Lowe House Office Building
Annapolis, Maryland 21401

Dear Senator Hollinger, Delegate McIntosh, Senator Dyson and Delegate Frush:

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November 1, 2004

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The Critical Area Commission greatly appreciates the support of the Committees and looks forward to working with you in the future. If you have questions about the program or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,

A handwritten signature in black ink that reads "Martin G. Madden". The signature is written in a cursive, flowing style.

Martin G. Madden
Chairman

cc: Honorable Thomas V. Mike Miller
Honorable Michael E. Busch
Karl S. Aro, Department of Legislative Services

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 1, 2004

Ms. Meg Andrews
Department of Transportation
Office of Planning and Capital Programming
P.O. Box 548
7201 Corporate Center Drive
Hanover, Maryland 21076

Dear Ms. Andrews:

I am writing to thank you for a most interesting and informative tour last week of the facilities of the Maryland Port Administration. You and your colleagues at the Port were extremely gracious and accommodating, and we greatly appreciate your hospitality.

As a member of the Critical Area Commission, I know you are aware that it is essential for us to understand the complexities and scope of the Port's operations in order to assure that the regulations are appropriately applied. I am certain that the information we received, as well as our first-hand observations and discussions, will enable us to continue to work closely and efficiently with the Port Administration in the future.

Again, I thank you for a most enjoyable day.

Sincerely,

A handwritten signature in cursive script that reads "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 1, 2004

Mr. Phillip Lee, P.E.
Moffatt and Nichol
2700 Lighthouse Point East, Suite 501
Baltimore, Maryland 21224

Dear Mr. Lee:

On behalf of the Critical Area Commission and staff, I thank you for a most interesting and informative tour last week of the facilities of the Maryland Port Administration. You and your colleagues at the Port were extremely gracious and accommodating, and we greatly appreciate your hospitality.

As I know you are aware, it is essential for the Commission to understand the complexities and scope of the Port's operations in order to assure that the Critical Area regulations are appropriately applied. I am certain that the information you provided, and our first-hand observations and discussions, will enable us to continue to work closely and efficiently with the Port Administration in the future.

Again, I thank you for a most enjoyable day.

Sincerely,

A handwritten signature in cursive script that reads "Marty Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 1, 2004

Mr. Mark Kreifle
Assistant Chief of Engineering
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224

Dear Mr. Kreifle:

Oh behalf of the Critical Area Commission and staff, I thank you for a most interesting and informative tour last week of the facilities of the Maryland Port Administration. You and your colleagues were extremely gracious and accommodating, and we greatly appreciate your hospitality.

As I know you are aware, it is essential for the Commission to understand the complexities and scope of the Port's operations in order to assure that the Critical Area regulations are appropriately applied. I am certain that the information you provided, and our first-hand observations and discussions, will enable us to continue to work closely and efficiently with the Port Administration in the future.

Again, I thank you for a most enjoyable day.

Sincerely,

A handwritten signature in cursive script that reads "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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November 1, 2004

Mr. Stephen E. Frank
Manager of Special Projects
Planning and Environment
Maryland Port Administration
The World Trade Center
401 E. Pratt Street, Suite 1855
Baltimore, Maryland 21202-3041

Dear Mr. Frank:

On behalf of the Critical Area Commission and staff, I thank you for a most interesting and informative tour last week of the facilities of the Maryland Port Administration. You and your colleagues were extremely gracious and accommodating, and we greatly appreciate your hospitality.

As I know you are aware, it is essential for the Commission to understand the complexities and scope of the Port's operations in order to assure that the Critical Area regulations are appropriately applied. I am certain that the information you provided, and our first-hand observations and discussions, will enable us to continue to work closely and efficiently with the Port Administration in the future.

Again, I thank you for a most enjoyable day.

Sincerely,

A handwritten signature in cursive script that reads "Marty Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 1, 2004

Mr. Jim M. Dwyer
Deputy Director
Planning and Business Development
Maryland Port Administration
The World Trade Center
401 E. Pratt Street, Suite 1855
Baltimore, Maryland 21202-3041

Dear Mr. ,

On behalf of the Critical Area Commission and staff, I thank you for a most interesting and informative tour last week of the facilities of the Maryland Port Administration. You and your colleagues were extremely gracious and accommodating, and we greatly appreciate your hospitality.

As I know you are aware, it is essential for the Commission to understand the complexities and scope of the Port's operations in order to assure that the Critical Area regulations are appropriately applied. I am certain that the information you provided, and our first-hand observations and discussions, will enable us to continue to work closely and efficiently with the Port Administration in the future.

Again, I thank you for a most enjoyable day.

Sincerely,



Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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VIA FAX

September 21, 2004

Honorable Edward W. Rice
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: Riverwatch Development: Response to Letter of
August 31, 2004

Dear Mayor Rice:

I was pleased that we were able to meet last week on the Riverwatch site and discuss the issues related to growth allocation and protection of the Critical Area Buffer. It was important for me to see the site and I appreciate the arrangements you made for our visit.

As we agreed, I am writing to provide you a summary of the points we discussed regarding the Town's submittal of a growth allocation package to the Critical Area Commission. In order for me to consider the submittal complete for processing, it will need to contain the following, in addition to the items set out in your letter of August 31, 2004:

- **Subdivision Plan:** The subdivision plan must be amended to show the stream located 1) in the community area between the Potomac River and Riverwatch Drive, and 2) on lots 1-14 on Rivers Watch Terrace. This is the area we walked during our site visit. A 100-foot Buffer must be delineated from this stream and shown on the subdivision plan submitted with the request for growth allocation. It is possible that the Commission's review of the growth allocation may identify additional revisions necessary to ensure that development activities do not cause impacts to the Buffer.
- **Buffer Management Plan:** A Buffer Management Plan must be prepared for the project. These plans typically consist of a landscape plan for the Buffer with a table identifying the quantity, species, size, stock, and spacing of the plants. Depiction of the plantings may be for a typical lot rather than the entire Buffer area. We will provide by a separate mailing a generic Buffer Management Plan for your use.

TTY For the Deaf

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



Honorable Edward W. Rice

September 21, 2004

Page 2

- Outstanding violation: The growth allocation submittal should include a discussion of the outstanding violation of the Town's Critical Area ordinance by the former owner of the site, Mr. Ken Ammar. This violation involved the clearing of 7,000 square feet of stream Buffer for which the Town assessed a 3:1 mitigation requirement of 21,000 square feet. As we discussed, both the Maryland Department of the Environment and the U. S. Army Corps of Engineers documented this violation. The growth allocation submittal should clearly indicate how this outstanding mitigation requirement is being met and should distinguish it from any mitigation related solely to the Riverwatch project.
- Restoration of the tidal basin: Our discussion of the Riverwatch project and the Town's proposed public access project included the anticipated restoration of the tidal basin along the Potomac River at the eastern edge of the site. The restoration effort is closely associated with protection of the stream and its Buffer and should be included in the Town's growth allocation package. The plans should indicate the establishment of a 100-foot Buffer adjacent to the reconfigured and restored tidal wetland. The wetland project, the establishment of Buffer from the new landward edge of the wetland, and any mitigation associated with this project should be included in the development plans and the growth allocation submittal.

As we discussed, you agreed that the Town would not issue additional building permits for lots 1-14 until the Commission has approved the Town's growth allocation, and that the Town would rescind the two building permits in this area that were previously issued. You said that you anticipate submitting the growth allocation package to the Commission by October 8, 2004. Upon receipt of the package I will review the materials to determine 1) whether they are complete for processing as a change to the Town of Indian Head's Critical Area Program, and 2) whether the Commission will consider the change as an amendment or a refinement to the Town's Program. I will notify you as soon as those determinations are made.

I thank you for your cooperation in these matters and look forward to receiving the growth allocation package and to working with you in the future. If I can be of any service in the interim, please do not hesitate to contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Marianne D. Mason, Assistant Attorney General
Ren Serey
Larry Duket
Ron Young

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 8, 2004

MEMORANDUM

TO:


Mary Beth Carozza
Deputy Chief of Staff
Office of the Governor

FROM:

Martin G. Madden 

SUBJECT:

Wetipquin Road Bridge – Wicomico County

As you requested, I have reviewed the information you forwarded to me regarding construction of the Wetipquin Road Bridge in Wicomico County. The replacement of the existing bridge will be undertaken by Wicomico County. The County's Department of Public Works is seeking permits from the U.S. Army Corps of Engineers, other federal agencies, and the Maryland Department of the Environment.

As a local government project that does not have significant economic or environmental impacts, this project will not require formal approval by the Critical Area Commission. Our regulations, at COMAR 27.02.02, provide for staff review of the project site plans and the County's certification that the project will be carried out consistent with the local Critical Area Program. To date, we have not received any information on the project, but should it be received, I will make sure it is handled in an expedited manner.

If you have questions or would like additional information about the Commission's regulations or procedures, please feel free to contact me at (410) 260-3467.

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 7, 2004

Mr. Carl Hager
Ms. Carole Hager
2423 Garrity Road
St. Leonard, Maryland 20685

Dear Mr. and Ms. Hager:

I am writing in response to your letter regarding the Dominion Pipeline Expansion project across St. Leonard Creek in Calvert County. For several months Critical Area Commission staff have been reviewing preliminary information concerning this project with other State, federal and local representatives. At this time we understand that the regulatory evaluations have not been completed.

The proposal to expand the existing natural gas pipeline through Calvert County includes several alternative alignments where the new pipeline would diverge from the existing pipeline. One of the proposals, as you point out, would cross St. Leonard Creek south of the existing pipeline. We will continue to monitor the situation and will keep your letter on file should the matter of the alignment come before the Commission in a formal manner.

If you have questions or need additional information, please contact Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

A handwritten signature in cursive script that reads "Martin G. Madden".

Martin G. Madden
Chairman

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/

September 8, 2004

Mr. Wayne Miller
Ms. Wendy Miller
2425 Garrity Road
St. Leonard, Maryland 20685

Dear Mr. and Ms. Miller:

I am writing in response to your letter regarding the Dominion Pipeline Expansion project across St. Leonard Creek in Calvert County. For several months Critical Area Commission staff have been reviewing preliminary information concerning this project with other State, federal and local representatives. At this time we understand that the regulatory evaluations have not been completed.

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Sincerely,

A handwritten signature in cursive script that reads "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 8, 2004

Mr. Patrick Tracy
Department of Legislative Services
House Environmental Matters Committee
Lowe House Office Building
Annapolis, Maryland 21401

Dear Mr. Tracy,

Patrick

I am writing to thank you for making the Joint Legislative Oversight Committee's recent boat trip such a success. I think the Committee members and the other legislators gained important first-hand knowledge regarding implementation of the new enforcement provisions of the law. It also was significant that they heard and saw some of the on-going challenges local governments face in this important aspect of the Critical Area program. You and Margaret McHale ensured that we had a good turnout and that everyone was well briefed on the issues. You also did a nice job with the weather.

I appreciate your many efforts on our behalf, Patrick, and look forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Michael S. Steele
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Ren Serey
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September 8, 2004

Ms. Margaret McHale
Department of Legislative Services
Senate Education, Health and Environmental Affairs Committee
Miller Senate Office Building
Annapolis, Maryland 21401

Dear Ms. ~~McHale~~ *Margaret*,

I am writing to thank you for making the Joint Legislative Oversight Committee's recent boat trip such a success. I think the Committee members and the other legislators gained important first-hand knowledge regarding implementation of the new enforcement provisions of the law. It also was significant that they heard and saw some of the on-going challenges local governments face in this important aspect of the Critical Area program. You and Patrick Tracy ensured that we had a good turnout and that everyone was well briefed on the issues. You also did a nice job with the weather.

I appreciate your many efforts on our behalf, Margaret, and look forward to working with you in the future.

Sincerely,

Marty Madden
Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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September 8, 2004

Mr. Drew Koslow
c/o South River Federation
6 Herndon Avenue
Annapolis, Maryland 21403

Dear Mr. ~~Koslow~~ *Drew*,

I enjoyed meeting you during the Joint Legislative Oversight Committee's boat trip on the South River.

Your attendance and comments highlighted the strong citizen support for the Critical Area law and the willingness of individuals and organizations to get involved in its implementation. I was particularly impressed by your support for the recent changes Anne Arundel County has made to its enforcement program. As you said, however, success will depend on the County's continued progress in addition to your on-going educational and monitoring efforts.

If the Commission or I can ever be of service, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Marty Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 8, 2004

Mr. Robert D. Miller
Land Use and Environment Officer
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Dear Mr. Miller *Bob,*

I enjoyed seeing you again during the Joint Legislative Oversight Committee's boat trip on the South River.

You, Betty Dixon and your staff gave a thorough and informative overview of Anne Arundel County's Critical Area Program and your recent efforts to ensure effective enforcement of the regulations. I think the Committee members and other legislators in attendance were able to appreciate not only the County's commitment to the program but also the challenges you face in implementing the law over such a large and extensively developed area.

The Critical Area Commission has always enjoyed our cooperative relationship with Anne Arundel County and we look forward to working with you in the future.

Sincerely,

Marty Madden
Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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VIA FAX

September 3, 2004

Mr. Robert D. Miller, Esq.
Land Use and Environment Officer
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Moeller Property, 306 Riverside Road, Edgewater

Dear Mr. Miller:

I am writing to follow up our telephone conversation regarding the development activities at the above referenced site. As you are aware, the property owner excavated an area inside the 100-foot Critical Area Buffer and created a pond that has caused flooding on the neighboring property of Mrs. Elaine King. It is my understanding based on photographs and discussions with members of the community that a natural swale, and possibly a wetland, existed on the Moeller site prior to the excavation. While the existence of a wetland has not been documented or verified to date, construction of the pond has caused flooding on the neighboring property.

On Friday, August 27th I visited Mrs. King's property from which I was able to observe the Moellers' pond and the surrounding area. Based on my observations and discussions with you, other County staff and a representative of the Maryland Department of the Environment, I recommend that the County order immediate restoration of the site to the condition as it existed prior to the excavation of the pond. This action should be the County's first priority since the pond appears to contribute directly to flooding on Mrs. King's property.

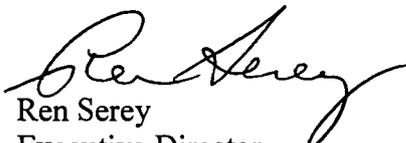
I believe that excavation of the pond and the resulting effects on Mrs. King's property involve more than a dispute between neighbors. Even if the County determines that the excavated area is below the threshold for review under a formal grading permit, land

Mr. Robert D. Miller, Esq.
September 3, 2004
Page 2

disturbance, whether or not trees were removed, has occurred in the Critical Area Buffer and caused additional impacts to the Buffer on Mrs. King's property. Ornamental ponds and ponds intended for stormwater management are not water-dependent facilities and are not permitted in the Critical Area Buffer. As you know, water-dependent facilities are those whose function requires location at or near the shoreline. Restoration of the site to its pre-excavation contours and functions should include plantings only if the County determines that the type and placement of the plantings will enhance the Buffer functions without contributing to further flooding. Plantings elsewhere on the site may be an appropriate alternative to a fine for the illegal excavation.

I appreciated the opportunity to discuss these matters with you. Please contact me if you have questions or need additional information.

Sincerely,


Ren Serey
Executive Director

cc: Mr. Chris Soldano

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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August 3, 2004

The Honorable Gerald W. Donovan
Town of Chesapeake Beach
Office of the Mayor and Town Council
8200 Bayside Road
P O Box 400
Chesapeake Beach, Maryland 20732

RE: Forest Mitigation Plan – Memorandum of Understanding

Dear Mayor *Gerald W. Donovan*:

Thank you for your letter regarding the status of the Town's Forest Mitigation Plan. The Town is requesting an extension until September 15, 2004 for submittal of the draft plan to the Commission's Program Subcommittee. I concur with this request. We will update the Commission at our meeting on August 4th, and place the plan on the Subcommittee's October agenda for discussion. December 1, 2004 will remain the date for the Town's adoption of the Forest Mitigation Plan and the necessary amendments to the Chesapeake Beach Critical Area Program.

I appreciate your efforts and those of your staff on this matter and am pleased that we are working toward a mutually acceptable plan and MOU. Please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462 if you need anything else.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 29, 2004

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

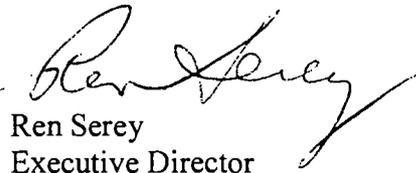
Re: Stericycle: 5901 Chemical Road

Dear Mr. Stuart:

I am writing to notify you that the Critical Area Commission has concluded its review of the site modifications for the above-referenced property. Mr. Robert Brown provided us with additional information to assist with the review, including site plans showing the existing conditions and the proposed changes to the site.

The proposal is consistent with the City's Critical Area Program. If you have questions or need additional information, please contact Ms. Dawnn McCleary at (410) 260-3483.

Sincerely,


Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

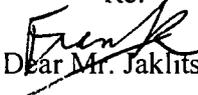
STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 15, 2004

Mr. Frank A. Jaklitsch, Director
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Critical Area Intrafamily Transfer Provisions


Dear Mr. Jaklitsch:

I am writing to follow up on our conversation earlier this week regarding the intrafamily transfer provisions of Calvert County's Critical Area Program and the completion of the comprehensive program review. As you know, the Critical Area Commission's Program Subcommittee discussed both subjects at its meeting on April 7, 2004, and asked me to write to you requesting certain information concerning intrafamily transfers. I have attached a copy of my April 26, 2004 letter to you.

At the Subcommittee's meeting on July 7, 2004 staff reported that we have not received a response to our request. As we discussed, you expect your office to be able to provide the requested information prior to the Subcommittee's next meeting on August 4, 2004. You also said that you are available to attend the meeting and I have so informed Mr. David Blazer, the Subcommittee Chairman. He said the Subcommittee looks forward to discussing the County's intrafamily transfer procedures with you at that time. At your request, I will contact Mr. Greg Bowen in regard to the time and place of the meeting.

I also explained that the Subcommittee requested an anticipated time frame for Phase III of the comprehensive review and you stated that you would be able to provide it following consultation with Mr. Bowen and Dr. David Brownlee.

Thank you for your prompt attention to these matters. I look forward to seeing you on August 7th.

Sincerely,


Ren Serey
Executive Director

cc: Honorable David F. Hale
Mr. David Blazer
Mr. Greg Bowen