Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

September 3, 2004

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

Dear Mr. ~~Cohoon~~ Steve:

At the September 1, 2004 meeting, the Critical Area Commission approved the Buffer Management Plan for Four Seasons At Kent Island with the following condition:

> The area shown as warm season grasses between points x and y on Exhibit 1, which is Plate 3a of the Buffer Management Plan, will instead be planted as a Typical Forested Planting Unit as shown on Exhibit 2, which is Plate 3b of the Buffer Management Plan.

I have attached both exhibits.

We will continue to work with your staff on the review of the inspection reports and the planting plans for phases 4 and 5. Thank you for all of your assistance on this project.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

Attachments

cc: Gene Slear, Environmental Concern, Inc.
Joe Stevens, Stevens & Associates, LLC
LeeAnne Chandler

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 2, 2004

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

Dear Mr. Piotrowski: Gene:

At the September 1, 2004 meeting, the Critical Area Commission approved the site plan modification to add the classrooms building, remove two bridges, reduce the width of the pathway from 10' to 8' between the lower and upper sites, and reduce a portion of the aquatic center building at the North Bay camp at Elk Neck State Park. The Commission determined that the four conditions from the July 3, 2003 approval and April 7, 2004 approval were not affected by the site plan change.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 9, 2004

Mr. John Roop
Department of the Army
Corps of Engineers
P O Box 1715
Baltimore, Maryland 21203

RE: Scott's Cove Marina

Dear Mr. Roop:

As we have discussed on the telephone several times, the Critical Area Commission does not have any comments or concerns with the application at Scott's Cove Marina. We do not oppose the proposal.

Sincerely,

Regina A. Esslinger
Chief, Project Evaluation Division

RAE/jjd

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 6, 2004

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

Dear Mr. ~~Piotrowski~~: Gene:

At the August 4, 2004 meeting, the Critical Area Commission approved the site plan modification to the staff residences at the North Bay camp at Elk Neck State Park. The Commission determined that the four conditions from the July 3, 2003 approval and April 7, 2004 approval were not affected by the site plan change.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 5, 2004

Ms. Nancy Lipsky
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

Re: Flying Point Marina

Dear Ms. ~~Lipsky~~: Nancy:

I have reviewed the redevelopment plan for Flying Point Marina. The applicant is proposing 4 condominium buildings, a commercial building, a dockmaster's office, a clubhouse, a pool, two gazebos, parking, and pier expansion. The development is contained within the IDA portion of the site and is designated a Buffer Exemption Area. The site plan notes that the proposed dredge spoil is to be disposed of off-site at an approved location. I have the following comments:

1. The 10% phosphorus reduction calculations are not correct. The Commission's 10% Rule manual was updated in Fall 2003, and the C value has changed on worksheet A; it should be 0.3 for both new development and redevelopment projects. All projects must be using this updated worksheet and manual. It appears the corrected calculations will result in no treatment required.

2. The County's Buffer Exemption Area provisions require a minimum 25-foot naturally vegetated area established between the shoreline and any new development or redevelopment. There are several areas along the shoreline where development activities are within this 25-foot area, including two gazebos, the clubhouse, the commercial building, and parking. It appears these structures can be moved or reconfigured to comply with the 25-foot setback

3. No calculations have been provided for the clearing within Forest Interior Dwelling bird habitat. As a designated Habitat of Local Significance, the applicant must address impacts and mitigation.

Please forward this information so that we can provide final comments and you can complete your review. Thank you for the opportunity to comment. Please call me at (410) 260-3479 if you have any questions.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd
cc: Nick Walls, Planning and Zoning
Ren Serey
HC720-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 3, 2004

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

Re: Old Trails Subdivision Proposal

Dear Mr. Grimm:

I have reviewed the subdivision plan for Old Trails. The applicant is proposing 56 single family attached dwellings on the site as a result of the Consent Decree. I have the following comments:

1. The expanded Buffer stops in the middle of Lots 19 and 27. This appears to be a drafting error, but the site plan should accurately reflect the Buffer.

2. The 10% pollutant reduction calculations need to be done to show that 4 pounds of phosphorus will be removed with the proposed best management practices.

3. The site plan appears to be the same plan attached to the Consent Decree as Exhibit 1.

Thank you for the opportunity to comment. Please call me at (410) 260-3479 if you have any questions.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd
cc: Nick Walls, Planning and Zoning
Marianne Mason
Ren Serey
HC73-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 9, 2004

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

RE: SFD 30777
Durham Church Property

Dear ~~Ms. Ault~~ Elsa:

I have received the revised FIDs information, site plan, and Habitat Protection Plan from Scott Burroughs regarding the Jimmy Stewart property. Mr. Burroughs has provided all of the information this office requested, as we discussed. Based on this additional information, we have determined that the FIDs conservation guidelines have been met, and the mitigation provided is sufficient.

Thank you for providing the information indicating that the development envelope is outside of the expanded Buffer, and therefore a Buffer variance in not necessary. It is our understanding that no further development will be permitted in the Critical Area by Charles County.

Thank you for the opportunity to comment.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Scott Burroughs
Ms. Wanda Cole
CS 332-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 29, 2004

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: SD-03-24A Hance Subdivision Revised
(Tax Map 19, Parcel 48)

Dear Ms. Vidotto:

This letter is in response to our continuing review of the Hance subdivision. The applicant is proposing to subdivide a 14-acre property to create five new residential lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with 39 mobile homes.

Based on our review of the current revised site plan, we provide the following comments.

1) The site plan does not contain any environmental notes. Please have the applicant add notes to the plat which reference the following:

   - As currently shown, each proposed lot is greater than one acre in size. Based on this information, impervious surface area is limited to 15% on each lot.

   - No disturbance is permitted within the 200-foot setback. Disturbance includes, but is not limited to, clearing of existing vegetation, tree removal, grading, and the placement of accessory structures. Information regarding this restriction should be passed along to prospective buyers of the lots. We recommend that this be accomplished through a deed-restricted covenant for each lot.

   - Article 8-2.07 of the Calvert County Zoning ordinance requires that areas defined by slopes of 15% or greater be designated as natural vegetative areas. These areas must be designated as such on the plat and accompanied by a note that reads, "These areas to be left undisturbed in perpetuity and to serve for water quality benefits."

   - The cliff areas on the property have been identified as Puritan Tiger Beetle habitat, a State endangered and federally threatened species. Please include a note which references the presence of this species and any subsequent compliance with the requirements outlined in COMAR 27.01.09.03 and in the Calvert County Zoning Ordinance, Chapter X, Section G, Habitat Protection Program.

2) The site plan does not indicate the amount of clearing that will be required on each lot or within the subdivision as a whole. Please have the applicant provide this information. Mitigation for clearing with the Critical Area should be provided at a 1:1 replacement ratio on each of the proposed lots. In addition, we recommend that a Buffer management plan be prepared for each waterfront lot. The Buffer management plan should include the following:

   - existing large trees that are close to the cliff edge should be cut, but their root systems should remain in place to help retain the soil;
   - the 100-foot cliff setback should be densely planted and allowed to regenerate with natural vegetation; and
   - mowing or removal of leaf liter, understory, or other vegetation should be prohibited within the 100-foot cliff setback.

3) Based on the determination of the cliff areas on the property as Puritan Tiger Beetle habitat, the applicant must address recommendations by the Department of Natural Resources for the protection of this species. In a May 19, 2004 letter from Glenn Therres of DNR to Frank Jacklitsch of Calvert County, Mr. Theres indicates that a prohibition for future shoreline stabilization must be included as a component of the subdivision. Please have the applicant add a note which references this prohibition on the plat. In addition, information regarding this prohibition should be passed along to perspective buyers of the proposed lots. We recommend that this be accomplished through a deed-restricted covenant for each waterfront lot.

4) Will the existing roads (Chesapeake Way, Bay Street, Cliff Drive, etc) be removed and/or returned to pervious cover? If portions of the existing roadways are to remain, these surfaces must be included within impervious surface areas calculations. Please have the applicant clarify.

5) Prior to recordation of the subdivision, appropriate buffer areas surrounding the non-tidal wetlands and the waters of the U.S. should be added to the plat. We recognize that no development is currently proposed in these areas.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA730-04

Cc: Dave Brownlee (Calvert County)
Katherine McCarthy (DNR)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 28, 2004

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

Re: L984 Doncaster Farms

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting to combine Lots 1, 2, 13, and 14 to create one lot, known as Lot 14A. In order to combine the lots, the existing lot lines must be formally abandoned. The property lies within a designated Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose the lot line revision and abandonment. However, it appears that afforestation will be required on the new Lot 14A at the time of development. Within the LDA, Critical Area regulations require that where no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%. Afforestation plantings should be clustered and directed first to contiguous areas of existing forest cover. This will provide the best opportunity for ecologically functional habitat establishment.

Thank you for the opportunity to provide comments for this lot line revision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC 923-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 27, 2004

Mr. Paul Dennis
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: Holly Neck Pier Proposal

Dear Mr. Dennis:

I have reviewed the revised site plan for the proposed water dependent facilities at the Holly Neck subdivision and Growth Allocation. The applicant is proposing to construct six 250-foot long recreational piers, each with a 60-foot "T" at the terminal end.

Based on the information provided, it appears that the site plan focuses on ways to minimize impacts while providing limited access for the residents of the new development. The proposed piers extend 250 feet from the shore in order to avoid impacts to the Submerged Aquatic Vegetation (SAV) beds in the near shore waters. A single point of access through the Buffer is proposed for each pier. It is my understanding that the six proposed recreational piers will serve mainly as fishing and crabbing piers with two mooring slips at each terminal end, and that no community slips are proposed. The environmental report states that no dredging is proposed for construction of the new piers.

In choosing to provide recreational piers for the subdivision, it is my understanding that the existing individual piers on the property will be removed and that individual private piers will not be permitted. To ensure that community access to the Chesapeake Bay via the six recreational piers is provided as intended by the applicant, we recommend that deed restricted covenants be included in the subdivision and pier approval stating that private individual piers and/or additional community slips are not permitted. Overall, the site plan provides a thorough discussion of the requirements for locating these types of facilities as described in the Baltimore County Zoning Ordinance 33-2-604, Water Dependant Activity, Facility, or Structure. Although the Commission generally supports this concept, the Maryland Department of the Environment is the state regulatory agency that issues permits for these facilities, and MDE may have additional comments and requirements, or conditions of approval.

Thank you for the opportunity to provide comments. We look forward to continuing to work with you and other DEPRM staff as this project moves though the review process. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Cc: Rick Ayella (MDE)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 27, 2004

Ms. Martha Mickey
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-022 Humphrey's Property (Dane)

Dear Ms. Mickey:

Thank you for providing information on the above referenced minor subdivision and variance request. The applicant is proposing to subdivide a 1.95-acre property to create three Critical Area lots. In addition, an existing dwelling is currently located within the 100-foot Buffer on proposed Lot 1. The applicant is seeking a Buffer variance in order to retain and renovate this existing dwelling. The property lies within a designated Limited Development Area (LDA) and is currently developed.

As the applicant has indicated in the Critical Area Buffer Management Plan, a minimum of 15% forest cover is required for lots located within the LDA. In addition, Critical Area regulations require that the 100-foot Buffer be established and maintained in natural vegetation, and that vegetation shall be planted in the Buffer where necessary to protect, stabilize, or enhance the shoreline [Baltimore County Zoning Ordinance 33-2-402(b)]. While the applicant has provided the necessary 15% forest cover on the property, it appears that there are areas of the Buffer on proposed Lots 1 and 2 that could be further planted to achieve a more fully functional Buffer. We recognize that the applicant wishes to retain some existing lawn areas on the lots. However, to ensure that the Buffer functions at the highest capacity, and to remain consistent with the intent of the Critical Area Buffer provisions, we recommend that further plantings be provided in the shaded areas as shown on the enclosed site plan. These additional plantings will greatly enhance the quality of the Buffer while ensuring that the applicant retains a reasonable amount of lawn area. The applicant may consider relocating the afforestation plantings shown on Lot 3 to the shaded Buffer areas.

In regard to the applicant's variance request, we do not oppose the granting of a variance provided that the renovated dwelling does not encroach any closer to mean high water than the existing non-conforming dwelling. In addition, we recommend that the applicant utilize downspouts on the renovated dwelling on Lot 1, directing stormwater runoff to a stable,

vegetated outfall area. This will ensure that the water quality of Armstrong Creek is not compromised due to the reduced Buffer setback.

Thank you for the opportunity to provide comments on this minor subdivision and variance request. Please include this letter in your file and submit it as part of the record for this project. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
BC04-022

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 27, 2004

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

Re: Noonberg Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct an addition to the existing dwelling. The property is designated a Resource Conservation Area (RCA) and is currently developed.

We recognize that the existing dwelling is a legal, non-conforming structure within the Buffer. Contrary to the applicant's misinformation regarding Critical Area regulations, expansion of a legal, non-conforming dwelling is permitted within the Critical Area provided that the expansion encroaches no closer to mean high water (MHW) than the existing dwelling and upon the finding that the applicant has met each of the variance standards as detailed in the Talbot County Zoning Ordinance.

Based on the information provided, it appears that the proposed addition encroaches no further towards MHW than the existing dwelling. Provided that the applicant completes the required mitigation for Buffer disturbance, we do not oppose the granting of this variance request. We recommend that mitigation plantings be provided at a 2:1 ratio, using native plant species. To the extent possible, mitigation plantings should be sited in an alternative location within the Buffer.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC826-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 22, 2004

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: SD-98-35R Holland Cliff Shores Major Subdivision

Dear Ms. Vidotto:

Thank you for providing information on the above referenced major subdivision and intrafamily transfer request. The applicant is proposing to subdivide a 7.811-acre property to create two Critical Area lots. The property is located within a Limited Development Area (LDA). The existing Lot 7 is currently developed.

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

1) It appears as though the existing dwelling on Lot 7 has been expanded since the site plan and variance request that this office reviewed in April of 2000. In reviewing the current site plan, it appears that the existing dwelling now expands across the lot lines between Lot 7 and the "reserved area". In that regard, we call your attention to the Maryland Court of Appeals case, Friends of the Ridge v. BG&E [352 MD.645(1999)]. This case establishes the "doctrine of merger" in Maryland. As discussed in Friends of the Ridge, when a landowner utilizes contiguous lots for a single structure, the platted lot lines remain in place for title purposes, but by operation of law, a single parcel emerges for zoning purposes. From the information provided, it appears that there is currently one existing 7.811-acre grandfathered lot.

2) The subdivision is proposed as an intrafamily transfer. The intrafamily transfer provisions within the Critical Area apply only to the Resource Conservation Area (RCA). We recognize that the Calvert County Zoning Ordinance includes family conveyance provisions for underlying non-Critical Area zoning which may be applicable to this lot. However, this office does not consider the Critical Area intrafamily transfer provisions to be pertinent to this property, as the lot is located within the LDA.

3) It appears that the proposed lot will require a variance to steep slopes in order to develop the sewage disposal area. While a variance was granted for this same proposal in May of 2000, it is my understanding that an approved variance expires after a two-year period when construction has not commenced. Based on this information, it appears a new variance request will be required.

4) Newly created, non-grandfathered lots within the Critical Area are required to comply with current Critical Area standards for development as outlined in the Calvert County Zoning Ordinance and in COMAR 27.01. In addition, the Calvert County Zoning Ordinance defines a "buildable lot" as one which meets the size, dimensions, and other requirements of the County Ordinance. Given that the proposed Lot 7A cannot be developed in compliance with current development standards, and would require a variance to disturb steep slopes, this office contends that the applicant is proposing to create a non-buildable lot within the Critical Area. By virtue of creating a non-buildable lot, the applicant's need for a variance is self-imposed. As contested in a previous variance request on this property, this office would not support a variance which is the result of a self-imposed hardship.

5) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for this subdivision.

Thank you for the opportunity to provide comments for this major subdivision request. Based on our review of the proposed development, this office has outstanding concerns regarding whether this tract can be properly and legally subdivided under Critical Area laws. Please include this letter as part of the record for this subdivision. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

CA118-00

Cc: Roxana Whitt (Calvert County)
Dave Brownlee (Calvert County)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 22, 2004

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

Re: Clifton Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct an addition to the primary dwelling and three accessory porch additions. The property is located within a Limited Development Area (LDA), a proposed Buffer Management Area (BMA), and is currently developed.

We acknowledge that the proposed additions do not extend any closer to mean high water than the existing dwelling. We recommend that mitigation plantings be required at a 2:1 ratio for all disturbance to the Buffer. Mitigation plantings should be composed of native plant species and should be directed to an alternative location within the Buffer. In addition, the applicant may consider locating the plantings in a clustered fashion to intercept stormwater runoff between the dwelling and the shoreline. Provided that the applicant performs the required mitigation, we do oppose the granting of this variance request.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC906-04

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

Re: A050 Walker-revised

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a Buffer variance to construct a 1,722 square foot addition to the primary dwelling. The dwelling is currently a legal, non-conforming structure located primarily within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

In our previous comment letter, this office stated that we did not oppose the granting of this variance request, provided that the addition did not extend any closer to mean high water than the existing structure, that the applicant complete the required mitigation, and that the property remains at or below the permitted 15% impervious surface area limit. This conclusion was based upon the knowledge that the existing structure was constructed in 1920 and that no feasible opportunity existed to construct the addition outside of the Buffer. Based on the information provided, it appears that circumstances have changed on the lot.

The current variance application states that because the proposed expansion constitutes a "substantial improvement" on the lot, and that corresponding floodplain regulations require the entire first floor of the dwelling to be raised, a complete demolition of the existing structure will be required. Given that the existing non-conforming dwelling is to be demolished, and that the size of the lot provides ample opportunity to relocate and reconfigure a new dwelling, we recommend that the applicant be required to reconstruct the dwelling outside of the Buffer, thereby allowing the lot to conform with current Critical Area regulations.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 825-04

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 15, 2004

Ms. Heather Kelley
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: SFD 40685

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting a building permit to construct a single-family dwelling. The property lies within a designated Limited Development Area (LDA) and is currently undeveloped.

The applicant proposed to remove 7,173 square feet of forest cover within the Critical Area, and has proposed mitigation at a 1:1 replacement ratio. Based on the information provided, we do not oppose the granting of a building permit. However, this office has concerns regarding the credits given to the applicant for mitigation. River Birch, one of the tree species proposed as mitigation, is not typically considered a large tree. Appendix E, Section E-11of the Charles County Zoning Ordinance specifically refers to River Birch as a small tree type. In addition, this office generally recommends that 1 large tree with a minimum 2-inch caliper (balled and burlapped or container grown), <u>and</u> a minimum of two small understory trees or three shrubs be required in order to grant a 400 square foot planting credit. A 100 square foot credit is generally considered equivalent to one large tree of 2-inch caliper. Based on what the applicant is proposing, we recommend that the applicant be given 2700 square feet of credit and be required to provide greater mitigation plantings, including some understory trees or shrubs. The intent of mitigation within the Critical Area is to provide forest cover that will maintain functioning forest ecosystems. As currently proposed, the plantings appear to represent landscaping rather than forest cover.

Thank you for the opportunity to provide comments regarding this site plan and development proposal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CS 911-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 13, 2004

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

Re: Hannah Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to increase the impervious surface area on a legal non-conforming lot by 573 square feet, or to 18.9% imperviousness. The lot is currently 17.6% impervious in nature, and is located within a designated Limited Development Area (LDA).

We acknowledge that the current owners state that they were unaware of the non-conforming status at the time of purchase of the property. However, in considering a Critical Area variance request, the Board must find that the applicant has satisfied its burden to prove that the applicant has met each of the variance standards set forth in the Talbot County Zoning Ordinance. Based on the information provided, it does not appear that the variance request represents the minimum necessary to relieve the unwarranted hardship. The site plan shows multiple areas where impervious surfaces could be removed to ensure that the current non-conformity is not increased. Given that the main portion of the existing dwelling is two stories, the applicant could also consider a vertical expansion to accommodate the additional bedroom, thereby decreasing the proposed footprint and requiring that a smaller area of impervious surface be removed. It appears that opportunities exist to minimize environmental impacts on the property which have not been considered by the applicant.

Based on this information, we recommend that the applicant submit a revised site plan which demonstrates efforts to minimize impact, and which results in no net increases in impervious surface area. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission

in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC850-04

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: M1056 Willis Family Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 126.656-acre parcel to create 2 new Critical Area lots. The resulting Lot 1 has 67.487 acres within the Critical Area, while Lot 2 has 44.259 acres within the Critical Area. The property lies within a designated Resource Conservation Area. Lot 1 is currently developed.

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

1) Do the impervious surface area totals shown on the plat include the existing Woods Road? Please have the applicant clarify and include the road into the calculations if necessary.

2) The plat shows the presence of state-owned wetlands. While this acreage was not used for generating density, it does not appear that the state-owned wetland acreage was deducted when calculating the 15% impervious surface area limitation for Lot 1. Since state-owned wetlands cannot be included for the purposes of calculating impervious surface limits, please have the applicant correct this calculation.

3) A large non-tidal wetland appears in the wooded portion of Lot 2. While no development is currently proposed in this area, the extent of non-tidal wetlands should be shown on the site plan, along with the appropriate 25-foot Buffer.

4) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Willis subdivision.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 907-04

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

December 7, 2004

Ms. Martha Mickey
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-023 Simons

Dear Ms. Mickey:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer for the purposes of constructing a single-family dwelling. The property lies within a designated Limited Development Area (LDA), and is currently developed.

Based on the information provided, it appears that the applicant is proposing to construct a replacement to the existing dwelling on the property. As a result of the redevelopment, the applicant has proposed to remove areas of existing impervious surface area on the site to decrease the overall amount of impervious surface area on the lot. Based on this information, we do not oppose the granting of this variance request. Given that the proposed development activity is located within a Buffer Management Area, we recommend that mitigation plantings be required at a 1:1 ratio for all new disturbance. Where practicable, the plantings should be implemented at an alternative location within the Buffer and should be composed of native species. In addition, we recommend that pervious cover be restored where the existing impervious surface area is removed.

Given the close proximity of the lot to open water, we recommend that the applicant utilize silt fencing or another erosion and sediment control mechanism during the construction to prevent siltation and sediment runoff. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
BC896-04

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: M1034 Wye Town Farm Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised line revision and major subdivision. This office has reviewed five previous site plans for this subdivision proposal. It is my understanding that the project is now in the final plat stage.

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

1) The General Notes section of the plat states that, "The tidal and nontidal wetlands shown were taken from the best available mapping sources and do not represent any field delineations." This office has raised concerns regarding the determination of state and private wetlands in five previous letters. In particular, the composition of wetlands in the tidal pond area is unknown. To date, the applicant has not performed the necessary field delineation to determine ownership of the wetlands on the site and has therefore not been able to verify whether the development rights shown are accurate. A jurisdictional determination and verification of wetland ownership must be performed by a certified professional prior to recordation of the subdivision plat. As indicated in previous letters, wetland areas determined to be state-owned cannot be used to calculate density rights or impervious surface limits. The development rights currently shown are subject to change based on determination of wetland ownership.

2) As indicated in previous letters, it appears that the stream crossing shown for Field Master Lane will require a variance. It is my understanding that this road, while undeveloped, has

been platted and recorded since the 1970s. Please advise the applicant that roads are not grandfathered within the Critical Area. As stated in Section 190-93(6)(c)(3)(h) of the Talbot County Zoning Ordinance, roads may not be located within any habitat protection area unless no feasible alternative exists. Based on the site plan, it appears that there is an existing private farm road (Wye Town Farm Road) which could be expanded to serve the proposed development without having to cross a tributary stream. Based on this information, the applicant would be required to apply for a variance for Field Master Lane. As indicated in previous letters, this office would find it difficult to support a variance for a stream crossing where a feasible alternative exists.

3) This office has provided repeated comments regarding the intended development of both a community pier with slips and a private pier for Lot 1. As stated in the Talbot County Zoning Ordinance, Section 190-91(A)(2)(d), "If community piers with slips are provided as part of the new development, private piers in the development are not allowed." Since a community pier is included on the site plan, the construction of a private pier is not permitted.

4) The impervious surface area calculations need to include the road frontage for Jack's Way (Road A) and Shaw Bay Lane. Please have the applicant clarify whether these impervious surface areas have been included within the totals shown on the site plan.

5) The impervious surface calculations for Lot 8 are still incorrect. When the state wetlands are deducted from the acreage, the 15% impervious allotment should read, 836,378 square feet permitted, and the remaining allowable impervious surface area should read 738,025 square feet. Please have the applicant make this correction. We acknowledge that this calculation is subject to change pending the determination of exact state-owned acreage via the professional jurisdictional determination.

Thank you for the opportunity to provide comments for this revised subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 203-04

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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December 3, 2004

Ms. Cynthia D. Simpson
Deputy Director
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: Town of Oxford Ferry Wharf Replacement

Dear Ms. Simpson:

Thank you for providing information on the above referenced rehabilitation project in the Town of Oxford.

Based on the information provided, we concur that the project is consistent with the standards of environmental protection outlined under COMAR 27.02.05.09. Given this determination, the project meets the conditions for a general approval as detailed in the current Memorandum of Understanding between the State Highway Administration (SHA) and the Critical Area Commission, and will not require formal Commission approval.

Thank you for the coordinating with the Commission on this project. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
46-04 DOT

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

Re: M1057 Callahan
(Tax Map 4, Parcels 3 & 54)

Dear Ms. Verdery:

Thank you for providing information on the above referenced major subdivision request. The applicant is requesting to subdivide a 320.77-acre parcel to create 6 Critical Area lots. The property is partially within the Critical Area (122 acres) and is a designated Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding the subdivision proposal. While we acknowledge that the current sketch plan relates to Phase I only, or Critical Area Lots 5, 6, and 14, our comments pertain to the entire subdivision and property area.

1. The plat shows that the property lines extend out to include tidal wetland areas. In addition, the property contains many sensitive environmental features such as steep slopes and non-tidal wetlands. The applicant will be required to obtain a field delineation of the property by a certified professional. This delineation should include a determination of state or private tidal wetlands, boundaries and extent of steep slopes, any hydric soils, and boundaries of non-tidal wetlands. Please advise the applicant that wetlands determined to be state-owned cannot be used for the purposes of calculating development rights or impervious surface area limits. The acreages of state and private tidal wetlands cannot be determined from aerial photos nor on a formula basis.

2. Please have the applicant consistently label and show the limits of the 100-foot Buffer. In addition, please advise the applicant that the Buffer will need to be field determined. Given

the multiple line styles used to identify environmental features on the site plan, it would be helpful if a full legend were included in future submissions.

3. The site plan indicates that there is a well placed within the 100-foot Buffer on Lot 6. The well should be relocated outside the Buffer.

4. The Department of Natural Resources (DNR) has identified the site as containing both Delmarva Fox Squirrel habitat and Forest Interior Dwelling Bird (FIDS) habitat. The applicant will be required to address recommendations for the protection of these species. Please direct the applicant to section 190-93(E)(8)(a) of the Talbot County Zoning Ordinance, which states that, "A Habitat Protection Plan shall be prepared. The plan shall prohibit development activities or other disturbance that would disrupt the nesting, breeding, stopover, and/or feeding activities of the wildlife within threatened endangered species habitats or plant and wildlife habitat." In addition, Section 190-73 states that the first priority of clustered lots five acres or smaller in the Critical Area shall be to minimize any alteration to habitat protection areas described in section 190-93 (8).

   Guidance regarding the protection of FIDS within the Critical Area can be found within the Critical Area Commission's publication, A Guide to the Conservation of Forest Interior Dwellings Birds in the Chesapeake Bay Critical Area. The applicant should consult further with DNR and the Fish and Wildlife Service (FWS) to determine protection recommendations for the Delmarva Fox Squirrel.

5. In addition to the species listed above, a Wetland of Special State Concern (WSSC) crosses onto the northeastern property line of Lot 14. In general, WSSC require that a 100- foot Buffer surround the wetland. The applicant should coordinate with the Maryland Department of the Environment (MDE), DNR, and the FWS to determine any recommendations for protection of rare, threatened or endangered species or any special permits that may be required within this WSSC.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 829-04

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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December 2, 2004

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

Re: M1056 Dwyer Subdivision-Revised
(Tax Map 22, Parcels 50 & 353)

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised minor subdivision and lot line abandonment.

This office has reviewed two previous site plans for the Dwyer subdivision. Based on the current site plan and revisions provided, we have the following comments.

1) It does not appear that a jurisdictional determination of wetlands has yet been performed on this property. As stated in previous comment letters, the applicant will be required to obtain a field delineation of the property by a certified professional prior to final plat approval. This delineation should include a determination of state or private tidal wetlands, and should identify the presence of any hydric soils. The U.S. Soil Survey maps show there to be two pockets of hydric soils (Othello series) in the areas adjacent to the tidal wetlands on the Dwyer property. Please advise the applicant that areas of hydric soils may be subject to an expanded Buffer.

2) Has the 100-foot Buffer shown on the plat been measured and verified in the field? Please clarify this determination and advise the applicant that the Buffer as shown on the site plan is subject to change if a field measurement was not conducted.

3) It appears that additional afforestation may be required. Based on the site plan, the applicant has only calculated afforestation for the portion of the site designated as a Resource Conservation Area (RCA). The afforestation requirement also applies to the Limited Development Area (LDA) portion of the site. The 15% forest cover required for this site is 12.30 acres. As currently shown, 12.07 acres of forest cover is achieved through existing

forest and afforestation. Therefore, an additional .23 acres of afforestation appears necessary to achieve 15% forest cover on the site.

4) This office has not yet received a Heritage review letter from the Department of Natural Resources (DNR), regarding the presence of any rare, threatened, or endangered species on the Dwyer property. This letter must be received prior to final plat approval and the applicant will be required to address any recommendations made by DNR for the protection of these species.

Thank you for the opportunity to provide comments for this revised subdivision. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 553-04

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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November 29, 2004

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

Re: L980 Butler
Tax Map 39, Parcel 79

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting a line revision to change the layout of lot lines on two existing lots. Both properties lie within a designated Limited Development Area (LDA). Lot 1 is currently undeveloped, while Lot 2 is developed with a primary dwelling.

Based on the information provide, this office does not oppose a revision to the lot lines on this parcel. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 823-04

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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November 29, 2004

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

Re: L979 Caldwell
Tax Map 22, Parcels 295, 34 & 35

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting a line revision to change the layout of boundary lines on three existing parcels. Parcel 34 lies partially within the Critical Area, Parcel 295 lies entirely within the Critical Area, and the revised Parcel 35 lies outside of the Critical Area. The Critical Area designation for Parcels 34 and 295 is a Limited Development Area (LDA).

Based on the information provide, this office does not oppose a revision to the lot lines on these parcels. However, please advise the applicant that the area calculations shown for Parcel 295 appear to be incorrect. Specifically, the Critical Area portion of revised Parcel 295 is .86 acres. The impervious surface area limit for lots of this size is 15%. Based on this information, the impervious surface area calculations for the revised Parcel 295 should be amended to show that 5,619.24 square feet of impervious surface area is permitted, 4,372.4 square feet exists, and 1,246.84 remains within the Critical Area portion of the parcel.

Thank you for the opportunity to provide comments on this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 822-04

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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November 30, 2004

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

Re: Segar Glass, Inc.

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval to construct a commercial building for the purposes of relocating an existing glass business. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding the development proposal and site plan.

1. The applicant has not provided calculations regarding the 10% pollution reduction requirement. In order for this office to determine whether the proposed stormwater credits and stormwater management pond effectively meet Critical Area requirements, a copy of the 10% rule calculations must be reviewed. Please have the applicant submit this information prior to the issuance of any building permit approvals.

2. The applicant has stated that the stormwater management pond shown on the site plan was designed at the time of subdivision to meet the requirements for stormwater quantity control. Please have the applicant provide information regarding the specifications for the stormwater management pond including, the amount of stormwater runoff the pond was designed to treat and the calculations used to determine whether the existing pond adequately meets the needs of the proposed development.

3. Many of the plant species included on the landscaping plan are non-native to Maryland, and in one case, considered invasive. Plantings within the Critical Area should be composed of native species. I have included a list of the non-native species shown on the landscaping plan and provided some recommended native alternatives which are similar in function and aesthetic to the listed non-natives.

Non-native Species	Native Alternatives	
Red Crepe Myrtle	Eastern Redbud	(Cercis canadensis)
	Serviceberry, Shadbush	(Amelanchier canadensis)
Japanese Cryptomeria	Eastern Red Cedar	(Juniperus virginiana)
*Dwarf Burning Bush	Strawberry Bush	(Euonymus americanus)
	Red Chokeberry	(Aronica arbutifolia)
Sargent Juniper	Common Juniper	(Juniperus communis L.)
Shasta Viburnum	Southern Arrowwood	(Viburnum dentatum)
	Black Haw	(Viburnum prunifolium)
	Possom-Haw Viburnum	(Viburnum numdum)
Dense Yew	Canada Yew	(Taxus Canadensis)
Cleopatra Liriope	Poverty Oatgrass	(Danthonia spicata)
	Gama Grass	(Tripsacum dactyliodes)
	Long Hair Sedge	(Carex crinita var. cranik)

* considered invasive

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this site plan. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner
TC831-04

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

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

Re: S987 Morgan
(Tax Map 44, Parcel 22)

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision and lot line revision. The applicant is requesting to subdivide a 7.89-acre parcel to create two Critical Area lots, the revised tax Parcel 22 and Lot 1. In addition, the applicant is proposing to amend the lot lines of Parcel 99, Lot 7, incorporating an adjacent Parcel 24 into the revised Lot 7. The property lies within a designated Limited Development Area (LDA).

Based on the information provided, we have the following comments regarding the lot line revision and subdivision proposal.

1. Please have the applicant show any existing structures on the revised Lot 7 on the site plan. Aerial photographs indicate that a dwelling and accessory structure may exist on the parcel previously known as Parcel 24, now a part of Lot 7.

2. The site plan should include calculations for any existing impervious surface area on the lots which are currently developed. Please ensure that the driveway is included in these calculations.

3. Please have the applicant clarify whether the pond on Parcel 22 is man-made or actually a non-tidal wetland. If the pond is a non-tidal wetland, a 25-foot Buffer must be shown around its edge.

4. The applicant will be required to obtain an evaluation of the property by the Maryland Department of Natural Resources for the presence of any rare, threatened or endangered species. If present, the applicant must address recommendations for the protection of these species. This office has not yet received an evaluation of the Morgan property.

Thank you for the opportunity to provide comments for this subdivision and lot line revision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 828-04

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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November 24, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3090 Mineur-revised

Dear Ms. Whitt:

Thank you for providing information on the above referenced revised variance. The applicant is requesting a variance to construct a primary dwelling with greater clearing than permitted and with disturbance to steep slopes. The property lies within a designated Limited Development Area (LDA) and is currently undeveloped.

We recognize that the applicant has decreased the size of the proposed dwelling footprint and compressed the limits of disturbance. However, it appears that the location of the proposed septic reserve area has not changed from the previous site plan. Given the environmentally sensitive nature of the steep slopes and the degree of grading proposed, this is of significant concern.

If the Board of Appeals has the flexibility to work cooperatively with the Calvert County Health Department to explore all possible alternative septic options, including alternative sewage treatment systems, we recommend that this be done. Based on a previous conversation with Bill Haygood of the Calvert County Health Department, it was my understanding that locational alternatives did not appear to be fully explored. Specifically, I understand that only one perc test had been performed on the site at the time of the conversation, and that this test showed sand extending 9-17 feet downward of the proposed septic location. Mr. Haygood had expressed the likelihood of being able to move the septic area as much as 50 feet down the slope, while still maintaining positive perc. The site plan does not show that any alternative perc tests were conducted.

While environmental conditions may exist on the site that preclude certain alternative locations for the septic area, the environmentally sensitive nature of the site warrants that every possible waste disposal alternative, including technical alternatives, be explored. This office believes that the most desirable arrangement for this site would place the septic area further down the slope towards the flatter, southeastern property line, moving the dwelling to the west if necessary. This

arrangement affords the least amount of disturbance to sensitive slope areas, while allowing the applicant a right to develop.

If the Board finds that they are unable to work with the Health Department in finding an alternative, we recommend that the following comments be considered as a part of the variance and that the Board consider the inclusion of conditions to ensure minimization of disturbance.

1. The applicant should consider the use of retaining walls instead of requiring such intensive grading. It does appear that retaining walls would reduce the limits of disturbance and help to maintain the environmental integrity of the slope.

2. The septic area should be graded first and independently of the dwelling site, with only as much disturbance necessary for the septic system. This area should then be stabilized using sod or native groundcover plantings instead of seed. The stabilization of the disturbed area should occur prior to any grading for the dwelling site.

3. The area of clearing for the dwelling should be limited to the minimum necessary for the construction of the house. Stabilization of the graded areas should incorporate native plantings placed to intercept stormwater runoff.

4. Where clearing exceeds 6,000 square feet or 30%, mitigation is required at a 3:1 ratio. As currently shown, 18,746 square feet or 51.8% clearing is proposed. Mitigation should be fulfilled first by on-site planting of native woody and vegetative species. Where on-site mitigation is not feasible, payment of a fee-in-lieu is acceptable.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

CA 609-04

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 23, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3126 Gilbert

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a primary dwelling with disturbance to steep slopes and greater than 6,000 square feet of clearing. The property lies within a designated Limited Development Area (LDA), and is currently undeveloped.

While we recognize that the property is constrained by its small size and the presence of steep slopes, it does not appear that the disturbance has been minimized to the extent possible. The applicant chose to site the dwelling on the steepest portion of the lot. We recommend that the applicant consider revising the site plan to demonstrate further minimization. While there are many possible alternative arrangements for minimization of disturbance, please refer to the attached site plan which details the examples listed below:

- Decrease the size of the proposed footprint;
- Move the dwelling to the southern portion of the lot where slopes are less than 11%;
- If the footprint was decreased and the above suggested location chosen, the septic area could be located behind the dwelling, significantly eliminating steep slope disturbance;
- Decrease the size of the driveway

In addition, the Calvert County Zoning Ordinance states that, "The total allowable amount of clearing of forest or developed woodland is 6,000 square feet or 30 percent, whichever is greater. Authorized clearing in excess of this amount requires replacement on a 3:1 ratio." As currently shown, 6,680 square feet or 66.3% clearing is proposed. We acknowledge that this degree of mitigation is unlikely to be achieved onsite and may be partially fulfilled by payment of a fee-in-lieu.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

CA 833-04

Enclosure

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 23, 2004

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

Re: SA 04-309 Hall Subdivision

Dear Mr. Lawton:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 122-acre farm to create one 20-acre lot within the Critical Area. The property is located within a designated Resource Conservation Area (RCA) and is currently developed.

Based on the information provided, we provide the following comments regarding the site plan and subdivision proposal.

1) The State of Maryland's online mapping system, MERLIN, indicates that portions of the area designated as a "forest retention area" are actually tidal wetlands. If tidal wetlands exist in this area, a field determination of state or private ownership must be made before the area can be included in acreage calculations to fulfill density requirements. If present, a 100-foot Buffer will need to be incorporated into the site plan in all appropriate areas.

2) The site plan indicates the presence of hydric soils of the Othello series, although no location has been shown on the site plan. Please have the location of these soils field verified to determine whether the property is subject to an expanded Buffer for hydric soils.

3) The site plan indicates that the existing dwelling is being demolished. It is my understanding that the existing mobile home shown on the site plan will remain on the site and will be considered the primary dwelling. At the time that any redevelopment or new development activities are proposed on Lot 1, the applicant will be required to fully establish the Buffer.

4) The applicant has included a non-contiguous piece of the existing Parcel 179 within Lot 1 for the purposes of calculating density and in fulfillment the 20-acre RCA lot size requirement. Please ensure that a plat note is added that clearly identifies this parcel as having been used to generate density for Lot 1. It is my understanding that this area will be deed restricted with no future development permitted.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

SO811-04

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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November 21, 2004

Mr. Mike Kulis
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: Inverness Community Center

Dear Mr. Kulis:

Thank you for providing information on the above referenced site plan. Baltimore County is proposing to raze an existing school and construct a community center in its place. The Critical Area portion of the property contains approximately 11.49 acres and lies within a designated Intensely Developed Area (IDA).

Based on the information provided, it appears that the overall impervious surface area on the site is decreasing by 1.06 acres. Given the significant reduction in impervious surface cover, the 10% pollutant removal requirement for development within an IDA is not applicable.

We recommend that native plantings or other pervious cover be restored to the areas of the site where the existing impervious surface areas will be removed. Thank you for the opportunity to provide comments on this site plan. Please include this letter in your file and submit it as part of the record for this development plan. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 21, 2004

Mr. Roby Hurley
Maryland Department of Planning
201 Baptist Street, Suite 24
Salisbury, Maryland 21801

Re: Bachelors Point Marina Variance

Dear ~~Mr. Hurley~~ Roby:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer to construct a storage building. The property is currently operating as a marina and lies within a designated Limited Development Area (LDA).

Based on the information provided, it appears as though no new impervious surface will be created as a result of the development proposal. It is my understanding that the site is currently composed of compacted gravel and serves as a parking area and dumpster pad. Provided that the applicant adequately addresses and implements the Buffer and Critical Area mitigation requirements outlined in the Town of Oxford's Critical Area Program, we do not oppose the granting of this variance request.

Thank you for the opportunity to provide comments for this variance request. Please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
OX-836-04

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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November 21, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 00-2987-Holmes revised

Dear Ms. Whitt:

Thank you for providing information on the above referenced revised variance. The applicant is requesting a variance from the 100-foot Buffer in order to permit the construction of a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

It is my understanding that this office has provided comments for two previous site plans relating to this variance request. Based on the current site plan, it appears as though the applicant has reduced the limits of disturbance and has altered the location of the proposed well. We also acknowledge that the applicant has provided planting information on the current site plan which appears to adequately address Critical Area mitigation requirements. As stated in previous letters, we do not oppose of the granting of this variance request. However, there is a discrepancy between the previous and current site plans in regard to the stated size of Lot 16. The current site plan describes the lot as 11,657 square feet, while the previous site plan described the lot as 15,450 square feet. Please have the applicant clarify the actual lot size prior to approval of the variance request.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA 812-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 29, 2004

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

Re: L983 Sterling/Harleigh
Tax Map 48, Parcels 2 & 70

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to change the layout of lot lines on two existing parcels. Both properties lie within a designated Resource Conservation Area (RCA). Parcel 2 is developed with a primary dwelling. Parcel 70 is developed with a primary dwelling, and multiple agricultural buildings.

Based on the information provide, this office does not oppose a revision to the lot lines on this parcel. Please have the applicant clarify the development rights summary on the revised Parcel 70, which appear to be incorrect. Revised Parcel 70 has 75.521 acres within the Critical Area. Based on this acreage, the applicant has 3 development rights. While there is a primary dwelling on Parcel 70, it does not appear to lie within the Critical Area. Therefore, the applicant would have three remaining development rights on revised Parcel 70. Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC 827-04

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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November 19, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-312 Green

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer to permit the construction of screened porch addition, paver patio, and deck modification. The property is designated a Limited Development Area (LDA) and is currently developed.

We recognize that the property is currently a legal, non-conforming lot in regard to the location of the primary dwelling within the 100-foot Buffer. Provided that the impervious surface area on the property can be verified as not exceeding the permitted limit, we do not oppose the granting of this variance. We provide the following comments regarding the site plan and development proposal.

1) Based on the information provided, it is unclear whether the proposed impervious surface area was calculated accurately. The applicant has proposed a 192 square foot screened porch, a 234 square foot paver patio, and a deck modification that cannot be calculated from the site plan due to distortion of scale. Is the applicant using a porous type of paver for the patio? The application states that 389 square feet of new impervious surface is proposed, but has not indicated how that calculation was derived.

2) All disturbance to the Buffer is subject to mitigation. We recommend that mitigation plantings be required at a 2:1 ratio. To the extent possible, mitigation should be conducted using native woody and vegetative species, and should be sited in an alternative location within the Buffer.

3. Stormwater runoff should be directed to stable vegetated outfalls or a best management practice, and should be directed away from the steep slopes. Plantings placed around the base of the porch and patio may provide an additional stormwater quantity and enhanced infiltration benefits.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
CA 594-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 19, 2004

Ms. Heather Kelley
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: SFD 40731 and DE 40045-Gichner

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a building permit to construct a single family dwelling with an attached garage. The property lies within a designated Resource Conservation Area (RCA) and is currently developed.

We acknowledge that the applicant has included information regarding the required mitigation and replacement plantings. While it appears that mitigation requirements have been met, we recommend that the plantings be directed first to the Buffer areas on the property in order to provide stormwater management and water quality benefits. In addition, the applicant has indicated that the proposed dwelling will be connected to the existing septic area in the Buffer. If the installation of a connection pipe between the proposed dwelling and the existing septic area involves disturbance to the Buffer, mitigation will be required. We recommend that any new disturbance to the Buffer be mitigated by planting at a 3:1ratio.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CS 815-04

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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November 19, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-312 Green

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer to permit the construction of screened porch addition, paver patio, and deck modification. The property is designated a Limited Development Area (LDA) and is currently developed.

We recognize that the property is currently a legal, non-conforming lot in regard to the location of the primary dwelling within the 100-foot Buffer. Provided that the impervious surface area on the property can be verified as not exceeding the permitted limit, we do not oppose the granting of this variance. We provide the following comments regarding the site plan and development proposal.

1) Based on the information provided, it is unclear whether the proposed impervious surface area was calculated accurately. The applicant has proposed a 192 square foot screened porch, a 234 square foot paver patio, and a deck modification that cannot be calculated from the site plan due to distortion of scale. Is the applicant using a porous type of paver for the patio? The application states that 389 square feet of new impervious surface is proposed, but has not indicated how that calculation was derived.

2) All disturbance to the Buffer is subject to mitigation. We recommend that mitigation plantings be required at a 2:1 ratio. To the extent possible, mitigation should be conducted using native woody and vegetative species, and should be sited in an alternative location within the Buffer.

3. Stormwater runoff should be directed to stable vegetated outfalls or a best management practice, and should be directed away from the steep slopes. Plantings placed around the base of the porch and patio may provide an additional stormwater quantity and enhanced infiltration benefits.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
CA 594-03

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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November 18, 2004

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

Re: 2004-0277-V Chick-revised

Dear Ms. West:

Thank you for providing information on the above referenced revised variance request. The applicant is requesting a variance to front-yard setbacks in order to construct an accessory garage structure. The property is located within a designated Limited Development Area (LDA) and is currently developed.

In my comment letter regarding the previous variance request, I noted that the lot does not appear to be grandfathered. During our conversation today, you verified that the property is not a legally grandfathered lot of record. Non-grandfathered lots in the LDA are limited to 15% impervious surface area. At this time, the property appears to be 56% impervious in nature. In addition, the current site plan shows that the existing impervious surface on the property has increased by 723 square feet since the previously submitted variance request.

Based on this information, this office does not support the granting of this variance request. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
AA 536-04

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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November 18, 2004

Ms. Tracey Gordy
Maryland Department of Planning
201 Baptist Street, Suite 24
Salisbury, MD 21801

Re: Town of Princess Anne-Jail Project

Dear Ms. Gordy:

I am writing in response to your recent letter regarding the jail improvements in the Town of Princess Anne.

It is my understanding that this request is for an after-the-fact consistency report and that the jail improvements were constructed prior to submitting the appropriate request for local certification detailed under COMAR 27.02.02, and without obtaining the necessary project approval outlined under COMAR 8-1811.A. I am also informed that the Town officials are well aware of these requirements. In order for the Town of Princess Anne to implement its program in a manner consistent with State laws and regulations, please refer the Town to the referenced sections of COMAR which require submittal of an application for project approval and consistency determination, prior to the commencement of development activities.

Regarding a review of the information submitted to me, I concur with your determination that the jail improvements are consistent with the Princess Anne Critical Area Program. Based on the information provided, I agree that sediment control fencing should be placed around the limits of disturbance for the retaining wall project. This measure will ensure that sediment is contained and that no negative impacts will occur to the Manokin River as a result of the project. Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3482

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 17, 2004

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

Re: A043 Callahan Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a Buffer variance to construct an addition to the existing primary dwelling. The property is currently a legal, non-conforming lot with a garage, driveway and partial dwelling located within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that 100 square feet of disturbance to the Buffer is proposed for the construction of the addition. Given the configuration of the existing dwelling, we do not oppose the request for a Buffer variance. However, all disturbance to the Buffer is subject to mitigation. We recommend that mitigation plantings be required at a 2:1 ratio for the 100 square feet of new Buffer disturbance. Mitigation should be accomplished using native woody and vegetative species, and should be directed to a location within the Buffer.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC 824-04

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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November 17, 2004

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

Re: A050 Walker

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a Buffer variance to construct a 1,722 square foot addition to the primary dwelling. The dwelling is currently a legal, non-conforming structure located primarily within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

It is my understanding that the proposed addition does not encroach any closer to mean high water than the existing non-conforming dwelling. Based on this information, we do not oppose the granting of an administrative Buffer variance. However, all disturbance in the Buffer is subject to strict mitigation. We recommend that the applicant be required to provide mitigation plantings at a 2:1 ratio for the 860 square feet of development within the Buffer. Mitigation should be accomplished using native woody and vegetative species, and should be directed to an alternative location within the Buffer. In addition, we recommend that mitigation be required at a 1:1 ratio for any clearing outside of the Buffer, but within the Critical Area.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC 825-04

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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November 17, 2004

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

Re: Variance 04-774 Pruitt

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to replace and enlarge an existing non-conforming porch structure. The property is located within a designated Resource Conservation Area (RCA) and is currently developed.

We recognize that the proposed development activity encroaches approximately one foot closer to mean high water than the existing non-conforming porch. Given the proximity of the proposed development activity to mean high water, we recommend that the porch be constructed without the use of heavy equipment and that if possible, it be constructed as pervious with spaces between wood boards, 6 inches of gravel underneath and plantings placed at the base to provide increased stormwater infiltration opportunities.

In addition, all Buffer disturbance is subject to strict mitigation. While no scale was provided on the site plan, it appears that the proposed development entails approximately 250 square feet of disturbance. We recommend that mitigation plantings be provided at a 3:1 ratio, using native woody and vegetative species.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
SO 821-04

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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November 17, 2004

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

Re: Variance 04-775 Aita

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to construct a single-family dwelling. The property is located within a designated Limited Development (LDA) and is currently undeveloped.

We recognize that the property is constrained by the presence of the 100-Buffer on the majority of the property, as well as the need for an adequately sized septic reserve area. In addition, it is my understanding that a previous dwelling was destroyed by fire on this site. Based on the information provided, we do not oppose the granting of a Buffer variance.

However, all disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation plantings be required at a 3:1 ratio using native woody and vegetative species. Given that the proposed dwelling is located well within the 100-foot Buffer, we recommend that mitigation plantings be placed at an alternative location within the Buffer and arranged so as to provide infiltration opportunities for stormwater runoff.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
SO 820-04

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 17, 2004

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: AP 49675 St. Leonard Shores-Lot 82

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting an approval to construct a single family dwelling with greater than 15,000 square feet of forest clearing. The property is a designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose the granting of a building permit. It appears that the applicant is proposing approximately 18.9% forest clearing within the Critical Area portion of the lot. We recommend that mitigation be required at a 1:1 replacement ratio for clearing within the Critical Area. Mitigation plantings should be composed of native woody and vegetative species.

Thank you for the opportunity to provide comments. Please call if you have any questions at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA 819-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 15, 2004

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

Re: SA 04-296 Marsh Subdivision/ Intrafamily Transfer

Dear Mr. Lawton:

Thank you for providing information on the above referenced subdivision and intrafamily transfer request. The applicant is requesting to subdivide a 16.74-acre (10.9-acre upland) parcel to create a total of two lots within the Critical Area. The property is located within a designated Resource Conservation Area (RCA) and is currently developed.

Based on the information provided, we provide the following comments regarding the site plan and subdivision proposal.

1) It appears that the wetlands areas shown on the plat have not been field delineated. A field delineation by a certified professional is required in order to determine accurate wetland boundaries. While it appears that the lot lines have been drawn initially to designate upland areas, aerial photographs indicate that the wetland/upland boundaries shown may be inaccurate or non-inclusive. In addition, the applicant has indicated that the lot lines are intended to extend to the waters of Back Creek. Please advise the applicant that State-owned wetlands cannot be counted towards lot acreage for the purposes of calculating impervious surface area limits.

2) The plat indicates the presence of hydric soils of the Othello series. Based on this information, both lots may be subject to an expanded Buffer.

3) Please have the applicant provide a calculation of the existing impervious surface areas on the lots, including any driveway areas that may exist. Future development on both proposed lots are required to remain within the 15% impervious surface limit.

4) Per the Somerset County Critical Area Program (Section 9.1), the applicant will be required to establish the Buffer in those areas of the Buffer where agricultural activities cease and the land is converted to other uses. Based on the plat, it appears that the Buffer area on Lot 1 will require afforestation in order to achieve a fully forested state.

5) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Marsh subdivision at this time.

Thank you for the opportunity to provide comments for this subdivision request. We recommend that the applicant provide a revised site plan along with a description of how each of the above concerns has been addressed. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

SO812-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 12, 2004

Ms. Joan Kean
Director
Department of Technical and Community Services
11916 Somerset Ave, Room 102
Princess Anne, MD 21853

Re: Briddelle Subdivision

Dear Ms. Kean:

This letter is written in response to your recent letter dated November 8, 2004 regarding the illegally recorded Briddelle Subdivision.

You have stated that Mr. Simpkins, attorney for the matter, has recently filed another deed adding Parcels 154 and 128 together, to form one parcel under the ownership of Mr. Briddelle. Parcel 190 remains a separate parcel under the ownership of Mr. Somers. This action results in a two-lot subdivision in the Resource Conservation Area (RCA).

Based on this recent action, and considering that each original Parcel 154 and 190 had one grandfathered Critical Area development right, we do not oppose the solution that has been proposed by Mr. Simpkins. Therefore, it is my understanding that Parcel 154 has one Critical Area development right, which has already been utilized, and Parcel 190 has one remaining Critical Area development right. Parcel 128, now a part of Parcel 154, does not possess any separate development rights. As suggested in your letter, we recommend that the 3.72 acres of the former Parcel 128 be placed in a conservation easement or other deed restricted covenant ensuring the protection of the parcel in perpetuity.

Assuming that all parties are agreeable to these terms, the use of Growth Allocation will not be necessary to resolve this issue. I hope that you find this information helpful. Please call me with any questions you have at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Cc: Mary Owens
Ren Serey

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. Elsa Ault
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: SFD 40727/GCP040125

Dear Ms. Ault:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a building permit to construct a single family dwelling with a detached garage. The property lies within a designated Resource Conservation Area (RCA) and is currently undeveloped.

Regarding the site plan and development proposal, we provide the following comments.

1) It appears as though establishment of the Buffer will be required on this lot. As detailed in the Charles County Critical Area Program, "The Buffer is required to be maintained in native vegetation and in cases where the land use changes, a Buffer area must be established." It is my understanding that a planting agreement will be executed prior to the issuance of a building permit on this lot and that a note will be added to plat referencing the above cited Buffer establishment provisions.

2) Based on an aerial photograph from the State of Maryland's online mapping system, MERLIN, and our recent conversation, it appears as though an accessory structure exists on the southwest corner of the lot, in the general area that the septic system is proposed. Please have the applicant clarify whether the existing structure has been included in impervious surface area totals. If not already included, please have the applicant do so.

Provided that the applicant addresses the concerns outlined above, we do not oppose the granting of a building permit for this property. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

CS 771-04

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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November 10, 2004

Ms. Heather Kelley
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: SFD 40728 Waveland Subdivision Site Plan

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a building permit to construct a single family dwelling with greater than 15,000 sq. ft. of disturbance. The property lies within a designated Resource Conservation Area (RCA) and is currently undeveloped.

As noted on the site plan, afforestation will be required on this lot. The intent of this requirement is to provide forest and woodland cover which functions as suitable plant and wildlife habitat while providing water quality benefits. While the applicant has included 43 large trees as part of the afforestation requirement, we recommend that they be relocated in a clustered fashion and be placed adjacent to the exiting wooded area. In addition, the afforestation should include both canopy and understory trees to achieve woodland cover that provides the best habitat possibilities. Further guidance for this type of planting can be found in the Critical Area Commission's guidance document entitled, Forest Mitigation.

Based on the information provided, we do not oppose the granting of a building permit for this property. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
CS 797-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 9, 2004

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

Re: Zell Property
(Tax Map 22, Parcel 199)

Dear Ms. Verdery:

Thank you for providing information on the above referenced major line revision. The applicant proposed to create six lots, with ten Critical Area development rights. The Critical Area portion of the property lies within a designated Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding this line revision proposal.

1) The development rights summary is based upon the existence of Parcel 1-Tract A, Parcel 1-Tract B, Parcel 1-Tract C, Parcel 2, and Parcel 1230 as separate, legally recorded parcels bearing grandfathered rights. Based on available records, this office has only been able to verify that Parcel 199 exists as one 273-acre grandfathered parcel. Please have either the applicant or the Talbot County Office of Planning and Zoning provide evidence that the parcels are legally recorded as shown and bear individual grandfathered development rights.

2) Parcel 1-Tract A shows an existing sewage disposal area and driveway. If this is to be a future dwelling site, it should be labeled and the development rights summary adjusted.

3) The impervious area calculations for the Critical Area are incorrect. The impervious surface calculations for Revised Parcel 1-Tract A show that 582,186 sq. ft. of impervious surface area is allowed per the 15% limit. According to the plat, there is no existing impervious surface area. Therefore, the remaining allowable impervious surface area should be 582,186, not 629,596.

4) Based on the information provided, it appears that the tidal wetland areas shown have been taken from the DNR Wetland Boundary Maps. A field delineation must be conducted by a certified professional in order to determine accurate tidal wetland boundaries. In addition, Talbot County soil maps indicate that hydric soils of the Elkton and Othello series soils may be present on the property. If present, the property may be subject to expanded Buffer areas for hydric soils.

5) If the individual parcels shown on the site plan are to be buildable lots, it appears that the Buffer areas will require afforestation and in some cases, establishment.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 765-04

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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November 9, 2004

Ms. Angela Willis
State Highway Administration
Maryland Department of Transportation
707 North Calvert Street
Baltimore, Maryland 21202

Re: Shore Erosion Control/MD-5
St. Mary's County, Maryland

Dear Ms. Willis:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On November 3, 2004, the Critical Area Commission approved the construction of shore erosion control measures at two sites along MD-5 in St. Mary's County. The project was unanimously approved the project with the following condition:

1) That a planting agreement shall be executed with Commission staff prior to initiating construction on this project.

Thank you for you assistance in presenting this project to the Commission. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 4, 2004

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

Re: M1056-Lednum
(Tax Map 44A, Parcel 14)

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide an approximately 1.01-acre parcel to create 2 Critical Area lots. The property lies within a designated Limited Development Area (LDA) and is currently developed.

The site plan proposes to create one new non-conforming lot (Lot 1-A) in regard to impervious surface area. The Talbot County Zoning Ordinance's General Provisions state that, "No building, structure, or land or part thereof shall be used, occupied, altered, erected, constructed or reconstructed, unless in conformity with this chapter. Activities not in compliance with this chapter shall be expressly prohibited." Critical Area regulations for development within an LDA require that man-made impervious surfaces be limited to 25% of the lot on lots the size of Lot 1-A.

We recognize that the metal building and extensive gravel driveway are existing features for a current or previous use on the property, and that no primary dwelling appears to exist. Based on this information, removal of impervious surface is not warranted so long as the use of the property does not change. However, should a change in use occur on the property where new development or redevelopment is proposed, or where a residential or primary dwelling is proposed, the applicant should be required to bring the lot into compliance with the 25% impervious surface limit for lots in the LDA. Based on the information provided, it appears that there is substantial amount of driveway that could be converted to pervious cover in order to meet this requirement.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 764-04

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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November 4, 2004

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

Re: M1055-Knightly Subdivision
(Tax Map 24, Parcel 8A)

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 49.390-acre parcel to create 3 new lots. Approximately 17.380 acres lie within the Critical Area and are designated as a Resource Conservation Area (RCA).

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

1) The proposed subdivision is occurring on a parcel referred to as Parcel 8A. Please ensure that the Talbot County Planning and Zoning Office and/or the applicant can verify the existence of a legally recorded Parcel 8A as it is currently shown on the site plan. Based on the information available and a past record of subdivision review for this property, this office has not been able to determine that the current Parcel 8A and the resulting development rights summary is depicted accurately.

2) Future development on the Critical Area portion of Lot 5 will be limited to 15% impervious surface area. As indicated on the plat, no development is permitted within the Critical Area portion of Lot 6.

3) Given that the property is located in an area known to contain Delmarva Fox Squirrel habitat and that the adjacent Tax Parcel 8B has been positively identified as Delmarva Fox Squirrel habitat, the applicant will be required to obtain an evaluation of the property by the Department of Natural Resources (DNR) prior to recordation of the subdivision and plat.

Should Delmarva Fox Squirrel habitat be known to occur on the property, the applicant must address recommendations by the DNR for the protection of these species. This office has not received an evaluation of the Knightly subdivision at this time.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 763-04

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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November 4, 2004

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: AP 48795 St. Leonard Shores

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting an approval to construct a single family dwelling with greater than 15,000 square feet of forest clearing. The property is a designated a Limited Development Area (LDA) and is currently undeveloped.

We provide the following comments regarding the site plan and development proposal.

1) Based on the State of Maryland's online mapping system, MERLIN, it appears that the tidal marsh area may extend further onto the property than shown on the site plan. The tidal areas should be field delineated or field verified to determine accurate boundaries. If the tidal areas do extend further onto the property than shown, the Buffer may need to be expanded.

2) It appears that the proposed limits of disturbance include areas of steep slopes. Should disturbance to slopes greater than 15% be included as a part of the proposed development plan, a variance will be required.

3) The applicant will be required to perform mitigation for clearing within the Critical Area. We recommend that mitigation be provided at a 1:1 replacement ratio. To the extent possible, mitigation plantings should be implemented, using native woody and vegetative species. Where practicable, the applicant should consider locating the plantings to intercept stormwater runoff and help direct runoff away from steep slopes.

Thank you for the opportunity to provide comments. Please call if you have any questions at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA 763-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 4, 2004

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: AP 47129 St. Clair Street-Engh Property

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting an approval to construct a single family dwelling with greater than 15,000 square feet of disturbance. The property is a designated a Resource Conservation Area (RCA) and is currently undeveloped.

Provided that the applicant complies with Critical Area mitigation requirements, we do not oppose the granting of this building and grading permit. Based on the information provided, it appears that the limits of disturbance include some of the non-tidal wetland Buffer areas. We recommend that mitigation be provided at a 2:1 ratio for disturbance within any Buffer areas. In addition, mitigation should be provided at a 1:1 replacement ratio for all clearing within non-Buffer areas.

Thank you for the opportunity to provide comments. Please call if you have any questions at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
CA 774-04

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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November 4, 2004

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

Re: Appeal # 1348-Kennedy

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer and side-yard setbacks for the purpose of constructing a single- family dwelling. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

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

1) The applicant has not provided information regarding the proposed amount of impervious surface area on the property. Impervious surface area is restricted to 15% in the RCA.

2) The property is located almost entirely within the Buffer. While no clearing is proposed, mitigation will be required for all disturbance to the Buffer. We recommend that mitigation be required at a 2:1 ratio, via the planting of native woody and vegetative species. To the extent possible, the plantings should be located at an alternative site within the Buffer.

Provided that the applicant adequately addresses the above concerns, we do not oppose the granting of this variance request. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC757-04

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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November 1, 2004

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

Re: S986 Jarboe
(Tax Map 30, Parcel 69)

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 66.80-acre parcel to create a 7.38- acre lot and a remaining 59.42-acre lot. Approximately 57.76 acres lie within the Critical Area and are designated as a Resource Conservation Area (RCA).

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

1) The development rights summary is incorrect. A shown on the plat, the applicant is entitled to a total of two Critical Area development rights by density. The proposed Lot 2 shows a septic area and building envelope, utilizing one development right. The remaining lands, or Lot 1, currently have an existing dwelling and septic system, therefore utilizing the second permitted development right. Based on the information detailed on the plat, there are no remaining Critical Area development rights for this parcel.

2) As currently shown, the meets and bounds description line marking the Reservation of Development Rights Area (RDA) is confusing. It is my understanding that the RDA is a part of the remaining lands, or Lot 1, and that the description line is for the purpose of legally defining the RDA. If the use of hatched lines alone is not sufficient to demark the RDA on the plat, and the RDA is in fact a part of Lot 1, then a connector should be shown on the description line to show continuity between the two areas.

3) The applicant will be required to obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. Should these species be known to occur on the property, the applicant must address recommendations by the DNR for the protection of these species. This office has not received an evaluation of the Jarboe subdivision at this time.

4) Given that new development is proposed on both lots, the 100-foot Buffer should be established in vegetation where no vegetation currently exists.

5) The plat does not show the entire parcel. Based on this information, it is assumed that no development activity is proposed on the remainder of Lot 1. There are areas of tidal and non-tidal wetlands existing on the portion of Lot 1 that is not shown on the plat. We recommend that the County consider having the applicant provide a plat which includes these features so that they may be included as a recorded feature of the subdivided land.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 765-04

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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October 29, 2004

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

Re: Fields Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer for the purposes of constructing a garage structure and multiple additions to the primary dwelling. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, we do not oppose the granting of this variance request. However, all disturbance to the Buffer is subject to strict mitigation. We recommend that the applicant provide mitigation plantings at a 2:1 ratio. Mitigation should be conducted using native woody and vegetative species and should be directed to an alternative location within the Buffer. Based on the photographs included in the application, it would appear that ample opportunity exists for planting within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

TC 770-04

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 28, 2004

Ms. Robin M. Bowie, Manager
Division of Environmental Planning
Maryland Aviation Administration
PO Box 8766
BWI Airport, MD 21240-0766

Re: Proposed Baltimore County Police Helicopter Hangar

Dear Ms. Bowie:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On October 6, 2004, the Critical Area Commission approved construction of a helicopter hangar on a 1.18-acre parcel of land located at the Glen L. Martin State Airport as proposed by the Maryland Aviation Administration. Following the completion of the project, we understand that the landscaping plan approved by Commission staff will be implemented in fulfillment of the mitigation requirement.

Thank you for you assistance in presenting this project to the Commission. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Cc: Ed Bauer (Baltimore County DPW)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 26, 2004

Ms. Heather Kelley
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: SFD 04-0721 Waverly Point

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a building permit to construct a single family dwelling with a detached garage and pool. The property lies within a designated Resource Conservation Area (RCA) and is currently undeveloped.

We acknowledge that the proposed development activity does not exceed the 15% impervious surface area limit. The applicant proposes to remove 28,600 square feet of forest cover. We recommend that mitigation be performed at a 1:1 replacement ratio. Based on aerial photos, we recommend that mitigation plantings be directed to the Buffer area on the property to the extent possible. All mitigation should be implemented using native woody and vegetative species.

Thank you for the opportunity to provide comments regarding this site plan and development proposal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

CS 7762-04

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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October 26, 2004

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

Re: L965 Fleetwood-Revised
Tax Map 26, Parcel 4

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised lot line revision. The applicant is requesting a line revision to change the existing lot lines on Parcels 1A, 1B, and 2. The parcel is 65.92 acres in size, with 57.21 acres within the Critical Area. The Critical Area portion of the parcel is designated a Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding the revised site plan.

1) It appears that the applicant has revised the development rights summary of Parcel 2 to read "1 Critical Area development right". It is unclear whether the note is intended to mean that one Critical Area right exists, or that one Critical Area right remains for this parcel. Please advise the applicant that Parcel 2 is currently developed with a septic area and an approximately 2800 sq. ft. caretakers quarters. Therefore, the one permitted development right for Parcel 2 is in use and no remaining development rights exist.

2) The applicant has subtracted acreage for state-owned tidal wetlands on the property. Were these wetlands field delineated and verified? Field delineation is required for determining state or private ownership, and a note should be added to the plat indicating that a field delineation has been completed.

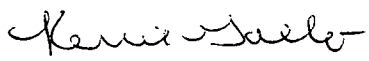
4) The plat indicates that there are non-tidal wetlands on the parcel. Although their presence is indicated, the size and location of these wetlands is not described in detail on the plat. The Buffer area shown on the plat cannot be finalized until a field delineation has been completed and accurate borders and Buffer areas are field verified. It does not appear that a field delineation of non-tidal wetlands has been completed at this time.

5) The revised plat shows that three are areas of steep slopes on the property. While the applicant has included topography for the areas within the building lots, no topography has been included for the area marked as "steep slope". Per the Talbot County Zoning Ordinance (Section 190-87.A.2), in the case of contiguous slopes of 15% or greater, the Buffer shall be expanded four feet for every 1% of slope or to the top of the slope, whichever is greater in extent. It appears that this property may be subject to an expanded Buffer for steep slopes.

5) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species prior to approval of a site plan. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation for the Fleetwood property at this time.

Thank you for the opportunity to provide comments for this revised line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

TC550-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 26, 2004

Mr. Mike Kulis
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: Cove Point Apartments-revised site plan

Dear Mr. Kulis:

Thank you for providing information on the above referenced revised site plan. The applicant is proposing to construct an apartment complex with 100 units. The Critical Area portion of the property contains approximately 11 acres and lies within a designated Intensely Developed Area (IDA).

Based on the information provided, it appears that the applicant has met the requirements of the Critical Area 10% rule for pollutant reduction within an IDA. Regarding the development proposal and current site plan, we provide the following comments.

1) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, recommendations for the protection of these species must be addressed by the applicant. At this time, this office has not received an evaluation of the Cove Point Property.

2) The site plan shows that the outfall pipe from Stormwater facility #1 lies within the Buffer area of a tributary stream. We recommend that all impacts to Buffer areas be mitigated at a 3:1 ratio. In addition, we recommend that clearing within the non-Buffer areas be mitigated at a 1:1 replacement ratio. To the extent possible, mitigation plantings using native woody and vegetative species should be implemented in all available pervious areas. Where planting is not feasible, payment of a fee-in-lieu is acceptable.

Thank you for the opportunity to provide comments on this revised site plan. Please include this letter in your file and submit it as part of the record for this development plan. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
BC 547-04

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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October 22, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3112 Busada-Revised

Dear Ms. Whitt:

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

As previously commented, we do not oppose the variance request for less setbacks than required. However, it does not appear that the applicant has addressed concerns regarding unnecessary disturbance to steep slopes. Do the physical conditions of the site prevent the applicant from moving the septic area towards the western property line as recommended? The site plan still indicates a second perc location which would allow the applicant to avoid disturbance of slopes.

Provided that there are no documented physical constraints on the property, we recommend that the applicant be required to move the septic area towards the western property line to avoid disturbing sensitive slope areas. This office does not oppose reasonable requests for variances when it can be demonstrated that no feasible alternatives exist. Based on the information provided, it appears that an alternative septic location does exist. Should physical constraints be present, a note should be included on the site plan indicating such.

Thank you for the opportunity to provide comments. Please refer the applicant to the attached comment letter regarding previous recommendations for mitigation and stormwater management. Please include both letters in your file and submit them as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie L. Gallo
Natural Resources Planner
CA 693-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 21, 2004

Mrs. Lynette Rhodes
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203

Re: Shore Erosion Control-Duvall Farm (Talbot County)

Dear Mrs. Rhodes:

Thank you for providing information on the above referenced application to construct approximately 6,964 linear feet of low profile rip-rap for the purposes of shoreline and march erosion control. The site is located within the Duvall Farm Subdivision, on Trippe Creek in Talbot County.

Based on the information provided, we have the following comments.

1) Since the proposed project is located within the 100-foot Critical Area Buffer, the applicant will be required to perform mitigation for any removal of vegetation and disturbance within the Buffer. We recommend that mitigation plantings be required at a 1:1ratio, using native plant species. Please refer the applicant to the regulations for mitigation detailed in the Talbot County Critical Area Program and Zoning Ordinance.

2) The applicant has indicated the intent to plant one- year old English Ivy in certain portions of the site area as a means of stabilizing the faces of the steep banks. While stabilization of these banks by planting is encouraged, English Ivy is a known invasive vine species to Maryland. The banks should be stabilized using native species. Examples of similar native vine species that may be substituted are Virginia Creeper (*Parthenocissus quinquefolia*) or Crossvine (*Bignonia capreolata*). Other native groundcovers may also be considered for such a purpose. These include, but are not limited to, Creeping Phlox (*Phlox stolonifera*), Partridgeberry (*Mitchella repens*), and Evergreen Wood Fern (*Dryopteris marginalis* or *intermedia*).

Thank you for the opportunity to provide comments regarding this shoreline stabilization project. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 20, 2004

Ms. Joan Kean
Director
Department of Technical and Community Services
11916 Somerset Ave, Room 102
Princess Anne, MD 21853

Re: Rezoning 04-154

Dear Ms. Kean:

We have received your request for comments on the above referenced rezoning proposal. We understand that the current proposal is to change a 178-acre parcel from Agricultural Residential zoning to Light Industrial (L-1) zoning. The property is located on Tax Map 32, Block 4, Parcel 149. Approximately 65.7 acres of the parcel lie within a designated Resource Conservation Area (RCA).

Based on the information provided, we do not have any comments regarding the proposed zoning change. However, we note that the Critical Area portion of the property will remain restricted to permitted uses within a designated RCA as outlined in the Somerset County Zoning Ordinance. Should any change in use be proposed for the property that is not consistent with RCA standards, growth allocation will be required. It is my understanding at this time that the applicant intends to apply for growth allocation provided that the current zoning change is approved.

Thank you for the opportunity to provide comments on this zoning change proposal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 20, 2004

Mr. Brian Lindley
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-020 Hessler/Sanders

Dear Mr. Lindley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to side yard setbacks in order to construct a primary dwelling. The property lies within a designated Limited Developed Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose this variance request. However, we note that the applicant is proposing to clear 29.7% of the existing forest cover. We recommend that mitigation for clearing be required at a 1.5:1 replacement ratio. Mitigation should be conducted using native species. Where on–site replacement is not possible, payment of a fee-in-lieu or off-site mitigation plantings may be necessary.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo

Kerrie L. Gallo
Natural Resource Planner

BC752-04

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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October 20, 2004

Mr. Paul Dennis
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-019 Hock Variance

Dear Mr. Dennis:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer in order to construct a primary dwelling. The property lies within a designated Limited Developed Area (LDA), Buffer Management Area (BMA), and is currently developed.

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

1. We recognize that the site is constrained by the amount of Buffer area on the property. However, it appears that the house could be moved back towards the western and northern property lines to maximize the distance between the dwelling and mean high water. This would also allow for a smaller and more direct driveway with less Buffer impact. This office would not oppose a variance to side or front yard setbacks to accommodate this change.

2. We recommend that the proposed decks be required to be constructed as pervious, including spaces between boards, 6 inches of gravel below the deck, and plantings both below and surrounding the base of the deck.

3. All disturbance to the Buffer is subject to strict mitigation. Disturbance includes the portion of the semi-pervious driveway lying within the Buffer. We recommend that mitigation plantings be required as outlined in the Baltimore County BMA provisions using native woody and vegetative species. To the extent possible, plantings should be located at an alternative location within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

BC737-04

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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October 20, 2004

Ms. Joan Kean
Director
Department of Technical and Community Services
11916 Somerset Ave, Room 102
Princess Anne, MD 21853

Re: Rezoning 04-154

Dear Ms. Kean:

We have received your request for comments on the above referenced rezoning proposal. We understand that the current proposal is to change approximately 65.7 acres of a 178-acre parcel from Agricultural Residential zoning to Light Industrial (L-1) zoning. The property is located on Tax Map 32, Block 4, Parcel 149, and lies within a designated Resource Conservation Area (RCA).

Based on the information provided, we do not have any comments regarding the proposed zoning change. However, we note that the property will remain restricted to permitted uses within a designated RCA as outlined in the Somerset County Zoning Ordinance. Should any change in use be proposed for the property that is not consistent with RCA standards, growth allocation will be required. It is my understanding at this time that the applicant intends to apply for growth allocation provided that the current zoning change is approved.

Thank you for the opportunity to provide comments on this zoning change proposal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 19, 2004

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: SD 03-21 Back Creek Woods Subdivision
(Tax Map 44, Parcels 421, 395 & 396)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced major subdivision. The applicant is proposing to construct a 14-lot subdivision on three parcels within the Critical Area. The proposed subdivision is 6.6845 acres and is located within a Limited Development Area (LDA).

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

1) It appears that the existing soils on the site are Othello silt loam and Mattapex silt loam, both considered hydric and highly erodible. Based on this information, the site may be subject to an expanded Buffer. In addition, the State of Maryland's online mapping system, MERLIN, has identified potential areas of palustrine wetlands which have not been included on the site plan. The site needs to be field delineated in order to determine the extent and location of the existing wetlands, and to determine the existing soil conditions.

2) It appears that portions of the drainage area shown between Lot 4 and Lot 5 contain slopes greater than 15%. If these conditions exist in this area, the area is subject to an expanded Buffer. Please have the applicant clarify whether slopes greater than 15% are present and make changes to the site plan as necessary.

3) The current site plan proposes 29.95% forest clearing. Based on this amount of clearing, mitigation is required at a 1.5:1 ratio. For areas cleared within the Buffer, mitigation is required at a 2:1 ratio. The applicant will be required to submit a forest planting plan for mitigation as outlined in the Calvert County Critical Area Program Guide, Chapter 3 (C).

4) Future development on Lots 2-14 is limited to 25% impervious surface area. Lot 1 is limited to 15% impervious surface area. Impervious surface area for the subdivision as a whole is limited to 15%. We recommend that the applicant include a description of the proposed impervious surface area for each lot on future site plans.

5) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Back Creek Woods subdivision.

Thank you for the opportunity to provide comments for this subdivision request. We recommend that the applicant provide a revised site plan along with a description of how each of the above concerns has been addressed. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

CA730-04

Cc: Paula Proctor (Calvert County)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 19, 2004

Ms. Martha Mickey
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-021 Anderson Variance

Dear Ms. Mickey:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer. The property lies within a designated Intensely Developed Area (IDA), within a Buffer Management Area (BMA) and is currently developed.

We acknowledge that the applicant is requesting a variance to the Buffer in order to redevelop a primary dwelling which was destroyed during Hurricane Isabel. Based on the information provided, we provide the following comments regarding the development proposal and variance request.

1. While we do not oppose reasonable requests for redevelopment based on the above referenced conditions, it does appear that the proposed development could be amended to meet the criteria outlined in Baltimore County's BMA provisions. These provisions require that replacement structures extend no closer to Mean High Water (MHW) than the existing dwelling, and that the waterward intrusion of a rebuilt dwelling is minimized to the extent possible. The proposed replacement dwelling appears to be located significantly closer to MHW than the original dwelling. In addition, the closest point of the proposed deck is located 10 feet from the edge of a steep slope.

   Aside from BMA provisions, structures rebuilt as a result of hurricane damage are generally approved when located within the footprint of the original dwelling. In this case, the footprint appears to have increased considerably. We recommend that the applicant revise the site plan to comply with the BMA provisions and reduce the footprint to minimize Buffer impacts.

2. Given the location of the property within an IDA, and that 10,000 square feet of disturbance is proposed, the applicant will be required to comply with the 10% rule for stormwater management. Please have the applicant provide 10% rule calculations and information pertaining to proposed stormwater Best Management Practices (BMPs).

3. All disturbance to the Buffer is subject to strict mitigation. Provided that the applicant can meet the criteria in the BMA provisions, we recommend that mitigation plantings be required at a 2:1 ratio. If the applicant cannot meet the criteria, we recommend that mitigation be required at a 3:1 ratio. Mitigation should be conducted using native woody and vegetative species and to the extent possible, should be located at an alternative location within the Buffer.

In general, we recommend that the applicant address the concerns outlined above. This office would not oppose a variance request which reduces impacts to the Buffer and meets the criteria outlined in the BMA provisions. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance request. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

BC754-04

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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October 14, 2004

Ms. Joan Kean
Director
Department of Technical and Community Services
11916 Somerset Ave, Room 102
Princess Anne, MD 21853

Re: King's Creek Growth Allocation

Dear Ms. Kean:

We have received your request for comments on the above referenced growth allocation proposal. The applicant, Beckford Manor LLC, is requesting the use of growth allocation to change the zoning of 18.8 acres from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). The proposed growth allocation is located on Tax Map 23, Block 17, Parcel 58. We understand that the requested growth allocation is for the purposes of constructing a 217-lot subdivision.

Based on our initial review of the preliminary site plan and growth allocation plan, we provide the following comments.

1. The applicant should provide the County with an environmental assessment report of the site as required in Somerset County's Zoning Ordinance, Section 15(b)(3). As a component of this report, the applicant should include a description of how the proposed subdivision meets the County's adjacency standards for locating a new LDA. The report should also address the growth allocation standards outlined in the County's Critical Area Program and the Critical Area Law and Criteria.

2. Please have the applicant provide a subdivision history of the parent parcel from the date of adoption of the County's Critical Area Program.

3. The DNR environmental review letter points out the presence of a Wetland of Special State Concern (WSSC) on the northwest portion of Parcel 58. In general, WSSC require that a 100- foot Buffer surround the wetland. The applicant should coordinate with the Maryland Department of the Environment (MDE), DNR, and the U.S. Fish and Wildlife Service (FWS) to determine any recommendations for protection of rare, threatened or endangered species or any special permits that may be required within this WSSC.

4. It appears as though the proposed subdivision may contain Forest Interior Dwelling Birds (FIDS) habitat. If present, the applicant will be required to incorporate guidelines for the protection and conservation of their habitat into the proposed development plan. Greater details about these provisions can be found in the Critical Area Commission's technical guidance document, A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area.

5. The preliminary site plan does not provide details regarding the proposed impervious surface areas on the property. Impervious surface area on the Critical Area lots will be restricted to a 25% limit on each lot and to a 15% limit for the entire portion of the subdivision within the Critical Area.

The preceding comments represent the review and evaluation of the materials that the applicant has submitted by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal prior to the County's award of growth allocation. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 14, 2004

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

Re: Appeal 1349 Bell

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct an addition to the primary dwelling. The property lies within a designated Limited Development Area (LDA) and is currently developed.

We recognize that the majority of the lot lies within the 100-foot Buffer and is therefore constrained. We acknowledge that the applicant has exceeded the impervious surface limit within the 100-foot Buffer, but remains below the impervious surface limit for the entire lot. The applicant has stated that the proposed addition does not extend any closer to mean high water than the existing dwelling, and that the proposed addition is to be located over an existing driveway area. Based on this information, we do not oppose the granting of this variance request.

Please advise the applicant that any new disturbance to the Buffer is subject to mitigation. We recommend that mitigation plantings be required at a 3:1 ratio for any disturbance that occurs. In addition, the plantings should be composed of native vegetative and woody species.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this administrative variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC685-04, 733-04

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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October 14, 2004

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

Re: Appeal #1346 Hopkins

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance request The applicant is requesting a variance to the 100-foot Buffer in order to complete construction of a vertical expansion of an accessory structure. The property lies within a designated a Limited Development Area (LDA) and is currently developed.

It appears that the proposed accessory structure has existed for approximately 75 years and that the current activity is considered vertical expansion of an existing accessory structure. The applicant has stated that the vertical expansion of the accessory structure does not result in any additional impervious surface area within the Buffer. We understand that the County had previously issued a permit for this construction activity and subsequently issued a notice to the applicant that a Critical Area variance was needed to proceed with construction activities.

Provided that the applicant performs the necessary mitigation for any disturbance to the Buffer caused during the redevelopment of the accessory structure, we do not oppose the granting of this variance request.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
TC688-04

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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October 13, 2004

Ms. Tracey Gordy
Maryland Department of Planning
201 Baptist Street, Suite 24
Salisbury, MD 21801

Re: Schul Variance

Dear Ms. Gordy:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to construct an accessory garage structure. The property is located within a designated Limited Development Area (LDA) and is currently undeveloped.

We recognize that Lot 25 is constrained on two sides of the property by its location largely within the 100-foot Buffer. While we do not oppose the granting of this variance request, it does appear that the applicant could further minimize the amount of Buffer disturbance. The applicant is currently proposing to construct a 1280 sq. ft. garage. Has the applicant considered decreasing the footprint in size? A smaller footprint would provide both a reasonably sized garage and minimize disturbance to the Buffer.

It is my understanding that afforestation will be required on this lot. Given this requirement, we recommend that the additional mitigation for Buffer disturbance be conducted at a 1:1 ratio and be included as a part of the planting agreement for the afforestation.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 12, 2004

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

Re: M1056 Dwyer Subdivision-Revised
(Tax Map 22, Parcels 50 & 353)

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised minor subdivision and lot line abandonment.

The applicant is proposing to subdivide a 134.027-acre parcel with 73.507 acres of Resource Conservation Area (RCA) zoning to create 3 new Critical Area lots (Lots 1,3 & 4). In addition, the applicant is proposing a lot line revision and abandonment on the adjoining Parcel 353 to create Lot 2. Based on the revised site plan, it appears as though the applicant has corrected the development rights summary portion of the proposed subdivision.

Regarding the current subdivision proposal, please have the applicant clarify the intention of the area labeled as "if needed" on Lot 1. The Maryland Department of Assessments and Taxation shows that a primary dwelling currently exists on the newly created Lot 1, yet a proposed well and sewage disposal area are shown on the lot. Given that the development right for this lot is already in use, the proposed septic and well areas may serve only as replacement systems for the existing dwelling or as replacement systems for a replacement dwelling. The "if needed" note is confusing in reference to the existing conditions on the lot.

In July of 2004, this office provided multiple comments regarding the initial subdivision proposal which do not appear to have been yet addressed by the applicant. I have included those comments below.

1) *The plat indicates that there are 0.895 acres of State tidal wetlands on the parcel, which have been subtracted from the acreage of the property for the purposes of calculating development density. The plat indicates that a determination of State-owned wetland acreage was obtained using the NWI maps. Tidal wetlands must be field delineated to determine an*

accurate assessment of State or private wetland acreage. Has the applicant completed the field delineation at this time?

2) *The State of Maryland's online mapping system, MERLIN, shows there to be small pockets of non-tidal wetlands present on the parcel, including a large non-tidal stream or ditch. While some of these wetlands are visible on the plat, the site plan does not show the appropriate 25-foot Buffer for non-tidal wetlands. A field determination regarding the presence and location of non-tidal wetlands should be conducted and included on the plat with appropriate Buffer labels where necessary.* It does not appear that the applicant has addressed this concern at this time.

3) *The Critical Area Criteria state that where agricultural uses of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established (Talbot County Zoning Code 190-93 E (3)(e)). The plat clearly details the 100-foot Buffer. However, it appears that the Buffer will require planting and management due to its past agricultural use. This regulation applies to areas of new development currently shown as lots 2-4 on the plat, and should be included as a plat note. In addition, a schedule for the establishment of the Buffer is required as a part of subdivision approval.* This office has not received a Buffer planting plan nor has a note been included on the plat. While the afforestation requirements noted may be fulfilled in part by planting within the Buffer, establishment of the Buffer is a separate requirement and will require additional plantings and an additional plat note.

4) *Future development on all RCA lots within the Critical Area is limited to 15% impervious surface area. Any existing impervious footprints and driveways within the Critical Area portion of Lot 1 should be included as part of the 15% limit.* The applicant has not provided information regarding the existing impervious surface areas on Lot 1.

5) *The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species.* No evaluation has been received for the Dwyer minor subdivision.

Thank you for the opportunity to provide comments for this revised subdivision. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

KG

Kerrie L. Gallo
Natural Resource Planner
TC 553-04

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

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-017 Hobson

Dear Mr. Shaffer:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer and to impervious surface area in order to construct an accessory garage structure. The property is located within a designated Limited Development Area (LDA) and is currently developed.

We acknowledge that the property is currently non-conforming in regard to impervious surface area. The proposed development will impact approximately 270 sq. ft. of the 100-foot Buffer and add 900 sq. ft. of additional impervious surface area.

Based on the information provided, we do not oppose the granting of a Buffer variance. However, all disturbance to the Buffer is subject to strict mitigation. While the applicant has indicated the intent of payment of a fee-in-lieu, we recommend that mitigation plantings be required a 3:1 ratio. The plantings should be directed to the Buffer and consist of native woody and vegetative species. Where plantings options are non-feasible or have been maximized, payment of a fee-in-lieu is acceptable.

The proposed development also requires a variance to impervious surface area. We recognize that there are unique circumstances which dictate the need for this variance request. Based on this information, we do not oppose the granting of this variance. However, future development on this property will be limited to the resulting 22.8% imperviousness. In addition, we recommend that a stormwater BMP be required for the proposed garage as an alternative to having the applicant remove existing impervious surface area. The BMP should direct roof runoff towards stable, vegetated outfalls. Mitigation plantings may be used to vegetate the outfall areas or to create an alternative BMP that will aid in runoff control and increase infiltration opportunities.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 8, 2004

Ms. Heather Kelley
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: GCP 40102 Braden Site Plan

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a building permit to construct a detached garage structure and expand an existing asphalt driveway. The property lies within a designated Resource Conservation Area (RCA) and is currently developed.

We acknowledge that the proposed development activity does not exceed the 15% impervious surface area limit and that the applicant has proposed to implement a silt fence for sediment control during construction. Based on the information provided, we do not oppose the granting of a building permit for this property. However, we provide the following comments regarding the site plan and proposed development activity.

1. The State of Maryland's online mapping system, MERLIN, indicates that the cluster of trees shown on the site plan is actually a palustrine wetland area. Has the property ever been field delineated for the presence of tidal or non-tidal wetlands? While the presence of these wetlands does not affect the development activity currently proposed, the Buffer shown on the site plan will need to be expanded to include the appropriate wetland Buffer based on existing conditions. Please have the Buffer corrected on the site plan and a note included regarding the presence of wetlands.

2. We recommend that mitigation be required at a 1:1 replacement ratio for any clearing within the Critical Area. Mitigation should be conducted using native woody and vegetative species.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

CS 708-04

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

Re: M1057 Tarr Creek Properties

Dear Ms. Verdery:

Thank you for providing information on the above referenced major subdivision and lot line revision. The applicant is proposing to create a 4-lot subdivision on Parcel 103 and to revise the lots lines on Parcels 105 and 109. In addition, the applicant is proposing to abandon an existing right-of- way to create a new private road and right-of-way. The properties lie within a designated Limited Development Area (LDA) and are currently developed.

It is our understanding that Parcel 103 is proposed to be incorporated into a Buffer Management Area (BMA) pending review and approval of the BMA maps by the Talbot County Council and Critical Area Commission. Since these maps have not yet been approved, a 64-foot Buffer would be neither proper nor consistent with the local map amendment process. It is my understanding that the proposed BMA map amendments are to be considered by the Planning Commission on November 3 of this year, and that the Talbot County Council will consider the request shortly thereafter. The 100-foot Buffer is the only permissible Buffer for a new subdivision until the time that the BMA maps are approved by the Talbot County Council and Critical Area Commission. We recommend that consideration of the current subdivision proposal be placed on-hold until the BMA maps have received final approval.

In addition, the proposed subdivision shows four waterfront lots on Parcel 103 with the anticipated 64-foot Buffer setback. Please have the applicant refer to the recently approved changes to the Talbot County Zoning Ordinance, Section 190-88.1(A). Specifically, this section states that the provisions established for BMAs apply to the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any existing principal structure within the 100-foot Buffer on non-conforming lots of record as of August 13, 1989. In the same section, 190-88.1(A)(8) states that lots created within the BMA after the effective date of the

Chapter, will be subject to full compliance with all development requirements set forth, including the 100-foot Buffer. Based on this language, Lots 2 and 3 of Parcel 103 do not qualify for a 64-foot Buffer. Once the BMA maps are approved, the Buffer should be shown as 100 feet on these lots.

Regarding the subdivision proposal, we provide the following comments which are intended to apply upon approval of the BMA maps by the Talbot County Council and Critical Area Commission.

1. The applicant has not provided information regarding existing and proposed impervious surface areas on the lots. Each lot of the subdivision is limited to 25% impervious surface area. In addition, the impervious surface areas for the subdivision as a whole may not exceed 15%.

2. The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Tarr Creek subdivision.

3. Is the private road and right of way proposed as a separate lot? Regardless of the ownership, this parcel of land will also be required to remain within impervious surface limits.

We do not oppose the proposed lot line revisions on Parcels 105 and 109, nor the abandonment of the existing right of way.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision and lot line revision/ abandonment. Please call me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

TC722-04

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

Mr. Mike Kulis
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: Mathis/Hosna Subdivision and Variance

Dear Mr. Kulis:

Thank you for providing information on the above referenced subdivision and variance request. The applicant is requesting to subdivide two adjacent parcels (Parcels 374 and 372) to create 5 new Critical Area lots. The applicant is also requesting a variance for clearing in excess of 30% on Lots 2 and 3 of the Mathis property (Parcel 374). Both parcels are located within a designated Limited Developed Area (LDA) and are currently undeveloped.

We acknowledge that the applicant is requesting a variance for clearing on two lots of Parcel 374 with the intent of providing a common driveway area for the proposed subdivision of both parcels, and as an effort to minimize overall disturbance to the Critical Area. Based on the information provided, we have the following comments regarding the subdivision proposal and variance request.

1. The forest cover and clearing information is confusing as currently detailed. The limits of disturbance listed on the plats do not add up to the sq. ft. of forest cleared. For consistency and clarity, the CBCA Data chart on each plat should include a column of forest cover cleared in square feet in addition to or instead of the percentages provided. Please have the applicant clarify the limits of disturbance and proposed area of clearing on each lot.

2. We concur with your recommendation that all disturbance within the stream and wetland Buffer areas should be mitigated at a 3:1 ratio. However, the applicant has proposed to replace all forest areas cleared at a 1:1 ratio, and does not distinguish between clearing in the Buffer areas and clearing on the remainder of the site.

   In addition, we recommend that mitigation for clearing on these parcels be assessed comprehensively as opposed to on a lot-by-lot basis, since this is how the applicant has chosen to present and justify the variance request for greater clearing than permitted on the Mathis property. Using this logic, total clearing in the Critical Area is 29.55%. Mitigation is recommended at a 1.5:1 replacement ratio for clearing within the Critical Area, non-Buffer

areas, and 3:1 for Critical Area Buffer areas. This mitigation should be conducted using native woody and vegetative species and should be directed to areas within the Buffer areas to the extent possible.

3. The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Mathis/Hosna subdivision at this time.

4. Since Lot 3 on the Mathis property is greater than 1 acre in size, impervious surface limits are restricted to 15%. It appears as though Lot 3 will require a variance for exceeding the 15% impervious surface limit. We recognize that this lot is constrained by the driveway turnaround area, and that this feature is a Department of Public Works (DPW) requirement. We recommend that a condition be included in the subdivision approval stating that future development on Lot 3 is limited to the existing 23.7% impervious surface limit. Any such condition should be included as a note on the plat.

5. I understand that the Critical Area Easement (CAE) is to be maintained though a set of deeded restrictions on each of the lots in the proposed subdivision. The applicant should include a note on each plat referencing the existence and recordation of the CAE.

6. The plats do not contain a legend. Please have the applicant include a legend on the plats.

In general, we recommend that the applicant make the necessary changes to the plat and address the concerns outlined above. Provided that the concerns can be sufficiently addressed prior to subdivision approval and recordation, this office would not oppose the granting of a variance for greater clearing than permitted.

Thank you for the opportunity to provide comments. In addition, Please include this letter in your file and submit it as part of the record for this subdivision proposal and variance request. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

BC706-04

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

Mr. Kevin Vienneau
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: Cobb Island VFD Growth Allocation

Dear Mr. Vienneau:

We have received your request for comments on the above referenced growth allocation proposal. The applicant, the Cobb Island Volunteer Fire Department, is requesting the use of growth allocation to change the zoning of 1.43 acres from a Limited Development Area (LDA) to an Intensely Developed Area (IDA). The proposed growth allocation is located on Tax Map 90, Parcel 3, Block 51-Part of Lot 5, all of Lots 6-17 and Lots A, B, and C. We understand that the requested growth allocation is for the purposes of constructing a new fire house.

Based on our initial review of the preliminary site plan and growth allocation plan, we provide the following comments.

1. The preliminary site plan does not provide details regarding the existing and proposed impervious surface areas on the property. Please have the applicant include this information on future site plans.

2. The applicant has stated that the site development will incorporate Best Management Practices (BMPs) to address water quality, and that subsequent site plans will provide greater detail regarding stormwater management and grading. Stormwater management plans, which include 10% rule calculations and any necessary BMPs, will need to be submitted to this office prior to review of the growth allocation request by the Commission.

3. The growth allocation report references the Critical Area Commission's stormwater quality guidance from May 1993. The Commission has updated this guidance to ensure consistency with the Maryland Department of the Environment's 2000 Maryland Stormwater Design Manual. The appropriate reference is, Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance Manual-Fall 2003.

4. The applicant has stated that no habitat protection areas exist on the subject property. Under provisions of the Charles County growth allocation procedures, the applicant must obtain an evaluation by the Department of Natural Resources (DNR) to determine the presence of any rare, threatened, or endangered species on the property prior to the approval of the growth allocation request by the County. At this time, this office has no record of such an evaluation for this property.

5. Please have the applicant address the provisions contained in Section 132 (F)(5) of the Charles County Zoning Ordinance. In regard to development standards in the IDA, "Development and redevelopment projects shall delineate those site areas not covered by impervious surfaces to be maintained or established in vegetation." Based on the information on the site plan, it appears as though opportunities may exist to establish vegetation in places where lawn areas are currently proposed.

6. Please have the applicant include a legend on future site plans.

Provided that the applicant can adequately address the comments provided, it appears as though the proposed growth allocation request meets the design and location criteria outlined in the Charles County Zoning Ordinance, and is consistent with the intent of Charles County's Critical Area Program. Thank you for the opportunity to provide comments on this preliminary site plan and growth allocation request. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 4, 2004

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

Re: L976 McSweeney

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line abandonment. The applicant is proposing to abandon the exiting lot line between Parcels 14 and 19 to create one 2.19-acre parcel. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, we do not oppose the lot line abandonment request. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC683-04

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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October 4, 2004

Ms. Elsa Ault
Charles County Planning
County Government Building
P.O. Box 2150
La Plata, Maryland 20646

Re: KRS 40066 Fenwick Shores

Dear Ms. Ault:

Thank you for providing information on the above referenced intrafamily transfer and subdivision request. The applicant is requesting to create two new intrafamily transfer lots (Lot 6B and Lot 7B) from a 9.27-acre parcel. In addition, the applicant is proposing lot line revisions to Lots 4B and 5A and the Outlot to ultimately create a 4-lot subdivision. The parcels lie within a designated Resource Conservation Area (RCA) and are currently undeveloped.

This office reviewed a preliminary version of this plat in September of 2003. Based on comparison of the preliminary plat and the current plat, we provide the following comments.

1) While plat note #16 does address the Charles County Critical Area intrafamily transfer provisions, the name and immediate family relationship has not been provided. Please include this information on the plat prior to final approval.

2) Based on information from the State of Maryland's online mapping system, MERLIN, it appears as though palustrine wetlands may be present over a significant portion of all the lots within the proposed subdivision. Has the property been delineated and field verified for the presence of wetlands? The presence of wetlands may alter the Buffer areas shown on the plat. The property should be evaluated to correctly assess existing wetland areas and any adjustments to Buffer areas should be made prior to final plat approval.

3) This office has no record of an evaluation by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species on this property. Please ensure

that this evaluation has been performed prior to final plat approval. If present, the applicant must address the recommendations by DNR for the protection of these species.

Thank you for the opportunity to provide comments for this intrafamily transfer and subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CS630-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 4, 2004

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

Re: ZAO-11648 Nichols

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to construct a second driveway leading to a proposed workshop. The property is located within a designated Limited Development Area (LDA) and is currently developed.

We provide the following comments regarding the proposed development:

1. It appears as though the proposed driveway could be revised to form a perpendicular connection with the existing driveway. This arrangement would prevent unnecessary disturbance to the Buffer and provide the applicant with a reasonable means of ingress and egress to the proposed workshop. We recommend that the applicant revise the site plan to completely avoid disturbance to the Buffer.

2. All disturbance to the Buffer is subject to strict mitigation. Should the County approve this variance request, we recommend that mitigation plantings be required at a 3:1 ratio. Mitigation should be conducted using native woody and vegetative species and should be directed to an alternative location within the Buffer.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

SO686-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 1, 2004

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

Re: L977 Burchell/O'Donnell
Tax Map 33, Parcels 29,30 & 140

Dear Ms. Verdery:

Thank you for providing information on the above referenced boundary line revision. The applicant is requesting a revision to change the existing boundary lines on Parcels 29, 30, and 140. The Critical Area portion of the parcels is designated as a Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding the boundary line revision.

1) The proposed line revision results in an alteration of the development rights on the three parcels. Please have the applicant include a note on the plat that correctly summarizes the development rights on the revised parcels. Development density within the RCA is limited to 1 dwelling unit per twenty acres. The proposed Parcel 140, Lot 1 totals 22.918 acres, which allows for 1 development right. This right has already been used. The previously approved sewage disposal area on Parcel 140 was approved for use on the original Parcel 29, which is undeveloped. Since no development rights remain for Parcel 140, the proposed use of the previously approved septic area should be indicated (eg; as a replacement for the existing septic or for future use as a growth allocation).

   Similarly, the revised Parcel 30 proposes an acreage of 20.00 Critical Area acres. Based on this information, Parcel 30 is permitted one Critical Area development right, which is already in use. The previously approved septic area shown on Parcel 30 was approved under the

justification that the original Parcel 30 was 40.0 Critical Area acres in size, permitting two development rights. Since no development rights remain for the proposed revised Parcel 30, the proposed use of the previously approved septic area should be determined and noted on the plat prior to approval of the plat. The revised Parcel 29 has 1 permitted development right remaining.

Please provide this office with clarified information regarding the previously approved sewage disposal areas as Parcel 40, Lot 1, and revised Parcel 30 prior to final plat approval.

2) The plat indicates the presence of tidal wetlands on Parcels 29 and 30, including plant identifiers which indicate that the wetlands are privately owned. Were the wetlands field delineated? Tidal wetlands should be field delineated to determine proper state or private ownership, as state-owned wetlands cannot be included for the purposes of determining development rights. If a delineation has not occurred, please have the applicants conduct this measure. A note should ultimately be added to the plat stating that the wetlands have been field delineated and verified for proper ownership.

3) Based on the forest cover information provided, it appears as though afforestation will be required on each of the lots before future development can occur. Revised Parcel 140 will require 87,816 square feet of afforestation. Revised Parcel 30 will require 74,095 square feet of afforestation, and Parcel 29 will require 5,401 square feet of afforestation. The afforestation should be directed to the Buffer areas on the parcels.

4) Future development on each of the parcels is required to remain within the 15% impervious surface area limit.

5) The Maryland Department of Natural Resource (DNR) records indicate that these parcels lie within a review area for Delmarva Fox Squirrel habitat. Based on this information, the applicant must obtain an evaluation of the property by the DNR for the presence of rare, threatened, and endangered species prior to approval of a site plan. If present, the applicants must address the recommendations by DNR for the protection of these species.

Thank you for the opportunity to provide comments for this boundary line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

TC 684-04

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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October 1, 2004

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

Re: Murphy Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to side-yard setbacks in order to replace an old trailer with a new manufactured home. The property is designated a Limited Development Area (LDA) and is currently developed.

We recognize that the existing trailer structure is a legal, non-conforming structure in regard to side-yard setbacks. Regarding the current development proposal, we provide the following comments.

1. The variance application refers to the property as Parcel 214, Lot 2 and is classified as residential. The Maryland Department of Assessments and Taxation lists Parcel 214 as a commercial property. The discrepancy between whether the property exists as a residential subdivision with multiple lots or one commercially-zoned parcel results in uncertainty about how to calculate existing and proposed impervious surface area in relation to this development proposal.

2. Based on the maps provided, it does not appear that the existing forest or woodland cover on the parcel is sufficient to provide realistic habitat and water quality benefits on site in relation to the size of the parcel. We recommend that supplemental plantings be implemented to increase infiltration opportunities and provide increased water quality benefits. Any such plantings could be directed towards the Buffer or the large, open area towards the north of the parcel. In addition, the applicant will be required to replace any trees and vegetation cleared at a 1:1 ratio.

Provided that the applicant can demonstrate that the parcel is properly grandfathered and that the impervious surface area on the property is within the 15% limit, this office would not oppose the granting of this variance.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

TC686-04

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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October 1, 2004

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

Re: Koenig Private Foundation-Annmarie Garden

Dear Mr. Tabisz:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps Of Engineers (ACOE) joint public notice of the Koenig Private Foundation's tidal wetland permit application at Annmarie Garden in Calvert County. I understand that the applicant is seeking a permit to remove the existing pier structures, replace the existing bulkhead and construct a 2400 sq. ft. recreational concert stage over tidal waters.

Based on the information provided, it appears as though the proposed concert stage is located partially within the 100-foot Critical Area Buffer. In general, Calvert County's Zoning Ordinance and Critical Area Program do not permit new development within the Buffer except for those structures or works necessarily associated with water-dependent facilities (Article 9-6.03). The County's ordinance states that an activity is only considered water dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. It does appear that the proposed activity could be located outside the Buffer on this property. In addition, maritime-themed theatrical activities are not considered to be intrinsically dependent upon the water and could be located elsewhere on the property without creating an unwarranted hardship to the applicant.

Given the location within the Buffer, the stage proposal will require that a variance request be filed with the County prior to commencement of construction activity. Based on the above-referenced provisions of the County's Zoning Ordinance, we do not believe that the proposed recreational stage qualifies as a water-dependent use. As a result, this office contends that a variance request for this activity could not be properly granted under the County's Critical Area Program.

In addition to Critical Area Regulations, it is my understanding that MDE does not generally issue approvals for decks or similar structures over tidal waters which are larger than 200 sq. ft. Given that the proposed stage is 2400 sq. ft. in size, it does not appear to be consistent with MDE guidelines.

Thank you for the opportunity to provide comments regarding this wetlands permit request. Please call me if you have any questions at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Cc: Ren Serey (CAC)
David Brownlee (Calvert County)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 30, 2004

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: AP 47780 Quality Built Homes

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting an approval to construct a single family dwelling with greater than 20% clearing. The property is a designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we do not oppose the granting of a building and grading permit. However, we provide the following comments regarding the development proposal.

1. The woodland area notes on the site plan are confusing. As the current notes read, it would appear that greater than 30% clearing is being proposed. Based on our conversation on September 29, 2004, I understand that 28 % clearing is actually being proposed, which is identical to the amount of land disturbed. Please have the applicant correct the woodland notes to reflect the existing amount of forest/ woodland cover and the proposed amount of clearing.

2. As outlined in the Calvert County Zoning Ordinance, clearing in excess of 20% is subject to mitigation at a 1.5:1 ratio. To the extent possible, mitigation efforts should incorporate native woody and vegetative plantings. Where planting is not possible, payment of a fee-in-lieu is acceptable.

Thank you for the opportunity to provide comments. Please call if you have any questions at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA 707-04

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. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3104 Zuza-Revised

Dear Ms. Whitt:

Thank you for providing information on the above referenced revised variance. The current variance request includes modifications to the proposed deck areas and to the location of the proposed dwelling. The lot is grandfathered, lies within a designated Limited Development Area (LDA), and is currently developed.

We acknowledge that the applicant has revised the site plan so that the proposed dwelling does not encroach any closer to mean high water than the original dwelling on the property. As a result of this change, the applicant was able to decrease the amount of disturbance to steep slopes. While we recognize the applicant's efforts to bring the dwelling further into compliance with Critical Area regulations, further minimization of impacts to steep slopes and the Buffer is possible. I have detailed recommendations for this minimization below.

1. As previously commented, the applicant currently enjoys substantial use of the outdoor recreational space on the property including the 76 sq. ft. deck on the south side of the dwelling, the 110 sq. ft. free-standing deck and the 1017 sq. ft. wood deck and deck house extending over the water.

   Given that the wood deck and deck house over the water are to remain, and that the applicant has proposed to construct a 100 sq. ft. side deck and a 176 sq. ft. screened porch connected to the replacement dwelling, this office contends that the two proposed decks on the rear of the dwelling should be consolidated as shown on the enclosed site plan. As the currently proposed, the decks seem excessive and include disturbance to steep slopes. By consolidating the proposed rear decks as shown, the decks completely avoid disturbance to steep slopes, further minimize disturbance to the Buffer, and provide the applicant with a reasonably sized rear deck.

2. The applicant has included a note on the site plan that refers to the existing deck amid steep slopes. If the applicant chooses to remove this deck, the use of heavy equipment should be avoided. Any proposal to improve the existing deck will need to be reviewed by this office.

3. We note the applicant is proposing to plant landscaping to limit the lawn area and maximize stormwater infiltration. This landscaping may be included as a part of the recommended 3:1 mitigation requirement so long as it is planted in native woody and vegetative species and in accordance with the Calvert County Zoning Ordinance mitigation requirements.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

CA 608-04

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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September 28, 2004

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

Re: A042 Bell

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct an addition to the primary dwelling. The property lies within a designated a Limited Development Area (LDA) and is currently developed.

We recognize that the majority of the lot lies within the 100-foot Buffer and is therefore constrained. The applicant has stated that the proposed addition does not extend any closer to mean high water than the existing dwelling, and that the proposed addition is to be located over an existing driveway area. Based on this information, we do not oppose the granting of this variance request.

Please advise the applicant that any new disturbance to the Buffer is subject to mitigation. We recommend that mitigation plantings be required at a 3:1 ratio for any disturbance that occurs during the proposed development activities.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this administrative variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC685-04

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

Re: L975 Benson

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line abandonment and line revision. The applicant is proposing to reduce the number of lots on the property from 3 to 2. The revised Lot 1 will be 49.321 acres and the revised Lot 3 will be 81.079 acres. Lot 2 is to be abandoned and incorporated into Lots 1 and 3. The property is designated a Resource Conservation Area (RCA). Lot 3 is currently developed while Lot 1 is currently undeveloped.

Based on the information provided, we do not oppose the lot line revision and abandonment request. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC683-04

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

Re: A043 Beck

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct a screened porch addition over an existing deck. The property lies within a designated a Limited Development Area (LDA) and is currently developed.

The applicant has indicated that the proposed development does not result in any additional impervious surface on the property and does not require clearing of vegetation. If any disturbance to the Buffer is required for the use of heavy equipment or for the construction of the porch structure, mitigation will be required at a 2:1 ratio. Based on this information, we do not oppose the granting of this variance request.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC687-04

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. Theresa Dent
St. Mary's County Department of Planning and Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650

Re: 04-141-041 Herring Creek Estates

Dear Ms. Dent:

Thank you for providing information on the above referenced boundary line adjustment plat and re-subdivision request. It appears that the applicant is requesting to change the lot line layout on Lot 500-35, thereby affecting the lot lines of Lots 500-31 through 500-34, and creating the need for a re-subdivision of these lots. The property is designated as a Resource Conservation Area (RCA) is partially developed.

Based on the information provided, we do not oppose the boundary line revision and re-subdivision request. However, it does appear that one of the Critical Area Notes on the plat is incorrect. Critical Area Note # 13 states that no afforestation is required for this subdivision. In contrast, the applicant has stated that 111.434 square feet of forest cover exists. Based on this information, it appears as though 4.01 acres of afforestation will be required on the property prior to development of each of the lots. Please have the applicant address this requirement and correct the note on the plat.

Thank you for the opportunity to provide comments for this boundary line adjustment plat and re-subdivision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
SM173-02

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. Heather Kelley
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: SFD 40668 Sams

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a building permit to construct a single family dwelling with an attached garage. The property lies within a designated Resource Conservation Area (RCA) and is currently undeveloped.

We acknowledge that the proposed development activity does not exceed the 15% impervious surface area limit. The applicant proposes to remove 3,539.67 square feet of forest cover. We recommend that mitigation be performed at a 1:1 replacement ratio. To the extent possible, mitigation should be conducted on site using native woody and vegetative species.

Based on the information provided, we do not oppose the granting of a building permit for this property. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

CS 703-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 24, 2004

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

Re: Appeal #1342 Lea

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer and to the 15% impervious surface area limit for the purpose of constructing two pervious decks. The property is designated a Limited Development Area (LDA) and is currently developed.

We recognize that the primary dwelling is a legal, non-conforming structure. The applicant has proposed to construct two pervious decks, one of which encroaches 4 feet closer to mean high water than the existing dwelling. We also recognize that the applicant has removed a brick patio and steps on the site which had previously extended closer to mean high water than the currently proposed deck. Provided that the decks are constructed as pervious, we do not oppose the granting of the Buffer variance.

Regarding the variance request to exceed the 15% impervious surface limit, we recognize that the applicant is not proposing to add any additional impervious surface area to the property, but rather legalize an existing condition that was the result of an oversight during a previous survey effort. Based on this information, we do not oppose the granting of a variance to exceed the 15% impervious surface limit. Please advise the applicant that any future development on this property will be required to remain within the existing 15.8% impervious surface area limit.

In addition, all disturbance to the Buffer is subject to strict mitigation. Disturbance caused by heavy machinery or construction of the decks is subject to this mitigation requirement. We recommend that the applicant conduct mitigation plantings at a 3:1 ratio, using native woody and vegetative species. To the extent possible, mitigation should be conducted at an alternative location within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC627-03

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 24, 2004

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

Re: A044 Lehman

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct multiple additions to the primary dwelling. The additions consist of a porch attached to the kitchen, a bay window, a vertical expansion of the main dwelling, and a modification of the main dwelling to reposition a bathroom. The property lies within a designated a Limited Development Area (LDA) and is currently developed.

The applicant has not provided information regarding the amount of existing impervious surface area on the property nor the amount proposed with the new development. Provided that the impervious surface area on the property does not exceed the 15% limit and that the development does not encroach any closer to mean high water than the existing dwelling, we do not oppose the granting of this variance request. Please have the applicant verify the extent of impervious surface area prior to approval of the variance.

The proposed development lies within the 100-foot Buffer. All disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation plantings be required at a 2:1 ratio, using native woody and vegetative species. To the extent possible, the mitigation should be conducted at an alternative location within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC688-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 22, 2004

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

Re: Administrative Variance A045 Smith

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to permit the construction of an addition to the existing primary dwelling on the property, as well as a driveway within the 100-foot Buffer. The proposed development results in an additional 3,372 sq. ft. of impervious surface to the Buffer. The property is designated a Resource Conservation Area (RCA) and is currently developed.

We recognize that the primary dwelling is a legal non-conforming structure lying within the 100-foot Buffer, and that the location of the proposed addition is constrained by the location of the existing dwelling. Based on this information, we do not oppose the variance to construct an addition. However, as proposed, the driveway involves significant disturbance to the Buffer and does not represent the minimum necessary to provide adequate access to the property. We recommend that the applicant revise the proposed driveway to minimize disturbance. We provide the following comments regarding the driveway development.

1) The driveway is currently proposed to be 12 feet wide and proposes 2,680 sq. ft. of new impervious surface within the Buffer. Based on the site plan, it appears that the driveway could be reduced in width and moved completely outside of the Buffer. In addition, the looping section of driveway exceeds the minimum necessary and could be removed to further minimize impacts to the Buffer and entire Critical Area.

2) The applicant's property is currently served by an existing driveway. The applicant may consider paving the existing driveway as an alternative to creating a new driveway. This alternative necessitates the least amount of disturbance and would require significantly less mitigation efforts.

3) All disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation plantings be required at a 3:1 ratio, using native woody and vegetative species. To the extent possible, plantings should be located at an alternative site within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC689-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 21, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3112 Busada

Dear Ms. Whitt:

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

We do not oppose the granting of a variance for less setbacks than required. Regarding the variance request to disturb steep slopes, we recognize that disturbance to steep slopes may be necessary for the construction of a driveway. However, the proposed limits of disturbance seem to include unnecessary disturbance to steep slopes on the eastern portion of the lot for the development of a septic system. We provide the following comments regarding this variance request and development proposal.

1. The applicant has proposed a limit of disturbance which extends beyond the eastern property line for this lot. Barring any existing physical constraints, it appears as though the septic system could be moved west to entirely avoid disturbance to steep slopes at the eastern property line. The applicant has shown an alternative perc test in a more favorable location.

2. The applicant has indicated that 1,289 sq. ft. of clearing is necessary for the proposed development. We recommend that mitigation be required at a 1:1 replacement ratio, using native vegetative and woody species.

3. Stormwater should be directed to stable vegetated outfalls or a best management practice, away from steep slopes, to provide water quality benefits on the site and to prevent flooding on adjacent properties.

Thank you for the opportunity to provide comments. We recommend that the applicant revise the proposed placement of the septic system or be required to provide evidence that no alternative location for the septic system exists. Please include this letter in your file and submit it as part of

the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

CA 693-04

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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September 21, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3107 Kingscott

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer and cliff setback to permit the construction of screened porch. The property is a designated a Limited Development Area (LDA) and is currently developed.

We recognize that the property is currently a legal, non-conforming lot in regard to the location of the primary dwelling within the 100-foot Buffer and cliff setback. Provided that the limits of the proposed screened porch do not extend any further towards mean high water than the existing primary dwelling, we do not oppose the granting of the variance. We provide the following comments in regard to the proposed development.

1. Given the sensitive nature of the cliffs, we recommend that the porch be constructed using hand-dug footers. In addition, no heavy equipment should be permitted waterward of the current cliff setback for the purposes of construction.

2. All disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation plantings be required at a 3:1 ratio. To the extent possible, mitigation should be conducted using native woody and vegetative species, and should be sited in an alternative location within the Buffer.

3. Stormwater runoff should be directed to stable vegetated outfalls or a best management practice, and should be directed away from the cliff face. Plantings placed around the base of the porch may provide an additional stormwater quantity and enhanced infiltration benefits.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 21, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3106 Englehaupt

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling on a lot with slopes greater than 15%. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

We acknowledge that this lot is constrained by the presence of steep slopes. Based on the information provided, we do not oppose the granting of this variance request. However, we provide the following comments regarding the development proposal.

The Calvert County Zoning Ordinance requires that afforestation be provided on lots within the LDA where less than 15% forest or woodland cover exists (Article 8-1.03(G)(1)(d)(a)). It appears as though afforestation will be required on this lot.

We recommend that the applicant use a portion of the required plantings to stabilize any disturbed slope areas or to provide enhanced stormwater filtration in targeted runoff areas. In addition, vegetative plantings at the base of the deck and porch would provide stormwater quality and enhanced infiltration opportunities.

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

Sincerely,

Kerrie L. Gallo
Natural Resources Planner
CA 690-04

Cc: Robin Munnikhuysen

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/

September 21, 2004

Shawn Clotworthy
Resource Planning
Tawes State Office Building
580 Taylor Ave.
Annapolis, MD 21401

Re: Patapsco Valley SP, Interceptor Rehabilitation

Dear Mr. Clotworthy:

Thank you for providing information on the above referenced project that lies within Patapsco State Park in Baltimore County. It appears as though portions of the project lie within the Critical Area in a designated Resource Conservation Area (RCA). Based on the information provided, it appears as though the project may require formal review and approval from the Commission.

Specifically, the project description mentions the construction of access roads and the possible clearing of trees and brush. Based on the project description provided, it appears as though some of the temporary access roads may cross through wetland areas. The type of project activities described above are considered to be development activity regulated under COMAR 27.02.05, Development in the Critical Area resulting from State and Local agency programs. Regulations include limits on impervious surface coverage, identification of Habitat Protection Areas, mitigation for removal of vegetation, and minimization of disturbance within the Critical Area and 100-foot Buffer.

In order to determine whether full Commission approval is required for this project, further information is needed regarding the extent of proposed development activities on the site. I am enclosing a checklist that outlines the items needed in order to further evaluate this type of project. Not all of the items on the list may apply to this particular project.

Once I have received detailed site plans and have had the opportunity to review them, I will be able to determine whether the project requires the review and approval of the full Commission. The Commission meets on the first Wednesday of each month. The complete project should be submitted for processing by the Commission at least 30 days before a Commission meeting.

Thank you for the opportunity to provide comments on this development project. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Cc: Patricia Farr (Baltimore County, DEPRM)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 21, 2004

Ms. Elsa Ault
Charles County Planning
County Government Building
P.O. Box 2150
La Plata, Maryland 20646

Re: XRS 40090 Rice Intrafamily Transfer/Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced intrafamily transfer and subdivision. The applicant is requesting to subdivide a 7.92-acre parcel to create one 3.13-acre intrafamily transfer lot (Lot 1) and a 4.92-acre residue lot. The parcel lies within a designated Resource Conservation Area (RCA) and is currently developed.

Based on the information provided, we have the following comments regarding this subdivision proposal and intrafamily transfer request.

1) The Critical Area Notes on the plat are incorrect. The total acreage of the original parcel is 7.92 acres, not 65.848 acres. In addition, notes regarding Critical Area acreage for both the entire parcel and the two proposed lots are incorrect. The entire parcel lies within the Critical Area. Please have the applicant change the plat notes to reflect the correct Critical Area acreage.

2) Please have the applicant add the following information to the plat:
   - A note stating that this is a subdivision created by an intrafamily transfer, and which references the appropriate intrafamily transfer provisions in the Charles County Zoning Ordinance.
   - A note stating the name of the family member that the proposed lot is to be transferred to.

3) Please have the applicant provide information regarding the existing impervious surface areas on the parcel, including the portion of gravel driveway on each proposed lot. Development within the RCA is limited to a 15% impervious surface area limit. As a result

of the intrafamily transfer request, grandfathering laws will not apply to either of the newly created lots. Both lots will be required to remain within the 15% impervious surface limit for any future development.

4) New development activities are not permitted within the Buffer on Lot 1 or the residue lot. The applicant has shown several perc tests on the plat directly adjacent to the Buffer on Lot 1. Septic systems and drain fields are considered a development activity and are not permitted within the Buffer.

5) Based on the Charles County Soil Survey, it appears as though hydric soils may be present on this parcel. Given the presence of tidal and non-tidal wetlands on the adjacent parcel, further information is needed to determine whether the parcel is subject to an expanded Buffer for hydric soils. In addition, the wetland areas on the adjacent parcel may be subject to Buffer areas which expand onto the applicant's parcel. Field delineation should be conducted to determine the Buffer area of the adjacent wetlands and to determine the presence of hydric soils. Appropriate Buffers should be shown on the plat.

6) The applicant has not provided information regarding the existing forest cover on the parcel. This information is required to determine the presence of any Habitat Protection Areas (HPAs). In addition, Charles County's Critical Area Program requires that the 100-foot Buffer be maintained in native vegetation and in cases where the land use changes, a Buffer area must be established (Chapter 8). Based on information from the State of Maryland's online mapping system, MERLIN, it appears as though supplemental Buffer plantings may be required to establish a full Buffer. This regulation applies to the Buffer area on Lot 1, and should be included as a plat note. A Buffer Management Plan may be also required as a part of subdivision approval.

7) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Rice subdivision at this time.

Thank you for the opportunity to provide comments for this intrafamily transfer and subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CS682-04

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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September 21, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3109 Geest

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer and impervious surface limits to permit the construction of a screened porch over an existing deck. The property is a designated a Limited Development Area (LDA) and is currently developed.

The lot is currently non-conforming with regard to impervious surface limits as a result of its grandfathered status. The applicant has stated that the proposed development activities result in 170 sq. ft. of additional impervious surface area. The applicant has proposed to remove 570 sq. ft. of impervious surface to reduce the net impervious surface area on the lot. Provided that the limits of the screened porch do not extend any further towards mean high water than the approximate 54-foot setback of the existing dwelling, we do not oppose the granting of this variance request.

Given the location of the property within the 100-foot Buffer, we recommend that all disturbance be mitigated at a 3:1 ratio using native and woody vegetative plantings. Where practicable, the mitigation should be conducted at an alternative location within the Buffer.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA692-04

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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September 16, 2004

Judy Jones
Program Open Space
Tawes State Office Building (E-4)
Annapolis, Maryland 21401

Re: POS #4572-8-55 Cobb Island Park, Charles County

Dear Ms. Jones:

Thank you for providing information on the above referenced project which proposes the acquisition of 0.25 acres to be added to the existing Cobb Island Park for the purposes of public access and parking. According to our Critical Area maps, the project site appears to be located within a Resource Conservation Area (RCA). Therefore, future development activities on this parcel are subject to the Critical Area requirements for development within an RCA and development resulting from State agency programs.

Regulations include limits on impervious surface coverage, identification of Habitat Protection Areas, mitigation for removal of vegetation, and minimization of disturbance within the Critical Area and 100-foot Buffer. Based on the information provided, it appears as though the project may involve impacts to the 100-foot Buffer for the establishment of access trails and the possible construction of a parking lot. Further information about the existing site conditions and details about the extent of proposed development activities is needed. Please provide detailed site plans for any proposed development activities on this parcel. In order to ensure that the project is consistent with the requirements of Charles County's Critical Area Program, a consistency report from the County will be also required.

Thank you for the opportunity to provide comments on this proposed acquisition and development project. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Cc: Elsa Ault (Planner, Charles County)

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 16, 2004

Mr. Mike Kulis
Baltimore County DEPRM
401 Bosley Avenue
Towson, Maryland 21204

Re: Peppermint Woods Commercial Variance

Dear Mr. Kulis:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer on a commercial property to construct a commercial retail building. The property is located within a designated Intensely Developed Area (IDA) and is currently developed.

We acknowledge that the proposed development will impact approximately 2,790 sq. ft. of the 100-foot Buffer. The applicant has met the 10% rule requirements for redevelopment within an IDA and has adequately addressed stormwater management on the property. Since all disturbance to the Buffer is subject to strict mitigation, the applicant has proposed payment of a fee-in-lieu and has agreed to incorporate additional landscape plantings along curb lines and in median areas within the Buffer.

Based on the information provided, this office does not oppose the granting of this variance request. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 16, 2004

Judy Jones
Program Open Space
Tawes State Office Building (E-4)
Annapolis, Maryland 21401

Re: POS #4572-8-55 Cobb Island Park, Charles County

Dear Ms. Jones:

Thank you for providing information on the above referenced project which proposes the acquisition of 0.25 acres to be added to the existing Cobb Island Park for the purposes of public access and parking. According to our Critical Area maps, the project site appears to be located within a Limited Development Area (LDA). Therefore, future development activities on this parcel are subject to the Critical Area requirements for development within an LDA and development resulting from State agency programs.

Regulations include limits on impervious surface coverage, identification of Habitat Protection Areas, mitigation for removal of vegetation, and minimization of disturbance within the Critical Area and 100-foot Buffer. Based on the information provided, it appears as though the project may involve impacts to the 100-foot Buffer for the establishment of access trails and the possible construction of a parking lot. Further information about the existing site conditions and details about the extent of proposed development activities is needed. Please provide detailed site plans for any proposed development activities on this parcel. In order to ensure that the project is consistent with the requirements of Charles County's Critical Area Program, a consistency report from the County will be also required.

Thank you for the opportunity to provide comments on this proposed acquisition and development project. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Cc: Elsa Ault (Planner, Charles County)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 15, 2004

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

Re: Variance A1343 Liebhold

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a Buffer variance to reconstruct two existing deck structures and a screened porch. The property lies within a designated Limited Development Area (LDA) and is currently developed.

We acknowledge that the existing deck structures were damaged during Hurricane Isabel, and the applicant is seeking approval to rebuild and modify largely within the footprint of the original decks. We provide the following comments regarding this variance request and development proposal.

1) The applicant proposes to increase the screened portion of deck significantly, yet has stated that the addition will not increase the amount of impervious surface area on the property. Was the original deck considered pervious or impervious? In general, this office recommends that deck structures be constructed as pervious. If the original decks were pervious in nature, the addition of a shade structure would transform them into impervious surface areas and would need to be added to impervious totals for the property. Please have the applicant verify whether this applies in this case.

2) All disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation by replanting be provided at a 3:1 ratio, using native woody and vegetative species. To the extent possible, mitigation should occur at an alternative site within the Buffer.

Provided that the applicant can clarify the amount of impervious surface associated with the proposed deck structures, and that the impervious surface limits do not exceed the 15% limit, this office does not oppose the applicant's request for a variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 648-04

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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September 8, 2004

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

Re: Variance 04-770 Banks

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to construct a deck structure and screened porch. The property is located within a designated Limited Development Area (LDA) and is currently developed.

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

1) All disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation by replanting be conducted at a 3:1 ratio using native woody and vegetative species. To the extent possible, mitigation should be conducted at an alternative site within the Buffer.

2) We recommend that the deck be constructed as pervious with spaces between the floorboards, a 6-inch gravel substrate below the deck, and vegetative plantings to aid in infiltration.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
SO 647-04

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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September 8, 2004

Ms. Angela Willis
State Highway Administration
Maryland Department of Transportation
707 North Calvert Street
Baltimore, Maryland 21202

Re: Improvements to MD 261 and MD 260-Calvert County

Dear Ms. Willis:

Thank you for providing information on the above referenced project. In seeking concurrence on the scope of work provided, I refer you to the current Memo of Understanding (MOU) between the Maryland Department of Transportation (DOT) and the Critical Area Commission (CAC). The MOU allows the Commission to grant general approval for certain classes of development by the modal administrations, including the State Highway Administration (SHA).

The MOU provides guidelines for general approval based on three classes of permitted activities. Based on the information provided, there is concern that the project exceeds the conditions for general approval outlined in the MOU. The project appears to require an undefined amount of disturbance for the installation of new sidewalks, crosswalks and landscaping. In addition, it is not clear whether the project includes impacts to the 100-foot Buffer.

In order to determine whether this project qualifies for general approval under the current MOU, please submit a detailed site plan showing the proposed development activities within the Critical Area. I am enclosing a checklist, which outlines features required prior to Commission consideration of State projects affecting land within the Critical Area.

Once the Commission has received this information, we will be able to better evaluate the impacts of this project and provide you with feedback in a timely manner. Please feel free to call me with any questions at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

33-04 DOT-SHA MD261

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

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

Re: Appeal #1339 Walton

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer and to the 25% impervious surface limit in order to construct a primary dwelling. The property lies within a designated a Limited Development Area (LDA) and is currently undeveloped.

We recognize that the majority of the lot lies within the 100-foot Buffer and is therefore constrained. We do not oppose the granting of a variance to reduce the setback to 56 feet. However, all disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation be conducted at a 3:1 ratio, using native woody and vegetative species. To the extent practicable, the mitigation should be conducted on-site in an alternative location within the Buffer. Where mitigation cannot be fulfilled on site, payment of a fee-in-lieu is acceptable.

Per the 1996 legislative changes to the Critical Area Law, grandfathered lots less than one-half acre in size within the LDA are allowed a 31.25% impervious surface area limit. Assuming that this lot is properly grandfathered, the applicant is entitled to the 31.25% limit and does not require a variance for impervious surface.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC645-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 31, 2004

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

Re: M1051 Stoltz Line Revision and Minor Subdivision-Revised

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised line revision and minor subdivision. The applicant is requesting a line revision to abandon the property lines on contiguous Parcels 70, 155, and 162 to create one 74.52-acre parcel. The resulting parcel contains 65.62 acres within the Critical Area and 8.90 acres outside the Critical Area. The applicant then proposes to subdivide the 74.52-acre parcel into three new lots.

Based on the information provided, this office does not oppose the line revision request. However, we have the following comments regarding this subdivision proposal.

1) The plat shows that Parcel 162 is considered contiguous with Parcel 155. If Parcel 162 is to be included within the line revision request and subsequent subdivision proposal, its acreage must be included within development rights calculations and be noted on the plat. Please have the applicant clarify this detail and make necessary adjustments to the parcel area and development rights calculations on the plat.

2) Note #16 states that 60.86 Critical Area acres result from the line revision request. How was this acreage determined? Based upon the impervious surface calculations shown on the plat, Critical Area acreage totals 64.29 acres or 66.61 acres with the inclusion of Parcel 162.

3) The impervious surface calculations for Lot 2 are incorrect. The calculations should deduct the RAC zoned acres (.989) on Lot 2 and be changed to reflect "10.574 total Critical Area

acres, 1.58 impervious surface allowed, and .59 impervious surface remaining." Please make changes to the calculations and plat where necessary.

4) The development rights summary for Parcels 155/162 is incorrect. It should read that one Critical Area development right is used as Lot 1, one Critical Area development right is used as Lot 3, and there are zero Critical Area development rights remaining. In addition, the development rights summary refers to "RCA" zoning. It should "RAC" zoned acres, which denotes non-Critical Area zoning.

5) If Parcel 162 is considered a part of this subdivision request, the forestry calculations need to be adjusted and changes made to the plat as necessary.

6) The plat indicates the presence of private or state tidal wetlands. These wetlands should be field delineated to determine whether they are state or privately owned. State-owned wetlands cannot be counted towards lot acreage for the purposes of development, nor can they be included in calculations for impervious surface area limits. We acknowledge that the non-tidal wetlands shown have been field delineated.

7) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Stoltz subdivision.

8) Note #21 refers to the establishment of a Buffer on Lots 1 and 2. A Buffer planting plan must be approved prior to final plat approval.

9) Please correct note #19 on the plat to reflect the non-breeding seasons of forest interior dwelling birds is from September-February.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 203-04

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 31, 2004

Walter Washington
Chief, Maryland Section Southern
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203

Re: Peachblossom Cove HOA

Dear Mr. Washington:

Thank you for providing information on the above referenced application to dredge the main channel and several spur channels in Peachblossom Cove.

Based on the information provided, it is difficult to determine whether the proposed dredged spoil disposal site lies within the Critical Area 100-foot Buffer. The Critical Area Regulations state that dredged spoil will not be placed within the 100-foot Buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area (HPA) except as necessary for placement on previously approved channel maintenance spoil disposal areas (COMAR 27.01.03.04). Please have the applicant obtain and verify the information necessary in evaluating the above circumstances.

Provided that the applicant can verify the proposed dredged spoil disposal site as previously approved or having no impacts to any HPAs, this office has no further comments regarding this development activity. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 31, 2004

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

Re: S982 Carouge Subdivision-Revised

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The current site plan is a revision to a previously reviewed subdivision. The revision decreases the Critical Area portion of Lot 1 and encompasses .371 Critical Area acres into Lot 2.

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

1) While Lot 2 contains .371 acres within the Critical Area, no development rights remain for the Critical Area portion of this lot. Therefore, no development activity is permitted within the Critical Area portion of Lot 2.

2) The existing impervious surface area statements on Lot 1 are different on the current site plan (15,746 sq. ft.) than on the plan previously reviewed (22,798 sq. ft.) by this office. Please have the applicant verify the amount of existing impervious surface area on Lot 1 and make any necessary changes prior to final subdivision approval.

3) Provided that the revision of lot lines on Lots 1 and 2 is consistent with the Talbot County Critical Area program, and that all Habitat Protection Area issues have been addressed, this office has no objection to the proposed lot layout revisions.

Thank you for the opportunity to provide comments for this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 44-04

Robert L. Ehrlich, Jr.
Governor

ichael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 27, 2004

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

Re: S981 Tunis Partnership Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 48.73-acre parcel with 3.73 acres located within the Critical Area and 45 acres outside the Critical Area. The applicant proposes to create two new lots. The Critical Area portion of the parcel is designated as a Resource Conservation Area (RCA) and is currently undeveloped.

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

1) We understand that the applicant is proposing to create a 13.13-acre lot (Lot 1), and a 35.60-acre lot shown as "remaining lands". Lot 1 lies entirely outside of the Critical Area, while 3.73 acres of the remaining lands lie within the Critical Area.

2) Provided that the Critical Area portion of the parcel is properly grandfathered, there is one Critical Area development permitted on Parcel 8B. The applicant has stated that the one Critical Area development right is being assigned to the remaining lands.

3) The plat contains an error under the Critical Area Development Rights Calculation note. It currently reads. "Area in the non-Critical Area= 3.73 acres." It should read, "Area in the Critical Area= 3.73 acres." Please correct this note on the final plat.

4) The plat shows a significant non-tidal wetland area that has been determined using the St. Michaels NWI maps. These wetlands need to be field delineated and verified.

5) The property lies in an area known to contain Delmarva Fox Squirrel habitat. The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Tunis Partnership subdivision.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 601-04

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/

August 27, 2004

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

Re: 2004-0277-V Chick

Dear Ms. Plociennik:

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

Based on the information provided, and a conversation with Anne Arundel County Zoning Analyst, Rob Konowal, it does not appear that the property is a grandfathered lot. The Maryland Department of Assessments and Taxation shows that the existing dwelling on the property was constructed in 2001. The applicant has indicated that the impervious surface area currently totals 55%. The impervious surface limit for new lots within the LDA is 15%. It is unclear how an impervious surface area of 55% was achieved on this property. If the lot is not grandfathered, no new impervious surface is permitted.

We acknowledge that the applicant has proposed to remove 595 sq. ft. of driveway to reduce imperviousness. If the applicant can verify that the lot is grandfathered, then this office would not oppose a variance to permit the construction of a garage structure over the existing driveway. However, based on the information available at this time, this office does not support the granting of this variance request.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 536-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 27, 2004

Ms. Joan Kean
Director
Department of Technical and Community Services
11916 Somerset Ave, Room 102
Princess Anne, MD 21853

Re: Briddelle Subdivision

Dear Ms. Kean:

This memo is in response to our recent conversation regarding the illegally recorded Briddelle subdivision, Tax Map 23, Parcels 154, 128, and 190. Based on information obtained from the Maryland Department of Assessments and Taxation database, Parcel 154 is currently 4.28 acres, Parcel 128 is 3.72 acres and Parcel 190 is 22 acres. I have outlined the circumstances below as I understand them.

- In the spring of 2000, Arthur Briddelle entered into an agreement with Mark Somers and his wife, Barbara, to purchase a portion (22 acres) of the original Parcel 128.
- Wishing to keep a buffer area around his remaining land, Mr. Briddelle arranged to have a lot created by deed surrounding his existing Parcel 154. This new lot was illegally recorded and went undetected by Somerset County.
- As Mr. Briddelle applied to have his two parcels of land (Parcel 154 and the newly created lot) combined into one parcel, the Department of Assessments and Taxation identified a third parcel (Parcel 190), which represents the 22 acres purchased by the Somers.
- The resulting effect is a three parcel subdivision; Parcel 154, Parcel 128, and Parcel 190.

During our conversation, you expressed the desire to resolve the illegal status of this subdivision without the use of the County's growth allocation. Based on the information provided, it appears as though a portion of each of the above referenced parcels lies within the Critical Area. We understand that Parcel 190 and Parcel 128 are undeveloped, while Parcel 154 is developed with one dwelling. The exact Critical Area acreage is unknown to us at this time. The Critical Area designation is Resource Conservation Area (RCA).

In discussing this situation with Mary Owens, the following alternatives have been identified as feasible options for legalizing this subdivision.

1. If all parties are agreeable, and the only development within the Critical Area is the dwelling unit on Parcel 154, then a deed restriction could be placed on the other two parcels stating that no future development is allowed within the Critical Area portion. This restriction should be recorded prior to or concurrent with the legal recording of the subdivision, and appropriate notes placed on the plats.

2. Use a portion of the County's growth allocation to convert the parcels from RCA to LDA. Only the acreage of the parcels lying within the Critical Area would need to be subtracted from the County's Growth Allocation totals, not the entirety of each parcel.

I hope that you find this information helpful. Please call me with any questions you have at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Cc: Mary Owens
Ren Serey

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3098 Van Sickle

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer and impervious surface limits to permit the construction of screened porch and addition over an existing deck. The property is a designated a Resource Conservation Area (RCA) and is currently developed.

The applicant has stated that the proposed development activities result in 144 sq. ft. of additional impervious surface area. The site plan shows that the proposed screen porch area and addition are each 144 sq. ft. in size. Is a portion of the existing deck pervious? Please have the applicant clarify the impervious surface calculations and make adjustments as necessary. Upon clarification, and provided that this lot is properly grandfathered, this office does not oppose the variance request.

As shown on the site plan, the proposed development activity is entirely within the 100-foot Buffer. All disturbance within the Buffer is subject to mitigation by replanting. We recommend that the Buffer disturbance be mitigated at a 3:1 ratio. We acknowledge the inclusion of a reforestation plan by the applicant. However, a planting area was not shown on the site plan. To the extent possible, mitigation should be conducted using native woody and vegetative species and be implemented within the Buffer.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

CA 611-04

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 26, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3104 Zuza

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling entirely within the 100-foot Buffer and with disturbance to steep slopes. The lot is grandfathered, lies within a designated Limited Development Area (LDA), and is currently developed.

We recognize that this property is constrained due to its location within the Buffer and the presence of steep slopes. However, it appears as though disturbance to steep slopes and the Buffer could be further minimized. We provide the following comments regarding this variance request and development proposal.

1. The applicant currently enjoys substantial use of the outdoor recreational space on the property, including a 76 sq. ft. deck off the south side of the dwelling, a free-standing 110 sq. ft deck located amid steep slopes, and a 1017 sq. ft. wood deck and deck house that extends over the water. The current site plan proposes a total of 1583 sq. ft. of outdoor recreational space in the form of deck structures. This includes a 200 sq. ft. replacement deck amid steep slopes. We recommend that the applicant reduce the amount of proposed decking between the house and the shoreline as there is ample decking existing and proposed that does not require additional impacts to steep slopes and Buffer.

2. The proposed dwelling footprint should not encroach any further towards Mean High Water (MHW) than the original footprint. It appears as though the dwelling could be moved back as much as ten feet without changing the character of the proposed footprint. This office would not oppose a variance to side-yard setbacks to accommodate this change.

3. All disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation be required at a 3:1 ratio. Given the proposed amount of disturbance, we acknowledge that it is unlikely that all mitigation will be accommodated on-site. Mitigation plantings should be carried out on-site using native woody and vegetative species to the extent possible. The remainder of the mitigation requirement may be fulfilled via payment of a fee-in-lieu.

4. What is the proposed stormwater management for this property? Given the location within the Buffer and the presence of steep slopes, stormwater should be directed to stable, vegetated outfalls or a best management practice, and should be directed away from steep slopes.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

CA 608-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3097 Kollmorgen

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the expanded Buffer and cliff setback to permit the construction of a primary dwelling. The property is a designated a Limited Development Area (LDA) and is currently undeveloped.

We understand that the current variance request is a revision of an earlier approved request for which we provided comments. In regard to the current development proposal, we provide the following comments.

1. The property lies within a Category 2 cliff designation, indicating that a 200-foot cliff setback is required. When a site cannot meet this setback due to size constraints, structures and septic development must be set back at a minimum of 60-feet from the cliff edge (Calvert County Zoning Ordinance 8-2.02 (D)(1)(c)). While the current development proposal has decreased the amount of disturbance and the size of the house from the previous request, the structure is located less than 40 feet from the cliff edge, and contains a deck that is entirely within the 100-foot Buffer.

   In the previous site plan, the arrangement of the septic system allowed for a greater distance between the rear setback of the dwelling and the septic tank. If the septic development were to revert back to the original design, the primary dwelling could be moved back, avoiding encroachment of the deck into the Buffer and allowing the primary dwelling to more closely comply with a 60-foot setback.

2. There is a 32 sq. ft. extension on the eastern side of the dwelling lying within the Buffer. This could be reconfigured on the northwestern side of the dwelling to avoid encroachment into the Buffer.

3. We note that the faces of the cliffs on the property are documented as protected Tiger Beetle habitat. This designation precludes future shoreline stabilization projects on the property without coordination and approval from the Maryland Department of Natural Resources and the US Fish and Wildlife Service.

4. Disturbance within the Buffer is subject to strict mitigation. We recommend that all Buffer disturbance be mitigated at a 3:1 ratio and implemented using native woody and vegetative species. Additional clearing on the property is subject to mitigation at a 1:1 ratio.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

CA 610-04
CA 527-01

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. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 04-3090 Mineur

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a primary dwelling with greater clearing than permitted and with disturbance to steep slopes. The property lies within a designated Limited Development Area (LDA) and is currently undeveloped.

This office does not oppose variance requests on grandfathered lots where reasonable effort has been made to reduce impacts within the Critical Area. The current proposal involves extensive clearing of a forested site and severe grading of steep slopes. It does not appear that that the applicant has minimized impacts to these sensitive areas. We provide the following comments and recommendations regarding this variance request.

1. The current proposal suggests that 76.8% of the lot is to be graded in order to achieve a more level building lot. There are several questions about the current design.
    - Why is the septic system sited on an upward slope of 34.6% instead of in the level area to the west of the dwelling?
    - Were additional perc tests done to determine feasible alternatives to the current location of the septic system? The site plan only shows one perc test on steep slopes.

2. Based on an August 25, 2004 conversation with Bill Haygood of the Calvert County Health Department regarding the preliminary Health Department approval, I understand the following to be true.
    - There is no health department requirement that the septic system be placed in the proposed location.
    - Septic systems must be placed on slopes 25% or less, illustrating why the applicant is proposing to grade and fill the slope.
    - The Health Department does not allow septic drain fields to be placed over fill as proposed by the applicant. Further revision will be necessary before final Health Department approval.

- The perc test on file demonstrates that sand extends 9-17 feet downward of the current septic site. Mr. Haygood expressed that there was a good chance that the applicant could move the septic system 50 feet down the slope and still achieve positive perc.
- The well could be sited elsewhere to accommodate the placement of the septic system as long as it retains a 50'setback from the septic.

Given this information, it appears as though the applicant could perform alternative perc tests to identify a location for the septic system that does not involve such extensive grading of slopes.

3. It appears as though the proposed dwelling could be reconfigured to minimize disturbance and achieve a footprint that is in harmony with the existing topography. For example, the site plan shows a large portion of the driveway within the 40' building restriction line (BRL). The driveway could be moved outside the BRL. The size of the footprint could be reduced or streamlined by rotating and manipulating the design of the dwelling.

4. Clearing that is greater than 30% of the lot is subject to mitigation at a 3:1 replacement ratio. If replacement cannot be achieved on site, payment of a fee-in-lieu may be required.

Thank you for the opportunity to provide comments. This office would not oppose a variance for a revised proposal which addresses the issues presented and demonstrates that reasonable effort has been made to minimize impacts. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

CA 609-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 23, 2004

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

Re: Appeal #1332-R Levine & Imershein

Dear Ms. Verdery:

This letter is written in response to an August 3, 2004 letter from Bruce Armistead, attorney for the above referenced variance request. In regard to the placement of the hot tub within the 100-foot Buffer, we understand that the hot tub has existed in its current location for some time. We do not oppose the continued existence of this structure. However, as referenced in Mr. Armistead's letter, the hot tub does need to be included within impervious surface calculations for the property.

As commented in past letters, we do not oppose the variance request for the proposed addition, provided that the applicant conducts the required mitigation and performs stormwater management. We recommend that mitigation plantings be required at a 3:1 ratio, using native woody and vegetative species to the extent possible. Given that the impervious surface area in the Buffer exceeds the 15% limit, this office will not support any future disturbance to the Buffer on this property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 229-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

August 18, 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 5
Final Plat

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision request. It appears as though Phase 5 is entirely outside of the Critical Area. Therefore, we have no comments regarding Phase 5.

Thank you for the opportunity to provide comments for this subdivision request. Please call me if you have any questions at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

TC 235-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 18, 2004

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

Re: Appeal # 1340 Windward Investments, LLC

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a Buffer variance to allow a reduction from the 100-foot setback to a 64-foot setback. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

It is our understanding that Parcel 81 is proposed to be incorporated into a Buffer Exemption Area (BEA) pending review and approval of the BEA maps and language by the Talbot County Council and Critical Area Commission. Since these maps and language have not yet been approved, we understand that the applicant has chosen to apply for a variance to the existing 100-foot Buffer to avoid further delays.

At this time, this office does not support the application for a Buffer variance. We have provided the following comments regarding the proposed Buffer setback and site plan.

1. In granting a variance, the applicant must demonstrate that the variance does not exceed the minimum necessary to relieve the unwarranted hardship (Talbot County Zoning Ordinance 190-97(E)(1)(h). While we acknowledge that the applicant may be entitled to a Buffer variance to allow a reasonable building footprint, no footprint is currently shown. The current site plan proposes a development envelope that is 3,990 sq. ft. in size and extends to the edge of the proposed 64-foot Buffer. We do not believe that this envelope is consistent with the "minimum necessary" and would not support the granting of a blanket variance that allows disturbance to the entire development envelope.

2. In granting a variance, the applicant must also demonstrate that the denial of the variance would result in unwarranted hardship to the property owner, would deprive the property

owner of rights commonly enjoyed by other property owners in the same zone, and would not confer upon the property owner a special privilege that other owners would be denied. This office contends that the denial of a blanket variance to disturb the entire building envelope would not result in unwarranted hardship to the applicant; nor would it deprive the applicant of a right commonly enjoyed by others. In addition, the granting of the variance would confer a special privilege on the applicant that others would not be allowed.

Based on the circumstances of this variance request, this office recommends that the applicant resubmit the variance request with a revised site plan that shows a building footprint. This office would not oppose a Buffer variance which details a reasonable building footprint and accomplishes the goal of disturbing the minimum necessary amount of land within the Critical Area.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

TC 565-04
TC 154-04

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 18, 2004

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

Re: Appeal # 1340 Windward Investments, LLC

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a Buffer variance to allow a reduction from the 100-foot setback to a 64-foot setback. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

It is our understanding that Parcel 81 is proposed to be incorporated into a Buffer Exemption Area (BEA) pending review and approval of the BEA maps and language by the Talbot County Council and Critical Area Commission. Since these maps and language have not yet been approved, we understand that the applicant has chosen to apply for a variance to the existing 100-foot Buffer to avoid further delays.

At this time, this office does not support the application for a Buffer variance. We have provided the following comments regarding the proposed Buffer setback and site plan.

1. In granting a variance, the applicant must demonstrate that the variance does not exceed the minimum necessary to relieve the unwarranted hardship (Talbot County Zoning Ordinance 190-97(E)(1)(h). While we acknowledge that the applicant may be entitled to a Buffer variance to allow a reasonable building footprint, no footprint is currently shown. The current site plan proposes a development envelope that is 3,990 sq. ft. in size and extends to the edge of the proposed 64-foot Buffer. We do not believe that this envelope is consistent with the "minimum necessary" and would not support the granting of a blanket variance that allows disturbance to the entire development envelope.

2. In granting a variance, the applicant must also demonstrate that the denial of the variance would result in unwarranted hardship to the property owner, would deprive the property

owner of rights commonly enjoyed by other property owners in the same zone, and would not confer upon the property owner a special privilege that other owners would be denied. This office contends that the denial of a blanket variance to disturb the entire building envelope would not result in unwarranted hardship to the applicant; nor would it deprive the applicant of a right commonly enjoyed by others. In addition, the granting of the variance would confer a special privilege on the applicant that others would not be allowed.

Based on the circumstances of this variance request, this office recommends that the applicant resubmit the variance request with a revised site plan that shows a building footprint. This office would not oppose a Buffer variance which details a reasonable building footprint and accomplishes the goal of disturbing the minimum necessary amount of land within the Critical Area.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

TC 565-04
TC 154-04

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

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

Re: Variance 2004-0330-V Gildea

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition and renovation to the existing primary dwelling with disturbance to steep slopes and the expanded Buffer. The property is located within a Limited Development Area (LDA), and is currently developed.

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

1) We recognize that the property is severely constrained due to the presence of steep slopes over the majority of the lot. However, all disturbance to the Buffer is subject to strict mitigation. The applicant has indicated that 1600 sq. ft. of disturbance is estimated. We recommend that mitigation be required at a 3:1 ratio. We acknowledge that it is unlikely that all mitigation will be accommodated on-site, due to the steep slopes and lot size. To the extent possible, mitigation plantings should be conducted on-site, using native woody and vegetative species. The remainder of the mitigation requirement can be fulfilled via payment of a fee-in-lieu.

2) The applicant has stated the intent to connect the proposed addition to an existing underground piping system that empties onto the gravel driveway. Given the impervious nature of a gravel discharge area over time, and that the development proposal disturbs highly erodible soils on the property, there is a question as to whether this method adequately manages stormwater and sediment runoff on the property. The placement of an additional drywell located at the southeast or "front" of the property may provide a greater overall benefit to water quality and quantity management for this property.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

AA 583-04

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 18, 2004

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

Re: Variance 2004-0322-V Deady

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct two additions to the primary dwelling with disturbance to steep slopes and the expanded Buffer. The property is located within a Limited Development Area (LDA), and is currently developed.

Based on the information provided, we do not oppose this variance request. However, we provide the following comments regarding the proposed development.

1) We recognize that the property is severely constrained due to the presence of steep slopes over the majority of the lot. However, all disturbance to the Buffer is subject to strict mitigation. The applicant has estimated 6,233 sq. ft. of disturbance. We recommend that mitigation be required at a 3:1 ratio. We acknowledge that it is unlikely that all mitigation will be accommodated on-site, due to the steep slopes and lot size. To the extent possible, mitigation plantings should be conducted on- site, using native woody and vegetative species. The remainder of the mitigation requirement can be fulfilled via payment of a fee-in-lieu.

2) The site plan shows the presence of some features which are not described in the applicant's narrative statement. There is deck located off of the proposed garage addition, a proposed porch located between the two additions, and a stair structure located off of the proposed carport addition. Are these features included in the impervious surface calculations for the lot? Are they to be constructed as pervious? Clarification is needed on these features, and impervious surface calculations should be adjusted if necessary.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 584-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 16, 2004

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

Re: Variance 04-769 Schummer

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to construct a garage. The property is located within a designated Limited Development Area (LDA) and is currently developed.

This office reviewed a similar variance request in May of 2004 for the construction of a residential addition to the primary dwelling. It is our understanding that the applicant has chosen to construct a garage rather than the aforementioned addition, prompting a new variance request. Based on the information provided, we do not oppose the current Buffer variance request. However, all disturbance to the Buffer is subject to strict mitigation. We recommend that mitigation be required at a 3:1 ratio. To the extent possible, mitigation by replanting should be conducted at an alternative site within the Buffer and using native woody or vegetative species.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

SO319-04

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/

August 16, 2004

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

Re: Variance 2004-0326-V Holt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance for less setbacks and Buffer than required for the purposes of reconstructing an existing primary dwelling. The property is located within a designated Limited Development Area (LDA) and is currently developed.

Based on the information provided, we do not oppose this variance request. We acknowledge that the proposed development will result in a net decrease of impervious surface area, bringing the property into compliance with Critical Area impervious surface limits. We understand that the lot lies within an expanded Buffer area for hydric soils, and will not require any additional disturbance to the property.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 581-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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August 16, 2004

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

Re: Variance 2004-0325-V Dreamcraft Homes

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a primary dwelling with less setbacks than required and with greater clearing than permitted. The property is located within a Limited Development Area (LDA), and is currently undeveloped.

We do not oppose a variance regarding the setbacks or the clearing. We provide the following comments regarding the variance request.

We acknowledge that the applicant intends to meet mitigation requirements for the clearing via payment of a fee-in-lieu. It appears as though there are several areas on the site which could accommodate mitigation plantings. Mitigation plantings using native vegetative species should be used to the extent possible, with the remainder of the mitigation being completed via fees-in-lieu.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

AA 580-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 16, 2004

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

Re: Variance 2004-0314-V Horton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance for less setbacks than required in order to enclose an existing porch area. The property is designated a Limited Development Area (LDA) and is currently developed.

We do not oppose a variance regarding the setbacks. We acknowledge that the enclosing of the porch structure does not require any additional disturbance or impervious surface area on the property.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 573-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 13, 2004

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

Re: Variance 2004-0309-V Phillips

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a vertical expansion and minor addition to the existing primary dwelling with less setbacks than required. The property is designated an Intensely Development Area (IDA) and is currently developed.

We do not oppose a variance regarding the setbacks. We acknowledge that the applicant intends to use a silt fence throughout the construction. Given that the property is located within an IDA, water quality improvements should be provided on the site as a component of the new development. Reduction in pollutants from runoff can be achieved through the implementation of a stormwater best management practice or with plantings on the site.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 572-04

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

August 12, 2004

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

Re: Variance 2004-0304-V Parker & Hyatt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure in the front yard. The property is located in a Limited Development Area (LDA), is Buffer-exempt, and is currently developed.

This office reviewed a similar variance request for this property in January of 2003 (2002-0486-V). It is our understanding that the aforementioned variance request was granted by the Administrative Hearing Officer, and that the proposed "bathhouse" structure was constructed. It appears as though the design, location, impervious surface area, and limits of disturbance of the proposed bathhouse structure have not changed from the original submission.

This office provided comments on the original proposed structure, which I am including for your reference. Given that the current request appears to be identical to the original, and assuming that the conditions laid out in the granting of the variance have been met, we have no additional comments at this time and we do not oppose this variance request.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
AA 6-03

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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August 12, 2004

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

Re: Variance 2004-0306-V Bryan/Topper

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory shed structure with less setbacks than required. The property is located partially within a Limited Development Area (LDA), partially within a Resource Conservation Area (RCA), and is currently developed.

We acknowledge that placement of the proposed shed does not require any additional disturbance to the property and does not encroach into the 100-foot Buffer. In addition, the impervious surface area on the property remains below the 15% limit. Based on this information, we do not oppose the granting of this variance request.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 569-04

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

Ms. Debbie Renshaw
St. Michaels Planning Office
P.O. Box 206
St. Michaels, Maryland 21663-0206

Re: ST557-04 Wood

Dear Ms. Renshaw:

Thank you for providing information on the above referenced site plan and Buffer planting plan. The applicant is requesting approval to reconstruct the existing primary dwelling. The property is designated an Intensely Developed Area (IDA), is located within an approved Buffer Exemption Area (BEA), and is currently developed with an existing primary dwelling.

Based on the information provided, it appears as though disturbance to the Buffer has been minimized to the extent possible, and the new development does not encroach any further towards the shoreline than the original dwelling. The planting plan provided sufficiently meets the mitigation requirements within the Buffer for both disturbance and stormwater management. The provision of the French drain BMPs addresses stormwater quality management concerns outside the Buffer. Erosion control measures should be utilized during construction wherever possible to minimize the effects of disturbance within the Critical Area and Buffer.

Thank you for the opportunity to provide comments for this site plan. Please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Cc: Roby Hurley

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 2, 2004

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

Re: S980 Kline
(Tax Map 41, Parcel 7)

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 42.485acre parcel to create a 3.181acre lot and a remaining 39.304 - acre parcel. The majority of the proposed lot lies outside of the Critical Area, with a small portion (approximately 2400 sq. ft.) lying within the Critical Area. Currently, 24.926 acres of Parcel 7 lie within a designated Resource Conservation Area (RCA).

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

1) Development density in the RCA is limited to one dwelling unit per twenty acres. The application for this subdivision states that there are two development rights permitted within the Critical Area portion of the site. Since the Critical Area portion of the site is 24.926 acres, the applicant is limited to 1 development right within the Critical Area. A note should be included on the plat detailing the initial and remaining development rights on this parcel.

2) While it appears as though development on the proposed lot is intended to remain outside of the Critical Area, any encroaching development, including septic disposal areas will be considered as use of the applicant's one permitted development right within the RCA. Given that the proposed lot lines currently encroach into the Critical Area, the plat must contain a note stating that development on the proposed lot is restricted to the non-Critical Area portion of the site.

3) Based on the site plan, it appears as though future development is intended for the Critical Area portion of this parcel. Future development will be limited to 15% impervious surface area, including any existing impervious surfaces. In addition, this office will require an evaluation from the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species prior to approval of future development within the RCA.

4) The site plan indicates a building within the 100-foot stream Buffer on the remaining parcel. Clarification is needed as to whether the building currently exists or is proposed, and what the nature of its use is. Also, the site plan indicates two silo structures on the remaining parcel within the Critical Area. The State of Maryland's online mapping system, MERLIN, shows that a large barn structure also exists on the parcel near the silos. Please clarify whether this structure is currently present on the parcel. The plat should be amended to reflect any changes necessary.

Thank you for the opportunity to provide comments for this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 554-04

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 2, 2004

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

Re: Site Plan #368 Easton Utilities

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is seeking approval to upgrade the Town of Easton's Wastewater Treatment Facility.

We acknowledge that we have previously reviewed and provided comments for a site plan and special exception request for this site. It does not appear that the current site plan has changed from the previous plan which we reviewed. I am enclosing copies of our previous comment letters.

We have no additional comments regarding this development or site plan. Thank you for the opportunity to provide comments. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 452-04
TC 518-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 5, 2004

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

Re: Jersey Island Multifamily Community Site Plan-Revised

Dear Mr. Quintanilha:

I am writing in response to the above referenced preliminary site plan. The current plan was revised in response to concerns expressed in a July 21st meeting with Bob Kane, Charlie Wallis, Regina Esslinger, and myself. As currently presented, the preliminary site plan has addressed the majority of our concerns. We provide the following comments regarding this development proposal and site plan design.

1) The current plan includes stormwater management in the form of five bioretention ponds. As proposed, the bioretention ponds adequately meet the 10% pollution reduction requirement for development within an IDA.

2) The site area noted on the plat has been revised to reflect 7.65 acres. This is consistent with the limits of disturbance used for calculating the 10% pollution reduction requirement. We acknowledge that the total impervious surface area on the site is being increased post development from 52.6% to 59.2%, and that impervious surface area within the Buffer is being decreased from 57.5% to 38.8%.

2) While the current site plan shows that semi-pervious wooden walkways are being implemented, it does not that appear that any changes were made to the design of the walkways. In the July 21st meeting with Bob Kane, our office made reference to four distinct areas of walkway which could easily be reduced without impact to function. Reduction of these walkway areas would decrease the amount of disturbance to the Buffer and increase the amount of natural vegetative area without impacting water access. We acknowledge that the

two gazebos referenced in Claudia Jones's April 28, 2004 letter were moved back out of the 25-foot setback.

Thank you for the opportunity to provide comments for this preliminary site plan and development. Future changes resulting in changes in impervious surface area, areas of disturbance or alteration to the stormwater BMPs will need to be reviewed by this office. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

CF21-04

Cc: Bob Kane, Davis, Bowen & Friedel, Inc.
Tracey Greene, Maryland Dept. of Planning

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 30, 2004

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

Re: L965 Fleetwood
Tax Map 26, Parcel 4

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting a line revision to change the existing lot lines on Parcels 1A, 1B, and 2. The parcel is 65.92 acres in size, with 57.21 acres within the Critical Area. The Critical Area portion of the parcel is designated a Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding the lot line revision.

1) The development rights note on the plat is incorrect. The plat states that there are two remaining development rights on Parcel 2. If Parcel 1A, 1B, and 2 are properly grandfathered, there are a total of 3 development rights allowed in the RCA on Parcel 4. The plat shows that two of these development rights are being used on Parcels 1A and 1B. Therefore, a revised plat showing a note of 1 remaining development right within the Critical Area for Parcel 2 is required prior to approval of this line revision.

2) It is necessary that the county verify that the individually referenced parcels (1A, 1B, 2) within Parcel 4 are recorded as legally buildable, and distinct grandfathered parcels within the Critical Area. The lot lines of these parcels were not identifiable upon consultation with the 1988 Talbot County tax maps and the Maryland Department of Assessments and Taxation website. If the parcel is recorded only as Parcel 4, the property is limited to a maximum of two development rights within the RCA portion of the site.

Mary Kay Verdery
L965 Fleetwood
July 30, 2004

3) The plat indicates that there may be tidal wetlands on the parcel. State-owned wetlands cannot be counted towards lot acreage for the purposes of development, nor can they be included in calculations for impervious surface area limits. Field delineation of these wetlands is necessary. The impervious surface limits detailed on the map are subject to change based on the field determination of State or private wetlands.

4) The plat indicates that there are non-tidal wetlands on the parcel. Although their presence is indicated, the size and location of these wetlands is not described in detail on the plat. Field delineation of non-tidal wetlands is necessary. A revised plat showing the field determined non-tidal wetlands should be provided. Where appropriate, the Buffer shown on the plat must be amended to reflect the presence of tidal or non-tidal wetlands.

5) For future development in the RCA, parcels or lots will be limited to 15% impervious surface area, including any existing impervious surfaces. In addition, this office will require that the applicant obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species prior to approval of a site plan. If present, the applicant must address the recommendations by DNR for the protection of these species.

Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie L. Gallo

Kerrie L. Gallo
Natural Resource Planner

TC550-04

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/

July 30, 2004

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

Re: L966 Wadsworth
Tax Map 41, Parcels 68 & 97

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to abandon an existing lot line and create a new line of division between two adjoining parcels. Both properties are designated as Limited Development Areas (LDA) and both are currently undeveloped.

Based on the information provided, we do not oppose the request for a lot line revision. Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

TC668-03

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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July 30, 2004

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

Re: L968 Goose Point, LLC
Tax Map 62, Parcel 19

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to alter the existing lot lines on two adjoining properties. Both lots lie partially within the Critical Area, in a designated Resource Conservation Area (RCA).

We understand that the remaining lands of Parcel 2 will constitute 109.589 acres after the line revision, with 57.872 acres in the Critical Area. Revised Lot 11 will be 235.921 acres in size, with 175.594 acres in the Critical Area. Based on the information provided, we do not oppose this line revision request.

Thank you for the opportunity to provide comments for this line revision. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC666-03

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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July 30, 2004

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

Re: Variance 2004-0283-V Thomas

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a second-story addition with less setbacks than required. The property is designated an Intensely Development Area (IDA) and is currently developed.

We do not oppose a variance regarding the setbacks. Given that the property is located within an IDA, and the current dwelling has no stormwater management in place, water quality improvements should be provided on the site as a component of the new development. Reduction in pollutants from runoff can be achieved through the implementation of a stormwater best management practice or with plantings on the site.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

AA 537

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 30, 2004

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

Re: Variance 2004-0293-V Marley

Dear Ms. Plociennik:

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

We do not oppose a variance regarding the setbacks. Because the property is designated an Intensely Developed Area, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a stormwater best management practice or with plantings on the site.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 542

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

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

Re: Appeal #1332-R Levine & Imershein

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. This office has reviewed two previous variance requests for this property. The current request details three changes to the variance for which we provided comments on June 7, 2004. These changes include a decrease in the distance from the proposed addition to the water of 1.5 ft., an increase in the size of the proposed addition of 6 sq. ft., and the addition of a hot tub in the Buffer.

We understand that the reduction in distance from the addition to the water is a result of the increased size of the addition. As we have commented in past letters, we do not oppose the variance for the proposed addition provided that the applicant conducts the required Buffer mitigation and performs stormwater management.

Based on the information on the site plan, it appears as though the impervious surface already in place for the pool could easily accommodate the placement of the hot tub. We acknowledge that the applicant has proposed to remove additional impervious surface from the driveway outside of the Buffer to compensate for the additional disturbance within the Buffer. However, it does not appear as though the applicant has made reasonable effort to reduce impact to the Buffer in this case. We do not support the placement of the hot tub within the 100-foot Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 229-04

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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July 29, 2004

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

Re: L969 Bullock/Murray
Tax Map 46, Parcel 117, Lots 8 & 9

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to change the layout of lot lines on two existing lots. The property is designated a Limited Development Area (LDA). Lot 9 is developed with a primary dwelling. Lot 8 is developed with a primary dwelling, two accessory shed structures, and a driveway. We acknowledge that the dwelling unit on Lot 9 is to be demolished and removed from the lot.

Based on the information provide, this office does not oppose a revision to the lot lines on this parcel. Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

TC552-04 Bullock/Murray

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 28, 2004

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

Re: Variance 2004-0229-V Wilkins

Dear Ms. West:

Thank you for providing information on the above referenced variance. This letter is intended to supercede our previous comments regarding this variance. The applicant is requesting a variance to construct an addition to the existing primary dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed.

Upon further consideration, it appears as though this development proposal lies partially within the 100-foot Buffer. In addition, the parcel may be subject to an expanded Buffer due to the presence of steep slopes. In areas of steep slopes greater than 15%, the Buffer shall be expanded 50 feet from the top of the bank of the slope (Anne Arundel Zoning Ordinance 1A-104). Based on the site plan, it appears that the proposed development may require a Buffer variance.

Given the modest size of the proposed development, this office would not oppose a Buffer variance, and with less setbacks than required. However, all disturbance within the Buffer is subject to strict mitigation. We recommend that the applicant conduct mitigation plantings at a 3:1 ratio. To the extent possible, the plantings should be established using native vegetative species, and in an alternative area within the Buffer.

Thank you for the opportunity to provide revised comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have questions, call me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 457-04

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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July 28, 2004

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

Re: L964 Porter
Tax Map 22, Parcel 320, Lots 10 &11

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to change the existing lot lines on lots 10 & 11. The parcel is located in a Limited Development Area (LDA). The existing Lot 10 is developed with a primary dwelling, accessory shed structure and paved driveway. Lot 11 is currently developed with a barn structure which partially encroaches into Lot 10.

Based on the information provided, we do not oppose a revision to the lot lines on this parcel. However, we provide the following comments regarding the lot line proposal as indicated on the plat.

The plat indicates the presence of private or state wetlands. These wetlands should be field delineated to determine whether they are state or privately owned. State-owned wetlands cannot be counted towards lot acreage for the purposes of development, nor can they be included in calculations for impervious surface area limits. We acknowledge that the impervious surface and lot area calculations provided on the current plat may be incorrect, and are subject to change based on the field determination of state or private wetlands.

Mary Kay Verdery
L964 Porter
July 27, 2004

Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC551-04

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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July 27, 2004

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

Re: L963 Florio
Tax Map 14, Parcel 131, Lots 5-8

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to abandon three existing lot lines for the purpose of creating one .57-acre parcel. The property is designated a Limited Development Area (LDA) and is currently developed.

This office does not oppose a revision to the lot lines on this parcel based on the information provided. We acknowledge that future development on the parcel will be required to remain within the 5,445 sq. ft. impervious surface limit as detailed in the Talbot County Zoning Ordinance 190-93 (6)(c)(1).

Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC548-04 Florio

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 27, 2004

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

Re: 391 Donna duHoffmann
Tax Map 59, Parcel 42

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. We have determined that this parcel does not lie within the Critical Area. Therefore, we have no comments on the proposed site plan and development proposal.

Thank you for the opportunity to provide comments for this site plan request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 549-04

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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July 26, 2004

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

Re: Variance 2004-0298-V Converse

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a pier with a greater length than allowed. The property is designated a Limited Development Area (LDA) and is currently developed.

We do not oppose the variance for an extended pier length. Based on the information provided, it is unclear whether the construction of the pier and bulkhead will result in any disturbance to the landward Buffer area. If disturbance to the Buffer does occur, the applicant should be required to conduct mitigation at a 2:1 ratio.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 544-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

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

Re: Variance 2004-0275-V Riahin

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition to the existing primary dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed. We do not oppose this variance request.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 535-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

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

Re: Variance 2004-0291-V Norton-Smith

Dear Ms. Plociennik:

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

We do not oppose the granting of a variance for less setbacks than required. However, we have the following comments regarding the development proposal.

1) It is noted that the existing conditions on the parcel exceed the 15% impervious surface limits for development within the RCA. Currently, the parcel is 18% impervious. We acknowledge that the applicant has agreed to remove a portion of the existing gravel driveway to enable the property to remain at the current state of imperviousness. We suggest that the removal of impervious surface area be required prior to construction of the pool in order to ensure compliance.

2) Given that the parcel is located in a designated RCA, we recommend that the applicant take measures to bring the site into closer compliance with the 15% impervious surface limits. It appears as though the driveway area consists of approximately 5,984 sq. ft. Measures to further reduce imperviousness may include removal of a larger portion of driveway, or a reduction in the size of the pool.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 541-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

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

Re: Variance 2004-0299-V Brinkley

Dear Ms. Plociennik:

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

We do not oppose this variance request. We provide the following comments based upon the information provided. The site plan does not indicate that a driveway exists on the property. In addition, it does not appear that the walkways shown on the site plan are included in the impervious surface calculations. The applicant should ensure that the total impervious surface areas on the lot do not exceed the 31.25% limit for grandfathered lots within the LDA. Impervious surfaces exceeding this limit are subject to mitigation at a 1:1 ratio.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 545-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

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

Re: TC530-04 Presnell

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting to expand a current non-conforming dwelling by constructing a 180 sq. ft. porch structure partially within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed.

Providing this lot is properly grandfathered, this office does not oppose the construction of the porch addition. Based on the development proposal, we have the following comments.

It is unclear whether the construction of the porch structure requires the removal of forest cover. If clearing is required within the Critical Area, we recommend mitigation plantings at a 1:1 ratio. Native species should be used to the extent possible.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this site plan. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 26, 2004

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

Re: Variance A040 Hazen

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting an administrative Buffer variance to permit the construction of a carport. The proposed development results in an additional 237 sq ft. of impervious surface area within the Critical Area, with 25 sq. ft. lying within the 100-foot Buffer. The property is designated a Resource Conservation Area (RCA) and is currently developed.

This office does not oppose a variance to construct a portion of the addition within the Buffer. Based on the information provided, we have the following comments regarding the Buffer variance and development proposal.

1) We recognize that the placement of the carport is constrained by the location of the existing guesthouse on the property. Given that the parcel is located within a designated RCA, we recommend that any clearing of woody vegetation within the Critical Area be mitigated at a 1:1 replacement ratio.

2) In addition, disturbance within the Buffer is subject to strict mitigation requirements. We recommend that mitigation by replanting be conducted at a 3:1 ratio for disturbance within the Buffer. To the extent possible, the mitigation should be conducted using native vegetative species, and should occur in an alternative area within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 529-04

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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July 26, 2004

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

Re: Variance A023 Mangold

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to permit the construction of an addition to the existing primary dwelling on the property. The construction of the addition results in an additional 2000 sq ft. of impervious surface area within the Critical Area, with 603 sq. ft. lying within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

Providing this lot is properly grandfathered, this office does not oppose a variance to construct a portion of the addition within the Buffer. Based on the information provided, we have the following comments regarding the Buffer variance and development proposal.

1) We recognize that the current development proposal is a revision of a previously submitted site design. The development footprint within the Buffer has been minimized in the current proposal, however the overall footprint has significantly increased from the previous plan. We recommend mitigation for clearing outside the Buffer, but within the Critical Area, at a 1:1 ratio.

2) Additional mitigation for disturbance within the 100-foot Buffer is necessary to meet the requirements for this variance. We recommend that mitigation by replanting be conducted at a 3:1 ratio for disturbance within the Buffer. To the extent possible, the mitigation should be conducted using native vegetative species, and should occur in an alternative area within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC A023
TC 742-03

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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July 22, 2004

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

Re: Variance A041 Bemis

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to permit the construction of a second-story addition to the existing non-conforming garage structure. In addition, the applicant is applying for a variance for less setbacks than required to construct a concrete pad and staircase on the southeast side of the garage structure. The applicant also proposes to remove an existing deck attached to the primary non-conforming dwelling, and replace it with a screened porch structure. The property is designated a Limited Development Area (LDA) and is currently developed.

Providing this lot is properly grandfathered, this office does not oppose the variance to construct a second story addition to the garage structure, and we do not oppose the variance for less setbacks than required. Based on the information provided, we have the following comments regarding the variances and development proposal.

As shown on the site plan, the placement of the proposed porch is located entirely within the 100' Buffer. We acknowledge that the existing deck currently lies within the Buffer. Since the proposed porch will result in no additional net impervious surface area within the Buffer, we do not oppose the construction. However, all disturbance within the Buffer is subject to mitigation by replanting. We recommend that the Buffer disturbance be mitigated at a 3:1 ratio. If possible, the mitigation should be conducted using native vegetative species and be conducted within the Buffer.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 528-04

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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July 19, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: 04-3081 Littleton

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance (after-the-fact) to retain an accessory shed structure illegally placed within the 100-foot Buffer. The addition of the shed results in an additional 80 sq. ft. of impervious surface on the parcel. The property is designated a Limited Development Area (LDA) and is currently developed with a primary dwelling, two accessory structures, a walkway, and a pool.

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

1. ***That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*** In 2004, the General Assembly required that all variance applicants prove that without the variance they would suffer an "unwarranted hardship." This terms means that "without a variance, an applicant would be denied reasonable and significant use of the entire parcel for which the variance is requested." Code. Nat. Res. Art. 58-1808 (d)(1)(2004). The parcel is 1.46 acres in size, and there appear to be numerous areas outside of the Buffer which could accommodate the placement of the shed. Therefore, the placement of the shed outside of the Buffer would not result in an unwarranted hardship to the applicant.

2. ***That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*** New development activity, including structures, is not permitted within the Buffer. Given the amount of undeveloped land area existing on the property, the placement of the shed in an alternative area outside the Buffer does not deprive the applicant of rights commonly enjoyed by other property owners in the area.

3. ***The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*** New development within the Buffer is not permitted. In evaluation of this variance request, the local jurisdiction must presume that new development activity in the Buffer does not conform with the Calvert County Critical Area Program. Code. Nat. Res. Art. 8-1808(d)(2004). Therefore, the granting of this variance would confer a special privilege to the applicant that would be denied to other lands or structures within the Critical Area.

4. ***The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property.*** We understand that the applicant has placed the shed structure within the 100' Buffer without the necessary Buffer variance; therefore, the variance request is based upon conditions or circumstances which are the result of actions by the applicant.

5. ***The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*** The provisions of the Critical Area and Criteria establish specific limits on development within the 100' Buffer. Additional development and activity within the Buffer contribute to the detrimental effects on water quality and habitat around the Bay and its tributaries. The accessory shed structure was placed within the Buffer. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area Law and the regulations.

Based on the actions of the applicant and the location of the accessory shed within the Buffer, this office recommends that the shed be removed from its current location and the variance request denied. Mitigation, at a ratio of 4:1 for unauthorized disturbance within the Buffer should be required as outlined in the Calvert County Zoning Ordinance 8-1.03.

Roxana Whitt
Variance 04-3081 Littleton
July 19, 2004

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

Sincerely,

Kerrie L. Gallo
Natural Resources Planner

cc: Ren Serey (Critical Area Commission)
Marianne Mason (Office of the Attorney General)

CA 508-04

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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July 19, 2004

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

Re: Appeal # 1337 Town of Easton

Dear Ms. Verdery:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to upgrade the Town of Easton's Wastewater Treatment Facility.

This office does not oppose the request for a special exception. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission in writing of the decision made in this case. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 518-04
TC 452-04

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 16, 2004

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: 04-3083 Bryant

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling on a grandfathered lot with greater than 6,000 sq. ft. of clearing and disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

We acknowledge that this variance request is a revision to a previously granted variance. Based on the information provided, we do not oppose this variance request. We offer the following comments on the current development proposal.

1. The current development proposal increases the amount of clearing on the lot to 6,650 sq. ft. Mitigation should be carried out by the applicant at a 3:1 replacement ratio, as detailed in the Calvert County Zoning Ordinance 8-1.03. Native species should be used for replanting to the extent possible. We recommend that mitigation plantings be used to stabilize steep slopes that are disturbed during construction.

2. We acknowledge that the total impervious surface area has been decreased in the current development proposal. Stormwater should be directed to stable vegetated outfalls or a best management practice, away from steep slopes, to provide water quality benefits on the site and to prevent flooding on adjacent properties.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resources Planner
CA 509-04

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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July 16, 2004

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

Re: Variance 2004-0268-V Bessman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the existing, non-conforming primary dwelling for the purpose of constructing a second-story addition. The property is designated a Limited Development Area (LDA) and is currently developed.

The primary dwelling is non-conforming as a result of the 1904 construction date. In order to avoid further disturbance on the heavily wooded parcel, the applicant is requesting to construct a second-story addition to the existing non-conforming dwelling. We do not oppose the variance for less setbacks than required.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 497-04

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/

July 16, 2004

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

Re: Fairbank Wharf Replacement Structure

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. It is our understanding that the proposed development is a replacement structure, with no additional impervious surface area over tidal waters. Therefore, we have determined that the redevelopment proposal is consistent with the County's Critical Area regulations.

We appreciate the opportunity to provide comments on this development proposal. If you have any questions or need additional information, please contact me at 410-260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 15, 2004

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

Re: Variance 2004-0267-V Lumley

Dear Ms. Plociennik:

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

We do not oppose the variance for the setbacks and we have no comments regarding this variance request. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 496-04

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

Re: Appeal # 1335 Bollinger

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit the construction of an addition to the existing dwelling on the property. The construction of the addition results in a net 101 sq. ft of additional impervious surface area within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

Providing this lot is properly grandfathered, this office does not oppose a Buffer variance to construct an addition to the current dwelling on the site. Based on the information provided, we have the following comments regarding the Buffer variance and development proposal.

1) As shown on the site plan, the placement of the addition on the lot is constrained by the location of the existing primary dwelling, which lies partially within the Buffer. We recognize that a variance is necessary to construct an addition to the existing dwelling. We recommend that disturbance within the Buffer be mitigated at a 3:1 ratio within the Buffer. If possible, the mitigation should be conducted using native vegetative species.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
TC 484-04

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 13, 2004

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

Re: Variance 2004-0229-V Wilkins

Dear Ms. Plociennik:

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

We do not oppose the variance for the setbacks and we have no comments regarding this variance request. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

AA 457-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2004

Ms. Debbie Renshaw
St. Michaels Planning Office
P.O. Box 206
St. Michaels, Maryland 21663-0206

Re: HD-04-55 Thomas Byrne Subdivision

Dear Ms. Renshaw:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide one .22-acre parcel to create two distinct .11-acre lots within the Critical Area. The property is designated an Intensely Developed Area (IDA), and is currently developed with an existing primary dwelling on Lot B.

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

1) The site plan for the proposed subdivision is missing some features required for review. The site plan does not include a scale. In addition, impervious surface calculations should be provided for the both the existing and proposed impervious footprints on both lots within the parcel. (Town of St. Michael's Zoning Ordinance, Appendix D).

2) The Critical Area Criteria require that any development within an IDA be accompanied by techniques to reduce water quality impacts, such that, the pollutant load generated from a developed site is reduced by a level at least 10% below the load generated at the same site prior to development. While the site plan does state that the proposed subdivision will be required to meet the 10% rule, it does not provide calculations detailing the existing and proposed pollutant loading on the site, nor the measures taken to ensure compliance with the 10% rule. These elements are a required part of the subdivision review process and will need to be reviewed by this office (Town of St. Michael's Zoning Ordinance, Appendix D).

3) The site plan indicates that the applicant is also applying for a line revision to the original parcel boundary. The proposed lot line revision is detailed on Lot A. The subdivision proposal states that the applicant intends to create two .11-acre lots from the original .22-acre parcel. Does the .11-acre measurement of Lot A include the additional land added through the lot line revision?

Thank you for the opportunity to provide comments for this minor subdivision request. Please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

St 454-04 Byrne, Thomas

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 12, 2004

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

Re: Variance 2004-0225-V Westrick

Dear Ms. Plociennik:

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

We do not oppose the variance for the setbacks. Based on the information provided, we have the following comments regarding the development proposal.

1) The site plan shows the construction of the addition occurring in an area containing steep slopes which average around 30%. As outlined in the Anne Arundel County Zoning Ordinance, development is prohibited within areas containing steep slopes greater than 15%. A variance for the steep slopes may be necessary for this site.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 455-05

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 9, 2004

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

Re: CBCA SE-04-2269 Goosecreek Marina
(Tax Map 38, Parcel 101)

Dear Mr. Lawton:

Thank you for providing information on the above referenced request for a special exception. The applicant is requesting a special exception because the current use on the parcel exceeds the limits of a permit originally issued in 1983 for the purposes of transient storage and service. The parcel contains 1.29 acres of land within the Critical Area, is designated as a Limited Development Area (LDA), and is currently developed. In addition, a portion of the parcel is located within the 100' Buffer.

Based on the information provided, this office does not support the request for a special exception. Additional information and clarification of intent is needed to make a determination of impact within the Critical Area and Buffer. We have included our concerns and comments in response to the current special exception request below.

1) Based on our conversation on July 2, 2004, it is our understanding that the parcel is currently in use as a permanent, year-round RV park/campground, with 14 dwellings that range in size of footprint. It was discussed that the site does have a current sanitary permit issued by the State Health Department for 14 campers/RVs. It is not clear what, if anything, on the site is grandfathered. However, we understand that the parcel is currently permitted for use as a transient storage and service site, and has not been adequately reviewed and permitted for permanent dwelling footprints. Given that the site is located entirely within the Critical Area, and partially within the Buffer, plans for permanent resident dwellings would need to be reviewed by this office. A Buffer variance may be necessary.

2) The applicant is applying for a special exception for a commercial campground on a parcel that is zoned Maritime-Residential-Commercial. The MRC zoning designation allows campgrounds as a public or institutional use providing that the campground is for temporary or seasonal use, and that the facility is inhabited a maximum of 120 days per year by any individual (Somerset County Zoning Ordinance, Section 5.2c). Recreational Vehicles for the purposes of permanent residential dwellings are not permitted within the MRC zoning regulations.

   Given that the current use does not conform to the seasonal use restrictions, what is the intended use for this parcel? Does the applicant intend to return the campground to its seasonally transient use, removing the permanent structures? If a mobile-home park is the intended use, then Somerset County zoning regulations require that the park meet all of the same lot area, setback and other requirements as a single-family detached dwelling, including the provision of a site plan (Somerset County Zoning Ordinance, Section 5.8(g)(6)). Clarification on the intended continued and future use on this parcel is needed.

3) Impervious surface calculations are a consideration on this parcel. Impervious surface area is limited to 15% of the parcel within the Critical Area. There is concern that the amount of impervious surface area present currently exceeds the 15% limit. As determined by our previously referenced conversation, the property contains permanent porches, decks, and gazebos. A variance to the impervious surface limit may be necessary. Detailed site plans would be necessary to consider a future variance request.

4) It is unclear whether clearing of the parcel has taken place to accommodate the presence of the residential dwellings and their accessory structures. Clearing within the Critical Area is subject to mitigation by replanting. In addition, unauthorized clearing within the Buffer is prohibited and is subject to a 3:1 mitigation ratio. It is my understanding from our conversation that the site was not forested at the time the local Critical Area regulations took effect.

Thank you for the opportunity to provide comments for this special exception request. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission in writing of the decision made in this case. Please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

SO 474-04 Goosecreek Marina

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 6, 2004

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

Re: Variance 2004-0240-V William Sheridan

Dear Ms. Plociennik:

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

We do not oppose a variance regarding the setbacks. Based on the information provided, we have the following comments regarding the development proposal.

1). As shown on the site plan, the construction of the accessory structure requires the clearing of five small evergreen trees. The applicant has indicated that he intends to place the evergreens in another location on the property. Since there is no additional clearing necessary for the construction of the garage, the relocation of the evergreens on the property is sufficient to meet any mitigation needs.

2) The site plan calls for a net addition of 437 sq. ft. of impervious surface to the property. This brings the total impervious surface area of the property to 3,356 sq. ft, which is within the limits of the allowable impervious surface area of 3,620.6 for this lot.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

AA 465-04

July 6, 2004

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

Re: Variance 2004-0226-V Smith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance for less setbacks than required to construct an addition to the existing dwelling in the form of a second floor addition, a first level rear deck, and a rear covered porch. The property is designated a Limited Development Area (LDA) and is currently developed.

We do not oppose a variance regarding the setbacks. Based on the information provided, we have the following comments regarding the development proposal.

1) We acknowledge that the amount of impervious surface area to be added during the construction lies only in the additional pier footers used as supports for the second level. The property remains below the allowable impervious surface limit. In addition, we acknowledge that the construction of the additions entails minimal disturbance, no additional clearing on the site, and therefore does not require any mitigation by the applicant.

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

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
AA 456-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 30, 2004

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

Re: Variance A039 Faye M. Shannahan

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit the construction of two additions to the existing dwelling on the property. The construction of the additions results in an additional 176 sq. ft. of impervious surface area within the Buffer, and another 390 sq. ft. of impervious surface area outside of the Buffer, but within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed.

Providing this lot is properly grandfathered, this office does not oppose a Buffer variance to construct additions to the current dwelling on the site. Based on the information provided, we have the following comments regarding the Buffer variance and development proposal.

1) As shown on the site plan, the lot lies almost entirely within the Critical Area; the placement of the additions on the lot is constrained by the location of the existing primary dwelling, which lies partially within the Buffer. We recognize that a variance is necessary to construct the additions to the existing dwelling; however, all disturbance within the Buffer is subject to strict mitigation requirements and must be carried out by the applicant.

2) Mitigation, at a ratio of 3:1 for disturbance inside the Buffer should be provided. It is unclear from the site plan the extent and location of current vegetative cover within the Buffer. However, mitigation plantings for disturbances within the Buffer should be completed in an alternative area within the Buffer. The Buffer mitigation will need to be addressed to meet the requirements of the variance.

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

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC453-04

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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June 30, 2004

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

Re: M1054 Spartan, LLC
(Tax Map 44A, Parcel 213)

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide one .50-acre parcel to create two distinct lots within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with an existing primary dwelling on Lot 1-A and an existing primary dwelling with two accessory structures on Lot 1-B.

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

1) There is conflicting information from the Maryland Department of Taxation and Assessment and the Talbot County Taxation Maps regarding the dates that the existing dwellings on both lots were constructed. The dates of construction are necessary to determine the proper impervious surface allowances per lot in accordance with the 1996 legislative changes to the Critical Area regulations regarding impervious surface area limits. In order for this office to make a determination on the correct impervious allowance per lot, the additional information stated above is necessary.

2) The impervious area calculations on the proposed site plan are inaccurately labeled. The site plan confuses pervious and impervious surfaces. It should read that Lot 1-A has 2,538.1 sq. ft. of existing impervious surface area, not pervious. The same is true for Lot 1-B.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

TC 451-04 Spartan, LLC Sub

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 30, 2004

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

Re: M1055 Lee Haven Phase II
(Tax Map 34, Parcel 10)

Dear Ms. Verdery:

Thank you for providing information on the above referenced major subdivision. The applicant is requesting to subdivide a 99.20-acre property to create four new lots within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

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

1) While the site plan demonstrates the proposed subdivision lot lines, the plan does not indicate proposed footprints of future dwellings. The four proposed lots each contain land area within the 100' Buffer. Development is not permitted within the 100' Buffer and would not be supported by this office. The plat should contain a note that references the prohibition on development in the Buffer.

2) Development density in a Resource Conservation Area is limited to one dwelling unit per twenty acres within the Critical Area. While the reservation of development rights area is cited on the map, remaining development density after subdivision, or the acreage set aside to fulfill the RCA development density should be identified on the final subdivision plat with a plat note stating that development in the RCA set-aside area is not permitted.

3) The site plan indicates that the proposed lots are limited to 30,000 sq. ft. of forest clearing per lot. Critical Area Criteria specify that clearing up to 20% on a lot requires a 1:1 forest

mitigation ratio. The site plan does not indicate where the footprints for future dwellings will be, and it is unclear as to where the required mitigation will be located on each lot. This office would like to see the required forest mitigation area included in future site plans for this subdivision.

4) The site plan shows the presence of a tidal wetland in the Southwest corner of the parcel. The site plan should specify whether the tidal wetlands on the property are private tidal wetlands or State tidal wetlands, as well as an explanation as to how the determination was made. Determinations are often made based on elevation as compared to a NOAA benchmark, vegetation type, or a combination of both. Areas of State tidal wetlands must be deducted from the gross site area.

5) The State of Maryland's online mapping system, MERLIN, shows there to be a non-tidal wetland present near the northern edge of the property line. While believed to be non-tidal, this wetland does not appear on the site plan and further clarification is needed as to the type and condition of the existing wetland.

6) The site plan shows the presence of a private road that is to be constructed on the property. The map does not indicate the amount of clearing that is to be conducted for the construction of this road. It is unclear whether the clearing for the private road is included within the 30,000 sq. ft. per lot calculation, or if this is a separate clearing incident. If there is to be additional clearing for the private road, additional forest mitigation in the ratio of 1:1 must be incorporated into the plan, along with a description of where the mitigation plantings will occur on the parcel.

7) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of rare, threatened, and endangered species. This office has not received an evaluation from DNR for the Lee Haven Phase II plan.

8) Last summer, this office reviewed a site plan for a subdivision on Tax Map 34, Parcel 10, entitled, "Lee Haven". The aforementioned site plan showed two lots labeled as Lot 9, and Agricultural Lot A. The site plan for Phase II, Lee Haven Farm, currently under review shows the same graphic depiction of these lots labeled as Parcel No. 2 and Parcel No. 1 respectively. Please ensure that future site plans are consistent in their labeling of the parcel and lots.

Mary Kay Valdery
M1055 Lee Haven Phase II
June 30, 2004

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC450-04 Lee Haven MSD

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 30, 2004

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

Re: L906 Alfred A. Rapetti
Tax Map 32, Parcels 182 & 144

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision. The applicant is requesting a line revision to change the layout of lot lines on two existing parcels. The property is designated a Resource Conservation Area (RCA) and is currently developed.

This office does not oppose a revision to the lot lines on these parcels based on the information provided.

Thank you for the opportunity to provide comments for this line revision request. Please telephone me with any questions at (410) 260-3482.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

TC449-04 Rapetti
Sub 906

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 29, 2004

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

Re: Variance 2004-0527-V Paul and Brigitte Genovese

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

Providing this lot is properly grandfathered, this office does not oppose a Buffer variance to permit expansion of the existing dwelling; however impacts must be minimized and the variance the minimum necessary. Based on the information provided, this office has the following comments regarding the Buffer variance.

1) The 100-foot Buffer is not identified on the site plan provided for the variance. As estimated from the site plan, more than half the property and the entire dwelling are located within the Buffer.

2) As measured from the site plan, the applicant proposes to construct a deck with stairs (pervious) located 15 feet from the shoreline and a hot tub (70 square feet of impervious surface) located 26 feet from the shoreline, and to construct a gazebo (110 square feet of impervious surface) located 26 feet from the shoreline. Both structures would be extensions of the existing dwelling/deck, which is located 18 feet from the shoreline at its nearest point. In addition, 194 square feet of existing impervious surface coverage will be removed within the Buffer, a reduction of 14 square feet of the total proposed impervious surface coverage.

3) The Anne Arundel County Buffer exemption and enhancement program (Article 28, δ1A-109) states that no new impervious surface shall be placed nearer to the shoreline than the existing principal structure, and expansion of existing structures shall be designed and located to maximize the distance from the shoreline or enhance and protect the environmentally sensitive features on the site. Although the proposed impervious structures (hot tub and gazebo) are located further from the shoreline than the existing principal structure, it appears that these accessory uses could be accommodated elsewhere on the site. Has the applicant considered alternative locations for the hot tub and gazebo that would maximize the setback from the shoreline, for example on the north side of the dwelling?

If granted, this office recommends the following be made a condition of the variance. Mitigation, at a ratio of 2:1 for the area of new impervious surface within the Buffer, should be provided on the site within the Buffer, preferably between the dwelling and the shoreline. Mitigation plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 947-04

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 29, 2004

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

Re: Variance 2004-0529-V Vance Perkins

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less Buffer than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is developed with a single-family dwelling, shed, concrete patio, and detached deck.

Based on the information provided, this office has the following comments regarding the variance request. The applicant proposes to construct a 10-foot by 32-foot impervious deck addition to the existing dwelling on steep slopes within the Buffer. The Anne Arundel County Buffer exemption and enhancement program (Article 28, δ1A-109) states that no new impervious surface shall be placed nearer to the shoreline than the existing principal structure, and expansion of existing structures shall be designed and located to maximize the distance from the shoreline or enhance and protect the environmentally sensitive features on the site. Although the proposed deck is located closer to the shoreline, the existing principal structure is located far back on the lot, leaving little space to expand the dwelling in any other direction.

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

1) Mitigation, at a ratio of 2:1 for the area of new impervious surface within the Buffer, should be provided on the site within the Buffer, preferably between the dwelling and the shoreline. Mitigation plantings should consist of a mix of native trees and shrubs.

2) Because the property is designated an IDA, water quality improvements must be provided on the site. Due to the presence of steep slopes adjacent to the shoreline, this office recommends the use of plantings to achieve reduction in pollutants from runoff. Plantings should consist of a mix of native trees and shrubs, preferably between the dwelling and the shoreline. Plantings should be installed around the perimeter of the deck to intercept runoff and prevent erosion of steep slopes.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 948-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 29, 2004

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

Re: Variance 2004-0524-V Vernon Helm

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. If granted, we recommend the following be made a condition of the variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Due to the size of the lot and the amount of existing and proposed impervious surface coverage, this office recommends the use of plantings to achieve reduction in pollutants from runoff.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 945-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 29, 2004

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

Re: Variance 2004-0530-V Donald and Sally Matthews

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (detached garage) with greater height than allowed. The property is designated an Intensely Developed Area (IDA) and is developed with a single-family dwelling.

This office has no comment on the height variance. Because the property is designated an IDA, water quality improvements must be provided on the site to offset any permitted development. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings on the site. We recommend that plantings consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 949-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 29, 2004

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

Re: Variance 2004-0536-V John Watts

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

As reported in the variance application, the property has 5,500 square feet of existing impervious surface coverage, which exceeds the maximum allowed of 4,686 square feet. The applicant proposes to construct a 288 square foot addition to an existing 336 square foot detached garage. The addition is proposed over a portion of the existing gravel (impervious) driveway and therefore will not further exceed the non-conforming condition with respect to impervious surface coverage. We recommend that runoff from the garage be directed to a stable outfall, with additional plantings if necessary, to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 951-04

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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December 29, 2004

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

Re: Variance 2004-0525-V Bruce Malley

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. If granted, we recommend the following be made conditions of the variance.

1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation, consisting of a mix of trees and shrubs, should be accommodated on the site.

2) Runoff from the structure should be directed to a stable vegetated outfall to provide water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 946-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 29, 2004

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

Re: Variance 2004-0545-V Robert and Carroll Seitz

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

As stated in the variance application, the dwelling addition is proposed over an existing concrete patio and therefore will not increase the impervious surface coverage on the property or require clearing. We recommend that runoff from the addition be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 957-04

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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December 29, 2004

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

Re: Variance 2004-0547-V Lee Hardy

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. If granted, we recommend the following be made conditions of the variance.

1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that the property is partially forested. As reported in the variance application, the proposed disturbance will be mitigated through a mitigation agreement and payment of fee-in lieu. This office recommends that mitigation plantings, consisting of a mix of native trees and shrubs, be accommodated on the site.

2) Storm water runoff from the garage should be directed to a stable and densely vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 959-04

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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December 29, 2004

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

Re: Variance 2004-0546-V William Hubers and Carroll John

Dear Ms. Plociennik:

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

This office has no comment regarding this variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 958-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 22, 2004

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

Re: Variance 2004-0495-V William Douglas Homes

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit greater clearing on a lot than allowed. The property is designated a Resource Conservation Area (RCA) and is undeveloped.

Providing this lot is properly grandfathered, this office does not oppose a variance to develop the property with a single-family dwelling; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

1) The applicant proposes 9,148 square feet of clearing to construct a dwelling with an attached garage, a driveway and a septic system. The dwelling is located up against the front building restriction line and it appears that only the primary septic drain field will be installed. As stated in the Critical Area report, the property is fully forested. To reduce the amount of clearing necessary, it appears that the limit of disturbance in the front yard (between the dwelling and Perry Cove Road) could be further minimized. Otherwise the proposed clearing appears to be the minimum necessary to install the septic system and to construct the dwelling and driveway.

2) Mitigation, at a ratio of 3:1 for clearing greater than 30 percent, should be required. Mitigation plantings should be accommodated on the site to the extent possible. Because the lot is fully forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 866-04

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

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

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

Dear Ms. Minner:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 15.52-acre Parcel and create 17 lots within the Critical Area, of which 4 lots are partially within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received revised site plans and additional information about this project on November 29, 2004 and December 8, 2004.

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

1) On Sheet 2 of 2 of the Final Subdivision Plat, the Critical Area boundary should be extended across the entire area of the subdivision, including the Critical Area Retention Area.

2) The subdivision plan includes a statement that Lots 8-23 are permitted up to 25 percent impervious surface coverage each (refer to Note #9). As required by the Town's Zoning Ordinance (Part IV, Section 150(8)), each lot within the Critical Area is permitted up to 25 percent impervious surface coverage, providing that the Critical Area portion of the subdivision does not exceed 15 percent. The 15 percent limit on impervious surface coverage for the Critical Area portion of the subdivision includes ***all*** impervious surfaces (such as structures, roads, sidewalks utilities, and stormwater management facilities).

   Based on the calculations reported on the "Final Critical Area Forest Conservation and Landscape Plan", it is not clear whether the Critical Area portion of the subdivision meets the 15 percent impervious surface limit. Using the acreage calculations shown on Sheet 2 of 2 of the plan, I estimated the total proposed impervious surface coverage, which is summarized in the table below.

Total Lands in Critical Area for Phase I	10.33 acres
Critical Area Retention Area/Public Open Space	5.22 acres
Developed Area in Critical Area (10.33 acres – 5.22 acres)	5.11 acres
Proposed Impervious Surface Coverage (road and storm water management pond as stated on site plan)	0.58 acres
Area of Lots 8-23 (5.11 acres – 0.58 acres)	4.53 acres
25 percent of Area of Lots 8-23	1.13 acres
Total Proposed Impervious Surface Coverage (1.13 acres + 0.58 acres)	***1.71 acres or 16.6 percent***

We recommend that the applicant provide additional information to clarify the reported impervious surface calculations before final approval of the subdivision plat. This information should include the total land area of Lots 8-23 and the total land area for the portion of the storm water management pond and road within the Critical Area.

3) In developing Lots 8-23, this office strongly recommends that an impervious surface allowance be retained for each lot within the Critical Area to allow future property owners to construct accessory structures without exceeding the 25 percent impervious surface limit. This office would not support variances to exceed the impervious surface on these lots.

4) To address reforestation for Phase I forest clearing within the Critical Area, the applicant has provided "an off-site reforestation/retention area" located within the Critical Area. We recommend that the final subdivision plat include a reference to the recorded easement for the Critical Area Reforestation/Retention Area.

5) A 100-foot tributary stream Buffer is identified in the northern portion of the property, extending within Lot 16 and Lot 17. We recommend that the note on Sheet 1 of 2 of the final subdivision plat be revised as follows "Lands within the 100-foot tributary steam Buffer on Lot 16 and Lot 17 shall not be disturbed and removal of natural vegetation or forest is not permitted."

If revised project information is provided, this office may have additional comments regarding the subdivision proposal. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

EL 691-03 2nd revision

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 16, 2004

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

Re: Variance 2004-0519-V Paul Jasper

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. If granted, we recommend the following be made conditions of the variance.

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

2) Storm water should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 876-04

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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December 16, 2004

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

Re: Variance 2004-0518-V Patrick and Sara Hall

Dear Ms. Plociennik:

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

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

1) The Buffer is not shown on the site plan provided. As estimated from the site plan, it appears that nearly the entire lot, including the dwelling, is located within the Buffer.

2) As described in the Critical Area Report, the applicant proposes to replace an existing wooden retaining wall with a block retaining wall, construct a wood deck on the first and second floor levels, and construct wood stairs from the second floor deck. We understand that no clearing is necessary for the construction proposed.

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible, particularly between the shoreline and the dwelling. Because the lot is mostly forested, mitigation alternatives may need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 875-04

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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December 16, 2004

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

Re: 2004-0408-V Claire Wyman and Roland Kanaar

Dear Ms. Cotter:

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

Providing the lot is properly grandfathered, this office does not oppose the variance. The applicant proposes to construct a covered porch and an extension to an existing deck. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be provided. If possible, mitigation plantings should be directed first to non-forested areas between the shoreline and the dwelling then to areas of the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 930-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 16, 2004

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

Re: 2004-0405-V Lana Matovcik

Dear Ms. Cotter:

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

Providing the lot is properly grandfathered, this office does not oppose the variance. As stated by the applicant, the proposed deck would be constructed over and existing concrete slab. We recommend installation of plantings around the perimeter of the deck to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 929-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 16, 2004

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

Re: Variance 2004-0520-V RARE, Inc.

Dear Ms. Plociennik:

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

Providing these lots are properly grandfathered, this office does not oppose a variance to develop the property; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

1) As estimated from the site plan, the entire property is located within the 100-foot Buffer, and therefore a variance is necessary to permit development. The lot is further constrained by the presence of nontidal wetlands on the site.

2) The applicant proposes to construct a 960 square foot dwelling with an attached 160 square foot porch and 240 square foot sunroom with a second story deck. As shown on the site plan, the dwelling is located 1.5 feet and the sunroom/deck is located 2 feet from the edge of nontidal wetlands at their nearest points. To minimize impacts on the site, has the applicant considered consolidating the footprint of the dwelling? By eliminating the front porch, the dwelling and the sunroom/deck could be shifted 5 feet closer to Spruce Avenue, and the sunroom/deck could be reduced in size to 10 feet by 20 feet to maintain the required 30 foot setback from the well. These changes to the site plan would increase the setback from the nontidal wetlands by 10 to 12 feet (refer to attached copy of the site plan.

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

4) Storm water should be directed away from the nontidal wetlands to a stable vegetated outfall to provide water quality benefits on the site. For example, is it possible to divert storm water from the dwelling to a rain garden and/or grass swale in the front or east side yard?

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 877-04

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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December 16, 2004

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

Re: Francis H. Otenasek et ux. Subdivision
(Tax Map 61, Parcel 14)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide Parcel 14 to create 4 residential lots within the Critical Area. The property totals 96.42 acres, of which 88.58 acres are within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling and several outbuildings.

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

1) The applicant proposes to subdivide 88.58 acres to create four lots within a Resource Conservation Area of the Cecil County Critical Area. Given that the current subdivision proposal will exhaust the maximum density of one dwelling-unit per twenty acres within a Resource Conservation Area, this office recommends that a note be added to the subdivision plat that no further subdivision of Parcel 14 - Lot 1, Lot 2, Lot 3 and Lot4 - is permitted.

2) As shown on the site plan, the proposed building pads on Lot 1 and Lot 2 are located very close to the 110-foot Buffer. All development on these lots (decks, porches, patios, walkways or other accessory structures), including the limits of disturbance for construction, must be located outside the 110-foot Buffer and expanded Buffer.

3) As noted on Sheet 4 of 4 of the site plans provided, the current proposal includes 0.62 acres of forest clearing within the Critical Area for expansion of the subdivision access road and for development of Lots 1, Lot 2 and Lot 3. The applicant has provided calculations that

address requirement of the Forest Conservation Act; however, requirements of the Forest Conservation Act do not apply within the Critical Area.

4) As required by the Cecil County Zoning Ordinance (Article XI, Part I, Section 200), the applicant must provide forest replacement, at no less than a ratio of 1:1, for forest clearing within the Critical Area. Reforestation can be provided on site or at another location within the Critical Area of Cecil County. Based on the site plan provided, it appears that some of the required reforestation may be accommodated on Lot 2 and Lot 3. As part of the subdivision proposal, the applicant should provide a reforestation plan, including a site plan identifying the reforestation area(s), a plant selection list (preferably using native species), and a planting plan. The planting plan should comply with guidelines provided in Article XI, Part I, Section 201, Development Standards in Resource Conservation Areas of the Cecil County Zoning Ordinance. In addition, the subdivision plat should include restrictive covenants, easements, or other protective measures to ensure preservation of the reforestation area(s), which should apply to reforestation areas both on and off the site.

5) As shown on the site plan, walkways are proposed on Lot 1, Lot 2, and Lot 3 to provide shoreline access across the Buffer. The Commission recommends mitigation, preferably at a ratio of 2:1 but no less than 1:1, for the area of Buffer disturbance associated with water access. If possible, we recommend that mitigation plantings be accommodated on each lot, consisting of plantings of native trees and shrubs.

Thank you for the opportunity to provide comments. Please provide a copy of the approved subdivision plat for our records.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 851-04

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/

December 14, 2004

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

Re: Case No. 2004-0488-V Brian Rotondo

Dear Ms. Schappert:

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

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

1) The variance application does not include the following information: existing and proposed forest cover, existing and proposed impervious surface coverage, and calculations of the total area of disturbance.

2) The site plan does not include the following information: the location of the expanded Buffer, the limits of disturbance for construction, and storm water management (including how 10% Rule will be addressed on this residential site). The site plan shows what appears to be a stream in the swale, which bisects the property (refer to the dashed and dotted line). If present on the site, the site plan must identify a 100-foot stream Buffer.

Absent the information described above, this office is unable to determine if impacts have been minimized and whether the variance is the minimum necessary. We note that a variance to disturb steep slopes is not necessary in an IDA.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

Damon Kroger (Atlantic Development Services Group)

AA 843-04

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

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

Re: Variance 2004-0517-V Jack and Linda Bannister

Dear Ms. Plociennik:

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

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

1) The applicant proposes to construct a dwelling with an attached garage partially within the Buffer. Although the dwelling is within the setbacks of structures on Lot 5, Lot 4, and Lot 1, it appears that use of the rear yard setback may be further maximized. (As shown on the site plan and Tax Map 84, Lot 6 is adjacent to Filbert Avenue to the north and Lot 5 to the south.) We note that a deck is not shown on the current site plan. If anticipated in the future, a deck should be included as part of the current variance request.

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be provided. Mitigation plantings should be accommodated on the site to the extent possible, including areas cleared to install the well, the side yards, and the back yard adjacent to both sides of the driveway. Plantings should consist of a mix of native trees and shrubs.

3) Stormwater should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 874-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 10, 2004

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

Re: Variance 2004-0510-V Michael and Patricia Loyco

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling. Based on our records, this property was subject of a previous variance (Case No. 1999-0056-V).

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

1) In the previous case, the Administrative Hearing Officer granted variances to permit construction of a dwelling with less setbacks and Buffer than required. The existing dwelling was expanded further waterward, decreasing the shoreline setback from 41 feet to 28 feet.

2) As shown on the site plan, the existing dwelling is located 28 feet from the shoreline. The applicant proposes to construct a 353 square foot deck 18 feet from the shoreline. Is it possible to configure the deck to maximize the setback from the shoreline (Anne Arundel County Zoning Ordinance Article 28, §1A-109) and comply with the 25-foot building restriction line? As proposed, it appears that the variance could be further minimized while accommodating the applicant's desire for a deck. We recommend that the applicant provide information as to whether alternatives have been considered.

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

1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization at the perimeter.

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site, preferably between the dwelling and the shoreline.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Bob Lee (Wilkerson & Associates, Inc.)

AA 89-99 addition

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 10, 2004

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

Re: Chesapeake Hotel and Spa Development Proposal

Dear Mr. Watson:

Thank you for providing information on the above referenced development proposal. The property owner is proposing to construct an in-ground swimming pool complex within the Buffer. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is developed with a hotel, restaurant, tiki bar, various decks and walkways, and parking lot.

Based on the information provided, this office has the following comments regarding the current development proposal.

1) The current location of mean high water must be shown on the site plan for this project. This information is necessary to determine the setback for the proposed development. Based on our records, the property owner secured authorization from the Department of the Environment to reclaim lost fast land to the mean high water line that existed in 1995 (Permit #: 199964771/99-WL-2027). We understand that the setback for the hotel was measured from the 1995 mean high water line on the site. On the site plans provided for the hotel project and reported in correspondence with Town staff, we understand that the setback for the hotel from the 1995 mean high water line was to be no less than 7 feet. If this information is not accurate, please provide a copy of the final site plan for the hotel showing the approved setback from mean high water.

2) For consistency in application of the Town's provisions for development in a BEA (Chesapeake Beach Zoning Ordinance Article IV, Section 409.D.1.c.5), the proposed swimming pool should be located the same distance from the current mean high water line as

the setback from the mean high water required previously for the hotel. We note that the sketch plan provided does not accurately identify the current mean high water line on the project site, and therefore the development setback for the proposed location of the swimming pool is unknown at this time.

2) Calculations of existing and proposed impervious surface coverage must be provided as part of this project. This information is necessary to determine the mitigation requirement and 10% Rule calculations associated with the proposed development. As part of the final site plans for approval by the Town and review by the Commission, the applicant must provide documentation that the project complies with the 10% Rule requirements for redevelopment in an IDA.

3) Mitigation should be provided at a ratio of 2:1 for the area of new impervious surface created within the BEA, and shall be planted in a BEA or other location as may be determined by the Town (Chesapeake Beach Zoning Ordinance Article IV, Section 409.D.1.c.6). In addition, the extent of the parcel shoreward of the new development shall be required to remain or shall be established and maintained in natural vegetation. Because the area shoreward of the new development is a sand beach, plantings may not be feasible in this location. Alternatively, the required plantings could be provided elsewhere on the site or within the Buffer at another location in Chesapeake Beach. To satisfy the BEA requirement for this project, the applicant would be required to plant an area equivalent to the length of shoreline in front of the project area multiplied by the distance from the development to mean high water. The applicant shall provide a mitigation plan as part of the final site plans for approval by the Town and review by the Commission.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CB 855-04

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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December 10, 2004

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

Re: Variance 2004-0430-V Patrick Jones

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, shed, brick patio, and pier. This office received a revised site plan for this variance on December 9, 2004.

Providing this property is properly grandfathered, we do not oppose this variance; however impacts must be minimized and the variance the minimum necessary. Based on the revised information provided, we have the following comments regarding the current development proposal and variance request.

1) As shown on the site plan, the property is constrained by the Buffer due to tidal wetlands that cover approximately 55 percent of the total lot area and the adjacent property to the south. For the purpose of accurately determining the maximum impervious coverage allowed, the extent of State or private wetlands on the property are shown on the revised site plan.

2) Within the Buffer, the applicant proposes to elevate and expand the existing dwelling, enlarge the existing driveway, and construct a new 2-story garage and a concrete walkway. A new shed (480 square feet) is proposed outside the Buffer. To minimize Buffer impacts, has the applicant considered reducing the size of the garage or incorporating the garage and shed into one structure and locating it outside the Buffer?

3) The current proposal will result in 4,432 square feet or 30 percent impervious surface coverage (based on lot area excluding State wetlands). As reported on the site plan, the proposed impervious surface coverage within the Buffer does not appear to reflect the increase in impervious surface for the new 2-story dwelling addition, concrete walkway and driveway expansion (existing impervious surface coverage within the Buffer is 1,977 square feet and proposed impervious surface coverage within the Buffer is 1,989 square feet). We recommend that the applicant review these calculations, including the total proposed impervious surface coverage, for accuracy.

4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Since this lot has only 800 square feet of forested area, mitigation plantings should be accommodated on the site to the extent possible, particularly to establish a forested Buffer between the proposed development and tidal wetlands.

5) Stormwater should be directed to heavily vegetated areas on the site to provide water quality treatment of runoff before it reaches tidal wetlands nearby.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 743-04 revised

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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December 8, 2004

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

Re: Variance 2004-0513-V Robert and Delores Harned

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, more than half of the property is located within the 100-foot Buffer, including the entire dwelling and a portion of the garage.

2) The applicant proposes to construct a deck (14 feet by 18 feet or 252 square feet) on the waterside of the existing dwelling and located 57 feet from the bulkheaded shoreline. We understand that no clearing is necessary for construction. The deck should have pervious construction, with a gravel or vegetated substrate and vegetative stabilization at the perimeter.

3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer should be provided. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site and preferably between the new and existing structures and the shoreline.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

AA 872-04

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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December 8, 2004

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

Re: Variance 2004-0503-V John Alahouzos

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, approximately half of the property is located within the 100-foot Buffer, including a portion of the dwelling with the attached deck and hot tub, and the stairway, waterfront deck and bathhouse.

2) As stated in the Critical Area report, the property has 4,188 square feet of existing impervious surface coverage. Given that the maximum impervious surface coverage for a property of this size is 3,016 square feet, the property is nonconforming with respect to impervious surface limits (Anne Arundel County Zoning Ordinance Article 28, 1A-105). The current proposal will result in 4,003 square feet of impervious surface coverage, an overall reduction of 185 square feet.

3) The applicant proposes to remove the existing dwelling and construct a new dwelling in the same footprint with expansion of the dwelling into the northwest side yard, and to construct a

smaller deck on the waterside of the new dwelling. The asphalt driveway will remain in its existing configuration. Although the proposed dwelling expansion is modest, the overall impervious surface coverage within the Buffer will increase as a result of the current proposal. Has the applicant considered using more of the existing footprint of the dwelling to accommodate the new dwelling outside the Buffer?

4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated in areas where existing impervious surface will be removed and in the side yards. Plantings should consist of a mix of native trees and shrubs.

5) At this time, it appears that no specific stormwater management methods are proposed for this site. Given the amount of impervious surface coverage on this small property and the presence of steep slopes near the shoreline, we recommend that the applicant provide as part of the variance information about stormwater management methods that can be implemented on this site within the limits of disturbance shown on the current site plan. If additional disturbance is necessary to install a stormwater best management practice, these impacts should be shown on the site plan.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

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

AA 869-04

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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December 8, 2004

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

Re: Variance 2004-0514-V Trevor and Laura Webb

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and disturbance to steep slopes. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area, and is currently undeveloped.

Providing the lot is properly grandfathered, this office does not oppose a variance to construct a dwelling on it; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and variance request.

1) As shown on the site plan, more than half of the lot contains steep slopes and the lot is further constrained by the required setback from steep slopes and the placement of a septic system on the site.

2) The applicant proposes to construct a dwelling with an attached garage and porch within the 25-foot setback to steep slopes and with direct impacts to steep slopes. As indicated on the site plan, the footprint of the dwelling and garage is approximately 44 feet by 60 feet or 2,640 square feet, and the total impervious surface coverage proposed is 3,376 square feet. As measured from the site plan, it appears that the dwelling is located approximately 10-15 feet from the top of steep slopes. Has the applicant considered utilizing the southernmost area of the lot to accommodate development outside the Buffer? Is this portion of the lot suitable for placement of the septic drywells? If the septic system could be reconfigured in this area, could the dwelling be shifted further from steep slopes? We recommend that the applicant

provide information as to whether the southern portion of the lot is suitable for development and whether setbacks could be further maximized with respect to the septic system configuration.

3) We note that the current proposal does not include a deck. If anticipated in the future, a deck should be included in the current variance request. We recommend that a deck be located such as to avoid direct impacts to steep slopes on the site.

4) As stated in the site plan, the applicant will address stormwater management on the site by placing 0.22 acres of the property in a forest conservation easement. All stormwater from the site will be directed to the forest conservation area via sheet flow. Because the forest conservation easement is a steeply sloping ravine leading directly to Chase Creek, we have concerns about this proposal, given the amount of impervious surface proposed and the proximity of the dwelling to the top of steep slopes. Where and how will stormwater be directed to avoid concentrated discharge on or very near steep slopes? What measures will be implemented to prevent erosion on steep slopes and maintain water quality of Chase Creek and the Severn River? We recommend that the applicant provide additional information, demonstrating that stormwater runoff will not adversely impact water quality or result in erosion on steep slopes within the Buffer. If additional disturbance is necessary to accommodate a stormwater best management practice, these impacts should be shown on the site plan.

Absent detailed information regarding stormwater management, the maximum use of setbacks, and potential use of the entire buildable area on the lot, this office is unable to determine whether impacts have been minimized to the extent possible and whether the variance is the minimum necessary.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 873-04

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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December 7, 2004

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

Re: Variance 2004-0498-V Rosemary Bademan

Dear Ms. Plociennik:

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

This office has no comment regarding the setback variance.

We have the following comments regarding the current development proposal. Because the property is an IDA, water quality improvements must be provided to offset the increase in impervious surface coverage for the proposed dwelling addition. Due to the size of the property, we recommend that plantings be used to achieve reduction of pollutants from runoff on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 867-04

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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December 7, 2004

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

Re: Variance 2004-0505-V Michael Matti

Dear Ms. Plociennik:

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

This office has no comment regarding the setback variance.

We have the following comments regarding the current development proposal. Because the property is an IDA, water quality improvements must be provided to offset the increase in impervious surface coverage for the proposed sunroom. Due to the size of the property, we recommend that plantings be used to achieve reduction of pollutants from runoff on the site. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 870-04

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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December 7, 2004

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

Re: Variance 2004-0512-V Jim Crafton

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose a variance to construct a dwelling on it; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and variance request.

1) As shown on the site plan, this 1.28-acre lot contains nontidal wetlands and extensive steep slopes. With expansion of the minimum 100-foot Buffer for steep slopes, most of the level area on the property is located within the Buffer. Due to these site constraints, we recognize that a variance is necessary to permit development of the property.

2) The applicant proposes to construct a dwelling (approximately 55 feet by 53 feet or 2,915 square feet) within the 50-foot setback from steep slopes. While direct impacts to steep slopes have been avoided, the dwelling is located within 10 feet of steep slopes at the nearest point. A portion of the existing driveway will be removed and the garage (440 square feet), which is located on steep slopes, will remain.

3) We note that the current proposal does not include a deck. If anticipated in the future, a deck should be included in the current variance request. We recommend that a deck be located such as to avoid direct impacts to steep slopes on the site.

4) As stated in the Critical Area report provided, the applicant proposes to address stormwater management on the site using "vegetative means". We have concerns about the use of this approach given the extent of steep slopes on the site, the considerable size of the proposed dwelling, and the proximity of the dwelling to steep slopes. Where will stormwater be directed to avoid discharge on or very near steep slopes? What measures will be implemented to direct stormwater away from the adjacent property to the south?

Based on our review of the variance request, this office recommends that the applicant provide additional information, demonstrating that stormwater runoff will not adversely impact water quality or result in erosion on steep slopes within the Buffer. If expansion of the limits of disturbance is necessary to accommodate a stormwater best management practice, the additional impacts should be reflected on the site plan and included as part of the current variance request. Without this information, we are unable to determine whether impacts have been minimized to the extent possible and if the variance is the minimum necessary.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 871-04

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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December 6, 2004

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

Re: Growth Allocation for the Wapiti Wilderness Retreat Center

Dear Mr. DiGiacomo:

The purpose of this letter is to provide an update of the Commission's processing of the County's growth allocation request for the Wapiti Wilderness Retreat Center. On December 1, 2004, Chairman Madden determined that the County's request for growth allocation could be processed as a refinement to the Cecil County Critical Area Program. As a condition of the refinement, the Chairman has recommended that a Buffer Management Plan shall be prepared for the entire site and shall be submitted to the Commission for review and approval as part of the growth allocation request. The Buffer Management Plan may be implemented in phases to correspond with the proposed development of the site; however, the Plan shall be fully implemented within five years of the Commission's approval. In addition, the County shall provide as part of the growth allocation request a copy of the revised Critical Area map, a revised inventory of remaining growth allocation, and acreage calculations of IDA, LDA, and RCA lands in Cecil County.

The growth allocation request will be placed on the agenda for consideration by the Commission at the January 5, 2004 meeting. The additional information requested should be provided to the Commission no later than December 20, 2004 for inclusion in the mailing for the January meeting. The Commission meeting will be held at the Department of Housing and Community Development in Crownsville, Maryland. We encourage participation by the County and the applicant in discussions by the Program Subcommittee and the full Commission.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 735-02 refinement

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 3, 2004

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

Re: Variance 2004-0497-S Richard Polm

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit expansion of a non-conforming use. The property is designated a Resource Conservation Area (RCA) and is currently developed with two single-family dwellings, a garage, four sheds, a barn, three boathouses, an access road, two driveways, and two piers.

In Administrative Decision 2004-0085-N, the Anne Arundel County Office of Planning and Zoning determined that a lawful nonconforming use exists at the subject property. The amended administrative decision of March 18, 2004 states that the nonconforming use consists of a two-story tenant house with a basement that contains a total floor area of 3,419 square feet.

Based on the information provided, this office does not oppose the applicant's request for a special exception. The applicant proposes to replace and expand the existing nonconforming dwelling to 4,440 square feet of living space, which includes a first floor and a partial second floor. As reported by the applicant's consultant, the new dwelling will not have a basement. The applicant also proposes to relocate the nonconforming dwelling over the footprint of an existing garage, which will be removed. We understand that the proposed demolition and construction will be located outside the 100-foot Buffer and will result in an overall reduction in impervious surface coverage on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 848-04

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

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

Re: Variance 2004-0502-V William Bruckel

Dear Ms. Plociennik:

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

In Case No. 2003-0336-V, the Administrative Hearing officer granted a variance to permit access to two lots by way of an existing 18-foot wide common access easement. Based on the information provided, this office does not oppose the applicant's request for an extension to the previous variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 565-03 extension

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

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

Re: Variance 2004-0489-V Patricia Baldwin

Dear Ms. Plociennik:

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

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

1) As shown on the Anne Arundel County Critical Area maps, the RCA portion of Lot 6 is restricted to the wetlands on the southeast property boundary. As shown on the site plan provided, it appears that all new development proposed on Lot 6 is located within the LDA portion of the property.

2) As shown on the site plan provided, portions of the existing dwelling and the existing patio are located within the 50 foot Buffer to steep slopes. The applicant proposes to construct an addition and expand the existing patio on the waterside of the existing dwelling. Portions of the dwelling addition (135 square feet) and the stone patio (are not calculated) are located within the 50 foot Buffer to steep slopes. We understand that no forest clearing is necessary for construction. As measured from the site plan, we note that there is adequate space to expand the dwelling to the west and southwest (where the garage is proposed) outside the required setbacks for the wells (30 feet) and septic (20 feet) without a variance. As reported by the applicant's consultant, this option was considered by the applicant but would require substantial configuration of the second floor living space.

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

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Catherine Cherry (Catherine Purple Cherry Architects, P.C.)

AA 844-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 22, 2004

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

Re: Local Case No. 3098 Jim and Jennifer Mariner
(Tax Map 60, Parcel 277, Lot, 15)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (swimming pool) in the 110 foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a screened porch, a patio and a driveway. As indicated on the site plan and as discussed during our site visit of December 14, 2004, the applicant intends to remove the existing dwelling and construct a new dwelling on the property (refer to attached photographs of the site).

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

1) As shown on the site plan, the applicant proposes a 12-foot by 45-foot swimming pool located 23.5 feet from tidal waters of the Sassafras River. In its proposed location, the swimming pool is located approximately 17 feet closer to the shoreline than the existing dwelling and further waterward than other dwellings on Buena Vista Drive. As required by the Cecil County Buffer Exemption Area (BEA) provisions (Cecil County Zoning Ordinance Article XI, Part I, Section 195), new development in a BEA shall minimize the shoreward extent of impervious surfaces, taking into consideration existing County yard setback requirements. As stated in the Cecil County Zoning Ordinance (Article VI), the front yard development setback is 40 feet in the RR district for areas not served by community facilities. By locating the swimming pool waterward of the existing dwelling and 23.5 feet from the shoreline, it does not appear that the applicant has achieved minimization of impacts to the Buffer or compliance with the local setback requirement.

2) As shown on the site plan, the property is currently developed with a single-family dwelling, a screened porch, a patio and a driveway. The existing septic tank is located immediately behind the dwelling and the septic drain fields are located west of the driveway. Has the applicant exhausted all possibilities of locating the swimming pool behind the dwelling in the lawn area or shifting the new dwelling closer to the back of the lot to maximize the setback?

Because we believe that the application does not present information sufficient for the County to make the required findings under the variance standards, we oppose this Buffer variance request. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values, by strengthening the Critical Area law. In particular, the 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.

Because a variance of less magnitude than the one requested would allow reasonable and significant use of the applicant's property, this office believes that the standard of unwarranted hardship has not been met. In addition, I have discussed each one of the County's variance standards below:

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

   Although this waterfront property is constrained by size, the property owner enjoys the amenities of a dwelling with a screened porch and a patio. Denial of the variance would not prevent the applicant reasonable and significant use of the entire parcel or lot, and therefore would not result in an unwarranted hardship to the applicant.

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

   The applicants have reasonable use of this property for residential purposes, and therefore, they would not be denied a right commonly enjoyed by their neighbors. Rights commonly enjoyed must be compared to the rights of other persons under the Critical Area program. There is no right to locate accessory structures, such as a swimming pool, in the Buffer. Based on observations made during the site visit, no other accessory structures are present waterward of existing dwellings on adjacent lots. In addition, this office has no record of a previous variance request to permit an accessory structure within the Buffer on any property in this grandfathered subdivision.

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

   Based on observations made during the site visit, none of the waterfront properties have swimming pools and this office has no record of a previous variance request to permit a swimming pool within the Buffer on any property in this grandfathered subdivision. If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this subdivision, as well as in similar situations in the County's Critical Area.

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

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

   The applicant bears the burden to prove this factor, along with the others discussed above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting this variance will contribute to the decline of water quality in the Chesapeake Bay by considerably increasing the amount of disturbance on this site. Decline in water quality contributes to declines in aquatic habitat, ultimately affecting the viability of local fisheries and the local economies that depend on them.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 837-04 Mariner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 23, 2004

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

Re: Variance 2004-0476-V Arthur and Elizabeth Chotin

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, this office does not oppose a variance to redevelop the site; however impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and variance request.

1) The applicant proposes 6,049 square feet of disturbance or 69 percent of the total lot area. Because steep slopes are not identified on the site plan provided, this office is unable to determine whether impacts to steep slopes have been minimized. We recommend that the applicant provide a revised site plan showing the extent of steep slopes on the site and calculations of the area of disturbance to steep slopes.

2) As shown on the site plan, three retaining walls are proposed in the southwest corner of the property. A large portion of the area disturbed to construct the retaining walls is currently forested (approximately 1,730 square feet as measured from the site plan). As stated in the Critical Area report, the current development proposal includes 2,641 square feet or 52 percent forest clearing. The applicant has neither provided information to support the need for three retaining walls nor to justify the amount of clearing and disturbance proposed on the site. In addition, two covered porches are proposed, one on the side and the other in the front

of the dwelling. Is either of the porches located on steep slopes? Could disturbance be reduced if one of the porches were eliminated from the proposal?

Based on our review of the application, this office concludes that the applicant has failed to establish that impacts to steep slopes and clearing of existing forest have been minimized or that the variance is the minimum necessary. For these reasons, this office opposes the variance request as proposed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

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

AA 842-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 23, 2004

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

Re: Variance 2004-0491-V Thomas Neidert

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to perfect a residential accessory structure in a C4 District with greater area than the principal structure, and less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

This office has no comment on the variance to permit a residential accessory structure in a C4 District with greater area than the principal structure.

Based on the information provided, we have the following comments regarding the setback and Buffer variances. As reported in the variance application, the applicant has constructed a 1,600 square foot 2-story garage within the 25-foot nontidal wetland buffer, with less setbacks than required, and absent the necessary State and local authorizations. As measured from the site plan, nearly half of the garage is location within the 25-foot nontidal wetland buffer and the garage is located five feet from the nontidal wetland itself.

Because we believe that the application does not present information sufficient for the County to make the required findings under the variance standards, we oppose this Buffer variance request. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values, by strengthening the Critical Area law. In particular, the 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. Although this is a small lot, it appears that a smaller garage could be constructed to comply with the required setbacks and could be located entirely outside the 25-foot nontidal wetland buffer. Because a variance of less magnitude than the one requested, or elimination of the variance altogether, would allow reasonable and significant use of the applicant's property, this office believes that the standard of unwarranted hardship has not been met.

In addition, the actions of the applicant prevented consideration of alternatives prior to construction that may have facilitated reduction or elimination of impacts on the site and compliance with the setback requirements. Therefore, the variance request is based upon conditions or circumstances which are the result of the actions by the applicant.

Finally, the literal interpretation of this subtitle or the local Critical Area Program and related ordinances would not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction. As shown on the site plan, existing development on the adjacent property (Tax Map 10, Parcel 320) , which is a small lot encumbered by nontidal wetlands and buffer, is located outside the 25-foot nontidal wetland buffer. This office has no record or a variance for Parcel 320 to permit disturbance to nontidal wetlands or the 25-foot nontidal wetland buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 845-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 23, 2004

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

Re: Variance 2004-0064-V Andrew and Denise Petrusis

Dear Mr. Konowal:

Thank you for providing information on the above referenced appeal. The applicant is appealing the denial of a variance, by the Anne Arundel County Administrative Hearing Officer (Case No. 2004-0064-V), to permit an accessory structure in the front yard with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, deck, several walkways, garage, and pier.

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

1) As confirmed by County staff during an inspection of the property on December 22, 2003, we understand that the property owner began construction without the necessary local permits and absent a variance. As stated by the property owner in the variance application, construction of the deck and hot tub is approximately 90 percent completed.

2) As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-109), new accessory structures in a Buffer Exemption Area should be designed and located to maximize the distance from the shoreline, and enhance and protect environmentally sensitive features on the site. The proposed deck with hot tub is located 14 feet from the shoreline and on steep slopes within the Buffer. As constructed, it does not appear that the applicant has attempted to comply with the provisions for development in a Buffer Exemption Area. Based on the existing development on this lot, it appears that these structures could be

accommodated elsewhere on the property to maximize setbacks and minimize disturbance to steep slopes within the Buffer.

Because we believe that the application does not present information sufficient for the County to make the required findings under the variance standards, we oppose this Buffer variance request. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values, by strengthening the Critical Area law. In particular, the 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.

Because a variance of less magnitude than the one requested would allow reasonable and significant use of the applicant's property, this office believes that the standard of unwarranted hardship has not been met. In addition, I have discussed each one of the County's variance standards below:

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

   There is nothing unusual or unique about this residential property. The applicant has reasonable use of the property, including a two-story dwelling with a deck, several walkways, and a garage. The existing deck and portions of the dwelling and walkways are located within the 100-foot Buffer. The General Assembly required that all variance applications be evaluated in light of the reasonable uses that can be made of the entire parcel or lot at issue. Based on the existing development, it appears that the deck and hot tub might be accommodated elsewhere on the property. Therefore, denial of this variance request would not create an unwarranted hardship for the applicant.

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

   As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-109), new accessory structures in a Buffer Exemption Area should be designed and located to maximize the distance from the shoreline, and enhance and protect environmentally sensitive features on the site. Compliance with these provisions, to the extent possible given special conditions or circumstances of a site, is a requirement for development proposed within the Buffer on all properties within a designated Buffer Exemption Area within the Critical Area of Anne Arundel County. By constructing a deck and hot tub 14 feet from the shoreline and

on steep slopes within the Buffer, we conclude that the applicant has not met the required provisions for development in a Buffer Exemption Area.

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

   As required by the Anne Arundel County Zoning Ordinance (Article 28, Section 1A-109), new accessory structures in a Buffer Exemption Area should be designed and located to maximize the distance from the shoreline, and enhance and protect environmentally sensitive features on the site. Based on the existing development on this lot, it appears that the deck and hot tub might be relocated elsewhere on the property to maximize setbacks and minimize disturbance to steep slopes within the Buffer. If alternatives exist but have not been considered, the granting of a variance would confer upon the applicant a special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.

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

   As stated by the property owner in the variance application, construction of the deck and hot tub is nearly completed. We understand that the property owner began construction without the necessary local permits and absent a variance. Thus, this variance request is certainly based upon conditions and circumstances, which are the result of actions, by the applicant.

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

   The provisions of the Critical Area Act and Criteria, and the Anne Arundel County Zoning Ordinance, establish specific limits on development within Buffer Exemption Areas for the purpose of protecting water quality and natural habitats within the Critical Area. By constructing a deck and hot tub 14 feet from the shoreline and on steep slopes within the Buffer, we conclude that the applicant has not attempted to meet the required limits for development in a Buffer Exemption Area nor has the applicant attempted to protect environmentally sensitive features on the site. Thus, the variance is not in harmony with the general spirit and intent of the Critical Area law and the regulations.

Due to the actions of the applicant and the applicant's inability to the meet all of the variance standards, we oppose this variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 136-04 Appeal

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 22, 2004

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

Re: Variance 2004-0477-V 8919 LLC C/O James Robinson

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, this office does not oppose the variance. Based on the information provided, the current variance request for Lot 1 is identical to the variances granted in the previous case for this property, Case No. 2000-0229-V. We recommend that the conditions of the previous variance be applied to the current variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 361-00

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 19, 2004

Sharon Weygand
Town Administrator
Town of Port Deposit
64 S. Main Street
Port Deposit, Maryland 21904

Re: Retaining Wall Stabilization project

Dear Ms. Weygand:

On November 12, 2004, this office received a consistency report from Mary Ann Skilling (Critical Area Circuit Rider) on behalf of the Town for the retaining wall stabilization project. The purpose of this project is to repair the existing retaining wall, which is currently failing, and to stabilize steep slopes on the north side of High Street. Based on the information provided, this office concurs with the Town's determination that the project is consistent with the Port Deposit Critical Area regulations.

Thank you for coordinating with us on this project. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Mary Ann Skilling

PD retaining wall

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 19, 2004

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

Re: Variance 2004-0474-V Steve Cone

Dear Ms. Plociennik:

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

This office has no comment regarding the setback variance for the pier and pilings. As shown on the site plan, the applicant proposes a 6-foot wide wood chip path to access the pier. Any disturbance to existing vegetation associated with installation of the wood chip path must be mitigated at a ratio of 2:1. We recommend that the any required mitigation for water access to the pier be made a condition of the variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 841-04

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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November 19, 2004

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

Re: Variance 2004-0490-V James Christie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and garage.

This office does not oppose the variance request, providing the conditions of the previous variance are met (Case No. 2003-0352-V). Based on the site plan provided for the current variance request, the applicant proposes a 12-foot by 24-foot deck. As required as a condition of the Hearing Officer's decision for the previous case, the proposed deck must be reduced in size to 10 feet by 12 feet. For the current variance, this office recommends that the applicant provide a revised site plan showing a deck that complies with the specifications required in the previous variance decision.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 570-03 extension

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 19, 2004

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

Re: Variance 2004-0471-V Katherine Reeves

Dear Ms. Plociennik:

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

This office has no comment regarding the setback variance. If granted, we recommend the following be made conditions of the variance.

1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the information provided, it appears that mitigation plantings can be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.

2) Stormwater from the screened porch should be directed to a stable vegetated outfall to provide water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 839-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 19, 2004

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

Re: Variance 2004-0473-V Robert Romanowski

Dear Ms. Plociennik:

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

Based on the information provided, this office has no comment regarding the setback variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 840-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 19, 2004

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

Re: Variance 2004-0496-V Wendy Cramer

Dear Ms. Plociennik:

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

Based on the information provided, this office has no comment regarding the setback variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 847-04

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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November 19, 2004

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

Re: Variance 2004-0494-V Jeffrey Polk and Heather Robey

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, this office does not oppose the variance. We understand that the deck will be constructed over an existing concrete patio, extending beyond the patio only to install the deck footers. We recommend that native plantings be installed around the perimeter of the deck, which will provide water quality benefits by intercepting runoff from the deck.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 846-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 18, 2004

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

Re: Growth Allocation Request for Richfield Station Subdivision

Dear Mr. Watson:

The purpose of this letter is to provide an update regarding the Town's request for growth allocation for the Richfield Station subdivision. In order to continue processing the growth allocation request, the Town must provide additional information, as requested in our letter of April 9, 2004 (refer to attachment). Each item in the letter is addressed below.

1) On September 28, 2004, this office received a revised growth allocation site plan, which includes the information requested in our letter. Based on our review of the revised site plan and subsequent discussions with representatives of Chesapeake Beach and the developer, we recommend the addition of the following information to facilitate the Commission's review of the growth allocation request:

   - The site plan should include the tax map and parcel number of the property and a location map showing the entire parcel and adjacent lands.

   - The site plan should include a note referencing the proposed covenant agreement for the Forest Interior Dwelling Bird Habitat Protection Area. For consistency with the covenant agreement, we recommend that the terms "Natural Preservation Area" and Wildlife Natural Habitat Park" be replaced by "Forest Interior Dwelling Bird Habitat Protection Area" on the growth allocation site plan.

   - It is our understanding that the Forest Interior Dwelling Bird Habitat Protection Area includes the growth allocation setback (defined as the greater of the 300-foot growth

allocation setback or the expanded Buffer). The entire Forest Interior Dwelling Bird Habitat Protection Area should be identified clearly on the growth allocation site plan.

- We recommend that a note be added to the site plan stating that the Forest Interior Dwelling Bird Habitat Protection Area has been established to satisfy the mitigation requirement for impacts to FIDs habitat associated with development of the Critical Area portion of the Richfield Station subdivision.

2) Commission staff and the Commission's attorney reviewed the draft covenants for the Forest Interior Dwelling Bird Habitat Protection Area and recommended several changes to the document. As part of the Town's submittal for the growth allocation, we request that the revisions be incorporated so that a copy of the covenants can be provided for review and comment.

3) This office received a copy of the updated evaluation of the Richfield Station property from the Department of Natural Resources dated May 20, 2004. Based on the current proposal, the applicant has addressed DNR's recommendations for conservation of FIDs habitat on the site.

4) At this time, the developer has not provided a complete environment assessment of the Critical Area portion of the Richfield Station subdivision. On October 26, 2004, this office received a copy of the jurisdictional determination completed by the U.S. Army Corps of Engineers. As discussed previously with the developer's representative, a typical environmental assessment (approximately 2-6 pages) includes but is not limited to the following information: site location and general description of the property, the tax map and parcel number, Critical Area designation and local zoning designation, site summary of acreages within/outside the Critical Area and State tidal wetlands (if present), description and map of soils, description of the vegetative community, description of any Natural Heritage Areas and/or Habitat Protection Areas present (this would include the letter from DNR), description of wetlands and streams present (this would include the jurisdictional determination from the USACE), dates when any field work was conducted, and other documents or information sources sited.

Based on the additional information provided and ongoing discussions with representatives of Chesapeake Beach and the developer, we have the following additional comments regarding the growth allocation request for the Richfield Station subdivision.

1) The Richfield Station subdivision plat for Block "N" Section 1, Lots 1-21 indicates that subdivision of lands has been platted and recorded within a Resource Conservation Area (RCA) of Chesapeake Beach. As indicated on the record plat, the subdivided lands include Lots 16, 17, 18, 19, 20, and 21, Area 31, Area 33, and unspecified areas south of Greenspring

Drive, and adjacent to Valley View Drive. This office was not notified of the Town's actions to subdivide and plat these lots within the Critical Area of Chesapeake Beach. As you are aware, the development density within a RCA is one dwelling unit per twenty acres and the criteria for development in a RCA prohibit disturbance to steep slopes and require that mitigation be provided for forest clearing and impacts to FIDs habitat.

As shown on the growth allocation site plan for Richfield Station, the platted lots and lands within the Critical Area are included in the proposed growth allocation envelope. The growth allocation would change the designation of these lands from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). In an IDA, development density is based on the underying zoning and the local Critical Area regulations do not prohibit disturbance to steep slopes or limit forest clearing outside the Buffer. Providing the platted lots and lands are designated an IDA, no additional mitigation would be required for development of the platted lots and lands in Block "N" Section 1 of the Richfield Station subdivision.

2) Based on our ongoing discussions, it is our understanding that the Town has chosen an alignment for the recreational trail through the Richfield Station subdivision. Although the trail is not part of the growth allocation request, we recommend that the Town provide a site plan for review by the Commission, showing the alignment of the proposed trail, as it appears to extend within the FIDs Conservation Area and through the Richfield Station subdivision. If the Town requires assurance from the Commission that the proposed alignment is acceptable, the Town should submit a request for a conceptual approval by the Commission, as was done previously for the other portion of the trail.

I look forward to working with the Town on this growth allocation request. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Joe Devlin (Council, Baradel, Kosmerl & Nolan, P.A.)
Marianne Mason (Department of Natural Resources, Office of the Attorney General)

CB Richfield Station update

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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April 9, 2004

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

Re: Richfield Station Growth Allocation

Dear Mr. Watson:

On March 29, 2004, Commission staff received the Town's submittal requesting 27.75 acres of growth allocation for the Critical Area phase of the Richfield Station subdivision. As you informed us, the Planning Commission has given a favorable recommendation to the Town Council for approval of the growth allocation request. After reviewing the Town's submittal, we are unable to process the growth allocation request at this time, because several pieces of information were not provided.

The following additional information is necessary to complete the Town's submittal.

1) An updated site plan identifying all necessary information relating to the growth allocation request for the Richfield Station subdivision was not included in the submittal. The following information should be included on the site plan.

   - The calculated acreage requested for growth allocation and for Forest Interior Dwelling Bird (FID) conservation both inside and outside the Critical Area.

   - The area proposed for growth allocation and development proposed within the growth allocation area.

   - Site Plan notes prohibiting development or development activities within the growth allocation setback (the 300-foot growth allocation setback or the expanded Buffer, whichever is greater in extent), since the growth allocation setback is included in the lands identified for Forest Interior Dwelling Bird (FID) conservation as part of the growth allocation request.

2) The FIDS conservation component is central to the Commission's consideration of this growth allocation. As we discussed, in order to ensure protection of this area, the applicant and the Town must develop and execute conservation agreements, or other legally binding restrictions, for the lands owned by the Town and the applicant and identified for Forest Interior Dwelling Bird (FID) conservation both inside and outside the Critical Area. Please submit the conservation agreements and restrictions proposed by the Town and the applicant.

3) Our records show that the Department of Natural Resources provided comments to the property owner and the Town in1992 and 1993 regarding evaluation of rare, threatened and endangered species and other natural resources on the Richfield Station property. The Department of Natural Resources recommends repeating these evaluations every two to three years to ensure consideration of updated or revised species information. Please provide an updated evaluation from the Department of Natural Resources for the presence of rare, threatened or endangered species on the Richfield Station property.

4) In accordance with the Chesapeake Beach Critical Area Program (Program 2, Section III Expansion of Development), a request for growth allocation that is approved at the conceptual or preliminary plan phase shall include a written environmental assessment including a natural resource inventory. Please provide a copy of this assessment.

When the Town submits the information described above, the Commission will notify the Town that the submittal for growth allocation is complete for processing. Please contact me at (410) 260-3462 if you have questions.

Sincerely,

Ren Serey
Executive Director

cc: The Honorable Gerald Donovan
Joseph Devlin, Esq.
Martin G. Madden, Chairman

CB Richfield Station GA

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 18, 2004

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

Re: Variance 2004-0401-V Mary Quasky

Dear Ms. West:

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

This office has no comment regarding the setback variance. If granted, we recommend the following be made a condition of the variance.

- Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through implementation of a best management practice or with plantings. Plantings should consist of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA Quasky

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 18, 2004

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

Re: Variance 2004-0371-V Tim and Olga Holbrook

Dear Ms. West:

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

Based on the information provided, this office has no comment regarding the setback variance; however, there appears to be adequate space on the lot to accommodate a shed within the required setbacks. If granted, we recommend the following be made conditions of the variance.

1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Based on the site plan provided, it appears that mitigation plantings could be accommodated on the site. Mitigation plantings should consist of a mix of native trees and shrubs.

2) Stormwater from the shed should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA Holbrook

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 18, 2004

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

Re: Harborvista Condominiums at Fishing Creek Landings Marina

Dear Mr. Watson:

The purpose of this letter is to provide an update on our review of the Harborvista Condominiums at Fishing Creek Landings Marina project. On November 3, 2004, this office received revised site plans from Ben Dyer & Associates, Inc, consisting of a Buffer planting plan, a plant list, and a Buffer Management Plan for the north side of Fishing Creek Landings Marina.

1) On October 1, 2003, the Commission approved the designation of approximately 165 linear feet of the northern portion of the Fishing Creek Landings Marina property as a Buffer Exemption Area (BEA). The Commission's approval of the BEA included the condition that the applicant provide a Buffer Management Plan and a plan to control *Phragmites* in the Buffer on the northern side of the marina property. As shown on the revised site plans, the proposed Buffer Management Plan (Sheet L-4) satisfies the Commission's condition of approval of the Buffer Exemption Area.

2) The Commission's approval of the BEA also included the condition that the applicant would provide dense plantings in the buffer strips within the BEA portions of the site. As shown on the revised site plans (Sheets L-1, L-2 and L-3), the proposed buffer strip plantings for the north and south side of the marina are sufficient to satisfy this requirement for the BEA portion of the site. As stated previously, the plant selection and the density and arrangement of the plantings within the buffer strips are adequate.

3) As this time, the applicant has not provided revised 10% Rule Calculations for the south side of the marina (refer to specific comments in our letter of September 14, 2004).

I look forward to working with the Town to complete our review of this project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Kevin Hedge (Ben Dyer Associates, Inc.)
Mike Rodevick (R.A. Barrett & Associates, Inc.)

CB 90-01 buffer plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 15, 2004

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

Re: Bayhead Shores Estates subdivision
(Tax Maps 40 and 35, Parcel 118, Parcel 123, Parcel 630)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 37.77-acre tract of land, consisting of Parcel 118, Parcel 123, and Parcel 630, of which 27.16 acres is within the Critical Area. The Critical area portion of the subdivision is designated a Limited Development Area and Parcel 123 is designated a Buffer Exemption Area (BEA).

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

1) The following information should be added to the subdivision plan: LDA designation for lands within the Critical Area, area of existing forest, and area of forest to be removed.

2) As indicated on the subdivision plan, the applicant proposes 25 percent impervious surface coverage for 41 lots with single-family detached dwellings in the Critical Area. Lots of less than one acre within the Critical Area can be permitted a maximum of 25 percent impervious surface coverage, providing the entire subdivision does not exceed 15 percent impervious surface coverage. Based on the impervious surface coverage proposed on the site plan, it is not clear whether the 25 percent maximum impervious surface limit can be applied to each lot within the Critical Area without exceeding the 15 percent limit for the entire subdivision (which includes roads, sidewalks, stormwater facilities, and other infrastructure).

Because it can sometimes be difficult to track the total impervious surface coverage within a subdivision over time, this office recommends that the applicant identify on the final subdivision plat specific impervious surface coverage limits for roads and infrastructure and for each lot within the Critical Area. In addition, impervious surface coverage limits for each lot should consider the future needs of property owners by providing an impervious surface allowance for accessory structures, such as decks, sheds, porches, and patios.

3) Mitigation for forest clearing within the Critical Area should be provided at a ratio of 1:1 for clearing less than 20 percent of existing forest, 1.5:1 for clearing greater than 20 percent and less than 30 percent of existing forest, and 3:1 for clearing greater than 30 percent of existing forest (Cecil County Zoning Ordinance Article XI, Part I, Section 200). Mitigation can be provided on site or in combination with off-site forest planting. The applicant should provide a mitigation plan as part of the subdivision proposal.

4) Lots in the Critical Area should be reforested or afforested to provide a minimum of 15 percent forest cover (Cecil County Zoning Ordinance Article XI, Part I, Section 200). Mitigation plantings can be used for this purpose.

5) The applicant must provide an evaluation by the Department of Natural Resources, Natural Heritage Division for the project site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 816-04

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

November 10, 2004

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2004-0398-V James and Colleen Leighty

Dear Ms. Rhodes:

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

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

1) The 100-foot Buffer is not shown on the site plan provided. As estimated from the site plan, it appears that most of the lot falls within the Buffer. We note that a portion of this 10, 903 square foot lot (the 3,109 square feet located between East Chalk Point Road and the West River) contains tidal wetlands. If State tidal wetlands are present on this portion of the property, the acreage of State tidal wetlands must not be included in the impervious surface calculations. We recommend that the applicant clarify this information.

2) The proposed new deck should be pervious, with a gravel substrate and vegetative stabilization on the down slope end.

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be directed first to non-forested areas of the Buffer,

including the portion of the property located between East Chalk Point Road and the West River.

4) Stormwater from the addition should be directed to a stable vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 676-04

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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November 10, 2004

Jeanne Minner
Office of Planning and Zoning
100 Railroad Avenue
Elkton, Maryland 21922-0157

Re: Elkton Blue Ball Interceptor Sanitary Sewer Project

Dear Ms. Minner:

Thank you for providing a consistency report for the Elkton Blue Ball Interceptor Sanitary Sewer project. As reported by the Town's consultant, the project will result in no impacts to Habitat Protection Areas within the Critical Area, except for temporary disturbance within the Buffer. A portion of the sewer line will be installed in a grassed area of the Buffer to Big Elk Creek and the area will be restored to its current condition following completion of the project. In addition, the project will not impact steep slopes or require any forest clearing within the Critical Area. Based on the information provided, this office concurs with the Town's determination that the project is consistent with the Elkton Critical Area Program and regulations.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Mark Bowen (KCI Technologies)

EL 710-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 9, 2004

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

Re: Variance 2004-0459-V Huffard and Citrano

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, much of this property is encumbered by nontidal wetlands, tidal wetlands and the Buffer, which is expanded for steep slopes, and therefore we recognize that a variance is necessary to permit development of the site.

2) Were areas of State tidal wetlands substracted from the total lot area for the purpose of calculating impervious surface coverage and forest clearing reported on the site plan? We recommend that the applicant clarify this information as part of the variance request.

3) As shown on the site plan, septic drain fields are proposed in the northeast corners of the property outside the Buffer, and a dwelling is proposed in the northwest corner of the property within the Buffer and on steep slopes. As proposed, it does not appear that impacts to steep slopes within the Buffer and forest clearing have been minimized to the extent possible on the site. Has the applicant considered alternative configurations for the dwelling

and garage that would maximize the use of the necessary setbacks? For example, the flat area north of the proposed dwelling could be utilized, while maintaining the 40-foot building restriction line and the required 30-foot setback for the well. It appears that if the dwelling were shifted to the north, forest clearing (particularly the removal of specimen trees) and clearing and grading on steep slopes within the Buffer could be reduced.

4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1.5 for disturbance outside the Buffer (for clearing greater than 20 percent), should be required. Mitigation plantings should be accommodated on the site to the extent possible. For example, it appears that mitigation plantings could be placed around the perimeter of the tidal pond and adjacent to the shoreline.

5) Stormwater from the dwelling, garage and driveway should be directed away from steep slopes and wetlands, preferably to a best management practice to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Timothy Brenza (Messick Group, Inc.)

AA 785-04

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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November 9, 2004

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

Re: Variance 2004-0432-S and 2004-0433-V Arundel on the Bay

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to permit a community pier and pilings, and variances to permit a community pier and pilings with less setbacks, less lot area, and less parking than required and without sanitary facilities. The property is designated a Limited Development Area (LDA) and is currently developed with a parking area and a community pier.

Based on the information provided, this office does not oppose the request for a special exception and variances to permit a community pier. We understand that the applicant proposes to increase the number slips at the existing community pier for use by residents of the Arundel on the Bay community. As proposed, the request to permit a community pier with less parking than required and without sanitary facilities will result in less impact to the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 744-04

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/

November 8, 2004

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

Re: Variance 2004-0451-V George Vincent

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose a variance to construct a dwelling; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

1) As shown on the site plan, the Buffer extends across approximately half of the lot and the location for the new dwelling is constrained by the required 30-foot setback for the new well.

2) The limits of disturbance for construction are not shown on the site plan. As reported on the site plan, the current proposal includes 2,627 square feet of disturbance within the Buffer and 3,134 square feet outside the Buffer, totaling 5,761 square feet or 32 percent of the site. We recommend that the applicant provide a revised site plan, showing the limits of disturbance on the site.

3) As indicated on the site plan, the existing shed and portions of the existing driveway will be removed, and the proposed garage will be located over a portion of the existing driveway. A portion of the new dwelling, with an attached covered porch and deck, is located within the Buffer. Has the applicant considered alternative configurations for the footprint of the

dwelling that would minimize intrusion within the Buffer? In addition, it appears that the dwelling could be shifted approximately 5-7 feet closer to the rear building restriction line while maintaining the setback from the well.

4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. As only 920 square feet of the property is forested, it appears that much of the required mitigation can be accommodated on the site. Mitigation plantings should be directed first to non-forested areas within the Buffer, then to other areas of the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 782-04

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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November 4, 2004

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

Re: Variance 2004-0455-V Howard and Gloria Pressman

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose a variance to expand the existing dwelling; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

1) Due to the presence of steep slopes on the site, the Buffer must be expanded according to the Buffer expansion provisions in the Anne Arundel County Zoning Ordinance, (Article 28, §1A-104). As shown on the site plan, most of the property is located within the expanded Buffer, including the existing dwelling and garage. We recognize that a variance is necessary to expand the existing dwelling in any direction.

2) The applicant proposes to construct a (rear) dwelling addition and stone courtyard, a second floor and deck over the garage, a (side yard) dwelling addition and deck on steep slopes, and a third deck on the waterside of the existing dwelling. To minimize impacts to steep slopes, has the applicant considered combining the side yard and waterside decks into one deck, along the waterside of the dwelling? It appears that a somewhat larger deck could be accommodated in the flat areas adjacent to the southeast corner of the dwelling and the driveway.

The limits of disturbance are not shown on the site plan provided for this variance. As stated in the Critical Area report, 2,329 square feet of forest will be removed from the site. Where on the site will forest be removed? Will heavy machinery be used on steep slopes to construct the (side) dwelling addition? How much disturbance to steep slopes is necessary to construct the proposed addition? Without this information, this office is unable to determine whether impacts have been minimized.

We recommend that the applicant provide a revised site plan, including information about the limits of disturbance/clearing and the area of disturbance to steep slopes. If new information is provided, this office may have additional comments regarding this variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 783-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 4, 2004

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

Re: Variance 2004-0351-V Michael Malinowski

Dear Ms. Plociennik:

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

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

1) Steep slopes and the Buffer are not identified on the site plan provided for the variance. As estimated from the site plan, it appears that the Buffer may need to be expanded for steep slopes.

2) The applicant proposes to remove the existing dwelling, a concrete pad, and several existing walkways on steep slopes. The new dwelling (with attached waterside deck) will be constructed approximately 210 feet from the shoreline, which is further from the shoreline than the existing dwelling. The existing driveway will be reconfigured to provide access to the new dwelling. The current proposal will result in a 480 square foot reduction of impervious surface coverage, totaling 5,160 square feet. Currently, the property is non-conforming with respect to impervious surface coverage, with 5,640 square feet. It appears that the applicant has attempted to minimize impacts within the Buffer by reducing impervious surface coverage and increasing the setback from the shoreline for the new dwelling.

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer (and 1:1 for disturbance outside the Buffer if necessary), should be provided. Mitigation plantings should be accommodated on the site to the extent possible, particularly in non-forested areas within the Buffer. Plantings should consist of native trees and shrubs.

4) If possible, stormwater should be directed away from steep slopes on the site to a stable vegetated outfall or preferably to a best management practice.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 779-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 29, 2004

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

Re: Variance 2004-0347-V and 2004-0346-V David Clickner

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances: to permit piers to be constructed without a principal structure, with less setbacks than required, and with greater length than allowed; and to permit a dwelling and associated facilities with less setbacks and Buffer than allowed and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. As shown on the plat for the Dutchship Point subdivision, the property (Lot 4) consists of two land areas; Part I is located on the mainland shoreline, consists of 8,761 square feet, and provides access to Part 2 - Dobbins Island - which consists of 7.01 acres.

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

1) The Buffer is not identified on the site plans provided. As estimated from the site plan, it appears that most of the property is within the Buffer (refer to attached copy of the site plan). The applicant should provide revised site plans, which show the Buffer, steep slopes if present on the site, and the expanded Buffer if necessary. This information is needed to determine the mitigation requirement for the project.

2) The Department of Natural Resources provided the Commission with a copy of their recent letter to the Department of the Environment, Tidal Wetlands Division, commenting on a permit application from the property owner to impact tidal wetlands (refer to attached letter.

As indicated by the Department of Natural Resources, a historic waterfowl staging and concentration area exists in the vicinity of Dobbins Island. Historic waterfowl staging and concentration areas are a Habitat Protection Area (as defined in COMAR 27.01.09.04 and the Anne Arundel County Critical Area program). The applicant must address DNR's recommendations for time of year restrictions with respect to any activities associated with development of the property (both Part I and Part II of Lot 4), including construction of the proposed piers and the transport of building materials to Dobbins Island. (For example, will the construction materials be transported by boat or by other means?)

3) As shown on the site plan, the limits of disturbance extend within steep slopes, to the west and north of the dwelling, and a portion of the driveway is located on steep slopes. There appears to be adequate space to accommodate the driveway turn-around area on the flat areas of the site, thereby limiting disturbance to steep slopes to only the driveway/access road to the pier. In addition, the applicant's consultant reported to Commission staff that the property owners intend to utilize only small off-road vehicles for transportation on Dobbins Island. Because standard vehicles will not be used on the site, it appears that the width of the driveway could be reduced to 8 feet. We recommend that the applicant consider alternative configurations for the driveway that would minimize impacts to the Buffer and steep slopes on the site.

4) As reported on the site plans, the applicant proposes 21,825 square feet of forest clearing and 10,539 square feet of impervious surface coverage: 1,658 square feet for the driveway/access on Part I, and 8,881 square feet for the dwelling (4,200 square feet plus 900 square feet for the garage) and driveway (3,577 square feet) on Part 2, Dobbins Island. Based on the current site plan, it appears that impacts to the Buffer have not been minimized to the extent possible on Dobbins Island. As estimated from the site plan, a slightly smaller dwelling could be accommodated outside the Buffer by consolidating the footprint of the dwelling and garage, and by reconfiguring the driveway area. We recommend that the applicant consider such alternatives to achieve minimization of impacts to the Buffer and steep slopes on the site.

5) As shown on the site plan, the proposed 10-foot wide driveway is located mostly on steep slopes. Has the applicant developed a plan to manage stormwater runoff from the driveway? It appears that much of the runoff would flow down the length of the driveway to the shoreline. We recommend that the applicant provide a stormwater management plan for the driveway that addresses both quality and quantity management. In order to avoid the need for a structural best management practice and outfall along the shoreline, the stormwater management plan should include techniques to disconnect flows from several points along the length of the driveway and promote infiltration on the more level areas adjacent to the driveway.

6) The site plan notes indicate that forest clearing will be mitigated at a ratio of 1:1.5. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside

the Buffer, should be required. Mitigation should be accommodated on the site to the extent possible. As noted on the site plans, mitigation plantings will be used to reforest the previously platted access easement on Part 2, Dobbins Island.

7) Given the applicant's intent to establish a residence on the property, this office has no comment on the variance to permit piers to be constructed without a principal structure, with less setbacks than required, and with greater length than allowed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Gary Setzer (Department of the Environment)
Cibyl Vega (U.S. Army Corps of Engineers)
Mike Helfrich (Gamma Engineering)

AA 661-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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October 27, 2004

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

Re: Variance 2004-0465-V Patricia McCallum

Dear Ms. Plociennik:

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

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

1) As required by the Anne Arundel County Zoning Ordinance (Article 28, §1A-105), a grandfathered lot in the Critical Area of less than 8,000 square feet is allowed 25 percent plus 500 square feet of impervious surface coverage, which in this case is 1,760 square feet. As stated in the variance application, this property currently has 2,628 square feet of impervious surface coverage, and therefore is non-conforming with respect to the impervious surface limits.

2) The applicant proposes to construct a 225 square foot screened porch over an existing 450 square foot concrete patio. As stated in the variance application, the concrete patio was constructed approximately 11 years ago. At that time, did the property owner receive a building permit to construct the concrete patio and a variance to exceed the impervious surface limits?

3) Based on the information provided, there appear to be opportunities to bring the property into compliance with the impervious surface limits. As indicated on the site plan, the existing

driveway covers a substantial area of the property, approximately 1,191 square feet. For example, a portion of the driveway and/or the concrete patio could be removed. Has the applicant considered these alternatives?

Based on the Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance, we offer the following comments as to the request's compliance with the variance standards. The denial of this variance would not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction, as new development on other lands within a Limited Development Area in the Critical Area of Anne Arundel County are subject to the impervious surface limits. As it appears that the non-conforming condition may have been created after adoption of the local Critical Area regulations, the need for an impervious variance in this case may be based upon conditions or circumstances that are the result of actions by the applicant. For these reasons, this office opposes the impervious surface variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 789-04

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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October 27, 2004

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

Re: Variance 2004-0466-V Louis Reeder

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a lot with less area than required and a dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. According to our records, this property was the subject of two previous variances, Case No. 2001-0068-V and Case NO. 2003-0175-V.

Providing this lot is properly grandfathered, we do not oppose the setback variance. The applicant proposes to remove the existing dwelling (676 square feet) and construct a slightly larger dwelling (720 square feet) with less setbacks than required. As proposed, the improvements to the property are well within the impervious surface limits for a lot of less than 8,000 square feet (25 percent plus 500 feet). Because the applicant is requesting the same variance granted previously in Case No. 2003-0175-V, we recommend that the conditions of the previous variance be made conditions of the current variance.

This office has no comment on the variance to permit a lot with less area than required.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 397-03 resubmit

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 27, 2004

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

Re: Variance 2004-0482-V Deborah Allen

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. As shown on the site plan, the applicant proposes to remove the existing dwelling and construct a smaller dwelling roughly within the same footprint. The proposal will result in a reduction of 355 square feet of impervious surface coverage on the site. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Stormwater should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 792-04

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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October 27, 2004

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

Re: Variance 2004-0468-V McTigue and Sattler

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. The applicant proposes to place a 128 square foot shed in the side yard of the property. Because the property is designated an IDA, water quality improvements must be provided on the site. Because this is a minor project, we recommend that reduction in pollutants from runoff be achieved with plantings of native trees and shrubs on the site. Runoff from the shed should be directed to a densely vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 791-04

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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October 27, 2004

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

Re: Variance 2004-0460-V Barbara Irwin

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. The applicant proposes to remove the existing deck and construct a 400 square foot deck with a walkway and steps. Because the property is designated an IDA, water quality improvements must be provided on the site. Because this is a minor project, we recommend that reduction in pollutants from runoff be achieved with plantings of native trees and shrubs on the site. The deck should have a gravel substrate and vegetative stabilization around the perimeter.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 786-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 27, 2004

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

Re: Variance 2004-0450-V Timothy Barnhardt

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. The applicant proposes to construct a 264 square foot shed and a 425 square foot extension to the existing driveway. Because the property is designated an IDA, water quality improvements must be provided on site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. Stormwater from the shed should be directed to a stable vegetated outfall to provide additional water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 781-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 27, 2004

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

Re: Variance 2004-0457-V Christopher and Melissa Joyce

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. The applicant proposes to construct a porch over an existing deck on the front of the dwelling. If required, mitigation should consist of plantings on site of native trees and shrubs. Stormwater from the porch should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 784-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 27, 2004

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

Re: Variance 2004-0461-V Terrence Marshall

Dear Ms. Plociennik:

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

Based on the information provided, we have no comment on the setback variance. The applicant proposes to remove the existing dwelling to construct a new dwelling, swimming pool, and to install a new septic system. As shown on the site plan, redevelopment of the property is constrained by the area required for the septic tank and drain fields. If the variance is granted, we recommend the following:

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

2) Stormwater should be directed to a best management practice or stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 787-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 26, 2004

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2004-0424-V James Muzik

Dear Ms. Rhodes:

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

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

1) As shown on the site plan, a large portion of this property is located within the 100-foot Buffer and contains extensive steep slopes. We recognize that a variance is necessary to permit development of the property with a new septic system and dwelling. The property is further constrained by the required 50-foot setback from wells on the adjacent properties from the new septic system, and the setback from the new septic system and the proposed dwelling.

2) The applicant proposes a dwelling with an attached garage, which have a footprint of approximately 1,892 square feet as measured from the site plan. The dwelling and garage are located within the Buffer and on steep slopes. As measured from the site plan, the garage is 23 feet and the dwelling is 29 feet from the proposed primary septic field. Considering the 20-foot setback required from the dwelling to the septic system, has the applicant maximized

this setback with respect to placement of the dwelling? We recommend that the applicant consider relocating the dwelling and garage to maximize use of the 20-foot setback from the primary septic field.

3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is not forested, mitigation plantings should be accommodated on the site to the extent possible and directed first to non-forested areas within the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 739-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 22, 2004

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

Re: Variance 2004-0447-V Jami Earnest

Dear Ms. Plociennik:

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

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

1) Steep slopes are not identified on the site plan provided. This office is unable to determine if the property is severely constrained by steep slopes and whether impacts are minimized to the extent possible. This office has no comment regarding the setback variance.

2) The applicant proposes to construct a dwelling addition and a new asphalt driveway. The existing impervious surface coverage on the property is 4,812 square feet or 38.5 percent. Currently, the property is non-conforming with respect to impervious surface coverage, which is limited to 31.25 percent or 3,906 square feet for a lot of this size (Anne Arundel County Zoning Ordinance Article 28, §1A-105). As part of the current proposal, the applicant proposes to remove 1,344 square feet of existing impervious surface and add 2,062 square feet of new impervious surface, resulting in 5,530 square feet or 44.2 percent impervious surface coverage.

This office opposes a variance to further exceed the impervious surface limits. There is no hardship in the case, as the applicant already enjoys greater impervious surface coverage under the grandfathering provisions of the Anne Arundel County Zoning Ordinance than other properties in a Limited Development Area and a Resource Conservation Area within the Critical Area of Anne Arundel County. Furthermore, denial of the impervious surface variance would not prevent significant use of the property as it appears that the existing impervious surface coverage could be maintained by reducing the size of the proposed dwelling addition and driveway.

We recommend that the applicant provide a revised site plan that identifies steep slopes and any required Buffers on the site, and an alternative configuration for the proposed dwelling addition and driveway that maintains the existing impervious surface coverage. If additional information is provided, this office may provide revised comments regarding this variance case.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 750-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 21, 2004

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

Re: Wapiti Wilderness Retreat Center

Dear Mr. Black:

Thank you for providing information on the above referenced redevelopment project. The Episcopal Diocese of Pennsylvania proposes to redevelop the Wapiti site to construct a wilderness retreat and associated facilities. The Critical Area portion of the Wapiti property, Parcels 26 and 27, are designated a Resource Conservation Area (RCA). Parcel 27 is developed with several outbuildings and is utilized primarily for agricultural purposes. Parcel 26 is currently undeveloped. As a condition of the special exception granted by Cecil County on January 28, 2004 (Board of Appeals Case No. 2910), the applicant has received approval from Cecil County for 40 acres of growth allocation to permit development of the site with a conference center and campground.

Based on the revised site plans provided by the applicant's consultant on September 30, 2004, we have the following comments regarding the current redevelopment proposal for the site.

1) The current proposal includes impacts to the Critical Area Buffer and steep slopes associated with the Phase I development plan as shown on Sheet C1 Site Improvement Plan and as described below.

   - It appears that new development activities are proposed on steep slopes behind the existing chapel, including a concrete patio and an access road.

   - Based on the impervious surface calculations provided, several accessory structures within the Buffer will be removed (details on Sheet C3 Demolition Plan) and a portion of the resulting impervious surface "credit" of 995 square feet will be applied to construction of a 940 square foot stone patio within the Buffer on the waterside of Cottage No. 1.

This office is not aware of any provisions in the Cecil County Zoning Ordinance that allow new construction within the Buffer in exchange for the removal of impervious surface associated with grandfathered accessory structures elsewhere within the Buffer. What provisions is the County applying in this case to permit development activities that extend beyond the footprint of grandfathered structures within the Buffer and on steep slopes within the Critical Area?

2) The following utility upgrades are proposed as part of the Phase I development plan as shown on Sheet C5 Utility Plan: new water lines from the existing well house across the Buffer to the existing access road, a base drain from the circular driveway to steep slopes, and, a base drain from the south side of Cottage No. 1 to steep slopes within the Buffer.

   Utilities that must cross the Buffer (or other Habitat Protection Area) shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife and their habitats and maintain water quality (COMAR 27.01.02.04 and the Cecil County Zoning Ordinance Article XI, Part I, Section 200). Mitigation should be provided for disturbance associated with installation of utilities within the Buffer and on steep slopes within the Critical Area.

3) As required by the Cecil County Critical Area Program (Section 9.1) and COMAR 27.01.09.01, the Buffer shall be established when agricultural use of lands ceases and the lands are proposed to be converted to other uses. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions described in COMAR. As we've discussed with the applicant, a Buffer Management Plan should be provided to the Commission as part of growth allocation request for this project. We are working with the applicant on development of a Buffer Management Plan for the site and have a tentative site visit scheduled in November.

We look forward to working with the County on this project. Please contact me at (410) 260-3475 if you have any questions regarding our comments.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Mark Retz (Executive Director, Wapiti Wilderness Retreat Center)
Ben Brockway (Biota, Inc.)

CE 735-02 Phase I

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 21, 2004

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

Re: Harborvista Condominiums and Fishing Creek Landings Marina

Dear Mr. Watson:

On October 20, 2004, the Commission received revised landscape and Buffer Management plans for the Harborvista Condominiums and Fishing Creek Landings Marina project. The changes made to these plans are sufficient to provide the required buffer strip plantings on both north and south side of the marina.

At this time, the applicant has not provided the additional information requested in our letter of September 14, 2004. To fulfill the requirement of the Commission's approval of the Buffer Exemption Area, the applicant in conjunction with the Town must provide a Buffer Management Plan for the lands adjacent to the north side of the marina. In addition, the applicant must provide final 10% Rule calculations for redevelopment of the south side of the marina.

I look forward to working with the Town to complete our review of this project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Mike Rodevick (R.A. Barrett & Associates, Inc.)
Kevin Hedge (Ben Dyer Associates, Inc.)

CB 90-01 revised BMP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 21, 2004

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

Re: Variance 2004-0430-V Patrick Jones

Dear Ms. West:

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

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

1) As shown on the site plan, the property is constrained by the Buffer due to tidal wetlands that cover approximately 55 percent of the total land area. Based on the 1972 Tidal Wetlands Maps, these tidal wetlands appear to be high marsh and therefore may be private wetlands. For the purpose of accurately determining the maximum impervious coverage allowed, we recommend that a wetland delineation be performed to determine the extent of State or private wetlands on the site today. In addition, the Buffer should be identified over the entire property since the Buffer measured from tidal wetlands on the adjacent property will affect the location of the Buffer on this property. The applicant should provide a revised site plan for the variance request that includes this information.

2) The applicant proposes to remove and rebuild the existing dwelling, to construct an addition to the new dwelling, enlarge the existing driveway, and construct a 780 square foot shed on the property. Because the Buffer is not identified over the entire property, it is not clear how

much of the proposed development is located within the Buffer, and therefore this office is unable to comment further on the proposal and variance request. If the requested information is provided for review, this office may have additional comments regarding the variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 743-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 21, 2004

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

Re: Variance 2004-0434-V Ronnie Gollehon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and a detached garage with an in-ground swimming pool with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and a waterfront deck. A previously existing one-story shed/garage has been removed from the site. This property was the subject of a previous variance. In Case No. 2002-0230-V, the Hearing Officer granted a variance to expand the existing dwelling by enclosing a screened porch and second floor deck, and to construct a new deck. The variance was conditioned such that no other new improvements are allowed in the Buffer on this property.

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

1) The applicant proposes to replace the previously existing dwelling on this property with a new dwelling and a deck addition of comparable size. As stated by the applicant, the dwelling was severely damaged during hurricane Isabel. This office does not oppose a variance to construct a dwelling and a deck on this property.

2) The applicant proposes to construct a two-story garage on the same footprint of the shed/garage that has been removed. As shown on the site plan, a portion of the proposed garage is located within the Buffer. We understand that the first floor of the garage will

include an in-ground swimming pool and space for two cars, and the second floor will be used as a screened porch. It is not clear whether the proposal to convert the previous shed/garage to a swimming pool and to add a second floor and screened porch would constitute "new improvements" for the portion of the structure located within the Buffer. This office is unable to determine if the current proposal to reconstruct the previous shed/garage with a swimming pool and a second story complies with the condition of the previous variance case.

3) In addition, the applicant proposes to construct a 6 foot by 150 foot concrete walkway and four supports for a "moveable picnic area" adjacent to the existing concrete bulkhead. As shown on the site plan, a deck is located at the southeast corner of the property and extends over the stone revetment along the shoreline. Would the "moveable picnic area" be an at-grade structure similar to the waterfront deck? We recommend that the applicant provide detailed specifications about the proposed "moveable picnic area".

   The criteria for approval of development within a BEA state that no new impervious surface shall be placed nearer to the shoreline than the existing principal structure except by variance (Anne Arundel County Zoning Ordinance Article 28, 1A-105). Considering the condition of the previous variance and the fact that the applicant already enjoys a waterfront deck, this office would oppose a variance to permit a concrete walkway and "moveable picnic area" within the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 745-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 20, 2004

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

Re: Variance 2004-0425-V Frank and Doris Wilde

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property has a split Critical Area designation of Limited Development Area (LDA) and Resource Conservation Area (RCA), and is currently undeveloped.

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

1) As indicated in the Critical Area report, the entire property (Lots 1-10) is located within the 100-foot Buffer, and therefore a variance is necessary to permit development. The property also contains tidal wetlands, which further constrains the location of a dwelling on the site.

2) The applicant proposes 1,868 square feet or 13 percent impervious surface coverage, and 4,500 square feet or 31.2 percent forest clearing to accommodate a dwelling with an attached deck, a driveway, a grinder pump and a well. The dwelling is located 24 feet and the deck is located 16 feet from the edge of tidal wetlands, at the nearest point. It appears that the setback from tidal wetlands could be increased if the well was relocated and the dwelling was shifted closer to the southeast property boundary. Has the applicant consider this alternative to minimize impacts?

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because the property is fully forested, mitigation alternative will need to be addressed. We recommend that some mitigation plantings be accommodated around the perimeter of the dwelling to supplement the forested Buffer between the dwelling and the tidal wetlands.

4) Stormwater should be directed away from the tidal wetlands to a best management practice or to a densely vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 740-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 20, 2004

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2004-0363-V Lorraine Colletta

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, two detached decks, a carport, two sheds, and a hot tub. I conducted a site visit to the property on October 12, 2004 with Ms. Lori Rhodes of the Anne Arundel County Office of Planning and Zoning.

The applicant is requesting a variance to enclose the sides of an existing carport, which will result in no increase in impervious surface coverage on the site and no clearing is necessary for construction (refer to attached photographs). Based on the information provided, this office does not oppose the variance request.

However, this office would like to address conditions that exist on the property that were the subject of two previous variance cases and a Board of Appeals case. In Case No. 1999-0196-V, the Hearing Officer denied a variance to perfect a detached deck on steep slopes within the Buffer. On Appeal by the property owner (Case No. BA 86-99V), the Board of Appeals granted this variance.

In Case No. 2002-0541-V, the Hearing Officer denied a variance to perfect a deck addition (7 feet by 19 feet) and to construct a second story balcony over the deck. As stated in the Hearing Officer's decision in this case, the applicant testified that the building permit to construct a dwelling addition had been exceeded by the construction and expansion of a deck on the waterside of the approved dwelling addition. Subsequent to this decision, the Anne Arundel

County Building Permit Office approved a building permit on June 18, 2003 to remove an existing deck and rebuild a new wrap-around deck (4 feet by 33 feet), and to add a second floor balcony (4 feet by 24 feet) on the waterside of the dwelling (refer to attachment). As observed during our site visit, the new deck extends across the waterside of the dwelling and the new second floor deck provides access to the two sliding glass doors on the second floor (refer to attached photographs taken on October 12, 2004). Given the information provided in Case No. 2002-0541-V, it does not appear that a deck had legally existed on the waterside of the new dwelling addition, and therefore it is not clear whether the County's authorization to "rebuild" a deck and construct a second floor balcony on the waterside of the dwelling in 2003 could be permitted under the local Critical Area regulations absent a variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 112-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 20, 2004

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

Re: Variance 2004-0449-V Windfern Forest Home Association

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (canoe and boat storage rack) with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is part of the open space area of Windfern Forest.

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

1) The applicants have constructed two storage racks (8 feet by 12 feet) within the Buffer for the purpose of storing canoes and boats for use by the community. The structures are not enclosed and are secured in the ground by eight 12-inch concrete footers.

2) The applicants state that the storage racks were constructed to allow safe access to the shoreline while providing a storage facility with as little impact as possible. Without the storage racks, residents would have to transport their canoes and kayaks down seventy-seven steps to access to the shoreline.

3) As reported in the variance application, Buffer vegetation was being disturbed by the storage of canoes and boats on the shoreline, prior to installation of the storage racks. The applicants report that, while some vegetation was disturbed during construction, the area around the storage racks is now vegetated.

4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated within the open space area of Windfern Forest.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 751-04

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

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

Re: Variance 2004-0443-V Morris Construction Co. (Tax Map 40, Parcel 22, Lot 9)
Variance 2004-0442-V Morris Construction Co. (Tax Map 40, Parcel 22, Lot 10)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to permit a dwelling and associated facilities with less setbacks than required and with disturbance to steep slopes on Lot 9 and Lot 10. The properties are designated a Limited Development Area (LDA) and each lot is currently undeveloped.

Providing these lots are properly grandfathered, we do not oppose these variances. However, in each case, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided, we have the following comments regarding the current development proposal and variance requests.

1) As shown on the site plan, Lot 9 and Lot 10 contain extensive steep slopes and therefore a variance is necessary to permit development.

2) The applicant proposes to clear 7,000 square feet or 97 percent of existing forest on Lot 9 and 7,600 square feet or 91 percent of existing forest on Lot 10. As shown on the site plan, a large stockpile area is located at the back of Lot 10, which appears to serve both Lot 9 and Lot 10. The use of two smaller stockpile areas near the driveway entrance of each lot may help to reduce the amount of clearing necessary. Has the applicant considered this alternative to minimize impacts on the site?

3) Mitigation, at a ratio of 3:1 for clearing excess of 6,534 square feet on a grandfathered lot of less than one half acre, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-105). Mitigation plantings should be accommodated on the site to the extent possible. Because the lot is fully forested, mitigation alternatives will need to be addressed.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 748-04

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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October 18, 2004

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

Re: Variance 2004-0428-V Rose Ann Stone

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. Because the property is designated an IDA, water quality improvements must be provided. We recommend that pollutant reductions from runoff be achieved with plantings of native trees and shrubs on the site. Stormwater from the addition should be directed to a stable vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 741-04

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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October 18, 2004

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

Re: Variance 2004-0423-V Mark and Laura Corbman

Dear Ms. Plociennik:

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

Based on the information provided, this office has no comments regarding this variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 738-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 18, 2004

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

Re: Variance 2004-0439-V Jacques Cowan

Dear Ms. Plociennik:

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

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

1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be accommodated on the site and directed first to nonforested areas in the Buffer.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 746-04

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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October 18, 2004

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

Re: Variance 2004-0429-V Crandel Cove, Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved special exception and variances. In Case No. 2002-0341-S and Case No. 2002-0342-V), the Hearing Officer conditionally approved a special exception and variances to permit development of the Crandel Cove Congregate Living Community. On appeal, the Board of Appeals reaffirmed the Hearing Officer's decision in Case No. BA 24-03-S and Case No. BA 25-03-V. The property has a split Critical Area designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently undeveloped.

Providing no changes have been made to the development plans that would result in increased impacts within the Critical Area, this office does not oppose this variance request. With respect to the previously approved special exception and variances, this office recommends that the following conditions be made part of the current variance:

1) The applicant must secure the necessary authorizations from the Department of the Environment before construction begins on the site.

2) The applicant must comply with the conditions of Case No. 2002-0341-S and Case No. 2003-0342-V as stated in the Hearing Officer's decision.

We note that a condition of the previously approved special exception and variances required that the applicant develop a reforestation plan for the site. This office has no record of a

reforestation plan for this site. We recommend that the applicant provide information regarding compliance with this condition of the Hearing Officer's previous decision.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 540-02 extension

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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October 18, 2004

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

Re: Variance 2004-0445-V J & B Hadricky

Dear Ms. Plociennik:

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

Based on the information provided, this office has no comments regarding this variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 749-04

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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October 18, 2004

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

Re: Variance 2004-0440-V Joan Smith

Dear Ms. Plociennik:

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

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

1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

2) Because the property is designated an IDA, water quality improvement must be provided on the site. We recommend this be achieved with plantings of native trees and shrubs on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 747-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 14, 2004

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

Re: Variance 2004-0390-V Steven Kowal

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer and disturbance to steep slopes, and an extension in time for implementation and completion of a previously approved variance. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

1) Based on our records, this property (Tax Map 45, Parcel 663, Lot 4R) was the subject of several previous variance cases. In the original variance decision for Case No. 1995-0437-V, the Hearing Officer conditionally approved variances to permit development on steep slopes and with less setbacks and Buffer than required. In Case No. 2000-0232-V and Case No. 2002-0383-V, the applicant was granted extensions to implement and complete the original variances to develop Lot 4R. We understand that the applicant is requesting an additional extension for the original variances, and to permit alterations of the development site plan approved in Case No. 1995-0437-V.

2) As indicated on the current site plan, the applicant is requesting greater forest clearing and impervious surface coverage than reported on the site plan approved in Case No. 1995-0437-V. The proposed forest clearing and impervious surface coverage are within the maximum limits reported on the site plan approved in Case No. 1995-0437-V. We note the following

additional changes to the current site plan: addition of a circular driveway, addition of a stormwater outfall pipe across steep slopes within the Buffer, addition of an outfall structure near the shoreline, and the expanded Buffer (as shown on the site plan approved in Case No. 1995-0437-V) is not shown.

3) As shown on the current site plan, the limits of disturbance on the east side of the site extend to the top of steep slopes. Has the applicant considered reconfiguring or reducing the driveway area to shift the limits of disturbance further from steep slopes and to minimize disturbance on the site? In addition, the proposed dwelling is located approximately 5 feet from the limits of disturbance and the deck is concurrent with the limits of disturbance on the north side of the site. As shown, are the limits of disturbance realistic to permit construction access on the north side of the site without disturbance to the Buffer? We recommend that the applicant clarify whether the limits of disturbance are sufficient to provide adequate construction access on the site.

4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible. Because the property is fully forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 673-04

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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October 13, 2004

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

Re: Variance 2004-03534-V Steven Kraemer

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and a detached garage. This office received revised site plans for this variance request on October 12, 2004.

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

1) We understand that the existing garage, paved driveway and gravel driveway will be retained, and the existing dwelling will be removed. (Commission staff verified the impervious surface calculations provided on the site plan versus the calculations stated in the Critical Area report during a phone conversation with the applicant's consultant on August 26, 2004). The total proposed impervious surface coverage will be 2,455 square feet or 31 percent of the lot. As reported by the applicant's consultant, the deck will have three levels: basement and middle levels (10 feet by 30 feet) and upper level (6 feet by 20 feet). As shown on the revised site plan, the existing dwelling is located 66 feet from the shoreline and the proposed dwelling is located 50 feet from the shoreline.

2) The criteria for approval of new impervious surfaces within a BEA require that expansion of existing structures and new accessory structures shall be designed and located to maximize the distance from the shoreline, or enhance and protect the environmentally sensitive features of the site (Anne Arundel County Zoning Ordinance §1A-109). Based on conversations with the applicant's consultant and the Anne Arundel County Health Department, we recognize that the location of the new dwelling is constrained by the placement of three drywells for the new septic system. As shown on the revised site plan, the septic drywells have been reconfigured to maximize the dwelling setback from steep slopes and the shoreline while maintaining the necessary setbacks from the existing garage and proposed dwelling. We note that on the revised plan, the proposed dwelling is located 10 feet further from the shoreline than previously proposed.

3) The deck should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization on the downslope end.

4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. To satisfy the BEA requirements, we recommend that some mitigation plantings be utilized to supplement the plantings provided between the shoreline and the new dwelling, which are proposed to meet the stormwater management requirements on the site. A more densely planted Buffer will serve to offset the additional impervious surface in the Buffer and provide additional water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 620-04 revised

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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October 8, 2004

Michele A. Hurt
Project Engineer
Engineering and Construction
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Proposed mini-golf course at Elk Neck State Park, Cecil County

Dear Ms. Hurt:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On October 6, 2004, the Critical Area Commission approved construction of a mini-gold course at Elk Neck State Park in Cecil County, as proposed by the Department of Natural Resources. Following completion of the project, we understand that the existing mini-golf course will be removed and the area will be planted in grass. For our records, please provide a copy of the approval from the Department of the Environment for the stormwater management and sediment and erosion control plan for the project.

Thank you for your assistance in presenting this project to the Commission. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

DNR 32-04

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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October 7, 2004

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

Re: Local Case No. 2004-22 Locust Point Enterprises, LLC
(Tax Map 38, Parcel 348)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting to rezone Parcel 348 from Northern Agricultural - Residential (NAR) to Maritime Business (MB). Based on the Cecil County Critical Area maps, the property is designated a Limited Development Area (LDA) and is currently developed with a commercial marina and associated facilities.

Based on the information provided, this office does not oppose the request for rezoning. As stated on the application, the request for rezoning of Parcel 348 is necessary to continue use of the property as a boat storage 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 rezoning. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 698-04

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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October 7, 2004

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

Re: Variance 2004-0385-V Richard and Helen Ainsworth

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a freestanding sign with greater sign area and height and with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with an assisted living facility.

This office has no objection to the current variance request, providing the additional sign area does not increase impervious surface coverage beyond the permitted limit of 15 percent.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 59-03 second variance

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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October 7, 2004

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2004-0365-V D.L. Gregg

Dear Ms. Rhodes:

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

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

1) This property was the subject of two previous variances; in Case No. 1996-0017-V the applicant was granted a variance to construct a single-family dwelling with less setbacks and Buffer than required, and in Case No. 1996-0285-V the applicant was granted a variance of 35 feet to the required 50-foot setback from steep slopes to construct a single-family dwelling within the Buffer with the condition that the proposed deck on the waterside of the dwelling be eliminated (if the deck were not eliminated the requested variance was denied).

2) Based on our records, the applicant is requesting a variance to construct a deck of the same specifications as previously denied in Case No. 1996-0285-V (refer to attached site plan from this case). In requesting a variance for the same structure, it does not appear that the applicant has attempted to minimize impacts, and therfore this office opposes the variance request. As part of the previous variance, the development footprint could have been reconfigured to accommodate a deck and minimize impacts to the Buffer.

Providing this lot is properly grandfathered, this office would not oppose a variance to construct a smaller deck, which extended no further waterward than the existing dwelling.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 662-04

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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October 5, 2004

VIA FACIMILE

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

Re: Charlestown Crossing
(Tax Map 30 and 31, Parcel 11 and Parcel 124)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide Parcel 11 and Parcel 124 (approximately 253 acres) to construct 178 townhomes and 432 single-family lots. Based on the Cecil County Critical Area maps, it appears that a portion of the Parcel 11 is located within the Critical Area and has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property appears to be undeveloped with the exception of an access road, which cuts across Parcel 11.

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

1) The subdivision plan contains no information regarding Critical Area requirements. The applicant must provide the following information: the Critical Area boundary, the Critical Area Designation, acreage within the Critical Area, proposed density within the RCA, existing and proposed conditions (impervious surface coverage, forested area, forest clearing), stormwater management, minimum 110-foot stream Buffer, identification of Habitat Protection Areas, and an environment assessment.

2) As shown on the subdivision plan, it appears that numerous house lots and/or townhouses are proposed within the RCA. The permitted density within the RCA is one dwelling unit per twenty acres (Cecil County Zoning Ordinance Article XI, Part I, Section 201). Is the applicant considering the use of growth allocation to permit the development density proposed on the site?

3) The applicant must address the requirements for development within the Critical Area as stated in the Cecil County Zoning Ordinance and the Cecil County Critical Area Program. If additional information is provided, we may have additional comments regarding this project.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 651-04

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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September 30, 2004

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

Re: Variance 2004-0370-V Josh and Shannon Reedy

Dear Ms. Plociennik:

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

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

1) The applicant proposes to remove the existing dwelling to construct a new dwelling on the site. Within the limits of disturbance shown on the site plan, grading will be conducted and a stormwater best management practice will be installed between the dwelling and the shoreline.

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. To minimize impacts, we recommend that mitigation plantings be used first to densely plant the Buffer between the dwelling and the shoreline. The remaining mitigation plantings should be accommodated elsewhere on the site to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 665-04

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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September 30, 2004

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

Re: Variance 2004-0388-V Eric and Mary Beth Lusby

Dear Ms. Plociennik:

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

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

1) The applicant proposes to remove an existing dwelling that was damaged by hurricane Isabel, and to construct a new dwelling with an attached garage on the site. As reported by the applicant, the new dwelling will be located approximately 3.5 feet closer to the shoreline than the existing dwelling but no further waterward than the existing deck (waterside). The applicants propose 2,171 square feet of impervious surface coverage, which is the maximum permitted for a lot of this size (Anne Arundel County Zoning Ordinance Article 28, §1A-105).

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. To minimize impacts, we recommend that mitigation plantings be directed to the area between the shoreline and the new dwelling, then elsewhere on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 671-04

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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September 28, 2004

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

Re: Variance 2004-0337-V Curtis and Janis Payne.

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a driveway with less Buffer than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and proposed Lot 2 and Lot 9R are currently developed, each with a single-family dwelling.

Providing this property is properly grandfathered, we do not oppose this variance. Based on the information provided, we understand that the current variance is necessary for approval of a proposed resubdivision with lot line adjustments involving Parcel 1, Parcel 474, and Parcel 410 Lot 9. The applicant proposes to construct a driveway to access Lot 2, which is currently served by an existing driveway on Lot 1. As shown on the site plan, the proposed driveway will impact a small area of steep slopes on Lot 9R and the 25-foot nontidal wetland buffer on Lot 1. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings be accommodated on Lot 1 and Lot 2 to the extent possible. Because the properties are mostly forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 623-04 revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 27, 2004

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

Re: Variance 2004-0389-V Teresa and Robert Nilsen

Dear Ms. West:

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

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

1) As reported by the applicant, the property has 3,949 square feet or 33 percent impervious surface coverage, which makes the property non-conforming with respect to impervious surface coverage in a LDA (Anne Arundel County Zoning Ordinance Article 28, §1A-105). The applicant proposes to construct a screened porch over an existing deck. As reported by the applicant, an impermeable landscaping barrier exists beneath the gravel substrate of the deck.

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. To minimize impacts, we recommend that mitigation plantings, consisting of native trees and shrubs, be located within the Buffer between the proposed structure and the shoreline.

3) Stormwater from the structure should be directed to a densely vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 672-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 27, 2004

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

Re: Variance 2004-0381-V Charles Stephan

Dear Ms. Plociennik:

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

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

1) Steep slopes on Lot 15 are not shown on the site plan provided for this variance. As estimated from the County topographic map provided by applicant, it appears that the rear portion of the lot (behind the dwelling) contains steep slopes that may be contiguous with the Buffer from tidal waters of Bear Neck Creek to the north. If steep slopes on the property are contiguous with the Buffer, the Buffer must be expanded (Anne Arundel County Zoning Ordinance §1A-104)

2) The applicant proposes to construct a two-story addition and a screened porch. Because the additions are modest in size, it appears that the impacts to steep slopes will be minimized.

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

4) Stormwater should be directed away from steep slopes to a stable vegetated outfall or best management practice to prevent erosion and maintain water quality on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 667-04

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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September 21, 2004

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

Re: Variance 2004-0391-V Herrington Harbour, Inc.

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. We recommend that plantings consists of native trees and shrubs. Stormwater from the addition should be directed to a stable vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 674-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 21, 2004

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

Re: Variance 2004-0375-V Allen Taylor

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. We recommend that plantings consists of native trees and shrubs. Stormwater from the addition should be directed to a stable vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 666-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 21, 2004

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

Re: Variance 2004-0397-V Family Limited Partnership

Dear Ms. Plociennik:

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

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

1) The 100-foot Buffer is not shown on the site plan provided. As estimated from the site plan, it appears that most of the lot falls within the Buffer. We note that a portion of this 10, 903 square foot lot (the 3,109 square feet located between East Chalk Point Road and the West River) contains tidal wetlands. If State tidal wetlands are present on this portion of the property, the acreage of State tidal wetlands must not be included in the impervious surface calculations. We recommend that the applicant clarify this information.

2) The proposed new deck should be pervious, with a gravel substrate and vegetative stabilization on the down slope end.

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be directed first to non-forested areas of the Buffer,

including the portion of the property located between East Chalk Point Road and the West River.

4) Stormwater from the addition should be directed to a stable vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 676-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 21, 2004

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

Re: Variance 2004-0368-V Mart and Mai Magi

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, this property is severely constrained by steep slopes, and therefore a variance is necessary to permit development of the property. Development of the property is further restricted by the presence of public utility lines that bisect the property northwest to southeast.

2) The applicant proposes to construct a dwelling with an attached garage and associated utilities on slopes greater than 25 percent, and to clear 23 percent of the existing forest on the site. The Critical Area plan and the sediment control plan show a "deck and wall by others", which is assumed to be included as part of the current variance request. In order to minimize impacts to steep slopes, we recommend that the deck be reconfigured to extend from the northern side of the dwelling where slopes are less steep (i.e. reduced in size across the back of the dwelling) or cantilevered over the slopes. The deck should constructed to be pervious,

with a gravel substrate. Due to the extent of steep slopes on the site, vegetation should be planted densely around the perimeter of the deck to intercept runoff.

3) Mitigation, at a ratio of 1.5:1 for clearing greater than 20 percent and less than 30 percent of existing forest, should be required. As indicated on the planting plan provided as part of the variance request, the applicant proposes to plant 21 maple trees and 63 spicebush shrubs around the perimeter of the proposed dwelling and driveway. We recommend that the applicant increase the species diversity of plantings on the site, and consider accommodating additional mitigation plantings in the northwest corner of the property

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 663-04

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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September 21, 2004

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

Re: Variance 2004-0397-V Family Limited Partnership

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, the proposed dwelling extends no further waterward than the existing dwelling. The proposed deck should be pervious, with a gravel substrate and vegetative stabilization on the down slope end.

2) Because the property is designated an IDA, water quality improvements must be provided on the site. In this case, reduction in pollutants from runoff may be achieved by the reduction in impervious surface coverage proposed for the site from 7,405 square feet to 4,003 square feet, as indicated on the site plan.

3) Stormwater from the addition should be directed to a stable vegetated outfall to provide additional water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 675-04

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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September 21, 2004

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

Re: Variance 2004-0378-V Angela Vallario

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. The applicant is requesting the same variance as approved by the Hearing Officer in Case No. 2002-0125-V to construct a garage on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Stormwater should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 226-02 resubmit

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

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

Re: Variance 2004-0383-V
Anne Arundel County Department of Public Works

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the completion of a previously approved special exception and variance for a public utility (Case No. 2002-0182-S and 2002-0298-V). The property is designated a Limited Development Area (LDA) and a Resource Conservation. The property is currently developed with the Broadwater Water Reclamation Facility.

Based on the information provided, we do not oppose this request for an extension in time.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 302-02 extension

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 16, 2004

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

Re: Variance 2004-0382-V Michael Ziccardi

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. Based on the information provided, we understand that impervious surface coverage will be reduced to within the permitted limits within a LDA. If mitigation is required, plantings should consist of native trees and shrubs and should be accommodated on the site to the extent possible. The property should be planted to provide a forest or developed woodland cover of at least 15 percent of the development site (Anne Arundel County Zoning Ordinance Article 28, §1A-104).

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 668-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 16, 2004

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

Re: Variance 2004-0400-V Larry Willis

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. Based on the information provided, we understand that the proposed carport will be constructed over the existing concrete driveway. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 677-04

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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September 16, 2004

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

Re: Variance 2004-0384-V Barry Belman

Dear Ms. Plociennik:

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

Providing this property is properly grandfathered, we do not oppose this variance. Based on the information provided, the applicant proposes to construct a 20-foot by 12-foot screened porch over an existing deck, which is located 57 feet from the shoreline at its nearest point (as estimated from the site plan). We note that, by locating the screened porch in the side yard or back yard of the property, the setback from the shoreline could be further maximized (Anne Arundel County Zoning Ordinance Article 28, §1A-109). To enhance and protect the environmentally sensitive features on the site - the Buffer - the additional 240 square feet of proposed impervious surface coverage could be mitigated through proper stormwater management and plantings.

To comply with the requirements for expansion of existing structures in a BEA, we recommend the following be made conditions of the variance, if granted.

1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings, consisting of native trees and shrubs, be located within the Buffer between the proposed structure and the shoreline.

2) Stormwater from the structure should be directed to a densely vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 670-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 14, 2004

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

Re: Variance 2004-0339-V Philip and Sandra Ross

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (attached garage) with less setbacks then required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a concrete patio, various retaining walls adjacent to the dwelling, and a screened porch, deck and retaining walls along the shoreline. This office received supplemental information and a revised site plan on September 7, 2004 for this variance case.

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

1) As shown on the site plan, the 100-foot Buffer extends approximately midway across the lot, and encompasses half of the dwelling and the structures waterward of the dwelling.

2) As reported in the variance application, the property consists of 10,575.67 square feet or 36.2 percent impervious surface coverage. A lot of 0.67 acres is permitted 5,445 square feet of impervious surface coverage, and therefore the property is non-conforming with respect to the impervious surface limits (Anne Arundel County Zoning Ordinance §1A-105).

3) The applicant proposes to construct a 583 square foot attached garage over a portion of the existing driveway, which is already impervious. We understand that no trees or shrubs will be removed to construct the garage. As reported by the applicant's consultant, 190 square

feet of existing impervious surface (portion of the driveway) will be removed to offset the additional 182 square feet of impervious surface coverage for the proposed garage.

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

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

2) Stormwater runoff from the garage should be directed to a stable vegetated outfall to provide water quality benefits before existing to the public storm drain on Asquith Drive.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 624-04

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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September 14, 2004

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2004-0369-V Carol Cimino

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, two sheds, a concrete pad, and a gravel area waterward of the dwelling. Based on our discussion of September 13, 2004, a variance to disturb steep slopes in an IDA is not required (Anne Arundel County Zoning Ordinance Article 28, 1A-104(b)).

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

1) The property consists of Lot 3, Lot 4 and Lot "B". The existing dwelling and two sheds are located on steep slopes on Lot "B".

2) The applicant reports that the dwelling was damaged extensively by hurricane Isabel. The applicant proposes to remove the existing dwelling to construct a slightly larger dwelling in the same location and to remove the two existing sheds and an area of pavement. We understand that the current proposal will result in a decrease of 222 square feet of impervious surface coverage.

3) Because the property is designated an IDA, water quality improvements must be provided. Reduction of pollutants from runoff can be achieved through the implementation of a best management practice or with plantings. We recommend that plantings be placed in locations to maximize the water quality benefits on the site, such as intercepting runoff from existing impervious surfaces on steep slopes and near the shoreline.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 664-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 14, 2004

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

Re: Harborvista Condominiums at Fishing Creek Landings Marina

Dear Mr. Watson:

Thank you for providing revised site plans for the Harborvista Condominiums at Fishing Creek Landings Marina project. We note that the applicant has contracted with a new consultant - R.A. Barrett & Associates, Inc. - to develop the revised plans for redevelopment of the marina property.

Based on the information provided, we have the following comments regarding the revised site plans.

1) On October 1, 2003, the Commission approved designation of a limited area (approximately 165 linear feet) in the northern portion of the Fishing Creek Landings Marina property as a Buffer Exemption Area (BEA) (refer to letter of notification of approval dated October 9, 2003). We note that the 100-foot Buffer and the BEA portion of the site, as approved by the Commission on October 1, 2003, are not shown on the revised site plans. (The remainder of the site was previously designated as a BEA.)

   The Commission's approval of the BEA included the condition that the applicant would provide dense plantings in the buffer strip within the BEA portion of the site. In conjunction with local approval of the redevelopment plan for the site, the Town must also provide documentation that the condition of approval has been satisfied, including submission of a Buffer Management Plan and a plan to control *Phragmites* on the property. At this time, the

Commission has not received a Buffer Management Plan and a plan to control *Phragmites* on the Fishing Creek Landings Marina property.

2) To address the condition of the Commission's approval of the BEA, the revised site plans include a Buffer Planting Plan for both the north and south sides of marina property. Based on the revised site plans, the proposed buffer strip plantings in certain areas of the site are not fully comparable to the plantings proposed in the site plans (from ATCS), which were reviewed previously by Commission staff.

   - On in the northern side of the marina, it appears that the plantings proposed, in the approved BEA area and within the bioretention area (BMP) adjacent to the new bulkhead and boat shed, are fewer in number and less densely arranged (refer to sheet L-2). As proposed in the previous Buffer Planting Plan, a continuous densely planted buffer strip should be provided adjacent to the proposed paved area and new buildings proposed in the existing gravel parking area. (Refer to attached color copy of the conceptual Buffer Planting Plan for the northern sides of the Fishing Creek Landings Marina site provided to the Commission on December 3, 2003 by ATCS.)

   - On the southern side of the marina, the buffer strip adjacent to the new boat shed is 5 feet and buffer strip plantings are not proposed on the northern edge of the new parking area (refer to Sheet L-1). The previous plans prepared by ATCS show a 10 foot buffer strip in this portion of the site (refer to Sheet 8 of 12 of the site plan.)

   Otherwise, the plant selection and density and arrangement of plantings within the buffer strips are comparable to the plantings previously proposed for the site.

2) As shown on the revised site plans, the applicant has proposed the use of porous pavers as a Best Management Practice (BMP) to meet the 10% Rule requirement for pollution reduction on the southern portion of the site. Porous pavers are not an acceptable BMP to meet the 10% Rule requirement for pollution reduction (refer to Critical Area 10% Rule Guidance Manual Table 4.8 BMP Removal Rates for Total Phosphorus, and the 2000 Maryland Stormwater Design Manual Table 4.3 page 4.9). Porous pavers can be used to reduce post-development impervious surface coverage, thereby decreasing the pollutant removal requirement on a site. The applicant should select a BMP from the list reported in the Critical Area 10% Rule Guidance Manual and the 2000 Maryland Stormwater Design Manual (refer to attachment).

   We note that the applicant intends to utilize a filtration and storage system for stormwater runoff for use as a water supply for boat washing at the marina. Depending upon the specifications proposed, the filtration system may meet the 10% Rule requirements for pollution reduction on the southern portion of the site. We recommend that the applicant provide documentation of the pollutant removal efficiency of the filtration system, and revised 10% Rule calculations that include the use of this system.

I look forward to working with the Town to complete our review of this project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Mike Rodevick (R.A. Barrett & Associates, Inc.)

CB 90-01 revised plans

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 10, 2004

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

Re: Variance 2004-0323-V Brian Metzbower

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. This office received a revised site plan and information for this variance request on September 7, 2004.

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

1) Because a location map was not provided as part of the variance request, we are unable to locate the property or to determine if the property is designated a Buffer Exemption area (BEA). As measured from the site plan, it appears that the entire property is located within the Buffer.

2) We understand that the existing dwelling, which was damaged during hurricane Isabel, will be removed and a dwelling, garage, and porch will be constructed. As shown on the revised site plan, the new dwelling is located 15 feet from Locust Grove Road and parallel to the rear property line to maximize the setback from Long Cove. As stated by the applicant, the new dwelling is restricted by the location of the new septic system (not shown on the revised site plan).

3) Mitigation, at a ratio of 2:1 if a BEA or 3:1 for disturbance within the Buffer, should be provided. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 578-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 10, 2004

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

Re: Variance 2004-0295-V William and Melba McCurry

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (covered porch) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. This office received a revised site plan on September 7, 2004 for the variance request.

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

1) As indicated on the revised site plan, the existing deck has a gravel substrate, and therefore is considered pervious. The applicant proposes to convert an existing deck to a covered porch, which would make the structure impervious. As shown on the revised site plan, two existing impervious walkways will be removed to offset the additional impervious surface, resulting in no increase in impervious surface coverage on the site.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 543-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 31, 2004

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

Re: Variance 2004-0355-V George Younts

Dear Ms. Schappert:

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

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

1) As shown on the site plan, a large portion of lot and the existing dwelling are located within the Buffer. The lot is further constrained by steep slopes between the existing dwelling and the shoreline.

2) As estimated from the site plan, the existing decks and concrete patio combined provide 2,282 square feet of outdoor living space. The proposed deck will be 1,084 square feet. The deck is proposed on steep slopes within the Buffer, and clearing on steep slopes within the Buffer will be necessary for construction of the deck. The deck is located over a walkway, retaining wall, and a pond. Will the deck be constructed to be pervious or will these structures be kept beneath the deck?

2) As indicated on the site plan, the current development proposal will result in a 1,107 square foot increase in impervious surface coverage. Commission staff estimates that the proposed

dwelling addition is approximately 1,870 square feet. Although the proposed dwelling addition is located over a portion of the existing driveway, a walkway and two retaining walls, it does not appear that these structures offset the impervious surface coverage by 763 square feet. We recommend that the applicant provide detailed impervious surface calculations for each the proposed dwelling addition and the deck.

Based on our review of the current development proposal, it does not appear that impacts associated with the proposed deck have been minimized or that the variance is the minimum necessary to provide relief. When considering the existing 2,282 square feet of outdoor living space and the scope of impacts to the Buffer and steep slopes, the variance for the additional deck seems excessive. This office opposes a variance for disturbance to the Buffer and steep slopes for construction of the proposed deck. In addition, it appears that the proposed dwelling addition could be reconfigured to comply with the required setbacks. We recommend that the applicant consider alternative proposals that reduce the overall impacts on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 630-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 31, 2004

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

Re: Local Case No. 2004-19 Quillen Development, Inc.
(Tax Map 35, Parcel 200 and Parcel 586)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to permit rezoning of Parcel 200 and Parcel 586 from Mobile Home (Manufactured Home) District to Suburban Residential (RS) District. The properties are designated a Limited Development Area (LDA) and is currently developed with a mobile home park.

Based on the information provided, this office does not oppose the applicant's request for a special exception. We understand that the request for rezoning of Parcel 200 and Parcel 586 is for the purpose of creating a Planned Unit Development (PUD) as part of a redevelopment plan for the Chestnut Point Marina. The development density for Parcel 200 and Parcel 586 will be dictated by the underlying County zoning. Development of Parcel 200 and Parcel 586 must comply with the provisions for the Critical Area District (Cecil County Zoning Ordinance Article XI, Part I). We look forward to working with Cecil County in our review of the development plans for the proposed PUD.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Tony DiGiacomo (Cecil County Office of Planning and Zoning)

CE 641-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 30, 2004

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

Re: Variance 2004-0337-V Curtis and Janis Payne.

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a driveway with less Buffer than required and with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and proposed Lot 2 and Lot 9R are currently developed, each with a single-family dwelling.

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

1) The current variance is necessary for approval of a proposed resubdivision with lot line adjustments involving Parcel 1, Parcel 474, and Parcel 410 Lot 9.

2) The applicant proposes to construct a driveway to access Lot 2, which is currently served by an existing driveway on Lot 1. As shown on the site plan, the proposed driveway will impact steep slopes on Lot 9R and the 25-foot nontidal wetland buffer on Lot 1.

   - Has the applicant considered using the proposed driveway to provide access to both Lot 1 and Lot 2? This option would allow removal of the existing driveway on Lot 1 and restoration of the 25-foot nontidal wetland buffer.

- Conversely, has the applicant considered using the existing driveway on Lot 1 to provide access to Lot 2? Although this option would require a Buffer variance, it appears that the overall disturbance would be less than constructing a new driveway (approximately linear feet). We note that a water line is already proposed adjacent to the existing driveway to serve Lot 1.

2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the properties are mostly forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 623-04

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 27, 2004

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

Re: Variance 2004-0353-V Michael Vallandingham

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, the lot contains nontidal wetland and nontidal wetland buffer between upland portion of the site and First Street. We recognize that some disturbance to the nontidal wetlands and nontidal wetland buffer is necessary to gain access to the lot. The required 30-foot setback from the proposed well presents further constraints in developing the property.

2) The applicant proposes to construct a 1,088 square foot dwelling and a 378 square foot detached garage. It appears that adjusting the configuration of the dwelling and the garage could reduce impacts to the nontidal wetlands and the nontidal wetland buffer. As stated in the Critical Area report, the current proposal will result in 595 square feet of impact to nontidal wetlands and 1,777 square feet of impact to the nontidal wetland buffer.

3) We offer one example of how minimization can be achieved while maintaining the required setback from the well (see attached copy of the site plan). Our example would result in approximately 884 square feet of impact to the nontidal wetland buffer, a reduction of 893 square feet and an increase in the side yard setback from 6 feet to 20 feet, as compared with the current proposal. We recommend that the applicant consider alternatives to minimize impacts on the site.

4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the property is mostly forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

AA 628-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 27, 2004

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

Re: Variance 2004-0315-V Thomas and Katherine Calvert

Dear Ms. Plociennik:

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

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

1) The 100-foot Buffer is not shown on the site plan. As estimated from the site plan, the existing dwelling is located within the Buffer, and therefore a variance is necessary to redevelop the existing dwelling.

2) As shown on the site plan, a new septic tank and pump pit will be installed on Parcel 110 waterward of the proposed dwelling and within the Buffer. The existing drain fields will be relocated within an easement on the adjacent parcel – Parcel 104 – which is owned by the applicant. It appears that Parcel 104 is designated a Resource Conservation Area and is currently undeveloped.

3) As estimated from the site plan, the proposed dwelling addition is located entirely within the Buffer but no further waterward than the existing dwelling. The existing dwelling is located

35 feet from the shoreline. The addition is located 36 feet from the shoreline at the two nearest points and is located over a portion of the existing driveway.

4) As indicated on the site pla, the applicant intends to provide mitigation for Buffer impacts at a 2:1 ratio. (The applicant also states in the variance application that a buffer mitigation plan has been reviewed and approved under grading permit G0201281.) Based on the Anne Arundel County Critical Area maps, Parcel 110 is not designated a Buffer Exemption Area, although the adjacent property to the east is designated a Buffer Exemption Area (refer to attached map #18). Mitigation should be provided in accordance with the Anne Arundel County Zoning Ordinance, Article 28, §1A-105.

   Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Mitigation plantings should be accommodated on-site to the extent possible and directed first to non-forested areas within the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Dan Gerzack (Anne Arundel County, Development Division)

AA 575-04

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 27, 2004

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

Re: Variance 2004-03534-V Steven Kraemer

Dear Ms. Plociennik:

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

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

1) We understand that the existing garage, paved driveway and gravel driveway will be retained, and the existing dwelling will be removed. (Commission staff verified the impervious surface calculations provided on the site plan versus the calculations stated in the Critical Area report during a phone conversation with the applicant's consultant on August 26, 2004). The resulting impervious surface coverage will be 2,455 square feet or 31 percent of the lot. The existing dwelling with attached deck (1,024 square feet) is located 66 feet from the shoreline. The proposed dwelling with attached deck (1,260 square feet) is located 41 feet from the shoreline, within 5 feet from the steep slopes at its nearest point.

   The criteria for approval of new impervious surfaces within a BEA require that expansion of existing structures and new accessory structures shall be designed and located to maximize the distance from the shoreline, or enhance and protect the environmentally sensitive features

of the site (Anne Arundel County Zoning Ordinance §1A-109). By locating the new dwelling 41 feet from the shoreline, it does not appear that the requirement to maximize the distance from the shoreline for new development in a BEA has been met; however, we recognize that the placement of the new dwelling is constrained by the location of the new septic system between the dwelling and the garage. In order to maximize the dwelling setback from steep slopes and the shoreline, has the applicant exhausted all possible configurations for the septic drywells?

2) The deck should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization on the downslope end.

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. To satisfy the BEA requirements, we recommend that some mitigation plantings be utilized to supplement the plantings provided between the shoreline and the new dwelling, which are proposed to meet the stormwater management requirements on the site. A more densely planted Buffer will serve to offset the additional impervious surface in the Buffer and provide additional water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 620-04

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 27, 2004

Michelle A Hurt
Engineering and Construction
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Replacement of Miniature Golf Course
Elk Neck State Park, Cecil County

Dear ~~Ms. Hurt~~ Michelle:

Thank you for providing information for our review and comment about Department of Natural Resources' plans to replace the miniature golf course at Elk Neck State Park in Cecil County. As described in your letter of August 17, 2004, the existing 3,200 square foot miniature gold course will be replaced with an 8,000 square foot miniature golf course. The new course will be located within a grassed area adjacent to the camp store and playground. The existing course will be removed and the area restored to the condition that existed prior to installation in 1979. Please provide information about the condition of the area in 1979, and what restoration measures will be implemented on the site.

As required under COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands, the Department of Natural Resources must submit this project to the Commission for approval. As proposed, the project appears to be consistent with the provisions of COMAR 27.02.05.

Once the additional information is received, Commission staff will place the project on the agenda for the next Commission meeting. The project should be submitted for processing 30 days in advance of the Commission's consideration. Please contact me at (410) 260-3475 if you have any questions about our comments.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

DNR Golf Course Elk Neck

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

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

Re: Variance 2004-0354-V Alan Helfgott

Dear Ms. Plociennik:

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

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

As estimated from the site plan, the existing dwelling is 69 feet from the shoreline, the proposed deck is 54 feet from the shoreline, and the proposed patio is 32 feet from the shoreline at its nearest point. As reported in the variance application and on the site plan, the combined deck area is 530 square feet (pervious) and the patio area is 710 square feet (impervious brick pavers).

The criteria for approval of new impervious surfaces within a BEA require that expansion of existing structures and new accessory structures shall be designed and located to maximize the distance from the shoreline, or enhance and protect the environmentally sensitive features of the site (Anne Arundel County Zoning Ordinance §1A-109). By locating the patio 32 feet from the shoreline, it does not appear that the requirement to maximize the distance from the shoreline for new development in a BEA has been met. Has the applicant considered reconfiguring the patio within the L-portion of the front yard to maximize the setback?

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

1) To satisfy the BEA requirements, we recommend that mitigation plantings be utilized to fully vegetate areas between the new structures and the shoreline to offset the additional impervious surface and provide additional water quality benefits on the site.

2). Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be provided. Based on the site plan, it appears that mitigation plantings can be accommodated on the site, given that the undeveloped areas in the Buffer are currently lawn.

3) Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction of pollutants from runoff can be achieved through the implementation of a best management practice or with plantings on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 629-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0357-V Maryann Magee

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (swimming pool, patio, gazebo) with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

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

1) As shown on the site plan, the applicant proposes to construct a swimming pool, a patio and a gazebo on steep slopes waterward of the existing dwelling. As stated in the variance application, the proposal will result in an increase of 2,300 square feet of impervious surface coverage and will require 4,700 square feet of disturbance to steep slopes. The applicant states that locating these structures in the back yard is not possible due to the existing septic system and drain fields.

2) As shown on the site plan, there is a level area waterward of the dwelling between the steep slopes and the Buffer. It appears that a swimming pool could be placed in this location without disturbance to the Buffer and to steep slopes, providing the extended patio and gazebo were reconfigured to conform to the level area. We recommend that the applicant consider this alternative.

The applicant must demonstrate that impacts have been minimized and that the variance is the minimum necessary to provide relief. Because alternatives may exist that would allow the accessory structure and eliminate disturbance to steep slopes on the site, this office opposes the variance request to disturb steep slopes.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 632-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0350-V Boryk Construction, Inc.

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, the existing dwelling is located 63 feet from the shoreline and the proposed dwelling is located 48 feet from the shoreline. Given the site constraints, we understand that the location of the new dwelling is limited by the requirements for the replacement septic system, which is located at the back of the property. The 20.65 percent impervious surface coverage proposed is well below permitted limits for a lot of this size.

2) The proposed deck should be constructed to be pervious, and remain pervious, with a gravel substrate and vegetative stabilization on the downslope end.

3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Mitigation plantings should be accommodated on the site to the extent possible.

4) The criteria for approval of new impervious surface within a BEA require that expansion of existing structures shall be designed and located to maximize the distance from the shoreline, or enhance and protect the environmentally sensitive features of the site (Anne Arundel County Zoning Ordinance §1A-109). To satisfy the BEA requirements, we recommend that mitigation plantings be utilized to fully vegetate areas between the dwelling and the shoreline to offset new impervious surfaces within the Buffer and provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 627-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0356-V Lois Schramek

Dear Ms. Plociennik:

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

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

1) As stated in the variance application, construction of the shed roof extension has been completed. We understand that the shed roof extension was added to provide additional outdoor living space and that no trees were removed during construction.

2) As measured from the site plan, Commission staff estimates that the shed roof extension covers an area of approximately 408 square feet. The applicant reports that the shed roof will result in an increase of 330 square feet of impervious surface coverage. The applicant should clarify this information.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 631-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0349-V Christopher Walter

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

Based on the information provided, this office opposes the variance for greater impervious surface coverage than allowed. The applicant proposes to construct a 30-foot by 27-foot attached garage, which is located partially over the existing driveway. The garage will result in an increase of 594 square feet of impervious surface coverage, exceeding the impervious surface limits by 227 square feet (1,957 square feet or 25 percent plus 500 square feet for this lot). It appears that the garage, as well as the driveway, could be reduced in size to comply with the impervious surface limits while accommodating a garage on the site. This office opposes the applicant's request for an impervious surface variance, given that the impervious surface limits may be satisfied using an alternative design.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 626-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0345-V Joseph and Christopher Dumsha

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with greater height than permitted. The propoety is designated a Limited Development Area (LDA) and is currently undeveloped.

This property was the subject of two previous variance cases. Case No. 2002-0241-V was dismissed. A variance was granted in Case No 1999-0033-V to permit an accessory structure with less setbacks than required and on a lot without a principal structure with the following conditions: the structure shall not exceed a height of 16 feet, shall not be served by plumbing, shall not be utilized for commercial activities, and shall not be eligible for conversion to a habitable building.

As shown on the site plan provided, the applicant is proposing to construct a garage with greater height than permitted (25 feet) and on a lot without a principal structure. The proposed height of the garage is not stated in the variance information provided. Based on our records, the proposed garage has the same footprint and location as previously proposed in Case No. 1999-0033-V. This office has no comment on the height variance. If granted, we recommend that the conditions of Case No. 1999-0033 be made conditions of the current variance, excluding the height restriction.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 72-99 resubmitted

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0348-V Joseph Erickson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously granted variance. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently developed with a single-family dwelling, pool, patio, pool house, gazebo, several sheds, garage, and driveway.

This office does not oppose the request for an extension for the previously granted variance (Case No. 2003-0193-V), providing the applicant complies with the conditions as required by the previous variance decision.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 678-01, extension

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 26, 2004

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

Re: Variance 2004-0335-V Alice Groves

Dear Ms. Plociennik:

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

Based on the information provided, we have no comment on the setback variance. If granted, we recommend the following be made a condition of this variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 621-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 26, 2004

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

Re: Variance 2004-0336-V David Lynch

Dear Ms. Plociennik:

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

We have no comment on the variances requested. If granted, we recommend the following be made conditions of the variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 622-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 23, 2004

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

Re: Variance 2004-0317-V Mark and Katie Milleker

Dear Ms. Plociennik:

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

This property was the subject of two previous variances cases: Case No. 1997-0139-V in which variances were granted to permit the creation of three lots with less area, frontage and setbacks than required, and with greater coverage than allowed. Case No 1997-0139-V granted the variances subject to the condition that the subdivision plat included a note stating that no additional impervious surfaces are permitted on each of the lots created. In Case No. 2003-0428-V, the applicant was denied a variance to perfect expansion of an existing accessory structure with less setbacks than required. It appears that the property has complied with this order, as the carport shown on the site plan for the current variance request has the same dimensions as the original structure (16 feet by 17 feet as stated in the variance decision).

As part of the current variance request, the applicant proposes to replace the existing single-family dwelling with a slightly larger structure, and to offset the additional impervious surface by removing portions of an existing walkway from the site. As reported on the site plan, the current proposal would result in an overall reduction in impervious surface coverage of 749 square feet.

Based on the information provided, we do not oppose this variance request.

1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible, particularly to plant areas between the dwelling and steep slopes.

2) The limits of disturbance, which are not shown on the site plan, should be kept to the minimum necessary for construction to minimize impacts to steep slopes.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 775-03 dwelling var

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 19, 2004

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

Re: Variance 2004-0324-V Dreamcraft Homes & L. Courtney

Dear Ms. Plociennik:

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

Providing these lots are properly grandfathered, we do not oppose a variance to develop the property. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

1) As shown on the site plan, the property is constrained by extensive steep slopes, and therefore we recognize that a variance is necessary to develop the property. However, impacts must be minimized to the extent possible and the variance the minimum necessary to provide relief.

2) We note that the calculations of proposed forest clearing and impervious surface coverage differ as reported in the Critical Area report and on the Notification of Project Application. The applicant should clarify these calculations.

3) As shown on the site plan, the property is fully forested. The applicant proposes to clear approximately 57 percent of the existing forested area and to disturb 17, 618 square feet of the site, including disturbance outside the property boundaries associated with the new driveway alignment, and the water and sewer connections. As shown on the site plan,

extensive grading is proposed around the perimeter of the dwelling. It appears that the grading is proposed to collect and convey stormwater runoff from areas adjacent to the dwelling across the southeastern and southwestern sides of the property. Has the applicant considered the use of best management practices that promote retention and/or infiltration on the site? We recommend that the limits of disturbance be kept to the minimum necessary to provide access for construction, which would also help to reduce the amount of clearing on the site.

4) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent of the forested area, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-104). Because the property is fully forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be accommodated on the site to the extent possible, particularly to stabilize steep slopes that are disturbed during construction.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 579-04

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

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

Re: Variance 2004-0311-V Foster and Bolander
(Tax Map 11, Parcel 50, Lot 40)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The portion of the property subject to this variance is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). Based on information in the variance application, it appears that the property is currently undeveloped.

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

1) As measured from the site plan, it appears that most of the lot is within the 100-foot Buffer. We recognize that a variance is necessary to develop this property. We note that a deck is not shown on the site plan. If a deck may be proposed in the future, we recommend that the structure be included as part of this variance request.

2) As noted in the variance application, the applicant will provide 15 percent forest or developed woodland cover on the site (Anne Arundel County Zoning Ordinance Article 28, §1A-104).

3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 585-04

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 18, 2004

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

Re: Variance 2004-0311-V William Bolander
(Tax Map 11, Parcel 150, Lot 39)

Dear Ms. Plociennik:

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

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

1) As measured from the site plan, it appears that the entire lot is within the expanded Buffer due to the presence of steep slopes. We recognize that a variance is necessary to develop this property.

2) As measured from the site plan, the existing dwelling is located approximately 31 feet from the shoreline. It appears that disturbance to the Buffer has been minimized by locating the new dwelling 49 feet from the shoreline. We note that a deck is not shown on the site plan. If a deck may be proposed in the future, we recommend that the structure be included as part of this variance request.

3) As noted in the variance application, the applicant will provide 15 percent forest or developed woodland cover on the site (Anne Arundel County Zoning Ordinance Article 28, §1A-104).

4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible, particularly between the new dwelling and the shoreline.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 573-04

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 16, 2004

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

Re: Variance 3067 Sherman and Debra Hunt
(Tax Map 38, Parcel 40, Lot 11)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition (deck) within the 110-foot Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and a detached porch.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal and variance request. The 110-foot Buffer is not shown on the site plan provided. As estimated from the site plan, it appears that the entire lot is located within the Buffer, and therefore a variance is necessary to allow further development of the property. Although the proposed deck is located waterward of the existing dwelling, the deck does not extend further waterward than the existing screened porch, which is located 2 feet from the bulkheaded shoreline. The deck should be constructed to be pervious, with a gravel or vegetated substrate, so that impervious surface limits are not exceeded. The maximum impervious surface limit for this 5,754.3 square foot lot is 1,936.6 square feet or 25 percent plus 500 square feet (Cecil County Zoning Ordinance Article XI, Part 1, Section 200).

To ensure compliance with the requirements for redevelopment in a BEA, we recommend the following be made conditions of this variance.

1) The extent of the lot shoreward of the new development shall be required to remain, or shall be established and maintained in natural vegetation (Cecil County Zoning Ordinance Article XI, Part 1, Section 195.3.d.1).

2) Mitigation, at a ratio of 2:1 for the extent of impervious surface created in the Buffer Exemption Area, should be planted on site (Cecil County Zoning Ordinance Article XI, Part 1, Section 195.3.d.2.).

The Commission recommends the use of native plants within the Critical Area and that mitigation plantings consist of a mix of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 587-04

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/

August 16, 2004

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

Re: Variance 2004-00327-V Belvoir Farms Homeowners Association

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved special exception and variance. The portion of the property subject to this variance is designated a Resource Conservation Area (RCA) and is currently being developed with a community pier and associated facilities.

This office has no comment on the variance to permit an extension in time for implementation of the previous approvals.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 582-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 16, 2004

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

Re: Variance 2004-0316-V Andrew Stefancik

Dear Ms. Plociennik:

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

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

1) We understand that the applicant proposes to enclose the lower level of an existing deck. Based on the site plan provided, it is not clear whether the area to be enclosed is currently pervious or impervious. If the area to be enclosed is pervious, mitigation should be required for the additional impervious surface within the Buffer.

2) If required, mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided on the site. Mitigation plantings should be accommodated within the Buffer to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 576-04

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 16, 2004

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

Re: Variance 2004-0319-V Marjorie and Leslie Davis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (detached garage) with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped with the exception of a foundation of the previous dwelling that was since been removed. In addition to the proposed garage, we understand that the applicant proposes to construct a new dwelling on the foundation of the previous dwelling.

Based on the information provided, it appears that the current variance request is comparable to the previously granted variances permitting redevelopment of this property (Case No. 1999-0153-V and 2002-0269-V). As reported in the variance application, the property has 93 square feet of developed woodland. As part of the current development plan, the property should be planted to establish 15 percent forest or developed woodland cover or 1,487.4 square feet for this 0.228-acre site (Anne Arundel County Zoning Ordinance Article 28, §1A-104).

Providing this lot is properly grandfathered, we do not oppose this variance. We recommend the following be made conditions of this variance.

1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

2) If not satisfied with the required mitigation plantings, additional plantings should be provided to meet the 15 percent forest or developed woodland cover requirement on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 413-02 resubmit

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 13, 2004

Jeanne D. Minner
Director of Planning
Elkton Municipal Building
100 Railroad Avenue
Elkton, MD 21922-0157

Re: First National Bank of North East

Dear Ms. Minner:

Thank you for providing information on the above referenced development project. The applicant proposes to develop the property with a commercial business. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped. We understand that the property had been previously developed with a gas station.

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

1) We received the stormwater management report and calculations for this project on August 11, 2004. While this information addresses the State stormwater regulations, the applicant must also address the 10% Rule requirements for development in an IDA. In some cases, if a project complies with the State stormwater regulations the 10% Rule requirements are also satisfied, depending upon site conditions and the type of development proposed. However, the applicant must demonstrate that the project complies with the 10% Rule requirements for pollutant removal in the Town of Elkton Critical Area Program (Article IX, Section 149) by completing the 10% Rule worksheet. I have enclosed a copy of the Commission's new 10% Rule Manual and an extra copy of the 10% Rule worksheet.

   As noted on the stormwater management plan (Sheet 3 of 4), sand filters are proposed on the northern side of the site. These are acceptable best management practices for use within the Critical Area (refer to Table 4.8 in the 10% Rule Manual for pollutant removal efficiency).

2) As part of the 10% Rule calculations, the applicant must determine the amount of pre-development and post-development impervious surface coverage on the site. The amount of "existing" impervious surface coverage will depend upon the local zoning regulations for grandfathered structures and uses, and how long ago the gas station was removed from the site. If the previous structures or use is not considered grandfathered, then the existing impervious surface coverage should reflect the current conditions on the site.

3) We note that the landscaping plan includes several groups of "ivy pods" along the northern perimeter of the site. These plantings are not included in the proposed planting list. Most types of ivy are non-native, invasive species that are difficult to control, and often dominate other surrounding native vegetation. The Commission recommends the use of native plants within the Critical Area.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

EL 564-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 13, 2004

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

Re: Variance 2004-0307-V William and A.W. Scott

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit greater woodland clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

1) We recognize that development of the property is constrained by the building restriction setback in the front yard, and the amount of clearing necessary for installation of the primary drain fields and the stormwater infiltration drywell. It appears that the limits of disturbance shown on the site plan provided is the minimum necessary to accommodate the dwelling and associated facilities.

2) Mitigation, at a ratio of 3:1 for clearing in excess of 6,534 square feet, should be required. Mitigation plantings should be accommodated on the site to the extent possible. For example, the front yard, the areas around the stormwater infiltration drywell and the side yard could be planted. Because the property is fully forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 570-04

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 12, 2004

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

Re: Variance 2004-0297-V Richard Little (Tax Map 25, Parcel 241)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a right-of-way with less width than required. The property is designated a Limited Development Area (LDA) and is currently developed with two single-family dwellings and a swimming pool.

Based on the information provided, this office does not oppose this variance. As shown on the site plan provided, the right-of-way is not part of Parcel 241. We understand that this variance is necessary to permit subdivision of Parcel 241 and provide access to the two residential lots proposed.

According to our records, this office reviewed a subdivision proposal for this property (refer to our comments of September 29, 2004 for MS 03-074). As estimated from the site plan provided for the current variance request, it appears that portions of the proposed septic reserve area for both the proposed Residue Lot and Lot 1 may be located within the 100-foot Buffer. This office would not support variances to permit the septic reserve areas within the Buffer on these lots, which following subdivision, would not be grandfathered.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 694-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 29, 2003

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

Re: Richard Little
MS 03-074

Dear Mr. Callahan:

I have received the above-referenced subdivision request. The applicant proposes to create two lots from one parcel. I have outlined our comments below.

1. The creation of both lots should not require the need for variances.

2. The narrative explains that the septic fields will be located outside the Buffer; however, it appears a portion of both septic reserve areas may be within the expanded Buffer for steep slopes (measuring 50 feet from the top of steep slopes). Please have the applicant verify this information.

3. The septic area on the proposed residue lot is partially inside the 100-foot Buffer. Please have the applicant verify this information.

4. Please have the applicant provide the existing and remaining allowable impervious surface area for each lot on the plat and individual deeds.

5. Where is the dwelling on proposed lot 1? The plan shows buildings but no house or dwelling.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 694-03

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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August 11, 2004

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

Re: Windswept Farms Subdivision (Tax Map 51, Parcel 1)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide the remaining lands of Parcel 1 to create 4 lots within the Critical Area. The Critical area portion of the property consists of 110.20 acres and is designated a Resource Conservation Area (RCA).

Based on the information provided, this office has the following comments regarding the current subdivision and development proposal.

1) According to our records, this office reviewed a subdivision proposal in 1995 to create 6 lots within the Critical Area portion of Parcel 1. As indicated in the Environmental Impact Assessment Report provided, only three of the proposed lots - Lot 1-B, Lot 2-B, and Lot 3 – were recorded. Based on our records, Parcel 1 consisted of 144.96 acres within the RCA prior to subdivision. Given the density limit of one dwelling unit per twenty acres, the original lands of Parcel 1 can be subdivided to create a total of 7 lots within the RCA.

2) The current subdivision proposal will utilize the remaining RCA density by creating four lots within the RCA on Parcel 1. We recommend that a note be added to the subdivision plat stating that no further subdivision of RCA lands on Parcel 1 (Lot 1-B, Lot 2-B, Lot 3, Lot 4, Lot 9, Lot 10, Lot 11, and the common space) is permitted.

3) Lot 4 and Lot 9 will be created around the two existing dwellings on Parcel 1, and Lot 10 and Lot 11 will be developed each with a single family dwelling. At this time, we understand that no development activities are proposed within the Buffer. Due to the proximity of the

proposed forest clearing on Lot 11 to the Buffer, we recommend that the Buffer be marked clearly on the site prior to construction. We note that no forest clearing is shown on the site plan for the proposed septic system on Lot 10.

4) As indicated in the Environmental Impact Assessment Report provided, Parcel 1 does not contain habitat for the state rare plant species identified in the project vicinity by the Department of Natural Resources (refer to correspondence of May 15, 2004).

5) As shown on the site plan, 4.9 acres of reforestation will be provided on Lot 11 to mitigate for forest clearing associated with development of Lot 10 and Lot 11.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 563-04

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 11, 2004

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

Re: Stinnett's Place Condos (Tax Map 101, Lots 34-39, Lots 8-12A and part of Lot 7)

Dear Mr. Watson:

Thank you for providing information for the above referenced project. The applicant proposes to redevelop the property with residential condominiums. The property is designated an Intensely Developed Area (IDA). Based on tax map information, Lots 34-39 are developed with residential type structures, and Lots 8-12A (and part of Lot 7) are developed with a restaurant and associated facilities.

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

1) The applicant's consultant provided 10 % Rule calculations for pollutant reduction in an IDA. The calculations are based on the combined site acreage of Lots 34-39 and Lots 8-12A (and part of Lot 7). Because these properties are separated by a road - 31st Street – the 10% Rule calculations should be calculated separately for each site.

   Based on the redevelopment plan, it appears that the post-development impervious coverage will increase on Lots 34-39 and decrease on Lots 8-12A (and part of Lot 7). There may be adequate pervious areas on Lots 34-39 to implement best management practices that would meet the 10% Rule requirements, perhaps by using rain gardens as currently proposed.

2) As shown on the site plans, the landscaping plan incorporates a variety of native species of trees, shrubs and ornamentals, which will be planted adjacent to a mulched path around the perimeter of the buildings proposed on each site.

If revised 10% rule information is provided, we may have additional comments for this project. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CB 567-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 2, 2004

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

Re: Variance 2004-0305-V Theresa Burr (Burr Yacht Sales, Inc.)

Dear Ms. Plociennik:

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

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

1) As stated in the Critical Area Report, the property current consists of 17,125 square feet or 85 percent impervious surface coverage, and therefore is non-conforming with respect to the 15 percent impervious coverage limit (Anne Arundel County Zoning Ordinance Article 28, §1A-105). The building is located over an existing concrete slab, resulting in no increase in impervious surface coverage. As stated in the variance application, construction of the building addition is nearly completed.

2) We recommend that stormwater be directed to pervious areas of the site to provide water quality benefits.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 2-03 resubmit

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 2, 2004

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

Re: Variance 3060 Skipjack Cove Yachting Resort

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance of 20 feet in the height requirements to construct a dry stack boat storage building. The property is designated an Intensely Developed Area (IDA) and is currently developed with a commercial marina and associated facilities.

Based on the information provided, we have no comments regarding this variance request. The applicant will need to address the requirements for development within an Intensely Developed Area as part of the Critical Area review process, including compliance with the 10% Rule for pollutant reduction.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 526-04

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 2, 2004

John Hoffman
Town of North Beach
8916 Chesapeake Avenue
North Beach, Maryland 20714

Re: North Beach Senior Center

Dear Mr. Hoffman:

The purpose of this letter is to follow up on our telephone conversation of June 29, 2004 regarding the North Beach Senior Center project. As we discussed, construction of the Senior Center and parking lot have been completed, and the Town must provide a consistency report for the project. In addition, the Town must provide final site plans, 10% Rule calculations for development in an Intensely Developed Area, a stormwater management plan, and a planting plan to complete our project file. For reference, I have also attached a copy of our March 29, 2002 letter, regarding our review of the preliminary site plan provided at our March 27, 2002 site visit.

I look forward to working with the Town to complete our review of this project. Please contact me at (410) 260-3475 if you need further assistance.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: The Honorable Mark Frazier, Town of North Beach

NB 190-02 consistency

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

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

Re: Variance 2004-0236-V Scott Morton

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received a new Critical Area Report on July 28, 2004 (from DFI, Inc.). As outlined below, our original comments of July 13, 2004 remain unchanged for this variance case.

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

1) The 100-foot Buffer is not identified on the site plan provided for this variance request. As estimated from the site plan, the 100-foot Buffer falls within slopes of 22 to 30 percent and therefore the Buffer must be expanded for steep slopes (Anne Arundel County Zoning Ordinance Article 28, Section 1A-104). As estimated from the site plan, it appears that the entire property is located within the expanded Buffer and steep slopes are present over much of the property.

2) At its nearest point, the proposed dwelling is located approximately 107 feet from the shoreline of Blackhole Creek. As measured from the site plan, the limits of disturbance

extend 30 to 47 feet from the northern and southern sides of the proposed dwelling. Given the extent of steep slopes on the site, could the amount of clearing and grading be minimized? We recommend that the limits of disturbance over the entire site be reduced to the minimum necessary to provide adequate access for construction of the dwelling and the septic system.

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be used on the site to the extent possible, particularly to stabilize steep slopes following construction. Because the property is fully forested, mitigation alternatives will need to be addressed.

4) As shown on the site plan, stormwater will be directed to a best management practice (infiltration trench).

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 463-04, revised 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
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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: M1056 Dwyer Subdivision
(Tax Map 22, Parcels 50 & 353)

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision and lot line abandonment. The applicant is requesting to abandon a property line on an adjoining lot, and to subdivide the resulting 134.027-acre parcel. The applicant proposes to create 4 new lots, with 82.062 acres located within the Critical Area and 54.965 acres outside the Critical Area. Within the Critical Area of the parcel, 75.962 acres are designated as a Resource Conservation Area (RCA), and 6.1 acres are designated as a Limited Development Area (LDA).

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

1) Development density in the RCA is limited to one dwelling unit per twenty acres. The applicant has proposed to utilize approximately 4.76 acres of LDA acreage for the purpose of calculating development density within the RCA. With the additional LDA acreage, the applicant proposes to create a fourth lot in the RCA. Development density within the RCA must remain consistent with the development density regulations outlined in the Talbot County Zoning Ordinance 190-15 (A)(2). Therefore, the parcel is limited to a maximum of three dwelling units in the RCA. Additional dwelling units may be developed within the LDA portion of the parcel according to the Talbot County Zoning Ordinance.

2) The plat indicates that there are 0.895 acres of State tidal wetlands on the parcel, which have been subtracted from the acreage of the property for the purposes of calculating development density. The plat indicates that a determination of State-owned wetland acreage was obtained

using the NWI maps. Tidal wetlands must be field delineated to determine an accurate assessment of State or private wetland acreage.

2) The State of Maryland's online mapping system, MERLIN, shows there to be small pockets of non-tidal wetlands present on the parcel, including a large non-tidal stream or ditch. While some of these wetlands are visible on the plat, the site plan does not show the appropriate 25-foot Buffer for non-tidal wetlands. A field determination regarding the presence and location of non-tidal wetlands should be conducted and included on the plat with appropriate Buffer labels where necessary.

3) The Critical Area Criteria state that where agricultural uses of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established (Talbot County Zoning Code 190-93 E (3)(e)). The plat clearly details the 100-foot Buffer. However, it appears that the Buffer will require planting and management due to its past agricultural use. This regulation applies to areas of new development currently shown as lots 2-4 on the plat, and should be included as a plat note. In addition, a schedule for the establishment of the Buffer is required as a part of subdivision approval.

4) Future development on all RCA lots within the Critical Area is limited to 15% impervious surface area. Any existing impervious footprints and driveways within the Critical Area portion of Lot 1 should be included as part of the 15% limit.

5) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Dwyer minor subdivision.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo

Kerrie L. Gallo
Natural Resource Planner

TC 553-04

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/

July 30, 2004

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

Re: Variance 2004-0285-V Michelle and David Allen

Dear Ms. Plociennik:

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

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

1) As shown on the site plan, the dwelling is located on steep slopes. As estimated from the site plan, the dwelling is located outside the 100-foot Buffer. It appears that expansion of the dwelling is restricted due to the location of the existing well.

2) As stated in the Critical Area report, the applicant proposes 1,080 square feet of additional impervious surface and 60 square feet of forest clearing to expand the existing dwelling, deck and garage, and relocate an existing retaining wall. By siting the dwelling additions in cleared areas of the property, it appears that impacts have been minimized.

3) As reported by the applicant, stormwater from the entire site will be directed to several infiltration trenches to provide water quality benefits.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 539-04

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

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

Re: Variance 2004-0288-S Russell Clark, James Cox

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit expansion of a non-conforming use. The property is designated a Limited Development Area (LDA) and is currently developed with two dwellings.

Providing this lot is properly grandfathered, we do not oppose this special exception. As stated by the applicant, the proposal to expand the non-conforming structure includes the addition of a second story within the existing footprint. We understand that clearing is not necessary for construction of the second story addition. If required, the applicant should provide mitigation according to the provisions of the Anne Arundel County Zoning Ordinance. Based on the site plan provided, the property appears to be served by public water and sewer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 540-04

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

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

Re: Variance 2004-0273-V Paul and Shirley Clark

Dear Ms. Plociennik:

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

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

1) As shown on the site plan provided, this lot is located entirely within the expanded Buffer, and therefore a variance is necessary to develop the property.

2) It appears that the applicant has minimized impacts by siting most of a modest sized dwelling in the cleared area of the site. The applicant proposes wooden steps from the deck to the bulkheaded shoreline. We recommend that clearing be kept to the minimum necessary for construction of the walkway. Existing large trees and canopy cover should be retained within the Buffer.

3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible. Because the lot is heavily forested, mitigation alternatives will need to be addressed.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 533-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2004

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

Re: Variance 2004-0301-V Robert Johnson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling and accessory structure (detached garage) with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling. This property was the subject a previous variance, Case No. 2003-0116-V).

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

1) The 100-foot Buffer is not shown on the site plan provided. As estimated by Commission staff, it appears that a portion of the dwelling is located within the 100-foot Buffer. The extent of the Buffer must be determined in order to calculate the required mitigation.

2) The applicant proposes to expand both the current footprint of the dwelling and the garage. As shown on the site plan, the new dwelling will extend no further waterward than the existing dwelling.

2) Because this property is designated an IDA, water quality improvements must be provided to offset the proposed development. This can be achieved through implementation of a best management practice or with plantings.

3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs,

should be first directed to non-forested areas within the Buffer then to other areas of the property. Based on the information provided, it appears that mitigation plantings can be accommodated on the property.

4) Stormwater runoff from the proposed structures should be directed to stable vegetated outfalls to provide water quality benefits on the property.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 311-03, resubmittal

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 28, 2004

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

Re: Variance 2004-0274-V Edward Allenby

Dear Ms. Plociennik:

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

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

1) The 100-foot Buffer is not identified on the site plan provided for this variance request. As estimated from the site plan, it appears that most of the dwelling and the proposed deck are located within the Buffer.

2) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 534-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2004

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

Re: Variance 2004-0284-V Gregory Buccheister

Dear Ms. Plociennik:

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

We have no comment regarding the variance request. However, this office does not support development within the Critical Area absent the necessary authorizations from the County. Based on the site plan provided, it appears that the shed and gazebo could be located on the property in compliance with the setback requirements.

Because the property is designated an Intensely Developed Area, water quality improvements must be provided on the site, if the variance is granted. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 538-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

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

Re: Variance Case No. 3049 Kevin McDevitt

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pool enclosure within the 110-foot Critical Area Buffer. The property consists of 7.5 acres and is designated a Resource Conservation Area (RCA). The property is currently developed with two single-family dwellings and a swimming pool.

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

1) The 110-foot Buffer is not identified on the site plan provided for this variance request. As estimated from the site plan (scale not provided), the smaller dwelling and most of the primary dwelling are located within the Buffer (refer to attached copy of the applicant's site plan).

2) As stated by the applicant, the primary dwelling is located 56 feet from the shoreline. As estimated from the site plan, the swimming pool is located approximately 33 feet from the dwelling and 45 feet from the shoreline. As indicated by the applicant and shown on the site plan, the smaller dwelling (located closest to the shoreline on the western end of the property) will be removed as part of the current development proposal.

3) The applicant is requesting a variance to construct an enclosure around the existing swimming pool, which is a non-conforming accessory structure within the Buffer. Because the pool enclosure is located within the Buffer, a variance is necessary (Cecil County Zoning Ordinance Article XI, Part I, Section 196(1)(a) and Section 200(2)).

4) As shown on the site plan, the applicant also proposes to construct a substantial addition to the primary dwelling. As estimated from the site plan, a portion of the proposed dwelling addition is located within the 110-foot Buffer, and therefore a variance is necessary to permit non-water dependent development activities within the Buffer (Cecil County Zoning Ordinance Article XI, Part I, Section 196(1)(a) and Section 200(2) and COMAR 27.01.09.01). At this time, we understand that the Cecil County Office of Planning and Zoning has not required a Buffer variance for the proposed dwelling addition.

Based on the information provided, we have the following comments regarding the variance request. Given that the primary dwelling is located partially within the Buffer, this office would not necessarily oppose a Buffer variance to permit expansion of the dwelling, providing impacts to the Buffer were minimized and the variance were the minimum necessary to provide relief. This office received no information from which to make such a determination. In fact, the site plan provided for the variance request does not show the proposed swimming pool enclosure, the proposed dwelling addition, the existing and proposed impervious surface coverage, or the entire parcel, and the applicant did not address whether alternative locations outside the Buffer were considered in siting the dwelling addition on this 7.5-acre property. Lastly, the current variance request does not fully address the scope of the Buffer variance required to permit the development proposed on this property. For the reasons stated above, we oppose this variance request. We recommend that the applicant amend the variance request to include all development proposed within the Buffer, and provide the additional information necessary to support the amended variance request.

If granted, we recommend the following be made a condition of the variance. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided for the area of disturbance. Mitigation plantings, consisting of native trees and shrubs, should be directed first to non-forested areas within the Buffer, then to other areas of the property.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Eric Sennstrom

Attachment: copy of site plan

CE 483-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

Mary Ann Skilling
Critical Area Planner
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway, Suite 10
Centerville, MD 21617-1000

Re: Frenchtown Crossing
(Tax Map 800, P 527, L 1-66)

Dear Ms. ~~Skilling~~: Mary Ann

This letter is in response to your recent submission of revised subdivision plans, a landscaping plan, and a comment letter of July 12, 2004 regarding the Frenchtown Crossing subdivision in Perryville. Your letter states that the proposed stormwater best management practices approved by Cecil County for this site (grassed swales and sand filter) meet the 10% Rule requirements for redevelopment in an Intensely Developed Area, and that the project is in compliance with the Town's Critical Area Program. We do not have adequate documentation to determine whether the project complies with the 10% Rule requirements and is consistent with the Town's Critical Area Program. In order to make this determination, we request the following additional information: complete 10% Rule calculations, and a stormwater management plan showing locations of and design specifications for the proposed grassed swales and sand filter.

Once this information is received, we may provide additional comments about this project. Please give me a call if you have any questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

PE 409-04, revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2004

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

Re: Variance 3048 Thomas Leizear
(Tax Map 31, Parcel 1117, Lot 3A)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance of 5 feet to the 35-foot height restriction for residential structures to construct a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped. I visited the Northeast Harbors subdivision on May 20, 2004, while conducting a site visit for another variance and a site visit to Elk Neck State Park (refer to the attached photograph).

While this office does not oppose the variance to the height restriction for residential structures, other issues should be addressed regarding development within the Critical Area Buffer.

1) The information provided for this variance request did not include a site plan showing the location and extent of the proposed development of this waterfront lot within the Critical Area. Based on GIS information from the Department of Natural Resources and Cecil County Critical Area map #60, it appears that Lot 3A is located partially within the 110-foot Critical Area Buffer.

2) Although several adjacent lots in the Northeast Harbors subdivision are designated Buffer Exempt, Lot 3A is not Buffer Exempt (refer to attached copy of the Cecil County Critical Area map). Depending upon the location of the proposed dwelling, a Buffer variance may be necessary (Cecil County Zoning Ordinance Article XI, Part I, Section 196(1)(a) and Section 200(2), and COMAR 27.01.09.01). At this time, the exact extent of the Buffer on Lot 3A and the location of the proposed dwelling are unknown.

Given that Lot 3A is located partially within the Buffer, this office would not necessarily oppose a Buffer variance to permit construction of a dwelling, providing impacts were minimized and the variance were the minimum necessary to provide relief. This office received no information from which to make such a determination. Because a site plan was not provided, we are unable to determine whether a Buffer variance is necessary. For the reasons stated above, we recommend that the applicant amend the variance request to include the required Buffer variance if necessary, and provide the additional information required to support the amended variance request.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Eric Sennstrom

Attachments: photograph, copy of Critical Area map #60

CE 482-04

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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July 20, 2004

Mary Ann Skilling
Critical Area Planner
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway, Suite 10
Centerville, MD 21617-1000

Re: Perryville Yacht Club

Dear ~~Ms. Skilling~~ MaryAnn,

The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a trailer campground facility and a commercial marina. Based on the information provided, we have the following comments regarding the current development proposal.

1) We understand that the applicant wishes to replace the existing trailer campground facility with townhouses, and to retain the existing marina use on the site. As indicated on the current site plan, development of the site will take place in two phases. The Phase I proposal includes development of two townhouse buildings and marina parking outside the Buffer and a stormwater management facility within the Buffer. Several existing structures will be retained on the site, including the marina office/residence, a shed and two trailers. With respect to the Buffer Exemption Area requirements, the phased townhouse development would be considered new development, and expansion or renovation of the existing marina facility would be considered redevelopment.

2) As required by the Perryville Zoning Ordinance (Article V, §84-40 Special Buffer Yard Requirements), the project shall comply with the provisions for new development and redevelopment within a Buffer Exemption Area. The following provisions apply to this project.

New development shall minimize the shoreward extent of impervious surface, taking into consideration existing Town yard setback requirements. In no such case may such impervious surface be extended shoreward of any setback line as defined by existing

structures on adjacent lots or parcels or the setback required by the Town Zoning Ordinance.

In this case, the 25-foot setback required by the Town Zoning Ordinance would be the minimum setback for new development. As shown on the current landscape plan, two additional townhouse buildings are planned for Phase II. As measured from the site plan, one of the townhouse buildings (building four), a new structure near the marina office, and part of a concrete walkway are located within the 25-foot setback. As part of the Phase I plan, it appears that the concrete walkway could be eliminated since it does not provide water access or function as part of other water dependent facilities on the site. The 25-foot setback should be addressed with respect to new development proposed as part of the Phase II plan.

Offsets shall be required for new development in a Buffer Exemption Area. The extent of the parcel shoreward of the new development or redevelopment shall be established and maintained in natural vegetation, and natural vegetation of an area equal to two times the area of impervious surface created in the Buffer Exemption Area shall be planted on the site.

As shown on the current landscape plan, plantings will be provided around the perimeter of buildings one and two (outside the Buffer) and along the northern property boundary, adjacent to the proposed stormwater management facility. At this time, it does not appear that plantings will be provided within the 25-foot setback (shoreward of the proposed stormwater management facility) or shoreward of the existing marina facility and trailers on the site. As part of the Phase I plan, we recommend that plantings be provided within the 25-foot setback from the proposed stormwater management facility. As part of the Phase II plan, the 25-foot setback should be planted on the remainder of the site, and the BEA mitigation requirement can be determined based on the scope of the proposed development.

3). As indicated in the stormwater management report provided, the proposed stormwater best management practice (sand filter and sediment forebay) meets the 10% Rule requirement for pollutant reduction for redevelopment in an IDA.

Please contact me at (410) 260-3475 if you have questions about our comments. If a revised site plan or other information is provided, we may have additional comments about this project.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

PE 740-02 revised 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
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July 19, 2004

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

Re: Variance 2004-0254-V John Lawrence

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. This lot was the subject a previous variance (Case No. 2000-0459-V Petrone).

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

1) The calculations of existing woodland and proposed clearing differ as reported on the variance plan (7,913 square feet existing woodland less 4,637 square feet remaining woodland = 3,276 square fee or 41.4 percent) and in the Critical area Report (8,696 square feet existing woodland, 6,840 square feet or 79 percent proposed clearing). The applicant should clarify these calculations for the purpose of determining the required mitigation.

2) As indicated on the Buffer Management Plan provided with the variance request, 8,300 square feet of mitigation plantings will be provided on the site. Because greater than 30 percent forest clearing is proposed, mitigation is required at a ratio of 3:1 (Anne Arundel County Zoning Ordinance Article 28, §1A-104). Mitigation alternatives will need to be addressed to meet the remainder of the mitigation requirement.

This office recommends the following be made conditions of this variance.

1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and clearing greater than 30 percent, should be required. Mitigation, consisting of native species of trees and shrubs, should be performed on the site according to a Buffer Management Plan approved by the County.

2) The proposed walkway to the pier should be constructed of pervious materials.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 500-04

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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July 19, 2004

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

Re: Variance 2004-0234-V Robert Britain

Dear Ms. West:

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

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

1) As shown on the site plan provided, most of the lot is constrained by steep slopes such that any expansion of the existing dwelling would require a variance. Based on GIS information from the Department of Natural Resources, it is not clear whether the property falls within the expanded 100-foot Buffer from Brewer Creek. Steep slopes appear to be contiguous from Brewer Creek across Robin Hood Hill to the Britain property.

2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer or 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible and could be used to stabilize steep slopes on the site.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 461-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 19, 2004

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

Re: Variance 2004-0239-V Robert and Patricia Bender

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling, associated facilities and an accessory structure (detached garage) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and garage. This office received a revised site plan on July 14, 2004.

Providing this lot is properly grandfathered, this office does not oppose a variance to redevelop the property with a single-family dwelling. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the revised information provided, we have the following comments regarding the current development proposal and variance request.

1) The 100-foot Buffer is not shown identified on the site plan provided for this variance request. As estimated from the site plan, the existing dwelling and deck are located within the Buffer.

2) The applicant proposes to remove the existing dwelling and deck to construct a new dwelling and deck within the Buffer, and to remove and reconstruct a detached garage outside the Buffer. As required by the Anne Arundel County Zoning Ordinance (Article 28, §1A-109), new structures within a Buffer Exemption Area shall be designed and located to maximize the distance between the shoreline and the structure, and to minimize disturbance within the Buffer. As shown on the site plan, the existing dwelling and deck are located 23.5 feet from

the shoreline at the nearest point. The proposed dwelling and deck will be located 40 feet from the shoreline at the nearest point.

As stated in the Critical Area report provided, the applicant proposes to clear 5,805 square feet or 79 percent of the forested area, leaving only a 900 square foot area of forest between the new construction and Rideout Creek. It appears that nearly all other vegetation on the site will be removed to accommodate the new construction. We recommend that clearing between the dwelling and the shoreline be reduced to the minimum necessary to provide access for construction.

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

4) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 464-04 revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 16, 2004

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

Re: Variance 2004-0233-V Michael and Stacie Gormley

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition and an access path with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. I conducted a site visit with the applicants and their consultant on July 14, 2004.

Providing this lot is properly grandfathered, this office does not oppose a steep slope variance to construct the proposed dwelling addition. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Because the lot is heavily forested, mitigation alternatives may need to be addressed. Stormwater should be directed away from steep slopes to a stable vegetated outfall or best management practice.

Based on the information provided and observations made during the site visit, we have the following comments regarding the variance for the access path.

1) The access path is approximately 10 feet in width, 205 linear feet, and composed of compacted gravel. The access path extends across steep slopes, just beyond the existing driveway, and extends to a flat "turn-around" area approximately 160 feet from the shoreline. During the site visit, the Gormelys stated that although some vegetation was cleared no large trees were removed to construct the access path, and the gravel surface has remained stable since the access path was constructed in November 2003.

2) The applicants constructed an access path for the purpose of removing debris from the shoreline areas of the property, and to remove debris from a stormwater channel located

within an easement on the property, which is held by the State Highway Administration. Runoff from Route 50 exits from a 24-inch culvert to the stormwater channel, which crosses the property and terminates at the shoreline. The Gormelys regularly remove debris from the channel, including fallen trees and tree limbs, via the access path to prevent flooding of the lower portion of the property.

3) The two major issues on this site are maintenance of the stormwater channel and removal of large debris from the shoreline. This office does not support a variance to construct an access road on steep slopes for the purpose of performing property maintenance. We recommend that the Gormleys investigate alternative methods to address these issues on their property.

   For example, a more permanent solution could be considered to address the ongoing problems with the stormwater channel, such as requesting the necessary authorizations from the County to execute a maintenance plan. A maintenance plan could include limited removal of trees and other vegetation adjacent to the stormwater channel to reduce the likelihood of debris obstructing flow in the channel, and structural stabilization of the channel where necessary to prevent further erosion.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 460-04

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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July 16, 2004

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

Re: Variance 2004-0246-V Christian and Catarina Stohler

Dear Ms. West:

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

Providing this lot is properly grandfathered, this office does not oppose this variance. Based on the information provided, we have the following comments regarding the current development proposal and variance request. The 100-foot buffer is not identified on the site plan provided for this variance request. As estimated from the site plan, it appears that most of the dwelling is located within the Buffer. The applicant proposes to add a sunroom to the existing dwelling and expand the existing decks. We understand that no clearing is necessary for construction, and the existing and new decks will be pervious with a pervious substrate. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 487-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 15, 2004

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

Re: Variance 2004-0253-V Billy and Shelly Hix

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose this variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Because this is a small project, reduction in pollutants from runoff can be achieved with plantings, consisting of native trees and shrubs.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 491-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 15, 2004

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

Re: Variance 2004-0242-V Cathy and Andrew Mosier

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and garage. Mr. Mosier met with me on July 13, 2004 to discuss the variance application and Critical Area requirements for redevelopment of the property.

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

1) The 100-foot Buffer is identified on the site plan. As reported by County staff, the Buffer must be expanded on this site due to the presence of steep slopes (50 feet from the top of steep slopes). As estimated from the site plan, nearly the entire lot is located within the expanded Buffer.

2) The applicant proposes to replace the existing garage, expand the existing dwelling, expand the existing wood deck, and construct a new septic field within the Buffer. As indicated on the site plan, only the deck and the new septic field are located further waterward than the existing dwelling, and a portion of the dwelling addition and garage are located within the Buffer.

3) At our meeting, the applicant indicated that a patio or other impervious surface might be considered beneath the deck to provide an entry to the at-grade living space. We note that, given the amount of impervious surface coverage proposed (4,670 square feet), impervious surface limit of 5,445 square feet could be exceeded if an area beneath the deck were made impervious. In this case, the impervious surface calculations should be revised to include any impervious surface proposed beneath the deck. Otherwise, the deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 466-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 15, 2004

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

Re: Variance 2003-0232-V David Geipe

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation of a previously approved variance. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a dwelling, garage, and driveway.

This office would not oppose this variance, providing the conditions required of the previous variance are met (Case No. 2003-0084-V).

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 280-03 extension

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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July 14, 2004

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

Re: Variance 2004-0255-V Fletcher Thompson

Dear Ms. Plociennik:

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

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

1) The applicant proposes to construct a new dwelling within the footprint of the existing dwelling, and to add an entry and walkway, which will increase impervious surface coverage by 99 square feet. The proposed clearing and disturbance to steep slopes appears to be the minimum necessary to provide access for construction.

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

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 492-04

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 14, 2004

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

Re: Variance 2004-0263-V New Deale Beach Project, Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. This property was the subject of two previous variance cases, Case No. V-366-93 and Case No. 2000-0475-V.

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

1) In Case No. 2000-0475-V, the Administrative Hearing Officer granted a variance to construct a dwelling and driveway within the 100-foot Buffer and within 35 feet from the edge of tidal wetlands on the site. As measured from the site plan provided for the current variance request, the proposed dwelling is located approximately 30 feet from the edge of tidal wetlands. We note that although the overall impervious surface coverage has been reduced from the previous variance request, the setback from tidal wetlands is less due to the square shape of the dwelling currently proposed. We recommend that the applicant consider an alternative configuration that would maximize the distance between the dwelling and tidal wetlands on the site.

2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. As indicated on the site plan, the applicant proposes to reforest an area between the dwelling and tidal wetlands. We recommend that native species compatible with the existing wetland vegetation be used for mitigation purposes in this area. Mitigation alternatives will need to be addressed to meet the remainder of the mitigation requirement.

3) Stormwater should be directed away from tidal wetlands to a best management practice or to a heavily vegetated area of the site to provide water quality benefits.

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

Sincerely,

Julie LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 44-01 resubmitted

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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July 14, 2004

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

Re: Variance 2004-0247-V 8919 LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. This property was the subject a previous variance, Case No. 2002-0480-V.

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

1) Because the nontidal wetlands on this site are contiguous with tidal wetlands nearby, the Critical Area Buffer is expanded to include nearly the entire lot. Based on the site plan provided, it appears that the footprint of the proposed development and disturbance to the Buffer have been minimized to the extent possible.

2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because the site is fully forested, mitigation alternatives will need to be addressed. If mitigation plantings are accommodated on site, we recommend that native species be selected that are appropriate for wet conditions, similar to the vegetation found in the surrounding wetlands.

3) Stormwater should be directed to a stable, vegetated outfall on the property and best management practices should be implemented to minimize impacts to the nontidal wetlands and provide water quality benefits.

4) The property owner must secure the required authorizations from the Department of the Environment for disturbance to the nontidal wetland and nontidal wetland buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 726-02 resubmittal

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 13, 2004

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

Re: Variance 2004-0236-V Scott Morton

Dear Ms. Plociennik:

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

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

1) The 100-foot Buffer is not identified on the site plan provided for this variance request. As estimated from the site plan, the 100-foot Buffer falls within slopes of 22 to 30 percent and therefore the Buffer must be expanded for steep slopes (Anne Arundel County Zoning Ordinance Article 28, Section 1A-104). As estimated from the site plan, it appears that the entire property is located within the expanded Buffer and steep slopes are present over much of the property.

2) At its nearest point, the proposed dwelling is located approximately 107 feet from the shoreline of Blackhole Creek. As measured from the site plan, the limits of disturbance extend 30 to 47 feet from the northern and southern sides of the proposed dwelling. Given the extent of steep slopes on the site, could the amount of clearing and grading be

minimized? We recommend that the limits of disturbance over the entire site be reduced to the minimum necessary to provide adequate access for construction of the dwelling and the septic system.

3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings be used on the site to the extent possible, particularly to stabilize steep slopes following construction. Because the property is fully forested, mitigation alternatives will need to be addressed.

4) As shown on the site plan, stormwater will be directed to a best management practice (infiltration trench).

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 463-04

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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July 13, 2004

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

Re: Variance 2004-0239-V Robert and Patricia Bender

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose a variance to redevelop the property with a single-family dwelling. The applicant must demonstrate that impacts have been minimized and that the variance is the minimum necessary. Based on the information provided, we have the following comments regarding the current development proposal and variance request.

1) The 100-foot Buffer is not shown identified on the site plan provided for this variance request. As estimated from the site plan, the existing dwelling and deck are located within the Buffer.

2) The applicant proposes to remove the existing dwelling and deck to construct a new dwelling and deck within the Buffer, and to remove and reconstruct a detached garage outside the Buffer. As shown on the site plan, the existing dwelling and deck are located 23.5 feet from the shoreline at the nearest point. The proposed dwelling and deck will be located 23.9 feet from the shoreline at the nearest point. As stated in the Critical Area report provided, the applicant proposes to clear 5,805 square feet or 79 percent of the forested area on the site, leaving only a 900 square foot area of forest between the new construction and Rideout

Creek. It appears that nearly all other vegetation on the site will be removed to accommodate the new construction.

As required by the Anne Arundel County Zoning Ordinance (Article 28, §1A-109), new structures within a Buffer Exemption Area shall be designed and located to maximize the distance between the shoreline and the structure, and to minimize disturbance within the Buffer. It appears that if the footprint of the proposed dwelling and garage were consolidated and the structures were shifted further outside the Buffer, the development setback could be maximized and less forest clearing would be necessary within the buffer.

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

4) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 464-04

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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July 12, 2004

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

Re: Variance 2004-0248-V 8919 LLC

Dear Ms. Plociennik:

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

Based on the information provided, we do not oppose this variance request, providing the conditions of the previous variance (Case No. 2003-0186-V) are met and the property is planted to provide forest or developed woodland cover of at least 15 percent (Anne Arundel County Zoning Ordinance (Article 28, Section 1A-104).

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 402-03 extension

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 12, 2004

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

Re: Variance 2004-0249-V Barry Andrews

Dear Ms. Plociennik:

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

We understand that the applicant proposes to construct a second story addition within the footprint of the existing dwelling. Providing this lot is properly grandfathered, this office does not oppose this variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 490-04

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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July 12, 2004

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

Re: Variance 2004-0245-V Morris Lewis

Dear Ms. Plociennik:

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

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

1) As noted in the environmental report provided, this property is severely constrained by nontidal wetlands (approximately 80 percent) and the 25-foot nontidal wetland buffer. We recognize that a variance is necessary to develop the property.

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

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 486-04

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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July 12, 2004

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

Re: Variance 2004-0270-V Colin and Maureen Belka

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose this variance. We understand that the applicant has completed reconstruction of the second story and roof of the existing dwelling and constructed a second story deck over a portion of the existing deck. If determined necessary, mitigation should be provided at a ratio of 2:1 for disturbance within the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 498-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2004

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

Re: Variance 2004-0265-V Patrick McElwee

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose this variance. We understand that the applicant removed an existing shed and concrete slab near the shoreline, and installed a new shed approximately 180 feet from the shoreline and 3 feet from the property boundary. If determined necessary, mitigation should be provided at a ratio of 1:1 for disturbance outside the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 495-04

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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July 12, 2004

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

Re: Variance 2004-0262-V Jane Scott

Dear Ms. Plociennik:

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

Providing this lot is properly grandfathered, this office does not oppose this variance. We understand that the applicant removed a deck, carport and concrete slab that were damaged during hurricane Isabel, and that construction of the attached garage is nearly completed. If determined necessary, mitigation should be provided at a ratio of 1:1 for disturbance outside the Buffer. We recommend that mitigation plantings, consisting of native species of trees and shrubs, be directed first to non-forested areas within the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 494-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2004

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

Re: Variance 2004-0259-V John Wright and Mary Holmes

Dear Ms. Plociennik:

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

We understand that the applicant proposes to construct a shed over an existing brick patio, resulting in no increase in impervious surface coverage on the property. Providing this lot is properly grandfathered, this office does not oppose this variance.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 493-04

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 12, 2004

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

Re: Variance 2004-0271-V Pasadena Business Association

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved special exception and variance.

Based on the Critical Area maps for Anne Arundel County, it appears that this project is located outside the Critical Area, and therefore this office has no comments regarding the variance request.

Thank you for the opportunity to provide comments.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 501-04

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 12, 2004

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

Re: Variance 2004-0235-V Charles Russell

Dear Ms. Plociennik:

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

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

1) The 100-foot Buffer is not identified on the site plan provided for the variance request. As estimated from GIS information from the Department of Natural Resources, it appears that a portion of the property is located within the 100-foot Buffer.

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

3) Because the property is designated an Intensely Developed Area, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a stormwater best management practice or with plantings on the site.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 462-04

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 12, 2004

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

Re: Variance 2004-0231-V Joseph Miller

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, porch and deck. This property was the subject of a previously granted variance (Case No. 2003-0514-V), which permitted construction of a 240 square foot covered porch.

Providing this lot is properly grandfathered, this office does not oppose this variance, providing the conditions of the previous variance are met. We recommend the following be made conditions of the current variance request:

1) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the downslope end.

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

3) The conditions of the previous variance must be met, which include a 1,806 square foot limit on impervious surface coverage and mitigation as determined by the Anne Arundel County Permit Application Center.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

AA 74-03, second variance

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2004

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

Re: Site Plan – Triton Marina Properties, LLC

Dear Mr. Black:

Thank you for providing information on the above referenced redevelopment project. The applicant is requesting to construct a boat storage facility. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed as a commercial marina and associated facilities.

This office received a revised site plan on June 24, 2004 from the applicant's consultant. Based on the revised information, we have following preliminary comments regarding the current redevelopment proposal.

1) We understand the proposed boat storage facility will be constructed over existing impervious surface (paved parking area) and will be approximately 55,000 square feet. Although no new impervious surface will result from this project, the property is non-conforming with respect to impervious surface coverage (3.33 acres or 45 percent). We recommend that the applicant provide information about how stormwater will be managed on the site.

2) We understand that the previously proposed maintenance dredging for the marina has been eliminated from the revised redevelopment proposal.

3) As stated in the environmental report, the applicant proposes 15 percent afforestation of the property as part of the current redevelopment proposal. As indicated on the planting list provided, plantings will consist of a mix of native trees and shrubs and will be located mostly within the Buffer.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Ben Brockway (Biota, Inc.)

CE 720-03, supplemental

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 12, 2004

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

Re: Rezoning Case No. 2004-12 Shady Beach, LLC
(Tax Map 31, Parcel 1211)

Dear Mr. Johnson:

Thank you for providing information on the above referenced request for rezoning. The applicant is requesting to rezone Parcel 1211 from Business Local to Business General. The Critical Area portion of the property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we have no comments regarding this request for rezoning. Development proposed on Parcel 1211 must comply with the Critical Area provisions in the Cecil County Zoning Ordinance, including those for Intensely Developed Areas and Habitat Protection Areas.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 480-04

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 12, 2004

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

Re: Rezoning Case No. 2004-13 J. David McDaniel
(Tax Map 31, Parcel 1112)

Dear Mr. Johnson:

Thank you for providing information on the above referenced request for rezoning. The applicant is requesting to rezone Parcel 1112 from Business Local to Business General. The Critical Area portion of the property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we have no comments regarding this request for rezoning. Development proposed on Parcel 1112 must comply with the Critical Area provisions in the Cecil County Zoning Ordinance, including those for Intensely Developed Areas and Habitat Protection Areas.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 481-04

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 8, 2004

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

Re: Bracebridge subdivision plan
Tax Map 61, Parcel 12

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision proposal. The applicant is requesting to subdivide a 540-acre parcel of which 295 acres are within the Critical Area. The Critical Area portion of Parcel 12 is designated a Resource Conservation Area (RCA). With the exception of several existing dwellings and farm buildings, the property is mostly undeveloped and currently used for agricultural purposes.

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

1) As noted in the Natural Resource Inventory report provided and as shown on the site plan, Parcel 12 has one existing dwelling unit within the Critical Area. The current subdivision proposal includes the creation of thirteen building lots within the Critical Area, leaving one additional development right outstanding within the RCA. The remaining development density within the Critical Area should be noted on the final subdivision plat.

2) New subdivisions within the Critical Area are limited to 15 percent impervious surface coverage. As noted on the site plan, the applicant proposes 14.2 percent impervious surface coverage for the subdivision. By what mechanism will the impervious surface coverage requirements (maximum of 25 percent) be met with respect to development on individual lots? Will each lot be assigned a maximum impervious surface coverage limit? The applicant should provide this information as part of the subdivision proposal.

3) As proposed, the subdivision does not include water access or piers for the lots within the Critical Area. We note that with the exception of Lot 35, all of the other lots within the Critical Area are not waterfront, and therefore do not have riparian rights. If intended in the future, water access or other water-dependent facilities should be included as part of the current subdivision proposal. Water access and associated facilities, individual piers or a community pier must comply with the provisions for water-dependent facilities within a Resource Conservation Area (Cecil County Zoning Ordinance Article XI, part I, Section 198 and COMAR 27.01.03.07).

4) When agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established (Cecil County Critical Area program 9.1-7 and COMAR 27.01.09.02). Based on GIS information from the Department of Natural Resources, it appears that much of the Buffer and expanded Buffer on Parcel 12 is already partially or fully forested. In this case, afforestation of partially forested areas of the Buffer may be achieved through natural regeneration.

   In addition, lots within a Limited Development Area must be planted to achieve 15 percent forest or developed woodland cover (Cecil County Zoning Ordinance Article XI, Part I, Section 200 and COMAR 27.01.02.04).

5) The applicant has provided an evaluation by the Department of Natural Resources, Natural Heritage Division, for the presence of rare, threatened and endangered species on these properties. Based on the current subdivision proposal and information provided in the Natural Resource Inventory, no Habitat Protection Areas or sensitive species habitat identified by the Department of Natural Resources, Natural Heritage Division, will be impacted on the site. Protection zones have been identified around the eagle nest on the site, as recommended by the Department of Natural Resources. The recommended time of year restrictions should be incorporated into the development plans for Lots 72, 73, 74, and 75, which are located within Zone 3.

Thank you for the opportunity to provide comments on this subdivision.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 448-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2004

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

Re: Elk Nest subdivision plan
Tax Map 31, Parcels 666 and 667

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision proposal. The applicant is requesting to subdivide a 18.57-acre tract consisting of Parcels 666 and 667. Approximately 14.6 acres are located within the Critical Area and designated a Limited Development Area (LDA). With the exception of the commercial marina facility on Parcel 666, the property is mostly undeveloped and forested.

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

1) As identified on the site plan, an intermittent stream extends across both Parcels 666 and 667. The required 110-foot Buffer from the stream must be identified on the site plan (Cecil County Zoning Ordinance Article XI, Part I, Section 196 and COMAR 27.01.09.01). Several isolated non-tidal wetlands and the 25-foot wetland buffer are identified on the site plan. The Buffer must be expanded to include the contiguous non-tidal wetland and the nontidal wetland buffer adjacent to West Shady Beach Road. The Buffer should be identified on a revised site plan.

2) As estimated from the site plan, it appears that the Buffer encompasses most of Lot 25, and extends within the right-of-way for West Shady Beach Road (existing private right-of-way) and Elk Nest Drive (proposed mini-road). It appears unlikely that the following could occur without disturbance to the Buffer (which includes the nontidal wetland and the 25-foot non-tidal wetland buffer): development of Lot 25, improvements to West Shady Beach Road, and construction of Elk Neck Drive. Development in a Limited Development Area must comply

with the provisions for Habitat Protection Areas within the Critical Area of Cecil County, including provisions, which prohibit development within the Critical Area Buffer, and limit activities that adversely affect non-tidal wetlands and their buffers (Cecil County Zoning Ordinance Article XI, Section 200). This office would not support variances for development activities within the Buffer associated with a new subdivision and non-grandfathered lots within the Critical Area.

3) If a lot of one acre or less in size within Critical Area is part of a subdivision approved after December 1, 1985, impervious surface coverage on the lot may not exceed 25 percent, providing the subdivision does not exceed 15 percent impervious surface coverage (Cecil County Zoning Ordinance Article XI, Part I, Section 200 and COMAR 27.01.02.04). As noted on the site plan, the applicant proposes 14.2 percent impervious surface coverage for the subdivision. By what mechanism will the impervious surface coverage requirements be met with respect to development on individual lots? Will each lot be assigned a maximum impervious surface coverage limit? The applicant should provide this information as part of the subdivision proposal.

4) The applicant must request an evaluation by the Department of Natural Resources, Natural Heritage Division, for the presence of rare, threatened and endangered species on these properties. The applicant must address the recommendations of the Department of Natural Resources, Natural Heritage Division with respect to the proposed subdivision.

We recommend that the applicant revise the current subdivision proposal, addressing the local Critical Area requirements as described above. Thank you for the opportunity to provide comments. If revised information is provided, we may have additional comments regarding the proposed subdivision.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CE 447-04

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 27, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 899-04 Russell-Volk Subdivision
St. Mary's County Project 04-120-049

Dear Mr. Kalmus:

Thank you for providing information on the referenced project. It is my understanding that the applicant is proposing to create a 12-lot single-family residential subdivision on a developed parcel with an existing building and trailer. I have reviewed the plan submitted and I have the following comments:

1. An Environmental Report was not submitted with this project. Please provide a copy of the environmental report, which should include information about existing and proposed development, natural resources on the site, stormwater management, and habitat protection areas.

2. The plat depicts an area labeled "Field Located Non-Tidal Wetlands." Please provide a copy of the field report and associated documentation. The report should indicate if the non-tidal wetland is connected to any tributary streams or tidal wetlands, which would require expansion of the 100-foot Buffer to include the non-tidal wetlands.

3. No information was provided regarding stormwater management. Section 41.4.3.e of the St. Mary's County Comprehensive Zoning Ordinance requires stormwater quality management that will result in a 10% reduction in pollutant loading from pre-development levels. Compliance with this requirement is established through application of the provisions outlined in the "Critical Area 10% Rule Guidance Manual – Fall 2003." Please provide the 10% Rule Worksheet A and appropriate stormwater management design and analysis.

4. Section 41.4.1.g(3) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance requires that where appropriate, urban forestry programs such as street tree plantings and landscaping, be used to reduce impacts on water quality generated by development. The project as submitted does not address this requirement. General Note 5 indicates that 30 percent

of existing forest will be retained; however, no calculations regarding existing and proposed forest cover were provided to support this information.

5. The applicant has not provided information from the Heritage Division of the Department of Natural Resources regarding the presence of rare, threatened, and endangered species on the site. Correspondence from Heritage must be obtained and evaluated prior to approval of this project.

Thank you for the opportunity to provide comments on this subdivision. Please provide the revised plats, and the requested information when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

cc: Mr. Sean Day, DayTech Engineering, LLC.

Mary- Reader

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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December 27, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

RE: SM 900-04 Blanton Subdivision
St. Mary's County Project # 04-110-111

Dear Mr. Kalmus:

Thank you for providing information on the referenced project. It is my understanding that the applicant is proposing to create a 3-lot single-family residential subdivision on a 2.44-acre undeveloped parcel. I have reviewed the plan submitted and I have the following comments:

1. The plat depicts an area labeled "Field Located Tidal Wetlands." Information available on the Department of Natural Resources MERLIN system indicates a much larger area of tidal wetlands. Please provide a copy of the wetland delineation and associated documentation. The report should indicate if the tidal wetlands are State or private tidal wetlands. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area. If these areas have been determined to be private tidal wetlands, please provide documentation regarding how this determination was made. The 100-foot Buffer shall be delineated from the edge of tidal wetlands, regardless of their classification as State or private.

2. The information on MERLIN indicates that there may be a hydrologic connection between the tidal wetlands on the west side of Maryland Route 498 and the nontidal wetlands on the east side of the road. If there are nontidal wetlands that are contiguous to the 100-foot Buffer, then the Buffer must be expanded to include these areas. Further information about the hydrologic connection between these areas is needed as it may affect the buildable area on Lots 1 and 3.

3. The applicant provided some conceptual information about stormwater management; however, there isn't sufficient detail to determine if the project complies with the 10% pollutant reduction requirement required in the Critical Area as set forth in Section 41.4.3.e of the St. Mary's County Comprehensive Zoning Ordinance. Compliance with this requirement is established through application of the "Critical Area 10% Rule Guidance Manual – Fall 2003." This requirement is in addition to any other stormwater requirements. The applicant must complete Worksheet A even if all impervious surface area on the site is "disconnected" or addressed with a grass channel.

4. Some stormwater treatment practices used in the MDE 2000 Maryland Stormwater Manual are not appropriate for use in the Critical Area. The "sheet flow to buffer" credit referenced in the Critical Area Report cannot be used if stormwater is proposed to be directed to the 100-foot Buffer. The Buffer cannot be used to treat stormwater. Table 4.3 of "Critical Area 10% Rule Guidance Manual – Fall 2003." provides guidance about how the credit for various practices is incorporated into the 10% Rule calculations.

5. Section 41.4.1.g(3) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance requires that where appropriate, urban forestry programs such as street tree plantings and landscaping, be used to reduce impacts on water quality generated by development. The project as submitted does not address this requirement.

6. The applicant has not provided information from the Heritage Division of the Department of Natural Resources regarding the presence of rare, threatened, and endangered species on the site. Correspondence from Heritage must be obtained and evaluated prior to approval of this project.

7. Critical Area Note 4 includes a typographical error; the word "affronted" should be replaced with "afforested." Critical Area Notes 6 and 8 reference the 1,000' Buffer; "Buffer" should be replaced with "Boundary."

Thank you for the opportunity to provide comments on this subdivision. Please provide the revised plats, and the requested information when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

cc: Mr. Sean Day, DayTech Engineering, LLC.

Mary - Reader

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 27, 2004

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

RE: DC 910-04 Barbara Walcott Subdivision
Dorchester County Plan # 1069

Dear Mr. Dodd:

Thank you for providing information on the referenced project. I have reviewed the plan submitted, and I have the following comments:

1. It is my understanding that this project involves a subdivision creating two lots on an 11.94- acre parcel, designated RCA, through the use of the Country's intrafamily transfer provisions. The property is currently developed with a single-family dwelling. Subdivisions involving intrafamily transfers must include appropriate plat notes and deed restrictions regarding the subsequent transfer of the additional lot as set forth in § 8-1808.2 of the Natural Resources Article of the Annotated Code of Maryland.

2. An Environmental Report was not submitted with this project. Please provide a copy of the environmental report, which should include information about existing and proposed development, natural resources on the site, stormwater management, and habitat protection areas.

3. The Commission has not received information about threatened and endangered species and Habitat Protection Areas on the site. The applicant must contact the Heritage Division of the Department of Natural Resources that screens for potential impacts associated with development projects. The Commission cannot complete the review of this project until a response from the Heritage Division has been received.

4. It appears that most of the site is forested. Within the RCA, clearing of existing forest is limited to 30 percent of the area of the forest, and replacement planting is required. The replacement ratio is based on the percentage of the forest that is proposed to be cleared.

Information about the regulations and requirements pertaining to forest clearing should be included in the plat notes.

5. Within the Critical Area, impervious surfaces are limited to 15% of the lot. Information about impervious surface limits should be included in the plat notes.

6. It appears that most of the 100-foot Buffer is currently forested. When property is subdivided and developed, the 100-foot is required to be established. If it is not currently forested, the Buffer on Lot 2 is required to be planted or allowed to naturally regenerate. Appropriate notes must be placed on the plat indicating that this area shall be vegetated. Plat notes should also be added stating that clearing and/or removal of natural vegetation within the 100-foot Buffer on Lots 1 and 2 is prohibited.

Thank you for the opportunity to provide comments on this boundary survey. Please provide revised plats when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 20, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 901-04 Whirlwind Farmstead Subdivision BLAP
St. Mary's County Project # 04-141-068

Dear Mr. Kalmus:

Thank you for providing a copy of the referenced boundary line adjustment plat. I have reviewed the plat and the St. Mary's County Critical Area Maps. The property is not located within the Critical Area; therefore, I have no comments. If you have any questions, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

December 20, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 728-04 Adams Property, Lot 498 Golden Beach
St. Mary's County Project 04-0213

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to clear more than 30% of the existing forest cover on Lot 498 in Golden Beach. In accordance with Section 72.3.1.c(2) of the St. Mary's County Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance.

Although not specified in the materials submitted with the site plan, it is my understanding that the applicant is also requesting approval of a variance to construct a single-family dwelling and a septic system within the 100-foot Buffer. The property is an existing grandfathered lot that is severely constrained by an area of tidal wetlands on the property and the 100-foot Buffer.

The Commission does not oppose the proposed variances to construct a dwelling and septic system in the Buffer and to exceed the 30% clearing limit because the lot is small and is completely forested. It appears that the Buffer impacts and the necessary clearing on Lot 498 have been minimized by reconfiguring the dwelling, bringing the limits of disturbance closer to the dwelling, drainfields, and driveway, and by providing mitigation planting throughout the disturbed area. The applicant is also proposing to install a dry well to treat stormwater run-off from the dwelling, which is strongly encouraged.

If the variance request is approved, the Commission recommends that mitigation be provided for both variances in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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December 15, 2004

Honorable Edward W. Rice
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: River Watch Subdivision
IH 245-03

Dear Mayor Rice:

The Critical Area Commission has received a copy of the Council for the Town of Indian Head Resolution No. 12-01-04, which was adopted on December 6, 2004, from Mr. Francis Silverholz of Centex Homes. The resolution indicates the Towns' acceptance of the Critical Area Commission's conditions of approval of the growth allocation request for the River Watch Subdivision Project.

As you are aware, several of the conditions involved the delineation of the 100-foot Buffer. The recent field delineation from the existing stream indicates that it significantly impacts Lots 3 through 14 on the north side of Rivers Edge Terrace. Under the advice of their consultants, Centex has decided to pursue the restoration of the stream and wetland system immediately, so that the previous violations can be mitigated, and the stream can be restored to a condition more closely resembling its original form, structure, and function. It has been determined that this restoration will likely result in some reconfiguration of the stream, with the channel itself moving northward 20 to 40 feet. This reconfiguration will affect the delineation of the 100-foot Buffer; therefore, Centex's consultants have recommended that the Buffer delineation be performed after the stream and wetland restoration design is completed.

In recent discussions with Mr. Silverholz regarding the delineation of the 100-foot Buffer on the stream, he has expressed the desire of Centex Homes to proceed with the construction of the dwellings on Lots 1 and 2 on the north side of Rivers Edge Terrace at this time. He has provided site plans for Lot 1B and Lot 2B, included as attachments, which show the 100-foot Buffer from the stream as it currently exists. He has verified

that neither of these lots is under contract; therefore, any relocation of the Buffer resulting from the stream restoration can be explained to any potential purchaser.

The Commission does not oppose Centex resuming construction on Lots 1 and 2 on the north side of Rivers Edge Terrace, as the proposed construction will not be located within the 100-foot Buffer as currently delineated. It is likely that the stream and wetland restoration effort will result in the Buffer moving further northward and potentially eliminating any encroachment of the lots into the 100-foot Buffer. Further activity on Lots 3 through 14 should not be initiated until the stream and wetland restoration design is complete, and the 100-foot Buffer can be accurately delineated.

If you have any questions, please contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

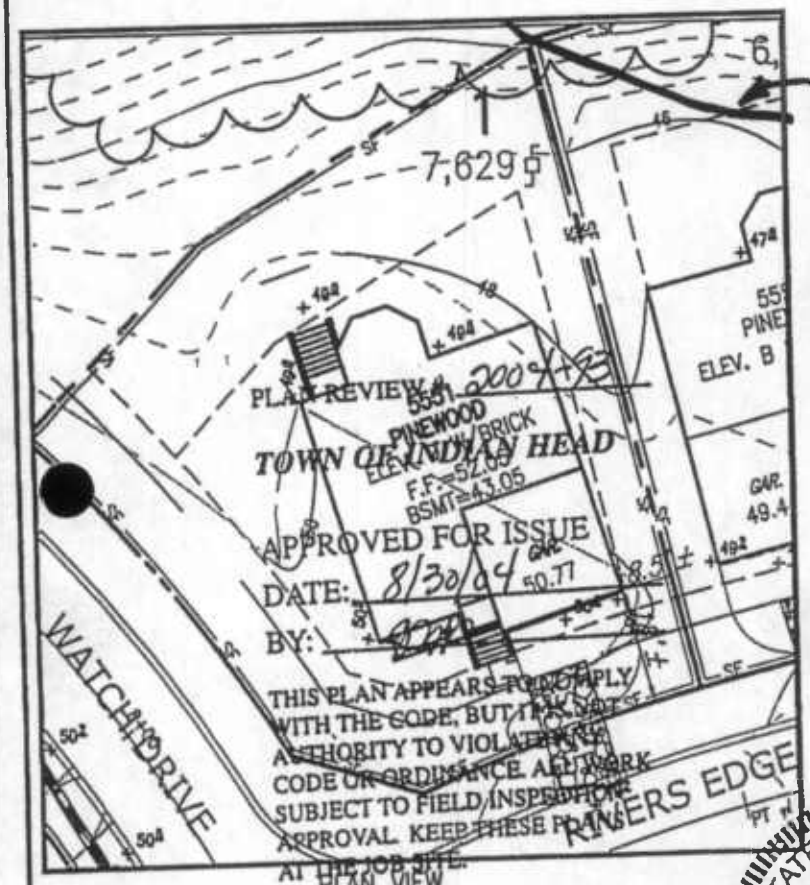
cc: Mr. Francis Silverholz, Centex Homes

LOT DATA

LOT AREA	= 7,629SF.
DISTURBED AREA	= 7,629 SF.
IMPERVIOUS AREA	= 2,475SF.
WOODLAND	= Ø
WOODLAND DISTURBED	= Ø
TAX ACCOUNT #	07-077122
ZONED	R-1
ENG. PLAN PGM No.	N/A - TOWN OF INDIAN HEAD
FEMA PANEL No.	490091-0001B (REV-15OCT1985)
DEED PAGE No.	L.4033 F.178
PLAT REF.	PB 54 PNo.469

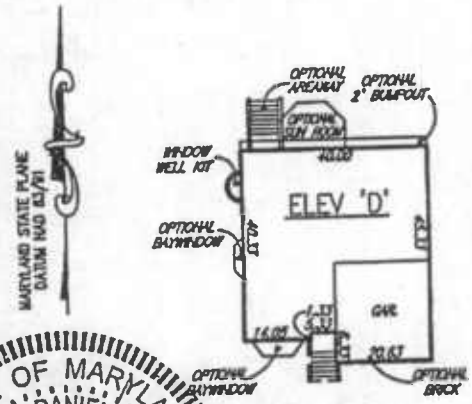
SAME OWNER FOR SURROUNDING LOTS

VICINITY MAP
SCALE: 1"=2000'



PLAN VIEW

FOLLOWING THE INITIAL SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILAZTION SHALL BE COMPLETED WITHIN SEVEN (7) CALANDER DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTIAL TO 1 VERTICAL (3:1) AND FOURTEEN (14) DAYS TO ALL OTHER DISTURBED AREAS ON THE PROJECT SITE.



5551-D
ALL OPTIONS NOT TO SCALE

✓ OWN/APP COPY

☐ FILE COPY

STATE OF MARYLAND
RAYMOND DANIEL FOWLER
NO. 21134
PROFESSIONAL LAND SURVEYOR

PREMISES ADDRESS
2 RIVERS EDGE TERRACE
INDIAN HEAD, MARYLAND

OWNER/APPLICANT:
CENTEX HOMES
9108 GAITHER ROAD
GAITHERSBURG, MARYLAND 20877
ATTN: KEITH B. TUNELL

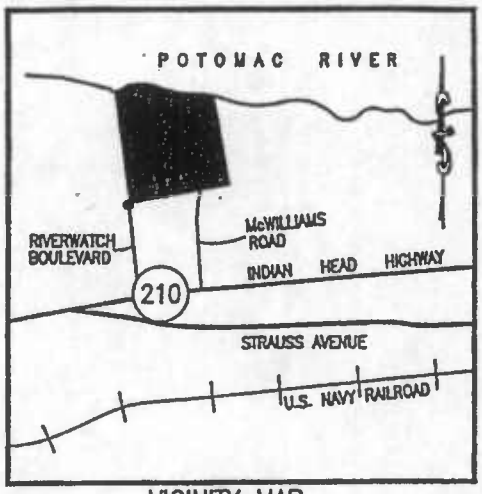
08/03/04 (DBS) ELEVATION [illegible] DROPPED 4" AND GRADES ADJUSTED ACCORDINGLY

ATCS, P.L.C. ENGINEERING • PLANNING • SURVEYING 49 OLD SOLOMONS ISLAND ROAD, SUITE 204 ANNAPOLIS, MARYLAND 21401 PHONE: (410) 224-7497 • FAX: (410) 224-7498 CULPEPER, VA. • DULLES, VA. • WALDORF, MD.	SITE & SEDIMENT CONTROL PLAN LOT 1B RIVER WATCH PLAT BOOK 54 PLAT NUMBER 469 TAX MAP 11, GRID 15, PARCEL 136 TOWN OF INDIAN HEAD 7TH ELECTION DISTRICT CHARLES COUNTY, MARYLAND	MANAGER: M.S.	SCALE: AS SHOWN
		DESIGN BY: SDS	CHECKED BY: DBS
		DRAWN BY: SDS	CHECKED BY: DBS
		DATE: 08/12/04	SHEET: 1 OF 1

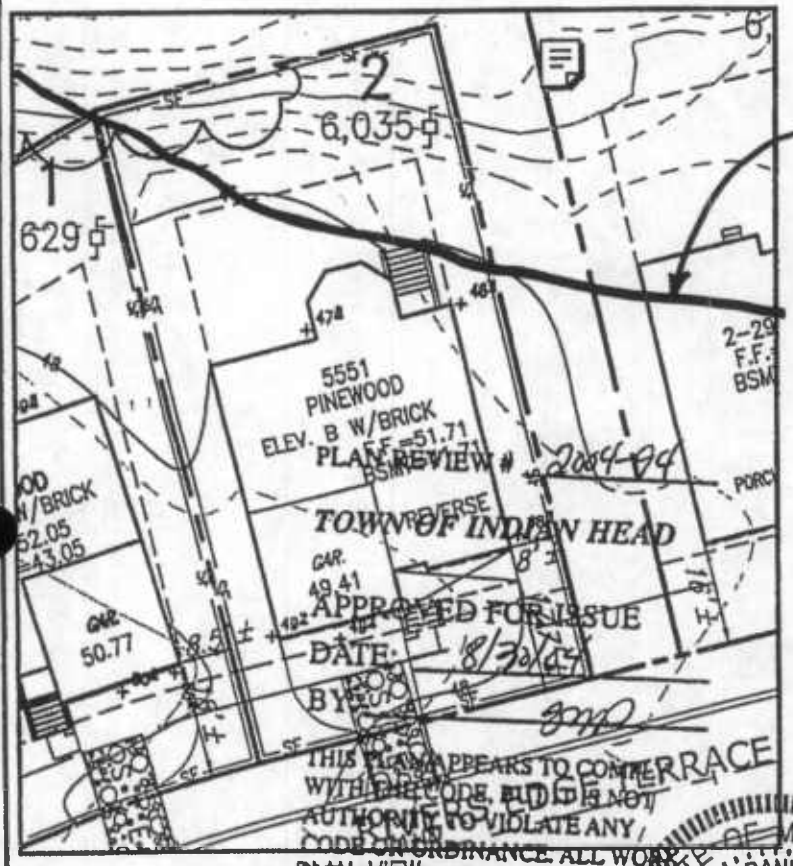
LOT DATA

LOT AREA	= 6,035 SF.
DISTURBED AREA	= 6,035 SF.
IMPERVIOUS AREA	= 2,496 SF.
WOODLAND	= Ø
WOODLAND DISTURBED	= Ø
TAX ACCOUNT #	07-077130
ZONED	R-1
ENG. PLAN PGM No.	N/A – TOWN OF INDIAN HEAD
FEMA PANEL No.	490091-0001B (REV-15OCT1985)
DEED PAGE No.	L.4033 F.178
PLAT REF.	PB 54 PNo.469

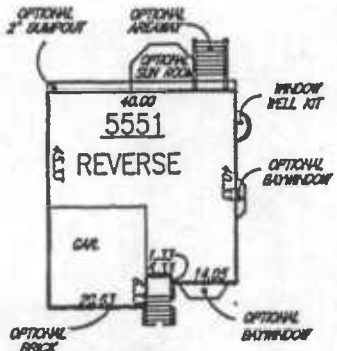
SAME OWNER FOR SURROUNDING LOTS



VICINITY MAP
SCALE: 1"=2000'



FOLLOWING THE INITIAL SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILAZTION SHALL BE COMPLETED WITHIN SEVEN (7) CALANDER DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTIAL TO 1 VERTICAL (3:1) AND FOURTEEN (14) DAYS TO ALL OTHER DISTURBED AREAS ON THE PROJECT SITE.



5551-B
ALL OPTIONS NOT TO SCALE

PREMISES ADDRESS
4 RIVERS EDCE TERRACE
INDIAN HEAD, MARYLAND

☑ OWN/APP COPY ☐ FILE COPY

OWNER/APPLICANT:
CENTEX HOMES
9108 GAITHER ROAD
GAITHERSBURG, MARYLAND 20877
ATTN: KEITH B. TUNELL

STATE OF MARYLAND
RAYMOND DANIEL FOWLER
No. 21134
PROFESSIONAL LAND SURVEYOR

08/03/04 (DBS) REVISED TO SHOW GARAGE DROPPED 4" AND GRADES ADJUSTED ACCORDINGLY

ATCS, P.L.C. ENGINEERING • PLANNING • SURVEYING 49 OLD SOLOMONS ISLAND ROAD, SUITE 204 ANNAPOLIS, MARYLAND 21401 PHONE: (410) 224-7497 • FAX: (410) 224-7498 CULPEPER, VA. • DULLES, VA. • WALDORF, MD.	SITE & SEDIMENT CONTROL PLAN LOT 2B RIVER WATCH PLAT BOOK 54 PLAT NUMBER 469 TAX MAP 11, GRID 15, PARCEL 136 TOWN OF INDIAN HEAD 7TH ELECTION DISTRICT CHARLES COUNTY, MARYLAND	MANAGER: M.S.	SCALE: AS SHOWN
		DESIGN BY: SDS	CHECKED BY: DBS
		DRAWN BY: SDS	CHECKED BY: DBS
		DATE: 08/12/04	SHEET: 1 OF 1

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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www.dnr.state.md.us/criticalarea/

December 15, 2004

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

RE: DC 412-03 Mabry and Barnett Subdivision
Dorchester County Project #1023

Dear Mr. Dodd:

Thank you for providing information on the Mabry and Barnett Subdivision. The plans submitted represent the first phase of a subdivision planned for the entire 124-acre parcel. The project involves the creation of 13 lots on 30 acres, with 29.5 acres within the Critical Area and designated LDA.

1. The plans indicate that access to Lot 4 and Lot 5 must cross the 100-foot Buffer of a tributary stream to Secretary Creek. Disturbance to the 100-foot Buffer associated with the stream crossing would require a variance. New subdivisions must be designed to avoid the need for a variance because the applicant will be required to demonstrate that they have met all of the variance standards and that denial of the variance would result in an unwarranted hardship.

2. In a letter from the Critical Area Commission, dated June 27, 2003, Wanda Cole commented that there are hydric soils and soils with seasonally high water tables on the site. These conditions may indicate that there are nontidal wetlands on the site. The plans indicate that a field delineation was performed; however the Commission has not received a copy of the field report and associated documentation. Please provide a copy of this information.

3. The plans show a 100-foot Buffer from nontidal wetlands. A 100-foot Buffer is required from the edge of tidal wetlands and the edge of tributary streams. It appears that the nontidal wetlands may actually be tributary streams. If so, they should be labeled as

tributary streams. Nontidal wetlands are regulated by COMAR 26.23 as implemented by the Maryland Department of the Environment (MDE) and require a 25-foot buffer.

4. The plans do not include information about State tidal wetlands. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for density, impervious surface, or forest clearing calculations.

5. Topographic information is needed to identify areas of steep slopes as it appears that steep slopes may occur near Secretary Creek. The Buffer may need to be expanded if contiguous steep slopes are present.

6. This subdivision will represent a change in use from agriculture to residential, which requires the 100-foot Buffer to be established. The 100-foot Buffer is already forested; however, the plat should clearly indicate that clearing or the removal of natural vegetation within the Buffer is prohibited.

7. Forest clearing may not exceed 30% of the existing forest, and mitigation for forest cleared will be required, depending on the percentage of existing forest cover removed. The plat must state the amount of existing forest on the parent parcel, as well as, within this project area. The amount of clearing for the proposed roadway must be quantified, and it is strongly recommended that the plans indicate a clearing limit on each lot to ensure that clearing will not exceed 30%.

8. Impervious surface area is limited to 15% of the subdivision. Since the road will utilize a sizable portion of this area, it is recommended that the plans include impervious surface limits for each lot. Defining a development envelope for each lot would be helpful for this purpose.

9. It appears that the area set aside for stormwater management is located within the 100-foot Buffer. Best Management Practices for stormwater management are considered a development activity and are not permitted in the Buffer without a variance. Stormwater facilities for new subdivisions must be designed to avoid the need for a variance because the applicant will be required to demonstrate that they have met all of the variance standards and that denial of the variance would result in an unwarranted hardship.

10. The applicant has not provided an environmental report for this project.

11. The applicant has not provided information from the Heritage Division of the Department of Natural Resources regarding the presence of rare, threatened, and endangered species on the site. Correspondence from Heritage must be obtained nad evaluated priori to appoval of this project.

Thank you for the opportunity to comment on this project. Because it appears that there are substantive comments regarding the basic design of the subdivision, I believe that it would be helpful to meet with the applicant's consultants to discuss these issues and explore options for

redesign. Please call me at (410) 260-3480, and we can schedule a date and time to meet in Cambridge.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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December 14, 2004

Mr. David A. C. Carroll, Director
Ms. Pat Farr, Manager, Environmental Impact Review
Department of Environmental Protection
And Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Holly Neck

Dear Mr. Carroll and Ms. Farr:

I am writing to follow up on the Critical Area Commission Program Subcommittee's discussion on December 1, 2004 regarding the growth allocation request for the Holly Neck Project. I want to thank both of you for attending the meeting and describing the history and background of the project and summarizing the numerous environmental considerations that will affect the development of the property.

Following discussion of the existing development on the site and the proposed general lot lay-out and dwelling type, the Program Subcommittee members seemed generally supportive of the design concept presented. The members were interested in how the 100-foot Buffer would be restored and reestablished through planting and the extent and nature of shore erosion protection measures that will be implemented. There was also discussion about how afforestation of several open field areas will expand and enhance Forest Interior Dwelling Species (FIDS) habitat and wildlife corridors.

The Subcommittee also expressed interest in the effect that application of a 300-foot setback could have on the project. Based on your analysis, it was explained that this type of setback would make much of the site unbuildable, and that the County was proposing several alternative measures that would provide habitat and water quality benefits similar or perhaps even greater than a 300-foot setback. These measures included the removal of existing dwellings from the Buffer, restoration of the Buffer, installation of 2800 linear feet of shoreline stabilization measures, creation of additional FIDS habitat and wildlife

corridors, and the establishment of perpetual easements prohibiting further development on all remaining RCA lands and undeveloped IDA lands.

In conclusion, the Program Subcommittee seemed generally receptive to the conceptual design of the project and were supportive of your efforts to work with the developer to minimize the impacts of development on the project site by clustering the dwellings and implementing conservation easements. Commission staff looks forward to working with you on this project as it proceeds through the local review and approval process. If I can provide any assistance, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

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December 14, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Longboat Estates Subdivision – Growth Allocation

Dear Ms. Houtman:

The Critical Area Commission has received documentation from Mr. Jeffrey E. Thompson regarding the conditions placed on the Commission's approval of the growth allocation request for the Longboat Estates Subdivision. As specified in the conditions, the homeowners' association covenants pertaining to the protection of plantings and stormwater practices, the amendment or termination of covenants related to the Commission's approval, and the limitations on the use of the boat ramp have been revised and clarified. Marianne Mason, counsel for the Commission, has reviewed the language and believes that it satisfactorily addresses the Commission's concerns.

I have reviewed the additional plantings proposed around the boat ramp area and the stormwater quality practice proposed for the boat ramp itself, and these measures satisfy the other two conditions of approval. Thank you for submitting the requested materials for review. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Anne Roane (City of Cambridge)
Mr. Roby Hurley (Maryland Department of Planning)
Mr. Sean Callahan (Lane Engineering, Inc.)
Mr. Wes Schuman (S and S Properties)
Mr. Jeffrey E. Thompson (Thompson and Thompson, LLP)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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MEMORADUM

TO: Roland Limpert

FROM: Mary Owens

SUBJECT: David Dixon – Application Number 200560785

DATE: December 14, 2004

Thank you for the opportunity to comment on the referenced Joint Federal/State Application for the Alteration of Any Floodplain, Tidal or Nontidal Wetland in Maryland. I have reviewed the application, and I have the following comments:

1. The application incorrectly states that the project is not located within the Critical Area. The project is located within the Critical Area; therefore, the Dorchester County Critical Area provisions will apply.

2. The project site includes extensive areas of tidal and nontidal wetlands; however, it is not clear whether the nontidal wetlands on the site are contiguous with the 100-foot Buffer from tidal waters or wetlands (some of which may be located off of the project site). If the nontidal wetlands are contiguous to the 100-foot Buffer, then the 100-foot Buffer must be expanded to include these areas.

3. If the Buffer is required to be expanded for nontidal wetlands, any disturbance to the expanded Buffer will require a variance from the Dorchester County Board of Appeals. Applicants for a variance must show that denial of the variance would result in an unwarranted hardship.

4. The applicant must contact the Heritage Division of the Department of Natural Resources regarding the presence of any significant plant and wildlife habitats or rare, threatened, and endangered species of the project site. Within the Critical Area, these areas are identified as Habitat Protection Areas and specific protection and conservation measures may be required.

If you have any questions about these comments, please call me at (410) 260-3480.

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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December 13, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

RE: SM 696-03 Confederate Memorial Park
St. Mary's County Project # 03-131-057

Dear Ms. Bahner:

A revised site plan for the referenced project has been submitted, and I have spoken to Jerry Soderburg at D.H. Steffens about the project. Based on our conversation, it is my understanding that the proposed development is located in an open mowed field. There are no wetland plant species or hydrologic conditions that indicate the presence of nontidal wetlands; therefore, further investigation is not required. There are also no site conditions that indicate the presence of any rare, threatened, or endangered species, nor does the Department of Natural Resources' MERLIN system indicate the presence of any sensitive species protection areas.

The project site is located in a Resource Conservation Area (RCA). If additional development of the site is proposed, further analysis of the proposed use and environmental features may be required.

The applicant is required to establish 15% forest cover on the project site. It appears that approximately 19,000 square feet of planting will be required. Natural regeneration may be an option for compliance with the planting requirement.

Thank you for the opportunity to provide comments on this site plan. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 13, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

RE: SM 902-04 Lots 176 and 177 Breton Beach Subdivision
St. Mary's County Project # 04-141-073

Dear Mr. Kalmus:

Thank you for providing information on the referenced boundary line adjustment plat, which will combine two grandfathered properties, Lot 176 and Lot 177 in Breton Beach Subdivision. I have reviewed the plan submitted, and I have the following comments:

The existing lots are designated Resource Conservation Area and are considered grandfathered for density purposes. Currently each lot could be developed with a single-family dwelling. The proposed boundary line adjustment will result in a single lot that may be developed with one single family dwelling, and no rights for an additional dwelling will be retained.

In accordance with Section 41.5.3.i(1) of the St. Mary's County Comprehensive Zoning Ordinance, impervious surface area on the Lot 500-176 will be limited to 31.25% of the parcel. This should be noted on the plat.

Thank you for the opportunity to comment on this project. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Mary Owens

Mary Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 13, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

RE: SM 880-04 Marva Point
St. Mary's County Project # 04-141-067

Dear Mr. Kalmus:

Thank you for providing information on the referenced project plan for Marva Point. It is my understanding that the plan is the result of a boundary survey to correct the boundary lines of existing platted lots. There are existing dwellings on all three lots, and no further development is proposed at this time.

The General Notes indicate that the properties are located within the Limited Development Area Critical Area overlay. It may be appropriate to add to this note that because the property is located within the Critical Area, additional restrictions and limitations on development activities apply as set forth in Chapters 42, 71 and 72 of the St. Mary's County Comprehensive Zoning Ordinance.

If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 13, 2004

Ms. Anne Roane
City of Cambridge
Department of Public Works
705 Leonard Lane
Cambridge, Maryland 21613

Re: Waterford Subdivision – Growth Allocation
CM 417-04

Dear Ms. Roane:

I am writing to follow up on the Critical Area Commission Program Subcommittee's discussion on December 1, 2004 regarding the growth allocation request for the Waterford Subdivision. During the discussion, several issues were raised and additional information will be needed prior to the formal review of the project by the Commission. The following issues were discussed:

1. Landscape plans that address planting on the site and the establishment of the 100-foot Buffer will facilitate the Commission's review of the growth allocation request.

2. Additional information regarding how the 100-foot Buffer will be maintained and protected from disturbance was requested so that the Commission can ensure that Habitat Protection Areas on the site will not be adversely impacted by the growth allocation request.

3. There is an agricultural drainage ditch, identified as Cosby Ditch, which feeds into one of the streams on the property. Although the ditch was created through an easement agreement executed in 1960 between the property owners and the Commissioners of Cambridge, there has been discussion as to whether the ditch has converted ecologically into an intermittent stream. Further review and evaluation of the watercourse is necessary. Commission staff will coordinate a site visit with you and Maryland Department of the Environment staff to further evaluate the watercourse. A copy of the Jurisdiction Determination approved by the US Army Corps of Engineers on November 3, 2004 should be submitted to the Commission to facilitate this evaluation.

4. The Heritage Division of the Department of Natural Resources provided comments on the project and the applicant was urged to contact the US Fish and Wildlife

Service because the property is within the range of the endangered Delmarva Fox Squirrel (DFS). At the meeting, the applicant stated that he has contact the US Fish and Wildlife Service and there are no DFS habitat impacts associated with the project. Documentation from the US Fish and Wildlife Service should be submitted for review.

5. The applicant has submitted preliminary stormwater information for the project; however, a stormwater report should be submitted with the calculations generally describing the stormwater design strategy. The report and/or calculations should provide information about how the impervious calculations were computed in each drainage area and how stormwater is priposed to be directed to each Best Management Practice (BMP). The report should also include any pertinent technical information that was used to identify appropriate BMPs, such a depth to water table and soil boring information. The plans should clearly indicate the locations of the various BMPs, how stormwater is proposed to be directed to each practice and how and where stormwater will be discharged from the various practices.

Thank you for attending the Program Subcommittee meeting and responding to the Commission members' questions. The preceding comments represent the review and evaluation of the materials the applicant submitted by members of the Program Subcommittee. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the full Commission's formal review, they may request additional information or have additional concerns.

As we discussed, once the Commission is notified that the City and Dorchester County are prepared to move forward with the growth allocation request and the final plans are submitted Chairman Madden will be able to make an amendment or refinement determination. You will be notified of his decision and the procedures for review by the full Commission. If you have any questions, please contact me at (410) 260-3481.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

MRO/jjd

cc: Karen Houtman, Dorchester County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 8, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 892-04 Charles Spangler
St. Mary's County Project #04-1476

Dear Ms. Bahner:

Thank you for providing information on the referenced project, which involves the issuance of a building permit to replace an existing dwelling with a new dwelling. The existing dwelling is located within the 100-foot Buffer and the new dwelling will be located in approximately the same location.

The Commission supports the County's determination that the property is an existing grandfathered lot, and therefore may be developed with a single-family dwelling. It is my understanding that the property is located within a designated Buffer Management Overlay area; therefore, a variance may not be required as long as the proposed replacement dwelling fully complies with the provisions of Section 41.7 of the St. Mary's County Comprehensive Zoning Ordinance.

If you have any questions about this letter, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 8, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 776-04 Hollywood Shores – Lot 10, Block G, Plat 1
St. Mary's County Project # 04-1551

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a two variances associated with the construction of a single family dwelling on Lot 10 in Hollywood Shores. One variance involves the applicant's need to clear more than 30% of the existing forest cover on the site and the second variance involves the disturbance of slopes greater than 15%. In accordance with Section 72.3.1.c(2) and Section 71.7.3.d of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent and the disturbance of slopes greater than 15% are prohibited without a variance. The property is an existing 9,817 square foot, grandfathered lot. It is completely forested and a majority of the property is constrained by slopes greater than 15%.

The Commission does not oppose the proposed variances to exceed the 30% clearing limit and to disturb steep slopes in order to construct a dwelling and septic system because the lot is small, completely forested, and significantly constrained by steep slopes. It appears that there may be some opportunities to preserve existing forest or individual trees in the southwestern portion of the lot, and this is strongly encouraged.

If the variance requests are approved, the Commission recommends that the applicant implement appropriate stormwater management practices, so that concentrated run-off is not directed onto steep slopes in a manner that may contribute to erosion of the slope. The Commission also recommends that mitigation be provided for the variances in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 6, 2004

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

RE: DC 893-04 Elton and Harriett Hankins
Dorchester County Project 2226

Dear Mr. Dodd:

Thank you for providing information on the referenced variance request. The applicant is proposing to rebuild an existing porch and construct a front porch addition to an existing dwelling. The porches total approximately 560 square feet. The property is an existing grandfathered lot, and the existing structure is located entirely within the 100-foot Buffer. The applicant is requesting a variance to construct the additions within the 100-foot Buffer.

The Critical Area Commission does not oppose the proposed variance request, as it appears that the proposed new porch addition is reasonable. If the variance request is approved, the Commission recommends that the applicant be required to provide three-to-one mitigation as recommended by County staff.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

May - Reader

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

RE: DC 859-04 Twin Coves Farm
Dorchester County Plan # 1067

Dear Mr. Dodd:

Thank you for providing information on the referenced project. I have reviewed the plan submitted, and I have the following comments:

1. The notes on the plat state that there are no threatened and endangered species on the site; however, it is not clear if this information was verified through correspondence with the Heritage Division of the Department of Natural Resources. The Heritage Division also screens for potential impacts to other Habitat Protection Areas including Natural Heritage Areas, colonial water bird nesting sites, and Forest Interior Dwelling Species (FIDS) habitat. Prior to the recordation of the plat, the applicant must provide this correspondence.

2. A copy of the environmental report for this project was not received by the Commission. Additional information is needed regarding the environmental features of the site.

3. For Critical Area purposes, the 1972 State Tidal Wetlands Maps and field verification should be used to determine if tidal wetlands are present on a site. Field verification, and if necessary a field delineation, should be used to determine the exact boundary of tidal wetlands and to distinguish between State and private tidal wetlands. Based on the 1972 State Tidal Wetland Maps and information available on the Department of Natural Resources MERLIN system, portions of Lots 1, 2, and 3 appear to include areas of tidal wetlands. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area. If these areas have been determined to be private tidal wetlands, please provide documentation regarding how this determination was made.

4. It appears that the 100-foot Buffer was delineated from mean high water. The 100-foot Buffer is required to be delineated from the edge of State or private tidal wetlands; therefore, it appears that the Buffer has not been correctly delineated. This may affect the location of the sewage reserve areas on Lots 1 and 3.

5. In accordance with § 155-38.J.18 of the Dorchester County Code, when agricultural lands are converted to other uses, the 100-foot Buffer shall be established in natural forest vegetation. The 100-foot Buffer on Lot 3 and Lot 1 is required to be planted or allowed to naturally regenerate. Appropriate notes must be placed on the plat indicating that this area shall be vegetated, and that clearing or removal of natural vegetation within the 100-foot Buffer is prohibited.

Thank you for the opportunity to provide comments on this boundary survey. Please provide revised plats when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 30, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 878-04 Hollywood Shores – Lot 24, Block F
VAR # 04-1859

Dear ~~Ms. Bahner~~: April

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to impact the expanded Buffer (expanded for contiguous steep slopes) in order to construct a single-family dwelling on Lot 24 in Block F of Hollywood Shores. In accordance with Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, disturbance and development within the expanded Critical Area Buffer is prohibited without a variance. The property is an existing 0.93 acre, grandfathered lot, and it is completely forested.

The Commission does not oppose the proposed variance to impact the expanded Buffer as the property is steeply sloping and is severely constrained by the expanded Buffer. There are no alternative locations for the dwelling because the sewage reserve area is located on the only portion of the property that is outside the expanded Buffer.

In reviewing the site plan, it appears that the applicant is proposing to direct stormwater from the dwelling, in a closed system, to the bottom of the steep slope and discharge it directly into Cole's Creek in order to protect erodible soils on the slope from impacts created by uncontrolled run-off. While the Commission supports the concept of protecting the slope from erosion, untreated run-off should not be discharged directly into Cole's Creek. It also seems likely that during large storm events, the proposed 6" roof drains may carry stormwater at a velocity capable of causing erosion or scouring at the shoreline where the roof drain is proposed to discharge. The Commission recommends that the applicant treat the stormwater at the top of the hill by implementing a rain garden, dry well, wet swale, or similar residential-type treatment practice that will not direct untreated stormwater directly to tidal waters. If practicable, stormwater should be gradually infiltrated rather than directly discharged from the treatment practice.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 30, 2004

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 373-04 Merle Zimmerman Subdivision Plan
MSUB # 04-110-105

Dear Ms. Veith:

This office has received a copy of the grading plan and the worksheets for compliance with the 10% pollutant reduction requirement. I have reviewed the information submitted and the comments on the project provided in the letter from Wanda Cole dated June 14, 2004. The following issues need to be addressed:

1. The worksheets submitted for compliance with the 10% pollutant reduction requirement are basically correct; however, no information is provided regarding how the feasibility of the proposed nonstructural practices was determined and how the practices will be implemented. Additional information is needed to ensure that the proposed measures will be practical and effective on each lot.

2. The applicant has not provided information from the Heritage Division of the Department of Natural Resources regarding the presence of rare, threatened, and endangered species on this site. This information must be submitted and evaluated before the subdivision receives final approval.

3. A copy of the environmental report for this project was not received by the Commission. Additional information is needed to determine if the site includes nontidal wetlands. The Othello soils are capable of supporting nontidal wetlands. The applicant must investigate whether nontidal wetlands exist on this site, and, if found, delineate them on the plat and subdivision plans. It is not clear whether any field investigation by a qualified wetland biologist was performed, although notes on the plat state that there are no nontidal wetlands on the site.

If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. John A. Cosgrove, Jr., R.A. Barrett &Associates, Inc.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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November 30, 2004

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 860-04 Blackistone Estates Lot 6X and 4X
BLAP # 04-141-066

Dear ~~Ms. Veith~~ Sue:

Thank you for providing a copy of the boundary line adjustment plat. I have reviewed the plat, and I have the following comments:

1. It is my understanding that the purpose of this plat is to record the combination of two grandfathered lots into a single lot, and that no development on the property is proposed at this time. When development is proposed on this lot, additional information about topography, soil types, and existing forest and developed woodland cover will be required.

2. Critical Area Note 5 states that "Location of Natural Heritage Area, Threatened or Endangered Species and Habitats of Significant Plants or Wildlife are identified on this plat in accordance with Chapter 71 (Resource Protection Standards) of the St. Mary's County Zoning Ordinance (CZO) 02-01. No such areas are shown on the plan; however, it is not clear if this information was verified through correspondence with the Heritage Division of the Department of Natural Resources. Prior to any development on this property, the applicant will be required to provide this correspondence.

If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Billy Higgs, LSR, Inc.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 30, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 879-04 Jack Tippett, Lots 34-38 River Street
VAR # 04-2760

Dear Ms. ~~Bahner~~: April

Thank you for providing information on the referenced project. The applicant is requesting a variance to impact the 100-foot Buffer in order to construct a single-family dwelling on Lots 34-38 in Block 1 of St. George's Beach. In accordance with Section 71.8.3.b.1(c) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, disturbance and development within the Critical Area Buffer is prohibited without a variance. The property is an existing 0.23 acre, grandfathered lot, with significant developed woodland cover.

It appears that the Buffer impacts and the necessary clearing on the lot have been minimized. The Commission does not oppose the proposed variance to construct a dwelling in the Buffer because the lot is small, and it is located almost completely within the Buffer. If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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November 30, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 814-04 Resubdivision of Lot 1, Watson Subdivision
Local Case Number: 04-110-105

Dear Mr. Kalmus:

Thank you for providing information on the referenced project. It is my understanding that the purpose of the plan is to subdivide around existing development, so the owner can finalize insurance claims and secure financing to rebuild structures damaged by Hurricane Isabel in 2003. I have reviewed the plat, and I have the following comments:

1. The storm-damaged dwellings on both proposed lots are located within the 100-foot Buffer; therefore any expansion or modification of the building footprints may require a variance.

2. The subdivision plat does not include information about existing trees or natural vegetation within the 100-foot Buffer. The removal of natural vegetation within the Buffer is generally prohibited unless certain conditions are met and the County approves a Buffer Management Plan. Appropriate notes regarding the protection of existing vegetation within the Buffer should be included on the plat.

3. Information regarding steep slopes and soil types is not include on the plan; therefore, it cannot be determined if there are any wetlands on the property or if any expansion of the 100-foot Buffer is required.

4. The Critical Area Notes do not include impervious surface area calculations for each lot. It is not clear from the information submitted whether the existing lot is in compliance with the impervious surface limit. Generally, these calculations should be included to ensure that the new lot line will not create non-conforming situations with respect to the new lots. The lots will not be considered grandfathered with respect to impervious surface calculations; therefore, impervious surface area will be limited to 25% on each lot and 15% for the entire subdivision or to the impervious surface area that currently exists on each lot, whichever is greater. A table

should be included on the plan that shows the existing impervious area on both of the proposed lots and the allowable impervious surface limit.

5. The subdivision plan does not include information about forest and developed woodland cover. In accordance with Section 72.3.1.c of the St. Marty's County Comprehensive Zoning Ordinance and Subdivision Ordinance, all forest and developed woodland shall be conserved to the greatest extent practicable, and any trees removed shall be replaced in accordance with the requirements of that section. Appropriate notes should be included on the plat.

Thank you for the opportunity to provide comments on this boundary line adjustment. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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November 23, 2004

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 813-04 Elizabeth Manor
Local Project Number: 04-110-106

Dear Mr. Kalmus:

Thank you for providing information on the referenced project. I have reviewed the information submitted, and I have the following comments:

1. It appears that the applicant is proposing to subdivide a 2.93-acre lot from an existing 18.3-acre parent parcel. The Critical Area designation of a portion of the property is RCA, and that portion of the property is developed with one dwelling in accordance with the density provisions of the St. Mary's County Critical Area Program.

2. The proposed lot is located completely outside the Critical Area boundary, and no further development is proposed within the Critical Area portion of the property. Plat notes should be added to clearly indicate that no further subdivision of the Critical Area portions of "Adjusted Farmstead Z" is permitted.

3. The plat identifies the Critical Area boundary as the "1000' Critical Area Buffer." This terminology is incorrect, the note should read "1,000' Critical Area **Boundary.**"

4. Critical Area Notes 1 states that 18.3 acres of the site are within the Critical Area; however, 18.3 acres is the acreage of the parent parcel, and the plan indicates that Lot 1, totaling 2.93 acre is located outside the Critical Area. The notes are confusing and should be revised.

5. Critical Area Notes 2 and 4 reference outdated sections of the County's Critical Area regulations. These notes must be amended to provide the correct references to the current St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance.

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plats when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Jerry Nokleby, Nokelby Surveying

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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 23, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: DC 817-04 Goottee's Marine, Inc.
Dorchester County Plan # 1059

Dear Ms. Houtman:

Thank you for submitting the site plan for the new development at Goottee's Marine, Incorporated. The proposal involves the use of growth allocation to change 14.52 acres of land within the Critical Area from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) for purposes of expanding the boat storage operation and constructing new service buildings. The acreage of the entire property is proposed to be converted to IDA. I have reviewed the plan, and I have the following comments:

1. The property is proposed to be converted to IDA, and there are no specific standards for afforestation or reforestation within IDAs; however, when a site is converted from agricultural use to a different use, the 100-foot Buffer must be established in natural vegetation. The Critical Area Criteria state that new IDAs and LDAs should be located in order to minimize their impacts to Habitat Protection Areas and in an area and manner that optimizes benefits to water quality. The minimum 100-foot Buffer is a designated Habitat Protection Area and appropriate protection measures will be necessary to ensure that this guideline is addressed.

2. The submittal did not include an environmental report. All projects of this type involving growth allocation should provide an assessment of existing resource conditions on the site and address the habitat issues in the Critical Area Program.

3. There appears to be a watercourse located between the proposed pocket pond and the existing shop. Is this a stream or nontidal wetland? Information about this watercourse

and the method of delineation of the tidal and nontidal wetlands should be included in the environmental report.

4. When growth allocation requests are reviewed by the Commission, the presence of Habitat Protection Areas on the site is considered during the evaluation process. The applicant must provide correspondence from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened or endangered species on the site.

5. No details were provided on the proposed stormwater management; therefore, it is not clear if the applicant can comply with the 10% pollutant reduction requirement. It also appears that a stormwater outfall may impact the Buffer. Although, variances are generally not required for stormwater outfalls because they are considered water-dependent, impacts to the Buffer should be minimized. Without the 10% phosphorus reduction calculations and additional information on the outfalls, it cannot be determined if the stormwater treatment is sufficient and complies with the County's Critical Area provisions.

6. When the County reviews the growth allocation and submits a request for approval to the Commission, the adjacency and locational guidelines in §8-1808.1(c) of the Natural Resources Article of the Annotated Code of Maryland and in COMAR 27.01.02.06 should be addressed. These provisions include the 300-foot setback guideline, which will likely be specifically evaluated by the Critical Area Commission when the growth allocation request is submitted.

The preceding comments represent the review and evaluation of the materials the applicant submitted by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal before the County awards growth allocation. Please contact me if you have any questions.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

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. Chip Jackson
St. Mary's College
Office of Facilities
18952 E. Fisher Road
St. Mary's City, Maryland 20686 - 3001

RE: Cobb House Parking Lot
SMC 35-04

Dear ~~Mr. Jackson~~ Chip:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Cobb House Parking Lot Project at St. Mary's College. On November 3, 2004, the Critical Area Commission voted to approve the project with the following condition:

1. A Planting Agreement shall be executed with Commission staff prior to initiating construction on the project.

As part of the discussion of the project, the Commission was provided with information regarding the planting required and the planting provided as part of four projects reviewed by the Commission in the last two years. The projects discussed were the Somerset Hall Expansion and Renovation Project, the New Student Residence Project, the New Entrance Road – Fisher Road Relocated Project, and the Student Services Building Parking Lot. As we have discussed, it was presented to the Commission that it is the intention of the College to satisfy the outstanding planting requirement of 1.312 acres in an open field area across Mattapany Road. The Commission requested an update on the implementation of this planting at the Commission meeting on January 5, 2005.

Thank you for assisting me in the preparation of the materials for the Commission meeting. I have enclosed a copy of the Planting Agreement for your signature. Please sign and date both copies and return one to me. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Jim McGuire

Enclosure

Planting Agreement for State and Local Projects

State or Local Agency
St. Mary's College

Project Number
35-04

Agency Contact
Jim McGuire

Phone Number
(240) 895-2105

Commission Approval Date
November 3, 2004

CAC Planner
Mary Owens

Project Name
Cobb House Parking Lot

Project Location
St. Mary's College, St. Mary's City

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer*
Other

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within 100ft Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer*

Mitigation Calculation Within Buffer

15% Afforestation Requirement Met?
Yes

Total Mitigation Required

Planting and Natural Regeneration Plan (attach additional sheets if necessary)
Planted mitigation is proposed as on offset for compliance with the 10% pollutant reduction requirement for construction of a small parking lot, using a partially pervious paver system. The paver system was factored into the 10% Rule calculations, and the removal requirement is 0.076 pounds per year. This removal requirement is relatively small, and the Commission determined that it could be satisfied through the planting of native trees and shrubs, rather than the construction of a structural BMP.

Planting Date
Spring

Year
2006

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

** see back for explanations*

Revised 9/03

Mary R. Owens 11/17/04

Planting Agreement for State and Local Projects

State or Local Agency
St. Mary's College

Project Number
35-04

Agency Contact
Jim McGuire

Phone Number
(240) 895-2105

Commission Approval Date
November 3, 2004

CAC Planner
Mary Owens

Project Name
Cobb House Parking Lot

Project Location
St. Mary's College, St. Mary's City

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer*
Other

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within 100ft Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer*

Mitigation Calculation Within Buffer

15% Afforestation Requirement Met?
Yes

Total Mitigation Required

Planting and Natural Regeneration Plan (attach additional sheets if necessary)
Planted mitigation is proposed as on offset for compliance with the 10% pollutant reduction requirement for construction of a small parking lot, using a partially pervious paver system. The paver system was factored into the 10% Rule calculations, and the removal requirement is 0.076 pounds per year. This removal requirement is relatively small, and the Commission determined that it could be satisfied through the planting of native trees and shrubs, rather than the construction of a structural BMP.

Planting Date
Spring

Year
2006

First Site Visit Date

First Site Visit By

Second Site Visit Date

Second Site Visit By

Mitigation Completed?

** see back for explanations*

Revised 9/03

Mary R. Owens 11/17/09

Mary - Reader

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November 17, 2004

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

RE: Ratcliffe Farm, LLC
Critical Area Buffer Establishment and Management Plan
DFS Habitat Creation Plan and Easement

Dear Mr. Hamilton:

I am writing in response to the revised Critical Area Buffer Establishment and Management Plan and the DFS Habitat Creation Plan and Easement submitted to the Critical Area Commission and Marianne Mason, Assistant Attorney General. This information has been reviewed and has been determined to satisfactorily address the Critical Area Commission's conditions of approval of the growth allocation. Ms. Mason has received notification that the Delmarva Fox Squirrel Easement has been recorded, and it is our understanding that the individual Critical Area Buffer Establishment and Management Plans for lots 1 through 6, 8, and 11 through 13 will be recorded prior to issuance of a building permit to the individual property owners. This letter serves as the Town's notice that the Commission has withdrawn its instructions to the Town limiting the issuance of building permits on the affected lots.

If you have any question, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: The Honorable Robert Willey
Christopher B. Kehoe, Esquire
David R. Thompson, Esquire, Cowdrey, Thompson, and Karsten

May - Reader

Robert L. Ehrlich, Jr.
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Lt. Governor

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November 17, 2004

Ms. Susan Mahoney
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 732-04 Parlett Farm East – Resubdivision of Lot 1

Dear Ms. Mahoney:

Thank you for providing information on the referenced project. I have reviewed the plan submitted and I have the following comments:

1. It appears that the applicant is proposing to subdivide a second lot from an existing 43.74-acre parcel with 37.74 acres in the Critical Area. The Critical Area designation of the property is RCA, and this should be shown on the plat.

2. Because the property is designated RCA, is developed with an existing dwelling, and includes less than 40 acres within the Critical Area, the proposed dwelling and sewage reserve area on the new lot must be located outside the Critical Area. Plat notes should be added to clearly indicate that no development on Lot 501-2 is permitted within the Critical Area portion of that lot.

3. The plat identifies the Critical Area boundary as the "1000' Critical Area Buffer." This terminology is incorrect, the note should read "1,000' Critical Area **Boundary.**"

4. The plat indicates that there is a stream crossing on Lot 501-1; however the stream is not shown. Within the Critical Area, a 100-foot Buffer is required to be established on all tributary streams. The location of the stream should be shown, if it is within 100 feet of the site, so that appropriate Buffer protection measures can be implemented.

5. Critical Area Notes 2 and 4 reference outdated sections of the County's Critical Area regulations. These notes must be amended to provide the correct references to the current St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance.

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plats when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Jerry Sodeburg, D.H. Steffens Co.

Mary - Reader

Robert L. Ehrlich, Jr.
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Michael S. Steele
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November 16, 2004

Ms. Nancy Jones
University of Maryland Center for Environmental Science
P. O. Box 775
Cambridge, Maryland 21613-0075

RE: UMCES Horn Point Reforestation Site

Dear Ms. Jones:

Thank you for meeting with me on October 19, 2004 to discuss the reforestation requirements associated with the construction of the Aquaculture and Restoration Ecology Laboratory Building. As we discussed on site, Center staff are proposing an alternative site to the one initially proposed, which is adjacent to the new laboratory building, because site constraints in the area limit the wildlife habitat functions of the proposed reforestation area.

Based on your memo, it is my understanding that the specific alternative site that we evaluated on October 19, 2004 is part of an educational program, and that program staff do not feel that it is an optimal afforestation site. At this time, Center staff are proposing that a similar open field area, located north and west of the site that we evaluated, be used as the reforestation site. This location is in the Lakes Cove watershed and is generally adjacent to a tidal creek off of the Choptank River.

This location is an acceptable reforestation site for the 0.80 acres of required planting. It appears that this location will supplement and enhance existing forest vegetation along the shoreline, which should help to stabilize the area, as well as, improve the water quality and habitat functions of the 100-foot Buffer adjacent to the tidal creek. I understand that Center staff will work with the Department of Natural Resources Forest Service to obtain plantings and plant the site in the Spring of 2005. It is recommended that a follow-up inspection be conducted two years after planting to ensure that the forest on the property is adequately established.

Thank you for providing me with information about the alternative site. If you need further assistance, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary-Reader

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November 16, 2004

Ms. Alexis Gray
Naval Air Station Patuxent River
Environmental Department
22445 Peary Road, Building 504
Patuxent River, MD 20670

RE: Presidential Replacement Helicopter Programs Support Facility
CAC Project # 43-04

Dear Ms. Gray:

Thank you for providing updated information on the Presidential Replacement Helicopter Programs Support Facility Project. It is my understanding that of the several sites evaluated, Site 3 was selected, and the design has been modified to address the comments provided by the Commission in July of this year. I have reviewed the location plan, and I have the following comments:

1. Information on stormwater management was not submitted with this project; however, it is my understanding that the design of the system is underway. Stormwater management facilities should be designed to meet both the Maryland Department of the Environment stormwater requirements and the Critical Area 10% pollutant reduction requirement. Information and worksheets for establishing compliance with the 10% pollutant reduction requirement are available in the "Critical Area 10% Rule Guidance Manual, Fall 2003, which is available on-line at **http://www.dnr.state.md.us/criticalarea/10percent_rule.html**. The 10% Rule worksheets will need to be completed and submitted with the design details.

2. The 100-foot Buffer is required on all tidal waters and tidal wetlands and should be expanded to include contiguous sensitive areas such as nontidal wetlands. The plan submitted shows a 100-foot Buffer from the edge of nontidal wetlands associated with Harper's Creek. The Critical Area law does not require a 100-foot Buffer from the edge of nontidal wetlands. It appears that if the 100-foot Critical Area Buffer were delineated as required by law, that the proposed impacts to the Buffer would be significantly reduced. The 100-foot Buffer line should be revised.

3. Based on our conversation, it is my understanding that Patuxent Naval Air Station Environmental Department staff have worked with the project consultants to move all non-water dependent development outside the 100-foot Buffer; however, some impacts to the Buffer are unavoidable. When impacts to the Buffer are unavoidable, the Commission recommends planted mitigation at three-to-one for the area of the Buffer disturbed by the development. Mitigation plantings should be located within the 100-foot Buffer, preferably on the project site.

4. Information about forest clearing was not submitted with the updated plan. In general, one of the goals of the Critical Area law is to maintain, or preferably increase, forest cover within the Critical Area. It is not clear whether reforestation or natural regeneration is proposed to mitigate for this clearing. Reforestation or natural regeneration may be proposed on another area of the Patuxent Naval Air Station, where forest cover will not adversely impact air operations.

5. It is recommended that mitigation and reforestation plantings be included on the landscape plan for the project, and the planting should be implemented as part of the construction of the project. The specifications should include a two-year warranty on all plant materials.

6. Information regarding the presence of rare, threatened, and endangered species on the project site has not been received by the Critical Area Commission. Please provide a copy of the determination letter from Maryland Department of Natural Resources. If a determination letter has not been received, please follow up with Lori Byrne at lbyrne@dnr.state.md.us. Construction activities should not be initiated until the results of this determination have been received.

Thank you for the opportunity to discuss this project and to provide comments on the updated plan. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Elder Ghigiarelli

Mary - Reader

Robert L. Ehrlich, Jr.
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November 16, 2004

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

RE: DC 24-04 Taylor's Island Marina
Dorchester County Plan # 1040

Dear Mr. Dodd:

Thank you for providing a revised site plan and stormwater management information on the referenced project. The Critical Area Commission approved the use of growth allocation for this property to change the Critical Area designation from Limited Development Area (LDA) to Intensely Developed Area (IDA) in August of this year. Pursuant to that approval, the property owner's consultant has completed the stormwater management design and calculations. I have reviewed the information submitted, and I have the following comments:

The applicant is proposing to locate three Best Management Practices within the 100-foot Buffer on the western side of the marina. This part of the marina is designated as a Buffer Exemption Area, and the proposed stormwater BMPs will be located in areas that are currently gravel-surfaced boat storage areas. The zoning provisions of the Dorchester County Code allow redevelopment activities within BEAs as long as new development does not exceed the shoreward extent of existing structures mitigation is provided. In accordance with §155-38J.5.c.vi of the Dorchester County Code, mitigation shall be provided at two-to-one for the area of the development activity, and the extent of the lot or parcel shoreward of the new development shall be established in natural vegetation.

I have reviewed the applicant's pollutant reduction calculations, which have been revised to reflect the implementation of the multiple pond, pocket pond, and filterstrips. The removal requirement for the project is 9.84 pounds, and the proposed BMPs will more than satisfy the 10% pollutant reduction requirement.

Thank you for the opportunity to review the revised plan. The plan satisfies the condition of the Critical Area Commission's approval of the growth allocation request. If you have any questions, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary Reader

Robert L. Ehrlich, Jr.
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November 15, 2004

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

RE: DC 809-04 Skayhan/Pineau
Dorchester County Project 2221

Dear ~~Mr. Dodd~~: Steve

Thank you for providing information on the referenced variance request. The applicant is proposing to construct an addition, totaling 132 square feet, to an existing dwelling. The property is an existing grandfathered lot, and the existing structure is located almost entirely within the 100-foot Buffer. The applicant is requesting a variance to construct the addition within the 100-foot Buffer.

The Critical Area Commission does not oppose the proposed variance request, as it appears that the proposed expansion is reasonable. If the variance request is approved, the Commission recommends that the applicant be required to provide three-to- one mitigation as recommended by County staff.

Thank you for the opportunity to provide comments on this variance request. If you have any questions, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

May - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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November 15, 2004

The Honorable J. Bradford Horsey
Town of Denton
13 North Third Street
Denton, Maryland 21629

RE: Caroline County Comprehensive Review

Dear Mayor Horsey:

I am writing in response to your recent letter regarding two development requests within the Town that involve the use of growth allocation to change the Critical Area designation of the properties to Intensely Developed Areas (IDA). It is my understanding that the Town is working with Caroline County to review these growth allocation requests, but the lack of provisions relating to IDAs in the County's Critical Area Program has created some question as to how to proceed.

Recently, I spoke with Ms. Betsy Krempasky, Planning Director for Caroline County, and she advised me that the County is currently working with a legal firm to comprehensively review and revise the Caroline County Critical Area Program and related zoning regulations. The County determined that, in light of the revisions required as a result of the Maryland General Assembly's 2004 legislative session and the staff time necessary to comprehensively review the County's Program, that this effort could be accomplished most effectively by an outside consultant. It is my understanding that this effort is well underway.

After speaking with Ms. Krempasky, we agreed that the best course of action is for the Commission to wait for the submittal of draft versions of the revised sections of the Caroline County Critical Area Program and/or zoning regulations and to provide comments on those as they are submitted. It is anticipated that this effort will be completed in 2005.

If this time frame is such that it will not facilitate the timely review and approval of the two growth allocation requests currently under consideration by the Town, it would be feasible for the County to amend its Critical Area Program so as to provide an allotment of growth allocation to the Town for use by the Town. Several counties including Calvert, Dorchester, Kent, Queen Anne's, Somerset, and Talbot provided growth allocation allotments to their municipalities that

were to be used in accordance with the processes and procedures set forth in the Critical Area regulations of the specific municipality. This process has proven to be a generally effective way to provide for counties to accommodate the growth needs of municipalities.

I have discussed this matter with Assistant Attorney General, Marianne Mason, and she believes that a county can pass a resolution allocating growth allocation acreage to a municipality. The acreage could then be applied to a specific project or projects within a municipality in accordance with the provisions of the specific resolution and the municipality's growth allocation procedures.

If you would like to meet with me, Ms. Mason, and representatives from the County to discuss how this could be most effectively accomplished, please contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Roby Hurley, MDP
The Honorable John Cole, President, Caroline County Commissioners
Ms. Besty Kremapsky

Mary Reader

Robert L. Ehrlich, Jr.
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November 15, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 798-04 Abbott – Cornfield Harbor
St. Mary's County Project 04-2595

Dear ~~Ms. Bahner~~: April

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to replace an existing dwelling, damaged by Hurricane Isabel, with a slightly larger dwelling. The property is an existing grandfathered lot, and the existing dwelling is located entirely within the 100-foot Buffer. The proposed expansion will increase the impervious surface area on the lot by 452 square feet and will require the removal of 400 square feet of forest or developed woodland vegetation.

The Critical Area Commission does not oppose the proposed variance request as the lot is severely constrained by the 100-foot Buffer, and the proposed expansion is reasonable. If the variance request is approved, the Commission recommends that the applicant be required to provide the mitigation specified in Section 24.4.2.b of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary Reader

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November 15, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 617-04 Marshall Ludlow
St. Mary's County Project # 03-0830

Dear ~~Ms. Bahner~~ April:

Thank you for providing revised information on the referenced project. I have also received the plan showing the amended Critical Area Buffer, which was faxed to me on November 10, 2004. I have reviewed the information submitted, and it is my understanding that the applicant is requesting a variance to allow construction within the 100-foot Buffer.

Specifically, the applicant is proposing to demolish an existing dwelling within the Buffer and to redevelop the site with a new dwelling with attached garage, a 30 foot by 50 foot swimming pool and deck, a circular driveway, a 2500 square foot utility building, a 576 square foot barn, and a mound sewage disposal system. Portions of the house, circular driveway, sewage disposal system, and utility building are located within the 100-foot Buffer. The existing house on the property is located within the Buffer and closer to the water than the proposed dwelling; however, the overall redevelopment of the property will result in significantly greater disturbance to the Buffer than what currently exists on the site. It is not clear whether the portion of the reserve sewage disposal system could be located outside the Buffer because Health Department data was not submitted with the application.

Because the proposed disturbance to the Buffer far exceeds that which currently exists and because it appears that the applicant could reasonably accommodate the proposed uses outside the 100-foot Buffer on this 2.2-acre lot, the Commission opposes the requested variance. (See attached sketch.) In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the 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 the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

Because it appears that in this case, the applicant would have reasonable and significant use of the property without impacting the 100-foot Buffer, this office believes that the standard of unwarranted hardship, as well as the other variance standards as outlined below, have not been met.

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

The property is a 2.2-acre lot, with extensive area outside of the Buffer. There are no special conditions or circumstances that are peculiar to the property, and the existing structure located within the Buffer is proposed to be demolished. While the redevelopment is generally located farther from the shoreline, it is significantly greater in extent than the existing development. Pools, barns, and utility buildings are accessory structures. Furthermore, a different configuration of the driveway utilizing portions of the existing driveway, could be designed to greatly minimize, if not avoid, all impacts to the Buffer.

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

The applicant has reasonable use of this property for residential purposes without approval of the requested variance, and therefore, would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. There is no right to locate swimming pools, accessory and utility buildings within the 100-foot Buffer. It appears that there is ample opportunity to redevelop the site and accommodate reasonable residential use of the property without impacts to the Buffer.

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

If the requested variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area must select building footprints and design the project site to conform to all setback requirements and development standards that apply to their lands.

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

The applicant meets this standard.

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

The applicant bears the burden to prove that they meet this standard, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting this variance will contribute to the decline of the Chesapeake Bay by substantially increasing the amount of disturbance and impervious surface area in the Buffer on this site. These impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

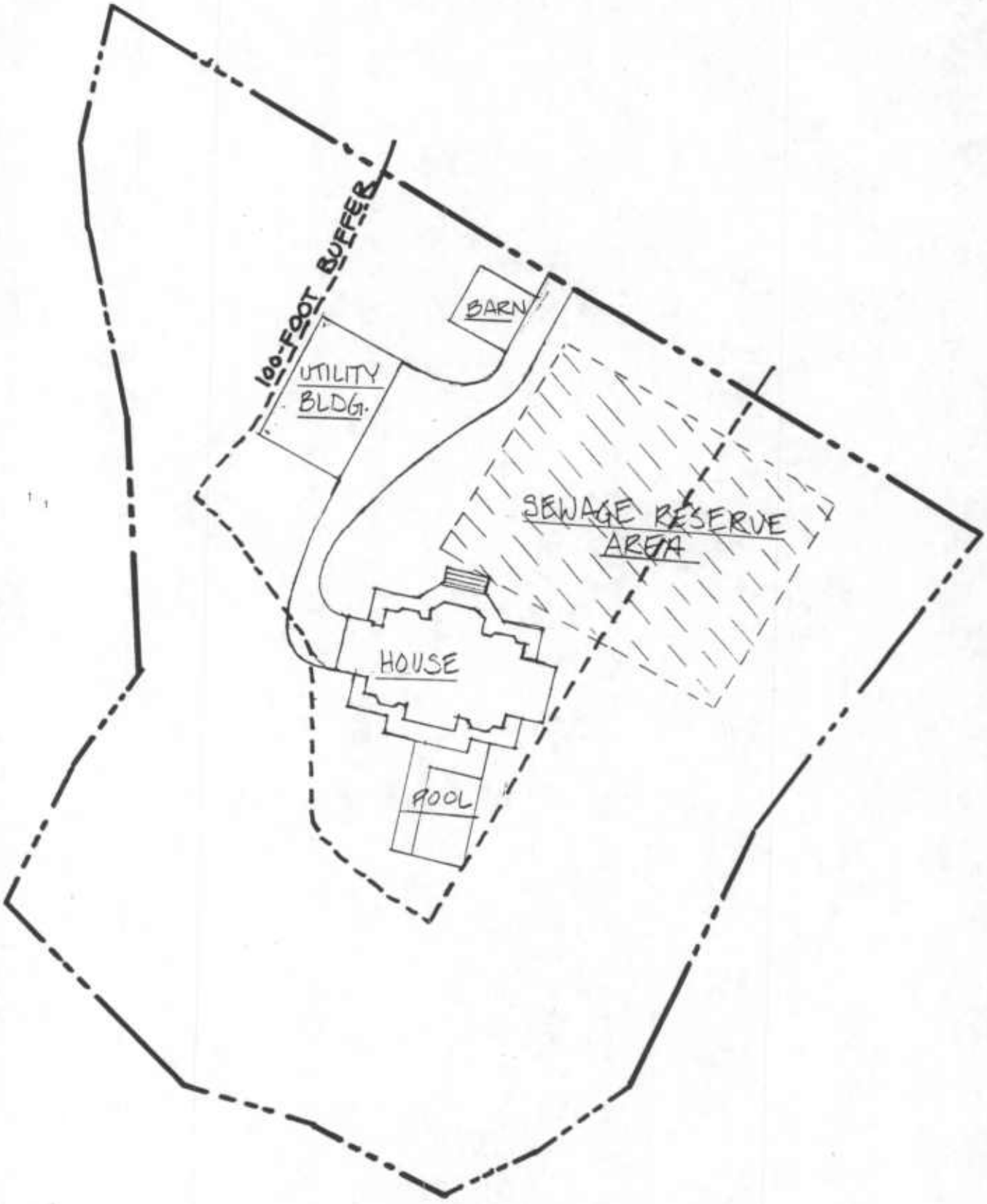
In conclusion, this office believes that, unless the Board finds that the applicant is able to provide substantial evidence to meet the burden of proof for each one of the variance standards, the Board must deny this application. Please provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

LUDLOW VARIANCE #03-0830



Mary Reader

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Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 10, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Longboat Estates Subdivision – Growth Allocation

Dear ~~Ms. Houtman~~: Karen

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On November 5, 2004, the Critical Area Commission voted to approve with conditions the use of 15.742 acres of growth allocation to change the Critical Area designation of Parcel 13 on Tax Map 30 from a Limited Development Area to an Intensely Developed Area. The developer, his attorney, and his environmental consultants were present during the discussion of the project and agreed to the conditions. The conditions of approval are as follows:

1. The homeowners' association covenants pertaining to the protection of plantings and stormwater practices required for compliance with the City's Critical Area Program shall be clarified to convey that they are required Critical Area compliance measures. The revised covenants shall be submitted to the Commission for review and comment.

2. The covenants pertaining to Critical Area compliance measures shall clearly state that they cannot be amended or terminated without Critical Area Commission approval. The revised covenants shall be submitted to the Commission for review and comment.

3. The developer shall install fencing or some other form of protective barrier adjacent to the boat ramp access to ensure that the Buffer is not adversely affected by the use of this facility.

4. The developer shall revise the covenants for the subdivision to limit the use of the boat ramp facility to non-motorized vessels or motorized vessels 16 feet or less in length. The revised covenants shall be submitted to the Commission for review and comment.

5. The developer shall provide stormwater quality practices at the boat ramp to ensure that pollutants from the ramp itself are not discharged into adjacent waters or wetlands. The design shall be submitted to the Commission for review and comment.

This change shall be officially incorporated into the County's Critical Area Program and shown on the Critical Area Maps within 120 days of the date of this letter. In accordance with the conditions set forth above, please provide the revised covenants, a sketch or details of the proposed boat ramp access barrier, and a plan for the stormwater quality practice at the boat ramp as soon as they become available. Once I have received the information and reviewed it, I will notify you in writing with regard to compliance with the conditions. Thank you for your assistance during the review of this growth allocation request. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Anne Roane (City of Cambridge)
Mr. Roby Hurley (Maryland Department of Planning)
Mr. Sean Callahan (Lane Engineering, Inc.)
Mr. Wes Schuman (S and S Properties)

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November 9, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: SM 776-04 Hollywood Shores – Lot 10, Block G, Plat 1
St. Mary's County Project 04-1551

Dear ~~Ms. Bahner~~: April

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to clear more than 30% of the existing forest cover on Lot 10 in Hollywood Shores. In accordance with Section 72.3.1.c(2) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance. The property is an existing 9,817 square foot, grandfathered lot, and it is completely forested.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit in order to construct a dwelling and septic system because the lot is small and is completely forested. It appears that there may be some opportunities to preserve existing forest or individual trees in the southwestern portion of the lot, and this is strongly encouraged.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. It appears that it may be possible to perform some of the mitigation on-site; however, because the required mitigation may be significant, it may be reasonable for the applicant to pay fees-in-lieu of mitigation for part of this requirement.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary Reader

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November 9, 2004

Mr. Todd G. Taylor
City of Cambridge
Department of Public Works, Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: City of Cambridge Annexation of Parcels 13, 165, 350 and 409
Ordinance No. A-2003-05

Dear Mr. Taylor:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced map amendment involving the annexation of Parcels 13, 165, 350, and 409 from Dorchester County into the City of Cambridge. On November 5, 2004, the Critical Area Commission voted to approve the map amendment.

This change shall be officially incorporated into the City's Critical Area Program and shown on the Critical Area Maps within 120 days of the date of this letter. It is my understanding that the City is currently working on the development of a new Critical Area Map for the City. Please provide a copy of this map when it is available. Thank you for your assistance during the review of this amendment. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Karen Houtman (Dorchester County)
Mr. Roby Hurley (Maryland Department of Planning)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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November 5, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: SM 802-04 Lanedon – Lot 22
St. Mary's County Project 04-1652

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to clear more than 30% of the existing forest cover on Lot 22 in Lanedon Subdivision. In accordance with Section 72.3.1.c(2) of the St. Mary's County Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance. The property is an existing 18,700 square foot, grandfathered lot, and it is completely forested.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit in order to construct a dwelling and septic system because the lot is small and is completely forested. It is recommended that the necessary clearing be minimized by strict adherence to the proposed limits of disturbance.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. It appears that it may be possible to perform some of the mitigation on-site; however, because the required mitigation may be significant, it may be reasonable for the applicant to pay fees-in-lieu of mitigation for part of this requirement.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary Reader

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November 5, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Dorchester County Resolution 2004-10 and Resolution 2004-20

Dear ~~Ms. Houtman~~: Karen

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced resolutions that involve various text changes to the Dorchester County Critical Area Program and a clarification of Resolution No. 321 regarding the use of growth allocation by municipalities. On November 3, 2004, the Critical Area Commission concurred with the Chairman's determination to approve these changes as refinements to the County's Critical Area Program.

This changes shall be officially incorporated into the County's Critical Area Program within 120 days of the date of this letter. Please provide the revised pages of the relevant documents when they become available. Thank you for your assistance during the review of this growth allocation request. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

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November 4, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: SM 775-04 Lanedon – Lot 21
St. Mary's County Project 04-1653

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to clear more than 30% of the existing forest cover on Lot 21 in Lanedon Subdivision. In accordance with Section 72.3.1.c(2) of the St. Mary's County Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance. The property is an existing 19,300 square foot, grandfathered lot, and it is completely forested.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit in order to construct a dwelling and septic system because the lot is small and is completely forested. It is recommended that the necessary clearing be minimized by strict adherence to the proposed limits of disturbance.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. It appears that it may be possible to perform some of the mitigation on-site; however, because the required mitigation may be significant, it may be reasonable for the applicant to pay fees-in-lieu of mitigation for part of this requirement.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,
Mary R. Owens
Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

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November 4, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 758-04 K and R Subdivision

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The project is not located within the Critical Area. The County is not required to submit project materials to the Commission for review and comment for projects located outside the Critical Area; therefore, I have no comments.

If you have any questions, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

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November 2, 2004

Ms. Susan Mahoney
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 796-04 Lot 7 Sotterly Heights Boundary Line Adjustment

Dear Ms. Mahoney:

Thank you for providing information on the referenced project. I have reviewed the plat, and I have the following comments:

1. The official 1972 State Tidal Wetlands Maps indicate that the "non-tidal pond" identified on the plat is actually a tidal pond. It appears that the area consists of open water (not a wetland above mean high tide); therefore, it would be classified as a State tidal wetland. State tidal wetlands cannot be included in property or lot boundaries, and cannot be used for density, impervious surface, and forest cover calculations. The status of the pond needs to verified with the Water Management Administration of the Maryland Department of the Environment.

2. If the pond is actually a tidal wetland, then the 100-foot Buffer is not accurately delineated. The 100-foot Buffer shall be delineated from the edge of tidal waters and the edge of tidal wetlands.

3. The Critical Area Notes do not include impervious surface area calculations for each lot. Generally, these calculations should be included to ensure that the boundary line adjustment does not create a non-conforming situation with respect to the lot that is being reduced in size.

4. It is my understanding that no development activities are proposed on either Parcel 16 or Lot 500-7 at this time. If development activities are proposed, then additional information regarding topography, soils, forest cover, and any habitat protection areas is needed.

Thank you for the opportunity to provide comments on this boundary line adjustment. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

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October 28, 2004

Ms. April Bahner
St. Mary's County
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 542-01 Lighthouse Commons Subdivision
MSUB # 03-110-013

Dear Ms. Bahner:

Thank you for providing a revised subdivision plan for the Lighthouse Commons Subdivision. I have reviewed the comments previously provided in a letter dated May 2, 2003 and the revised plan, and I have the following comments:

1. The Commission has not received an environmental report for this project. If a report has been prepared, it should be included with the subdivision plan. It is my understanding that an environmental report is required for minor subdivisions that involve new development activities.

2. The Commission has been notified by Lori Byrne of the Wildlife and Heritage Service of the Department of Natural Resources that there is a record of the State listed endangered Eastern Narrow-mouthed Toad (Gastrophryne carolinensis) known to have occurred within the vicinity of the project site. This species could potentially occur on this site, and its habitat could be impacted by the proposed project. The applicant must contact Ms. Kathy McCarthy to determine if a biological survey of the property is necessary to determine if the site is truly viable habitat or if alternative conservation measures are appropriate.

3. Because this project is located on parcels designated Intensely Developed Area (IDA), compliance with the 10% pollutant reduction requirement for stormwater is necessary. A copy of the completed 10% rule calculations worksheet and a plan showing the best management practices that will be used to meet the pollutant reduction requirement must also be provided. This information is required in order for the Commission to provide complete comments.

4. It appears that the 100-foot Buffer has been appropriately delineated from the edge of tidal wetlands and the edge of a tributary stream on the project site; however, it is not clear how this area will be established in natural forest vegetation. It appears that supplemental planting will be necessary; therefore, a Buffer Management Plan or similar landscape plan should be part of the project submittal. If natural regeneration is proposed, signs and/or fencing should be used to ensure that the area is not disturbed.

5. Although afforestation requirements, other than establishing the Buffer, are not specified in IDAs, the proposed lot sizes may provide opportunities to establish native forest vegetation. Section 41.4.1.g (3) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance requires that where appropriate, urban forestry programs such as street tree plantings and landscaping, be used to reduce impacts on water quality generated by development.

Thank you for the opportunity to provide comments on this subdivision. Please have the applicant's consultant provide the additional information requested, so that the review of this project can be completed. If you or the applicant would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

cc: Mr. Sean Day, DayTech Engineering, LLC.

May - Reader

Robert L. Ehrlich, Jr.
Governor

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October 27, 2004

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

RE: DC 723-04 John Tieder Subdivision
Dorchester County Project 1063

Dear Mr. Dodd:

Thank you for providing information on the referenced subdivision. It is my understanding that the applicant is subdividing around an existing dwelling to create a 2.45-acre lot. The property is designated Resource Conservation Area (RCA) and the parent parcel consists of 139.34 acres. I have reviewed the plat, and I have the following comments:

1. It is not clear how much of the parent parcel is within the Critical Area and whether there are other dwellings within the Critical Area. There is a note stating that a previous lot was created in March 1975. It is not clear whether this lot is considered a legally buildable, grandfathered lot. This information is necessary in order to ensure that appropriate plat notes, deed restrictions, and density parcels are recorded so that the one per 20 acre density provisions within the RCA are not exceeded.

2. General Note 11 states that each lot is limited to 15% impervious surface. This lot is located partially outside the Critical Area. Impervious surfaces within the Critical Area portion of the lot are limited to 15% of the lot area within the Critical Area. Specific square footages should be included for clarity.

3. There is no driveway shown on the plat. The driveway will affect the impervious surface calculations and should be shown on the plat.

4. The plat does not address the 15% afforestation requirements for new lots created in the Critical Area.

5. General Note 12 states that there is one development right being transferred with Lot 1. Lot 1 is not shown on the plan, and it is not clear why any development rights are being transferred. Clarification is needed.

6. General Note 13 states that this subdivision meets the density requirements of the intrafamily transfer provisions in Section 140-54 of the Dorchester County Zoning Ordinance. This is not correct. The intrafamily transfer provisions are not applicable to parcels that exceed 60 acres.

Thank you for the opportunity to provide comments on these boundary line adjustment plats. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

Mary - Reader

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October 25, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 728-04 Boswell Property, Lot 498 Golden Beach
St. Mary's County Project 04-0213

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to clear more than 30% of the existing forest cover on Lot 498 in Golden Beach. In accordance with Section 72.3.1.c(2) of the St. Mary's County Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance.

Although not specified in the materials submitted with the site plan, it is my understanding that the applicant is also requesting approval of a variance to construct a single-family dwelling and a septic system within the 100-foot Buffer. The property is an existing grandfathered lot that is severely constrained by an area of tidal wetlands on the property and the 100-foot Buffer.

The Commission does not oppose the proposed variances to construct a dwelling and septic system in the Buffer and to exceed the 30% clearing limit because the lot is small and is completely forested. However, it appears that the Buffer impacts and the necessary clearing on Lot 498 could be further minimized by bringing the limits of disturbance closer to the dwelling, drainfields, and driveway and by maintaining some forest or individual trees between the proposed dwelling and the driveway. It also appears that a longer, narrower dwelling (20' by 30' rather than 24' by 24') could be located further from the edge of tidal wetlands.

If the variance request is approved, the Commission recommends that mitigation be provided for both variances in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. Because the mitigation associated with the variances may be significant, it may be reasonable for the applicant to pay fees-in-lieu of mitigation for part of this requirement.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

Robert L. Ehrlich, Jr.
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Ren Serey
Executive Director

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October 25, 2004

Mr. Erik Jansson
Potomac River Association
Box 76
Valley Lee, Maryland 20692

RE: Proposal to Create Motor Boat Launching Ramp and Parking Lot at Myrtle Point Park

Dear Mr. Jansson:

Thank you for providing information to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays regarding Myrtle Point Park. In your letter, you state that Mr. Rollins of the St. Mary's County Department of Recreation and Parks will be asking the Critical Area Commission to look at the possibility of locating a motor boat launching ramp and parking at Myrtle Point Park. At this time, the Commission has not received any request for a review or evaluation of any proposal for a boat ramp and parking at Myrtle Point Park. The information you submitted will be kept in our files should this issue be raised in the future.

If you have any questions, please do not hesitate to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

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Lt. Governor

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Chairman

Ren Serey
Executive Director

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October 19, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 695-04 St. Jerome's Landing – Resubdivision of Lot 500-11

Dear Ms. Bahner:

Thank you for providing information on the referenced project. I have reviewed the plan submitted and I have the following comments:

1. It is my understanding that this proposal involves a subdivision around existing conditions to create two residential lots on a 2.251 acre parcel. A portion of the existing sand mound and proposed sewage reserve area for Lot 500-11B are located within the 100-foot Buffer. New development activities are not permitted within the 100-foot Buffer without a variance. Applicants for variances must demonstrate that denial of the variance would result in an unwarranted hardship, and it is difficult to meet this standard when there are alternative locations for the development activity. It appears that the sewage reserve area could be reconfigured to be located outside the Buffer, and the applicant in encouraged to work with the Health Department on an acceptable alternative.

2. Critical Area Notes 6 and 8 refer to the "1000' Critical Area Buffer." This terminology is incorrect; the note should read "1,000' Critical Area **Boundary.**"

3. Critical Area Note 12 indicates that the afforestation threshold area is 0.10 acres and that 0.04 acres of afforestation is proposed. Because this subdivision is located within the Critical Area, the applicant is required to ensure that 15% of the entire project site is forested and to provide supplemental planting if necessary to meet this requirement. The plat should indicate that 0.34 acres of forest cover are required and should include the area of existing forest cover and any proposed forest cover necessary to meet the 15% requirement. It appears that the project may currently satisfy this requirement.

4. Critical Area Note 12 indicates that no reforestation is required or proposed; however, the plans indicate clearing of forest and the removal of individual trees. Reforestation is required for the removal of natural vegetation within Limited Development Areas in the Critical Area.

5. When a subdivision involves required reforestation and/or afforestation, the plat should indicate where on the lots the plantings are proposed to be located. This depiction should be accompanied by clear plat notes indicating that the removal of any vegetation on the property requires authorization from the County and appropriate mitigation.

6. The "Impervious Surface Calculations" for each lot should include the allowable impervious surface, which would be 15% of the area of each lot. The calculations should also include the area of existing and proposed impervious surfaces.

7. In accordance with clarifying legislation passed by the General Assembly this spring, the Buffer is required to be established in conjunction with new development activities on non-grandfathered lots. Establishing the Buffer means protecting or planting natural vegetation within the Buffer so that it provides protection for aquatic, wetland, shoreline, and terrestrial environments.

Thank you for the opportunity to provide comments on this project. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

cc: Mr. Sean Day, DayTech Engineering, LLC

Mary Reader

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Michael S. Steele
Lt. Governor

Martin G. Madden
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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 14, 2004

Mr. James McGuire
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, MD 20686

RE: Mitigation Plan and Planting Plans for St. Mary's College
26-02 Somerset Hall Expansion and Renovation
30-02 New Student Residence
35-02 New Entrance Road – Fisher Road Relocated
36-02 Student Services Building Parking Lot

Dear Mr. McGuire:

I am writing to follow up on our recent conversation regarding a correction to my previous letter dated October 5, 2004 regarding the planting requirements and landscaping plans for the referenced projects. I have amended the paragraph pertaining to the planting provided as part of the Somerset Hall Expansion and Renovation and thank you for bringing it to my attention.

As we discussed, St. Mary's College staff is in the process of identifying any outstanding reforestation, afforestation, or mitigation planting requirements, so that an appropriate off-site planting project can be designed and implemented. I have reviewed the planting requirements and landscape plans, and I have the following comments:

Project 26-02 Somerset Hall Expansion and Renovation
This project is located partially within the Critical Area and partially outside the Critical Area. College staff has coordinated with the staffs of the Department of Natural Resources Forest Service and the Critical Area Commission and proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 6.22 acres, so 0.93 acres

(40,511 square feet) of planting is required. Based on the current landscaping plan, supplemental planting will be required for this project.

Planting Required: 40,511 SF ***Planting Provided: 19,015***

Project 30-02 New Student Residence (Waring Commons)

Project 30-02 New Student Residence is located partially within the Critical Area and partially outside the Critical Area. Like the Somerset Hall Expansion and Renovation Project, College staff proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 7.3 acres, so 1.09 acres (47,480 square feet) of planting is required.

Planting Required: 47,480 SF ***Planting Provided: 10,550***

Project 35-02 New Entrance Road – Fisher Road Relocated

This project is located completely within the Critical Area in an area of intense development. This project does involve impacts to the 100-foot Buffer, and 14,562 square feet of mitigation plantings are required. The planting proposed adjacent to Wherrits Pond fully satisfies the Buffer mitigation requirement and meets the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site. The project also includes planting around the new entrance road. The landscaping plan around the new entrance road provides 21,225 square feet of planting in excess of the planting requirement; therefore this area can be used to satisfy the planting requirement on other projects.

Planting Required: 14,562 SF ***Planting Provided: 35,787 SF***

36-02 Student Services Building Parking Lot

This project is located completely within the Critical Area in an area of intense development. Like the Somerset Hall Expansion and Renovation Project, College staff proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 4.83 acres, so 0.742 acres (31,559 square feet) of planting is required.

Planting Required: 31,559 SF ***Planting Provided: 11,600 SF***

TOTAL PLANTING REQUIRED: 134,112 SF
TOTAL PLANTING PROVIDED: 76,952 SF

ADDITIONAL PLANTING NEEDED: 57,160 SF (1.312 Acres)

As we discussed when we met, the Commission has requested that staff provide information on any State agencies' outstanding planting requirements when projects are presented to the Commission for approval. We are currently proposing to place the Cobb House Parking Lot Project on the Commission's agenda for the November meeting, so it would be helpful if I could present information about how the College intends to provide the 1.312 acres of planting required for the four projects listed above.

Thank you for working with us so closely as we implement an innovative approach to coordinating the requirements of the Forest Conservation Act and the Critical Area Program. I look forward to seeing the successful implementation of all of the planting plans and working with you on off-site mitigation areas as necessary. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Marian Honeczy, DNR Forest Service
Mr. Chip Jackson, St. Mary's College
Files: St. Mary's College 26-02, 30-02, 35-02 and 36-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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October 13, 2004

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

RE: Ordinance #7-2004
Modified Buffer Area Provisions

Dear Mayor Bailey:

The purpose of this letter is to officially notify you of the action by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays on the referenced revisions to the Town's Critical Area Program. On October 6, 2004, the Critical Area Commission concurred with the Chairman's determination that the revisions be approved as a refinement to the Town's Program with the condition that the typographical error in the definitions section of the ordinance (page seven) concerning the width of a "bufferyard" be amended. The definition should read, " Buffer yard means an area, at least **25** feet wide, located between ..."

This change shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the final ordinance, or if the language is incorporated into an existing ordinance, provide the replacement pages for the Commission's records.

Thank you for the opportunity to work closely with you and your staff on this important issue. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. William Ingersoll, Town Manager

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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October 12, 2004

Ms. Susan Mahoney
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 699-04 William Sento Variance
St. Mary's County Project 04-1507

Dear Ms. Mahoney:

Thank you for providing information on the referenced variance request. It is my understanding that the applicant is requesting a variance to construct a single-family dwelling within the 100-foot Buffer of St. Jerome's Creek. Based on my conversations with County staff, they have determined that the lot is properly grandfathered.

The lot has an unusual configuration and is severely constrained by the 100-foot Buffer. This office does not oppose the variance request for impacts to the Buffer as the applicant's proposal is to develop an existing lot for residential use and the size of the dwelling is reasonable. Because of the lot's size and configuration, there appear to be no alternative locations outside the Buffer. Commission staff recommends implementation of mitigation planting at three-to-one as required by the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance.

Thank you for the opportunity to provide comments on this project. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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October 12, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 714-04 Piney Point Shores Boundary Line Adjustment Plat Lots 34 - 36 and Lots 31 - 33
St. Mary's County Projects 04-141-050 and 04-141-051

Dear Ms. Bahner:

Thank you for providing information on the referenced boundary line adjustment plats. It is my understanding that in both cases, the applicant is proposing to combine three 2,000 square foot legally grandfathered lots into one 6,000 square foot lot for purposes of constructing a dwelling. The plats as submitted include Critical Area Notes; however, compliance with the pollutant reduction requirement for development in Intensely Developed Areas is not addressed. Although compliance with this requirement would most likely be addressed at the building permit stage, it may be helpful to provide a reference to the applicable provisions in the County's zoning ordinance.

Thank you for the opportunity to provide comments on these boundary line adjustment plats. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

May - Reader

Robert L. Ehrlich, Jr.
Governor

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October 7, 2004

Ms. Leslie Wood
Environmental Systems Analysis, Inc.
48 Maryland Avenue, Suite 400
Annapolis, Maryland 20650

RE: Tudor Hall Village
LE 107-02

Dear Ms. Wood:

Thank-you for providing an updated Environmental and Archaeological Features Map and Critical Area Report. I have reviewed the information submitted, and I have the following comments:

Critical Area Report
The following comments pertain to information included in the Critical Area Report:

1. On page 3, the report states that less than an acre of land is designated Intensely Developed Area (IDA). In November 1998 and October 1999, growth allocation was used to change the Critical Area designation of 4.05 and 31.64 acres of Limited Development Area (LDA) lands to Intensely Developed Area (IDA). This paragraph should be revised.

2. On page 5, in the paragraph describing coordination with the various agencies to address the FIDS issue, it should be stated that the environmental considerations, in addition to avoidance and minimization, also include mitigation for impacts to FIDS habitat.

3. On page 5, in the paragraph on "Rare and Endangered Species," updated correspondence should be obtained from the Department of Natural Resources and the U. S. Fish and Wildlife Service. Existing correspondence is dated 1996 and is outdated.

4. On page 6, in the paragraph on Submerged Aquatic Vegetation (SAV), the report references the 1993 Distribution of Submerged Aquatic Vegetation in the Chesapeake Bay and Tributaries and Chincoteageue Bay. Current information (2003 survey) is available on-line at www.vims.edu and should be used.

5. On pages 7 and 8, in Section V., it is stated that less than an acre of land is designated Intensely Developed Area (IDA). As stated above, growth allocation was used to change the Critical Area designation of 35.69 acres of LDA lands to IDA. This section should be revised and the major criteria for Intensely Developed Areas added. Revisions are necessary in the following sub-sections : "Development Within Critical Area," "Development Calculations," and "Stormwater Management." In the discussion about stormwater management, it should be noted that in accordance with the Maryland Department of the Environment's revised stormwater management regulations, management of the first 1-inch of run-off is now required. This paragraph should also address the Critical Area requirement within IDAs to reduce pollutant loadings by 10% over pre-development levels ("10% Rule"). The Commission's current guidance entitled, "Critical Are 10% Rule Guidance Manual – Fall 2003" provides information and worksheets regarding compliance. In most cases, compliance with MDE's requirements will also satisfy the Critical Area requirements; however, the worksheets should be submitted to the Commission, so this can be verified.

6. On page 9, in the sub-section "Buffers Within the Critical Area," the Critical Area Buffer is delineated from the Mean High Water Line of tidal waters, the landward edge of tidal wetlands, and the edge of streams. This should be clarified. It is not clear what is meant by "Habitat Protection Area: 100-foot buffer." The 100-foot Buffer from tidal waters, tidal wetlands, and tributary streams is considered a "Habitat Protection Area." Other Habitat Protection Areas include: habitats of threatened and endangered species and species in need of conservation, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, FIDS habitat, significant plant and wildlife habitats (Non-tidal Wetlands of Special State Concern), natural heritage areas, and anadromous fish propagation waters. It is not appropriate to specify a buffer on these areas because conservation measures for them may include other protection methods besides buffers.

7. On page 10, in the second table on golf course impacts, information is not provided about Critical Area Buffer impacts. On page 11, in the table on fairway conversions, the Critical Area Buffer impacts are not clear. Impact C-5 involves permanent conversion of waters of the U.S.; however, no Buffer impacts are identified which seems unlikely. Impact C-6 involves a large area of Buffer impacts, but it is not clear what type of impacts are proposed. A plan showing all impacts to waters, wetlands, and buffers was not received by the Commission. Please provide a copy of the plan(s) showing the location and extent of the Critical Area impacts.

8. During the development of the plans for the golf course, there was extensive discussion about "play" over non-tidal wetlands and tributary streams and their buffers. Specific design strategies for maintaining vegetated buffers in and minimizing impacts to these areas were discussed. A discussion of these strategies should be included in the Critical Area Report or the Buffer Management Plan.

9. On page 11, the sub-section "Forest Resources" needs to be revised to reflect the growth allocation used to change the portion of the site where the hotel and conference center are

located LDA to IDA. This change will make it necessary to recalculate the required reforestation.

10. On page 11, the sub-section "Forest Resources" does not address the required establishment or enhancement of a minimum 100-foot forested Buffer adjacent to all tidal waters, tidal wetlands, and tributary streams as required by Section 27-401.A.3(f) of the Leonardtown Critical Area Overlay Zoning Ordinance. Some of these Buffers are partially vegetated, but many will need supplemental planting or protection measures to allow natural regeneration.

Environmental and Archaeological Features Map
The following comments pertain to information included on the Environmental and Archaeological Features Map :

11. A portion of Pond #4 on Hole #17 appears to be located partially within the Buffer. Based on previous discussions, Buffer impacts associated with the golf course are limited to modifications to vegetation to allow "play" over streams and their buffers and access (cart paths). Stormwater practices and irrigation facilities should be located outside the Buffer.

12. In the area of Hole #15, the Buffer has not been expanded for steep slopes. The Buffer must be expanded four feet for every one percent of slope or to the top of the slope whichever is greater. This will affect the mitigation required for the fairway conversion on Hole #15.

13. In the residential area that is bordered by two streams, Hole 16, Hole 15, and Hole 14, there are numerous lots platted within areas of slopes 15% or greater. It appears that some of these slopes are contiguous to the Buffer and would require expansion of the Buffer. Development activities within the expanded Buffer are prohibited, and within the Limited Development Area, development on steep slopes (defined as slopes greater than 15%) is prohibited. It appears that some of these lots would not be buildable. It is strongly recommended that more detailed topographic information be evaluated now, so that if necessary, this area can be redesigned.

General Comments
The following comments are general comments about the project, and they may be addressed in the Critical Area Report, on a Site Plan, or both as appropriate:

14. The applicant is required to establish a minimum 100-foot Buffer from tidal waters, tidal wetlands, and tributary streams. A Buffer Management Plan should be developed to address this requirement. Previously, when the Commission conditionally approved the Tudor Hall/McIntosh Run Golf Course submitted by the Town of Leonardtown and the Maryland Stadium Authority, the Commission required the preparation and submittal of a Buffer Management Plan to the Commission for review and approval within 90 days. It is

likely that a similar condition will be placed on approval of the revised design. Plantings required to establish the Buffer may count towards mitigation for impacts to the Buffer and for required reforestation.

15. Mitigation will be required for all development activities, including clearing and grading for fairways, cart paths, and greens, that are located within the existing Forest Interior Dwelling Species (FIDS) bird habitat. Preliminary mitigation amounts are currently being calculated, and I would like to meet with you soon to discuss them. Once the mitigation acreage has been finalized, mitigation sites should be identified. Previously, when the Commission conditionally approved the Tudor Hall/McIntosh Run Golf Course submitted by the Town of Leonardtown and the Maryland Stadium Authority, the Commission required the preparation and submittal of a FIDS Mitigation Plan to the Commission for review and approval within 90 days. It is likely that a similar condition will be placed on approval of the revised design.

16. Commission staff has worked with the applicants on the golf course design and have agreed that cart paths may cross through the Buffer where there is no feasible alternative. Impacts of the paths should be minimized by constructing the paths and any bridges of pervious materials or semi-pervious materials. Disturbance to vegetation should be minimized during and after construction by locating bridge supports outside any wetlands or stream channels, limiting the clearing of Buffer vegetation to pruning of existing trees and vegetation, and maintaining canopy closure where possible. Additional information is needed to determine any mitigation that may be necessary. The Commission usually recommends mitigation for impacts to the Buffer at three-to-one.

Thank you for the opportunity to provide comments on the current proposal and the updated report and map. I hope to have the preliminary FIDS mitigation calculations ready by early next week, and I will contact you to arrange a meeting to discuss them and any other questions that you may have. Once I receive the additional information requested in this letter, there may be additional comments. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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Martin G. Madden
Chairman

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October 5, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Dorchester County Resolution 2004-10 and Resolution 2004-20

Dear Ms. Houtman:

Thank you for forwarding the above-referenced resolutions that involve changes to the Dorchester County Critical Area Program and a clarification of Resolution No. 321 regarding the use of growth allocation by municipalities. The Commission staff has accepted the materials forwarded by the County as a complete submittal. In order to facilitate the Chairman's review of these program changes, it would be helpful if you could provide a summary of the County's efforts to coordinate with the affected municipalities regarding their growth needs.

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.

Please telephone me at (410) 260-3480 if you have any questions.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

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October 5, 2004

Mr. James McGuire
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, MD 20686

RE: Mitigation Plan and Planting Plans for St. Mary's College
26-02 Somerset Hall Expansion and Renovation
30-02 New Student Residence
35-02 New Entrance Road – Fisher Road Relocated
36-02 Student Services Building Parking Lot

Dear Mr. McGuire:

I am writing to follow up on our discussion in September regarding the planting requirements and landscaping plans for the referenced projects. As we discussed, St. Mary's College staff would like to identify any outstanding reforestation, afforestation, or mitigation planting requirements, so that an appropriate off-site planting project can be designed and implemented. I have reviewed the planting requirements and landscape plans, and I have the following comments:

Project 26-02 Somerset Hall Expansion and Renovation
This project is located partially within the Critical Area and partially outside the Critical Area. College staff has coordinated with the staffs of the Department of Natural Resources Forest Service and the Critical Area Commission and proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 6.22 acres, so 0.93 acres (40,511 square feet) of planting is required. Based on the calculations in the table, the area of planting provided exceeds the afforestation amount required for this project and may also be used for meeting the requirement for the New Student Residence.

Planting Required: 40,511 SF ***Planting Provided: 19,015***

Project 30-02 New Student Residence (Waring Commons)
Project 30-02 New Student Residence is located partially within the Critical Area and partially outside the Critical Area. Like the Somerset Hall Expansion and Renovation Project, College staff proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 7.3 acres, so 1.09 acres (47,480 square feet) of planting is required.

Planting Required: 47,480 SF ***Planting Provided: 10,550***

Project 35-02 New Entrance Road – Fisher Road Relocated
This project is located completely within the Critical Area in an area of intense development. This project does involve impacts to the 100-foot Buffer, and 14,562 square feet of mitigation plantings are required. The planting proposed adjacent to Wherrits Pond fully satisfies the Buffer mitigation requirement and meets the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site. The project also includes planting around the new entrance road. The landscaping plan around the new entrance road provides 21,225 square feet of planting in excess of the planting requirement; therefore this area can be used to satisfy the planting requirement on other projects.

Planting Required: 14,562 SF ***Planting Provided: 35,787 SF***

36-02 Student Services Building Parking Lot
This project is located completely within the Critical Area in an area of intense development. Like the Somerset Hall Expansion and Renovation Project, College staff proposes to meet the Forest Conservation Act requirements and the intent of the Critical Area Criteria by providing a combination of landscape planting and afforestation equal to 15% of the site area. For purposes of implementing this requirement cooperatively, the site area has been determined to be 4.83 acres, so 0.742 acres (31,559 square feet) of planting is required.

Planting Required: 31,559 SF ***Planting Provided: 11,600 SF***

TOTAL PLANTING REQUIRED:	**134,112 SF**
TOTAL PLANTING PROVIDED:	**76,952 SF**
ADDITIONAL PLANTING NEEDED:	**57,160 SF (1.312 Acres)**

As we discussed when we met, the Commission has requested that staff provide information on any State agencies' outstanding planting requirements when projects are presented to the Commission for approval. We are currently proposing to place the Cobb House Parking Lot Project on the Commission's agenda for the November meeting, so it would be helpful if I could present information about how the College intends to provide the 1.312 acres of planting required for the four projects listed above.

Thank you for working with us so closely as we implement an innovative approach to coordinating the requirements of the Forest Conservation Act and the Critical Area Program. I look forward to seeing the successful implementation of all of the planting plans and working with you on off-site mitigation areas as necessary. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Marian Honeczy, DNR Forest Service
Mr. Chip Jackson, St. Mary's College
Files: St. Mary's College 26-02, 30-02, 35-02 and 36-02

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October 4, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 700-04 St. Georges Island Association Building
St. Mary's County Project 04-2183

Dear Ms. Bahner:

Thank you for providing information on the referenced project. It is my understanding that the applicant is proposing to construct two additions, totaling 284 square feet, to an existing community association building. The property is an existing grandfathered lot, and the existing structure is located entirely within the 100-foot Buffer. The applicant is requesting a variance to construct the two additions within the 100-foot Buffer.

It is not clear from the information provided whether the County considers the community association building to be a conditional use or a nonconforming use within the Resource Conservation Area (RCA). In accordance with Section 52.3.3.d of the St. Mary's County Zoning Ordinance and Subdivision Ordinance, a nonconforming use may be expanded by up to 25% of the area of the existing use subject to the approval of the Planning Director. It is not clear if conditional uses are similarly regulated.

The Critical Area Commission does not oppose the proposed variance request as it appears that any expansion of the existing structure could not be located outside the 100-foot Buffer, and the proposed expansion is reasonable. If the variance request is approved, the Commission recommends that the applicant be required to provide the planted mitigation specified in Section 24.4.2.b of the St. Mary's County Zoning Ordinance and Subdivision Ordinance.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

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October 4, 2004

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtwon, Maryland 20650

RE: SM 696-04 Clara Artmesia Boundary Survey
St. Mary's County Project 04-143-011

Dear Ms. Bahner:

Thank you for providing information on the referenced project. I have reviewed the plats submitted and I have the following comments:

1. Note 3 on Sheets 1, 2, and 3 and various plat notations state that the tidal marsh areas are based on information taken from the St. Mary's County Soil Survey Maps and have not been verified for accuracy. The St. Mary's County Soil Survey is not the correct source for information about tidal wetlands. For Critical Area purposes, the 1972 State Tidal Wetlands Maps are the source for identifying tidal wetlands. Field verification, and if necessary a field delineation, should be used to determine the exact boundary of tidal wetlands and to distinguish between State and private tidal wetlands.

2. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations. On Sheet 2, there is a large area of tidal marsh which may include State tidal wetlands. If this area includes State tidal wetlands, the boundary survey must be adjusted to exclude this area.

3. Notes on Sheet 2 and Sheet 3 refer to the "1000' Critical Area Buffer." This terminology is incorrect, the note should read "1,000' Critical Area **Boundary.**"

4. Notes on Sheet 2 and Sheet 3 obscure the Critical Area boundary. These notes should be moved or reduced in size so that the Critical Area boundary is clearly shown.

5. Note 4 on Sheet 3 states, "All critical area related lines (1000') and (100') buffer line need to be field verified." This is incorrect. The 1000' "critical area line" is a **boundary line** not

a buffer line, and the boundary line should be taken from the St. Mary's County Critical Area Maps. The Critical Area Boundary is not based on field verification. The 100-foot Buffer line is based on actual site conditions and should be field verified.

6. The plats do not include the Critical Area acreage or Critical Area designation of the properties. It is strongly recommended that this information be included on the Boundary Survey because it significantly affects the development potential of the property.

7. The Commission did not receive a Critical Area Report for this project. If subdivision or development activities are proposed on this property, then an assessment of existing environmental features must be submitted, and information about Habitat Protection Areas must be requested form the Heritage Division of the Department of Natural Resources.

8. There appear to be several streams on the property within the Critical Area. In accordance with the Critical Area Law and the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, the 100-foot Buffer is required to be established on both sides of all perennial and intermittent streams within the Critical Area.

Thank you for the opportunity to provide comments on this boundary survey. Please provide revised plats when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Divisions

cc: Mr. Jerry Sodeburg, D.H. Steffens Co.

Mary Reader

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Governor

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September 27, 2004

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtwon, Maryland 20650

RE: SM 694-04 Oakwood Lodge Major Subdivision
St. Mary's County Project 04-12000035

Dear Ms. Veith:

Thank you for providing information on the referenced project. It is my understanding that the applicant is proposing to create a six-lot townhouse subdivision on a parcel that was previously developed with a restaurant. I have reviewed the plan submitted and I have the following comments:

1. The plan shows the proposed townhouses located within the expanded Critical Area Buffer. In accordance with Section 71.8.2 of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, development within the Buffer and expanded Buffer is prohibited unless the applicant obtains approval of a variance. Applicants for variances must demonstrate that denial of the variance would result in an unwarranted hardship. It is often difficult to meet this standard for new subdivisions unless the proposal involves redevelopment of a property where the Buffer was already impacted.

   That appears to be the case with this project; however, the impacts to the Buffer and expanded Buffer associated with the new development exceed the existing Buffer and expanded Buffer impacts. Please provide calculations indicating the area of existing structures and proposed structures with the Buffer and expanded Buffer. It appears that a townhouse subdivision could be constructed on the property with a reduction in impacts to the Buffer and expanded Buffer by reconfiguring the existing road and moving the structures back. The Commission would oppose a variance where opportunities to minimize impacts to the Buffer and expanded Buffer are not addressed.

2. If a variance is requested for this project, mitigation would be required in accordance with Section 24.4.2.b of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance. The Commission would need to review the variance application.

3. The plat depicts an area labeled "Field Located Wetlands." Are these nontidal wetlands? Please provide a copy of the field report and associated documentation.

4. General Notes 5, 6, 13, and 14 indicate that the site is not served by public water and sewer systems; however, the subdivision plat does not show the location of any individual well(s) or septic system(s). The location of all utilities must be shown on the plat, so that any impacts to the Buffer or expanded Buffer can be evaluated. Please revise these notes.

5. General Note 11 states that there are no existing nonconforming structures on the property; however the existing principal structure and portions of the driveway are located within the Buffer and expanded Buffer and are considered nonconforming. Please revise this note.

6. General Note 20 states that the site is exempt from stormwater management pursuant to the St. Mary's County Comprehensive Zoning Ordinance. This is incorrect; Section 41.4.3.e of the Zoning Ordinance requires stormwater quality management that will result in a 10% reduction in pollutant loading from pre-development levels. Compliance with this requirement is established through application of "Urban Stormwater Quality Guidance for the Chesapeake Bay Critical Area in Intensely Developed Areas." Please revise Note 20 and provide the 10% Rule Worksheet A and appropriate stormwater management design and analysis.

7. Section 41.4.1.g(3) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance requires that where appropriate, urban forestry programs such as street tree plantings and landscaping, be used to reduce impacts on water quality generated by development. The project as submitted does not address this requirement.

8. In accordance with the Critical Area Criteria and recent amendments to the Critical Area Act, the Buffer is required to be established in conjunction with new development activities on non-grandfathered lots. Establishing the Buffer means protecting or planting a vegetated area the width of the Buffer with natural vegetation that provides protection for aquatic, wetland, shoreline, and terrestrial environments.

Thank you for the opportunity to provide comments on this subdivision. Please provide the revised plats, the requested wetland delineation information, and the stormwater analysis when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Divisions

cc: Mr. Sean Day, DayTech Engineering, LLC.

Mary - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 23, 2004

The Honorable David R. Craig
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078

Dear Mr. Craig:

On August 30, 2004, at the invitation of Ms. Dianne Klair of your staff, I attended the public hearing on the City's Critical Area Ordinance. Ren Serey, Executive Director for the Critical Area Commission, and Marianne Mason, the Commission's counsel from the Office of the Attorney General also attended. We greatly appreciated the opportunity to hear public comment on the proposed revisions to the City's Critical Area Program, and it provided important insights about the City residents' concerns.

As you know when regulations and programs are revised and rewritten, provisions can be interpreted in different ways and additional explanation and clarification is often necessary to fully understand the changes. During the hearing, I heard testimony about several issues that I would like to bring to your attention and provide clarification as to why the change is being proposed and how it will affect the implementation of the City's Critical Area Program. The following list is a summary of several significant issues brought up at the hearing with some clarifying discussion. Hopefully we can discuss most of these issues in more detail at one of the upcoming work sessions; however, this summary may serve to facilitate a more productive discussion at that time.

The Critical Area Commission approved the City's Critical Area Program in 1988, and it has been implemented for the last 16 years, why are changes necessary now?

The Critical Area Commission is required to work with local governments to review and update their Critical Area Programs, including zoning ordinances, subdivision regulations, and other implementation mechanisms every six years. This required review has never been completed although efforts were made by the Commission to accomplish the review in 1993 and in 2000. In 2000, the City staff requested Commission staff's assistance in customizing a "model ordinance" to meet the City's needs. The ordinance currently before you is the result of this effort and subsequent revisions made by current City and Commission staff.

Why is the Special Taxing District proposed to be eliminated and could this place an unfair burden on the remaining undeveloped waterfront parcels in the City?

The Special Taxing District is proposed to be eliminated because it has not resulted in effective implementation of the provisions of the Critical Area Criteria that it was intended to satisfy. The Critical Area Criteria allow local governments to exempt certain portions of the Critical Area from the strict application of Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, and institutional development prevent the Buffer from fulfilling its intended functions. These areas are called "buffer exemption areas." All of the City's waterfront parcels designated IDA are considered a buffer exemption area. Local governments are required to propose other measures for achieving the water quality and habitat protection objectives of the Buffer. The Special Taxing District was proposed as a means of collecting revenues that could be used to develop and implement projects that would enhance water quality and habitat within the City.

Based on figures provided in the letter to you from Mr. Robert Carson, the City has collected $151,756 during the 16 years since the Critical Area Program was adopted. It is not clear whether the City has used any of this money to develop or implement any projects that promote the water quality and habitat protection objectives of the Buffer. In the meantime, development along the waterfront has continued to take place directly adjacent to the shoreline with no stormwater quality treatment and no provisions for enhancing riparian habitat. Based on current cost data for projects being accomplished in other jurisdictions, it appears that these funds would not be sufficient to provide appropriate mitigation for development in the 100-foot Buffer that has taken place over the last 16 years, especially when the cost of land has increased as dramatically as it has in the last several years.

The challenges associated with fee-in-lieu programs like the City's Special Taxing District have become increasingly apparent to the Commission over the last several years. In many cases, local governments lack the in-house technical knowledge and expertise, as well as the manpower, to administer these programs. Many local governments are simply not equipped to assess and manage fees, identify and design appropriate projects to be accomplished using the fees collected, and to oversee and implement the projects within a reasonable amount of time from the date the fees were collected. For example, Baltimore City collects approximately $70,000 to $150,000 in Buffer Offset Fees and approximately $50,000 to $100,000 in Stormwater Offset Fees annually. Although numerous Departments within the City have identified capital improvements projects that could be funded with these monies, City staff have been unable to spend the monies and accomplish the projects. Recently the City has requested that the Commission review a proposal to use a portion of these fees, approximately $85,000, to hire a contractual employee for two years to administer the Buffer Offset Fee and Stormwater Offset Fee Funds.

The buffer exemption area provisions require a 50-foot setback on new development, a 25-foot bufferyard densely planted with trees and shrubs, and only allow development and

redevelopment when the applicant can demonstrate that there is no "feasible alternative"? This seems like it could be problematic; how are these provisions implemented?

The 50-foot setback on new development is based on the Critical Area Commission's policy for commercial, industrial, and multi-family residential buffer exemption areas, which is applicable to projects on sites that are currently undeveloped (site has less than 15% impervious surface area). The "new development" provisions may not be applicable to any sites within the City. If it is determined that there are sites where these provisions apply, a different setback may be proposed by the City as long as appropriate alternative mitigation measures are proposed.

The 25-foot bufferyard provisions are based on the Critical Area Commission's policy for commercial, industrial, and multi-family residential buffer exemption areas. The purpose of the bufferyard is to create a functional filterstrip between impervious surfaces associated with development and the water, increase the area available on the site for infiltration, reduce the overall impervious surface coverage on the site, and ultimately provide a connected open space and habitat area throughout the City. The planting required in the bufferyard can be customized to accommodate the needs and desires of the City and individual property owners; however, efforts should be made to use native tree, shrub, and herbaceous plant species so that maintenance and the application of fertilizer, herbicides, and pesticides is minimized.

The determination regarding "no feasible alternative" to development or redevelopment is proposed to be incorporated into the City's ordinance, so that City officials can make appropriate recommendations to minimize impacts to the Buffer. The determination regarding feasible alternatives is made at the local level, and most local governments have found that this language facilitates the development of more environmentally sensitive projects.

How will the grandfathering provisions work?

The grandfathering provisions are proposed to be revised to reflect the provisions required by the Critical Area Criteria; however, the application of these provisions primarily affects non-conforming uses in the Resource Conservation Area (RCA). The revised provisions would not affect a grandfathered structure located within an Intensely Developed Area (IDA) that was proposed to be converted to a different use as long as all other Critical Area requirements could be met.

The provisions relating to stormwater reference the revised <u>Critical Area 10% Rule Guidance Manual</u> dated Fall 2003 and include fee-in-lieu provisions. How will the stormwater provisions be implemented on redevelopment sites?

In 2003, the Critical Area Commission hired the Center for Watershed Protection, a nationally recognized firm specializing in stormwater management, to revise the Commission's 10% pollutant reduction guidance manual. The goals of this effort were to make the Commission's guidance consistent with the new MDE stormwater regulations, to clarify and expand alternative ways to comply with the 10% pollutant reduction requirement through nonstructural practices

and offsets, and to provide an accurate cost per pound of phosphorus associated with treating stormwater that could be used by local governments to develop fee-in-lieu programs.

By referencing the Commission's revised manual, the City will be ensuring that development projects will be in compliance with the stormwater management requirements of the Critical Area Criteria. In many cases, compliance with the 2000 Maryland Stormwater Design Manual will also meet the 10% pollutant reduction requirement. On redevelopment sites, the Commission makes every effort to take into consideration the area being affected by the project, existing development on the site and other site constraints such as a high water table and compacted soils. Even on severely constrained redevelopment sites, Best Management Practices can sometimes be modified to provide some treatment on-site. The fee-in-lieu provisions will provide the City with additional flexibility on difficult sites and the recommended $30,000 per pound of phosphorus should generate sufficient funds over time, so that some of the City's stormwater quality concerns can be addressed on a larger scale.

Thank you for the opportunity to provide clarification on a few of the concerns raised at the public hearing. I look forward to discussing these and any other issues pertaining the revised Critical Area Ordinance at the planned work session in early October. In the interim, if you have any questions or if I can provide any assistance, please do not hesitate to call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Barbara Jenifer-Ferguson, City Council
Mr. Ernest M. Anderson, City Council
Mr. John P. Correri, Jr., City Council
Mr. Frederick Cullum, City Council
Mr. Bernard E. Mills, Jr., City Council
Mr. Gary A. Wasielewski, City Council
Ms. Dianne Klair, City of Havre de Grace
Ms. Dawnn, McCleary, CAC

Robert L. Ehrlich, Jr.
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Executive Director

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September 10, 2004

Ms. Mary Ann Skilling
Maryland Department of Planning
120 Broadway, Suite 10
Centreville, Maryland 21617

RE: Stormwater Management at Rigbie I

Dear Ms. Skilling:

I am writing to follow up on our conversation regarding the stormwater management problem at the Rigbie I Condominium Project. It is my understanding that the existing infiltration-type Best Management Practice (BMP), constructed to meet the 10% pollutant reduction requirement in the Town's Critical Area Program, was believed to be contributing to serious erosion problems of the adjacent high bank. The erosion problems had been exacerbated by Hurricane Isabel, and existing structures were in danger of serious structural damage. Because of the inherent danger in this situation, the BMP has been disconnected, and stormwater on the site is no longer being treated, but is being directed away from the bank.

From our discussions, I understand that the Condominium Association has provided a $12,514.00 "offset fee" to the Town of Betterton, and that this money will be used for the design of a shoreline stabilization project. As we discussed, generally "stormwater offset fees" should not be used to design or construct shoreline erosion control or stabilization projects, unless there is a clear water quality benefit associated with the project. Before Commission staff can fully support the proposal to replace an existing water quality BMP with a shoreline erosion control measure, the following additional information is needed:

1. How much of the site was being treated by the abandoned BMP?

2. How many pounds of phosphorus were being removed by the abandoned BMP?

3. How was the offset fee determined and was it based on provisions in the Town of Betterton's zoning or Critical Area regulations?

4. What type of stabilization project is proposed and what water quality or combined water quality and habitat benefits will the project provide?

Please be advised that all design plans should be submitted to Commission staff for review and comment in order to ensure that every effort is made to ensure that the project provides the required water quality benefit. It is possible that if the proposed stabilization effort does not result in a water quality benefit equivalent to that provided by the abandoned BMP or if the project cannot be designed and implemented within a reasonable amount of time, the Town will be responsible for meeting the water quality improvement requirement in another manner.

If you have any questions, please do not hesitate to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary Owens, Chief
Program Implementation Division

cc: The Honorable Carolyn C. Sorge, Town of Betterton

May - Reader

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. Otis Rolley, III
Baltimore City Department of Planning
417 East Fayette Street, Eighth Floor
Baltimore, Maryland 21202-3416

RE: Use of Buffer Offset Fees for Offset Program Administration

Dear Mr. Rolley:

I am writing in response to your letter dated August 17, 2004 regarding changes to the City's proposed use of Buffer Offset Fees to facilitate administration of the Critical Area Management Program (CAMP) Offset Fee Program. In response to your request, the Commission supports the use of $85,000 to hire a contractual employee (rather than a City employee) for a period of two years (rather than three years) to administer this Program.

As we had agreed last summer, the funding will be used for the following tasks, which are proposed to be accomplished by a contractual employee, reporting to Mr. Chris Ryer, the Comprehensive Planning Division Chief:

- Coordinating mitigation projects with other local, state, and federal agencies
- Developing mitigation projects and creating scopes of work
- Designing mitigation projects through coordination with engineers, architects, and landscape architects
- Developing and executing contracts and legal agreements
- Visiting sites and collecting information
- Working with community, special interest, and non-profit groups
- Preparing and making presentations
- Reviewing projects and documenting project evaluations
- Tracking and recording the use of funds
- Aiding in the oversight of the overall Offset Fee Program

In addition to these tasks, previously discussed as part of the agreement last summer, the contractual employee will work with the City staff on the following:

Updating the City's CAMP to reflect changes clarifying the State Critical Area law. These include incorporating the legislation passed by the 2004 General Assembly as well as incorporating appropriate references to the new, *Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance Manual (Fall 2003).* These updates will include increasing fines for Critical Area violations from $500 to $10,000; improving definitions and variance standards, and amending the assessment and calculation of stormwater offset fees to reflect current cost data associated with actual pollutant removal.

As we had agreed last year, the Commission supports the City's use of up to 10% of the annual Buffer Offset Fee revenue for continued assistance with administering the Offset Fee Programs. It is estimated that this will be approximately $7,000 to $15,000 per year.

With regard to a presentation before the Critical Area Commission summarizing the amount of monies collected and the projects accomplished by the Offset Fee Programs, I agree that it would be most practical and beneficial to the Commission to wait until next fall. This will allow the City time to hire someone and hopefully to implement some of the projects that the City has been working on.

Thank you for working with the Commission to improve the effectiveness and ensure the successful implementation of the City's Offset Fee Programs. I look forward to seeing your progress in the Fall of 2005.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Duncan Stuart, Department of Planning
Ms. Karen Allmond, Fiscal Administrator, Department of Planning

May - Reader

Robert L. Ehrlich, Jr.
Governor

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September 8, 2004

Mr. Ed Tudor
Worcester County
Development Review and Permitting
One W. Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Bay Point Plantation Growth Allocation

Dear ~~Mr. Tudor~~ Ed:

This letter notifies you of action by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays on the referenced growth allocation request. On September 1, 2004, at its regular meeting, the Critical Area Commission approved the County's request to amend its Program to use 38 acres of growth allocation for the Bay Point Plantation project to change the Critical Area designation of the property from RCA to IDA. The approval is subject to the following conditions:

1. A conservation easement shall be placed over all lands not included within the developed area of the subdivision and shall include the FIDS habitat areas. The conservation easement for this area shall include provisions that ensure its viability as FIDS habitat and shall be submitted to Commission staff for review and approval.

2. The application involves approximately six acres of impacts to FIDS habitat. At the time that the easement agreement is recorded, the applicant shall prepare a planting plan, for review and approval by Commission staff, to mitigate for these impacts. The plan shall specify the planting of two open field areas, totaling approximately nine acres, with primarily hardwood species. The planting plan may include transplanted stock from areas of the site proposed to be developed. The plan shall be bonded or implemented prior to the issuance of any building permits on the site. The County shall monitor the site and shall coordinate an inspection with Commission staff in the fall of 2006. If Commission staff determines that the

planting is not sufficient to meet the requirements for FIDS habitat, then supplemental planting or the removal of invasive species may be required.

3. All stormwater Best Management Practices shall be located within the development envelope. The applicant shall provide a detailed stormwater management plan and revised calculations for review and approval by Commission staff prior to final subdivision approval. The Commission shall seek comments and recommendations from MDE.

4. Prior to final subdivision approval, the applicant shall provide a conceptual Buffer Management Plan for Lots 1, 18, 19, 20, 21, 23, 24, and 25 showing all existing trees and proposed planting materials. The plan shall show the number, type, and location of plantings sufficient to establish a Buffer capable of performing the water quality and habitat functions specified in the County Critical Area Program. The Plan shall be reviewed and approved by Commission staff. This Plan shall be referenced on and recorded with the subdivision plat. The County shall ensure that the Plan shall be bonded or implemented prior to the issuance of certificates of occupancy for each dwelling.

5. There shall be no paths through the Buffer on any lot.

6. There shall be no more than 33 dwelling units.

7. All existing piers shall be removed and a single community marina with the number of slips not to exceed 75% of the number of lots shall be provided.

8. A greenbelt easement of at least 50 feet in width shall be maintained and left undisturbed adjacent to the boundary with the subdivision of Ocean Pines to provide a wildlife corridor connecting forested upland areas to the 100-foot Buffer. Underground utilities may be installed in this area.

9. Wetlands in the area of the two dredge disposal sites shall be restored as proffered by the applicant.

10. If the project is not served by a public sewer system and the effluent drainfield reserve area is required to be cleared, and the drainfield installed, then the growth allocation acreage shall be adjusted to include this area and the conservation easement shall be appropriately amended.

The County is required to amend the County's Critical Area Map to show this change within 120 days of receipt of this letter. Please provide a copy of the County's amended map to the

Commission when it becomes available. If you have any questions, please telephone me at (410) 260-3480. In closing, I would like to thank you and your staff for your cooperation and assistance over the last several months as the Commission reviewed this proposal.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Jack Burbage
Mr. Bob Hand, R. D. Hand and Associates, Inc.
Mr. Keith Lackie, Worcester County

May - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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Executive Director

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September 8, 2004

Mr. Ed Tudor
Worcester County
Development Review and Permitting
One W. Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Buffer Management Area Group E Designation
Bay Point Plantation

Dear ~~Mr. Tudor~~ Ed:

This letter notifies you of action by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays on the referenced request for approval of a new Buffer Management Area (BMA) designation. On September 1, 2004, at its regular meeting, the Critical Area Commission approved the County's request to create a new group (Group E) of Buffer Management Areas and the mapping of a portion of the shoreline of Bay Point Plantation as a BMA. The approval is subject to the following conditions:

1. The applicant shall be required to prepare a two-phased Buffer Management Plan for Lots 4, 5, 6, 7, 10, 11, 12, 13 and 14 showing a 25-foot setback and for Lots 2, 3, 8, 9, and 22 showing a 50-foot setback. Prior to final subdivision approval, the applicant shall provide the first phase of the Buffer Management Plan showing all existing trees within the 25-foot setback and 50-foot setback and proposed planting. The Plan shall show the number, type, and location of plantings sufficient to establish a Buffer capable of performing the water quality and habitat functions specified in the County Critical Area Program. The Plan shall be reviewed and approved by Commission staff and shall be bonded or implemented prior to recordation of the plat. The plantings in the 25-foot and 50-foot setback shall be in addition to any other planted mitigation requirements set forth in the County's zoning ordinance. The second phase of the Buffer Management Plan shall show the mitigation plantings necessary to comply with the County's 1.5% of construction cost requirement and one-to-one replacement for natural vegetation removed within the Buffer (and outside of the 25-foot and 50-foot setback) for each lot. The County shall review and approve the Buffer Management Plan for each lot. The second

phase of the Buffer Management Plan shall be bonded or implemented prior to the issuance of certificates of occupancy for each dwelling.

2. There shall be no paths through the 25-foot setback or 50-foot setback on any lot.

The County is required to amend the County's Critical Area Map and regulations to show this change within 120 days of receipt of this letter. Please provide a copy of the County's amended map and regulations to the Commission when it becomes available. If you have any questions, please telephone me at (410) 260-3480. In closing, I would like to thank you and your staff for your cooperation and assistance over the last several months as the Commission reviewed this proposal.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Jack Burbage
Mr. Bob Hand, R. D. Hand and Associates, Inc.
Mr. Keith Lackie, Worcester County

Robert L. Ehrlich, Jr.
Governor

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Mr. Larry Hartwick
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

RE: St. Mary's College Telecommunications Ductbank

Dear Mr. Hartwick:

As we discussed in late July, the required planting associated with the referenced project was originally determined to be 180 trees; however, this number was incorrect. The required planting has been revised because the consulting engineer had transposed the number of trees removed in the 100-foot Buffer, requiring three-to-one mitigation, and the number of trees removed outside the Buffer, requiring one-to-one mitigation. The revised tree removal is as follows:

Number of trees being removed in the 100' Buffer	11
Number of trees being removed within the Critical Area	56
Number of trees being removed outside of Critical Area	1
Total number of trees being removed	68

The required mitigation is 90 trees; 11 trees at three-to-one equals 33 trees plus 57 trees at one-to-one.

I have enclosed the revised Planting Agreements. Please sign and date both copies and return one copy to me. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 8, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Waterford Subdivision – Growth Allocation
CM 417-04

Dear Ms. Houtman:

Thank you for forwarding the above-referenced growth allocation request. As we discussed, you will be submitting the Findings of Fact and documentation of the County Councils' approval of the growth allocation by the end of the week. A copy of the final subdivision plan will also be provided by you or the staff of the City of Cambridge. Upon receipt of these materials, the Commission staff will be able to accept this growth allocation request as a complete submittal. The request will then be forwarded to the Chairman who will make an amendment or refinement determination.

I will notify you when I have received all of the requested materials. Please telephone me at (410) 260-3480 if you have any questions.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Todd G. Taylor, City of Cambridge
Ms. Marianne Mason, OAG

Mary Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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September 7, 2004

Mr. Todd Taylor
City of Cambridge Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: Longboat Estates Subdivision – Annexation
CM 473-04

Dear Mr. Taylor:

Thank you for forwarding the above-referenced request for a map amendment involving the annexation of the subject property identified as Parcel 13 on Tax Map 30. The Commission staff has accepted the materials forwarded by the City as a complete submittal. 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.

Please telephone me at (410) 260-3480 if you have any questions.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Karen Houtman, Dorchester County
Ms. Marianne Mason, OAG

Mary Leader

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 7, 2004

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Longboat Estates Subdivision – Growth Allocation
CM 473-04

Dear Ms. Houtman:

Thank you for forwarding the above-referenced growth allocation request. The Commission staff has accepted the materials forwarded by the County as a complete submittal. 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.

Please telephone me at (410) 260-3480 if you have any questions.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Todd G. Taylor, City of Cambridge
Ms. Marianne Mason, OAG

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. Duncan Stuart
City of Baltimore
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3433

RE: City of Baltimore Offset Fee Projects
Waxter Center Impervious Surface Removal Offset Project

Dear ~~Mr. Stuart~~ Duncan:

I am writing in response to the additional information that you provided regarding the Waxter Center Impervious Surface Removal Offset Project in response to the letter from Ren Serey dated May 6, 2004. As you recall, the letter requested additional information on the various projects that are proposed to be funded using the City's Stormwater Offset Fund and Buffer Offset Fund. Based on the additional information provided, the Commission would support the use of $12,600 of Stormwater Offset Fees for the project because it appears that the removal of impervious surface area of the site will result in a reduction in pollutant loadings of 0.36 pounds of phosphorus.

It is my understanding that the City intends to use an additional $57,400 of Buffer Offset Fees to facilitate landscaping of the area. After reviewing the Proposed Site Plan prepared by Mahan Rykiel Landscape Architects and dated May 25, 2004, staff strongly recommends the reduction of areas of lawn grass and the incorporation of additional areas of trees, shrubs and herbaceous plants. Trees, shrubs and herbaceous plants, particularly native species, do not require as much maintenance as lawn grass, grow better in areas shaded by canopy trees or buildings, and provide greater water quality and habitat benefits. In general, Buffer Offset Fees should only be used for native plant materials that provide water quality and habitat benefits. At this time, Commission staff cannot support the use of $57,400 Buffer Offset Fees without more detailed information about the species and quantities of plants proposed for the site.

Thank you for the opportunity to provide additional comments on this project, and we look forward to reviewing a detailed landscape plan when it is available. At that time, we can provide additional comments regarding the use of Buffer Offset Fees. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Regina Esslinger, CAC
Ms. Dawn McCleary, CAC

MARY - READER

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 16, 2004

Ms. Anne D. Roane
Department of Public Works
Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: City of Cambridge Critical Area Map Amendment
Maple Dam Road Mapping Mistake

Dear Ms. Roane:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced amendment to the City of Cambridge Critical Area Maps. On August 4, 2004, the Critical Area Commission voted to disapprove the map amendment to change the Critical Area designation of several parcels on Maple Dam Road from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). The City had determined that a mistake was made at the time of original mapping. As prescribed by the Court of Appeals decisions in *North vs. Kent Island Joint Venture* and *August Bellanca v. County Commisisoners of Kent County*, the Commission's decision was not based on an independent evaluation of whether there was a mistake in the original mapping, but rather the Commission determined that at the time of initial mapping, the subject area did not satisfy the definition of IDA as set forth in the Critical Area Criteria.

As we have discussed, the Critical Area Law and Criteria provide for the use of growth allocation to change the Critical Area designation of properties to accommodate future growth and development. The Commission is willing to work with you on a growth allocation request for the area and can provide any assistance necessary. It is my understanding that a request is currently under review by the City and will be submitted to the Commission in the next several weeks. Commission staff will work with you to expedite the review and processing of this request.

Thank you again for all of your assistance during the Commission's review of this amendment. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Roby Hurley (MDP)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 3, 2004

Ms. Anne D. Roane
City of Cambridge
Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: Waterford Subdivision
CM 417-04

Dear Ms. Roane:

We have reviewed the current subdivision plan for Waterford Estates that you sent on Friday. The proposal involves the use of growth allocation to change 98.00 acres of land within the Critical Area from Limited Development Area (LDA) to Intensely Developed Area (IDA) for a residential subdivision. The entire property consists of 162.332 acres, and is proposed to be developed with 300 single-family residential lots and 120 multi-family units. We would like to provide the following comments:

1. The 100-foot Buffer on all streams, both perennial and intermittent, should be shown as 100-feet from the edge of the stream, not from the centerline. The "200' Stream Buffer" label shown on the plans should be amended.

2. A subdivision road, Waterford Parkway, is proposed to cross a stream that connects to Jenkins Creek, and will involve impacts to the 100-foot Buffer. This activity will require a variance. It appears that "Nautilus Boulevard" provides an alternate means of access that would not require a variance because the stream crossing is located outside of the Critical Area. Applicants for a variance must show that denial of the variance would result in an unwarranted hardship.

3. The plan submitted to the Commission does not show any existing or proposed forest cover. Although the property is proposed to be converted to IDA, and there are no specific standards for afforestation or reforestation within IDAs, when a site is converted from agricultural use to residential use, the 100-foot Buffer must be established in natural vegetation. The Critical Area Criteria state that new IDAs and LDAs should be located in

order to minimize their impacts to Habitat Protection Areas and in an area and manner that optimizes benefits to water quality. The 100-foot Buffer is a designated Habitat Protection Area and appropriate protection measures will be necessary to ensure that this guideline is addressed. We recommend any planting plan include an agreement to ensure survivability over a specified time.

4. The submittal did not include an environmental report. All projects of this scale involving growth allocation should provide an assessment of existing resource conditions on the site and address the habitat issues in the Critical Area Program.

5. Any new subdivision within the Critical Area must have a letter from the Department of Natural Resources Heritage Division indicating whether there are any threatened or endangered species on site.

6. No details were provided on the proposed stormwater management. It is my understanding that one or more stormwater outfalls may impact the Buffer. Although, variances are generally not required for stormwater outfalls because they are considered water-dependent, impacts to the Buffer should be minimized. Without the 10% phosphorus reduction calculations and additional information on the outfalls, it cannot be determined if the stormwater treatment is sufficient and complies with the City's Critical Area provisions.

7. When the City reviews the growth allocation and submits a request for approval to the Commission, the adjacency and locational guidelines in §8-1808.1(c) of the Natural Resources Article of the Annotated Code of Maryland should be addressed.

The preceding comments represent the review and evaluation of the materials the applicant submitted by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal before the County awards growth allocation. Please contact me if you have any questions.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Karen Houtman, Dorchester County
Roby Hurley, MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2004

Mr. Otis Rolley, III
City of Baltimore
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3433

RE: City of Baltimore Offset Fee Projects

Dear Mr. Rolley:

I am writing in response to the additional information that you have provide over the last several weeks in response to the letter from Ren Serey dated May 6, 2004. As you recall, the letter requested additional information on ten projects that are proposed to be funded using the City's Stormwater Offset Fund and Buffer Offset Fund. Based on the information provided, the Commission has the following comments:

1. Operation Reachout Southwest (OROSW) Open Space Management Program

The Commission supports the use of $30,000 of Stormwater Offset Fees for this project. Preliminary calculations indicate that that the removal of impervious surfaces on approximately 125 lots of 1250 square feet in area will remove more than one pound of phosphorus.

4. Gwynns Fall Trail Project Wildflower Planting

The Commission supports the use of $30,000 of Buffer Offset Fees for this project. Commission staff would like to review the plans for the project to ensure that the proposed methods for eradicating Ailanthus and other non-native plants will be practical and effective and to ensure that appropriate native species are used. It is recommended that the plan include some native shrubs if possible, since they would enhance the stability of the slope. If possible, the educational sign or signs in the area should include information on the environment, water quality, habitat, or native plant species.

5. Department of Recreation and Parks Riparian Forest Enhancement Program

The Commission supports the use of $275,000 of Buffer Offset Fees for this project. Commission staff would like to review the plans for the project in order to fully understand the scope of the project and to stay informed about the various methods used to eradicate invasive species and enhance riparian forests in urban areas. Once the project is underway, Commission staff would like to visit some of the enhancement sites.

6. Urban Street Tree Planting and Replacement of Dead Trees

The Commission supports the use of $50,000 of Buffer Offset Fees for this project. It is recommended that the species used should be selected from the list in "The Planting Guide and Forest Mitigation for the Critical Area" section of Chapter V of the Baltimore City Critical Area Management Plan (CAMP).

7. Grant Program Funding Partnership with the Parks and People Foundation

The Commission supports the use of $30,000 of Buffer Offset Fees for this project. It is recommended that insofar as possible, the species used should be selected from the list in "The Planting Guide and Forest Mitigation for the Critical Area" section of Chapter V of the Baltimore City Critical Area Management Plan (CAMP). It is our understanding that $15,000 of the funds are to be used for PPF's Community Forestry staff support. Commission staff supports the use of funds for this purpose for this year; however, it is recommended that the Buffer Offset Fees not be viewed as a long term funding source for positions that are not part of the City staff responsible for implementing the City's Critical Area Program.

Thank you for providing a thorough and comprehensive response to the request for additional information. It facilitated our review of the proposals, and staff looks forward to working with you on the proposed projects and to receiving additional information about those projects still being considered.

In recent weeks, Commission staff has had several inquiries from consultants working with the Maryland Port Administration regarding projects that the Port Administration staff would like to accomplish to meet their stormwater quality treatment requirements. I have been hesitant to advise them regarding proposed projects within the City of Baltimore because I do not believe that the City and the Port Administration should be "competing" to accomplish stormwater quality projects in the City. Whereas I believe the City has a responsibility to spend the offset fees collected by the City on projects located within the City, I believe the Port Administration has sufficient flexibility to accomplish projects outside the City limits particularly since they are a State agency and have the ability to accomplish projects on State-owned lands. Please let me know if you think it is necessary to discuss this issue in more detail with representatives from the Port Administration.

If you would like to schedule a meeting with the Port Administration or if you have questions regarding the information in this letter, please do not hesitate to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Mark Kreafle, Maryland Port Administration
Mr. Phil Lee, Moffatt and Nichol
Ms. Regina Esslinger, CAC
Ms. Dawn McCleary, CAC
Mr. Duncan Stuart, City of Baltimore

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 21, 2004

Ms. Lori Schmick
Caroline County Department of Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Tribett Farm/ Caroline Fields Subdivision Rezoning and Growth Allocation
CR 412-04 (Local Case Number 04-15)

Dear Ms. Schmick:

I am writing to follow up on the Critical Area Commission's letter dated July 13, 2004 and our telephone conversation yesterday. It is my understanding that the Caroline Fields Subdivision involves both a rezoning and the use of growth allocation to change the designation of the RCD portion of the property to LDD. The proposed subdivision will create 33 residential lots and two open space lots on a 54.261-acre parcel. There are 11.212 acres within the Critical Area, which affects nine lots and a portion of the road. As we discussed, the following issues are relevant to the County's consideration of this project:

1. The applicant has not provided a response from the Heritage Division of the Department of Natural Resources regarding any threatened or endangered species habitats or habitats of species in need of conservation that may be located on the site. If any of these habitats are present, the design of the project may be affected. This information must be provided prior to the Critical Area Commission's review of the growth allocation request.

2. The use of growth allocation shall comply with Caroline County Resolution 95-001, approved by the Critical Area Commission as an amendment to the County's Critical Area Program in March 1995. It is not clear if the proposal meets the provisions of paragraph 3 regarding adjacency to existing LDD or if the proposal meets the County's "clustering" provisions.

3. A perennial stream is shown on the site; however, the 100-foot Buffer has not been shown and clearly identified. Because the Buffer has not been identified, it is not clear whether the 100-foot Buffer has been properly expanded for steep slopes.
4. In accordance with COMAR §27.01.09.01.C(7), in the case of contiguous steep slopes, the Buffer shall be expanded four feet for every one percent of slope or to the top of the slope, whichever is greater in extent.

5. Although the project meets the 15% afforestation requirement, it appears that portions of the 100-foot Buffer may not be forested. In accordance with COMAR §27.01.09.01.C(7), when agricultural use ceases and lands are proposed to be converted to other uses, the Buffer shall be

established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in the Critical Area Criteria. Additional information is needed.

6. The final subdivision plat should include notes prohibiting development activities, land disturbance, and all clearing or removal of natural vegetation within the 100-foot Buffer.

7. The final subdivision plat should include notes prohibiting clearing or removal of natural vegetation within the Critical Area, outside of the Buffer, without appropriate authorization and/or permit approval by the County.

Thank you for the opportunity to provide comments on this project. As we discussed yesterday, these comments are based on Commission staff's evaluation of the project and there may be additional comments or considerations when the full Critical Area Commission reviews the growth allocation request. After the growth allocation award is approved by the County Commissioners, a request for Critical Area Commission review and approval may be submitted. Upon our receipt of the request, the County will be notified within 10 days as to whether the submittal is complete and accepted for processing or whether additional information is needed. Within 30 days of the Commission's acceptance of the proposal, Chairman Madden will determine whether the request shall be reviewed as an amendment or a refinement, and the County will be notified.

In general, refinements require Commission action within 30 days of acceptance and can generally be evaluated by the Commission at the next monthly meeting of the Commission on the first Wednesday of the month. Amendments require Commission action within 90 days and require that a panel of Commission members hold a public hearing in the jurisdiction. If Chairman Madden determines that this proposal will be reviewed as an amendment, Commission staff will coordinate with County staff regarding the scheduling of a public hearing and subsequent review by the full Commission at a regular monthly meeting.

I hope this clarifies the comments in our previous letter and outlines the Critical Area Commission's procedures for review and approval of growth allocation requests. If you need additional information, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Regina Esslinger
Dawnn McCleary
CR 412-04

May Reader

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 13, 2004

Mr. Larry Hartwick
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

RE: St. Mary's College Telecommunications Ductbank

Dear Mr. Hartwick:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Telecommunications Ductbank Project. On July 7, 2004, the Critical Area Commission voted to approve the project with conditional approval to impact the 100-foot Buffer. The Commission's approval of the project included the following condition:

> *A Planting Agreement shall be executed with Commission staff prior to initiating construction on this project.*

Based on information provided by Mr. Mark Puttock of A. Morton Thomas and Associates, the required planting for the project is 180 trees. During the discussion of the project, there were a few questions about the outstanding planting requirement at St. Mary's College, and the Commission requested that this information be included in the staff reports for future projects. Based on my recent conversations with Ms. Meghan Connell, I believe that we are getting close to finalizing this requirement. Once we have determined the required acreage, we can then work on developing a landscape plan to satisfy the requirement. It is likely that some natural regeneration of open field areas adjacent to existing forest will be incorporated into the plan.

Please sign and date both copies of the enclosed Planting Agreement and return one copy to me.

Thank you for your cooperation in the preparation of the materials for the Commission meeting. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Meghan Connell, St. Mary's College
Mr. Chip Jackson, St. Mary's College

Mary - Reader

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. Sue Veith
St. Mary's County
Department of Planning and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: Mariners Cove (formerly Kedges Strait)
Wetland Activities

Dear Ms. Veith:

I am writing to follow up on our site visit to Mariners Cove at Cedar Cove on June 7, 2004. The purpose of the site visit was to evaluate some restoration activities that are being proposed in a nontidal wetland. The forested nontidal wetland sustained serious damage during Hurricane Isabel with numerous trees blown down and broken off. It is my understanding that several homeowners then obtained authorization from the County to have a contractor remove the debris. Unfortunately, the contractor performed the work when the site was extremely wet and the equipment left large ruts that are now filled with water. The contractor also left a significant amount of slash and debris.

At this time, the homeowners have requested, and obtained, a letter from the Maryland Department of the Environment authorizing them to have the slash and debris ground up into mulch and placed on the site. The letter clearly states that the only fill that is acceptable are wood chips that are coming from the "grinding" up of the fallen tree limbs on-site, and it is my understanding that no grading or disturbing of this nontidal wetland is authorized. Based on the decomposition and regrowth that I observed on the property, it seems likely that once the slash and debris are converted to mulch, the area should naturally regenerate to a forested nontidal wetland. As the vegetation becomes established, the ponded water problem should dissipate over time.

The Commission has no objection to the activities authorized by the Maryland Department of the Environment and supports the Department's restriction on any filling with materials other than ground-up woody debris from the site, any grading, or any other disturbance. This portion of the property has been identified as a nontidal wetland on the record plat for the subdivision. The plat contains notes restricting this area from any development or disturbance.

Although the Commission does not object to the proposed restoration activities, I do have some concerns about possible disturbance to other areas of the nontidal wetland associated with development activities on several lots. As we discussed, these lots have been the subjects of several recent boundary line adjustment plats where the lot sizes were increased to permit a higher impervious surface limit. In most cases, the lots were extended to include a portion of the nontidal wetlands. Notes were included on the plats indicating that a portion of the lot was a nontidal wetland, and that no development or disturbance was permitted in this area. Unfortunately, it appears that several property owners have constructed fences and placed fill within the nontidal wetlands, effectively creating a lawn area in a former nontidal wetland. To my knowledge, these activities were not authorized by the County or the Maryland Department of the Environment and could be a violation of the County's zoning ordinance and the State nontidal wetlands regulations.

Because the County has approved several boundary line adjustment plats in this subdivision, it is important that appropriate action be taken to determine if wetland areas have been filled, and if necessary, obtain appropriate after-the-fact authorizations or perform appropriate mitigation. It is also strongly recommended that the County notify all affected property owners and remind them of the presence of nontidal wetlands on their property and the State and County regulations affecting them.

Please keep me advised of the results of your evaluation of the situation, and if I can provide any assistance, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Greg Kolarik, MDE
Ms. Shelley Suckow

Judge John C. North, II
Chairman

Mary Reader

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 12, 2004

Mr. Dennis Canavan
Department of Land Use and Growth Management
St. Mary's County
P.O. Box 653
Leonardtown, Maryland 20653

RE: St. George's Peninsulas (03-120-027)
SM 886-03

Dear Mr. Canavan:

I am writing to follow up on your conversation with Ren Serey and me this afternoon and my letter to Sue Veith dated June 15, 2004 included as enclosure (1) and to respond to a letter sent to me (and copied to you) from Mr. Marc Cohen of Ober, Kaler, Grimes & Shriver regarding the St. George's Peninsulas Subdivision.

I met with Mr. Cohen and representatives from the Tech Group, Inc. on June 29, 2004 at which time we discussed how in some instances, a publicly owned and sponsored wastewater treatment facility could be considered a "local government project." I explained that in accordance with COMAR 27.02.02 and 27.02.04, local government projects can be permitted in the RCA without the use of growth allocation. Unfortunately Mr. Cohen seems to have misinterpreted our discussion to mean that because the sewage treatment facility can be classified as a publicly owned treatment works ("POTW"), it would automatically be classified as a local government project. This is incorrect. The classification of the sewage treatment facility as a "POTW" does not automatically classify it as a local government project. The County has not identified the proposed wastewater treatment plant as a local government project. Therefore, based on the information submitted at this time, and contrary to the information in Mr. Cohen's letter, growth allocation would be required for portions of the St. George's Peninsulas Project as set forth in my letter dated June 15, 2004.

The Commission's concern with private septic systems within the Critical Area and related growth allocation issues remain unchanged. Septic systems are considered part of a dwelling unit and do affect density calculations. In evaluating the St. George's Peninsulas Project, the density calculations include the 16 lots with individual septic systems within the Critical Area which

exhaust all the residential development potential of the Critical Area portion of the property. Any further residential development, including a wastewater treatment system for any lots located outside the Critical Area, will require the use of growth allocation.

In order to avoid using growth allocation, it is strongly recommended that the applicant explore opportunities to locate the wastewater treatment facility outside the Critical Area. According to the *Soil Survey of St. Mary's* County, it appears that there may be some percable soils outside the Critical Area. The Commission would encourage any efforts to locate this type of facility as far as possible from tidal waters, tidal wetlands, and tributary streams.

I hope this clarifies the Commission's position on this important issue. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Marc Cohen, Ober, Kaler, Grimes & Shriver
Mr. Jeff Kozero, The Tech Group, Inc.
Ms. Marianne Mason, OAG

ert L. Ehrlich, Jr.
Governor

ichael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 15, 2004

Ms. Sue Veith
St. Mary's County
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: Use of RCA Lands for Sewage Disposal for Non-Critical Area Development St. George's Peninsulas

Dear Ms. Veith:

I am writing in response to your request for information from the Critical Area Commission regarding the use of land designated as a Resource Conservation Area (RCA) to provide wastewater treatment associated with development located outside the Critical Area. Your request relates to a proposed subdivision, identified as St. George's Peninsulas, which includes the use of approximately 35 acres of RCA land to construct an on-site wastewater treatment system for 65 lots located outside the Critical Area. The property includes 320.61 acres in the RCA and is already developed with 16 lots, which exhausts the allowable density.

Section 27.01.02.05.C.4 of the Critical Area Criteria states that, "Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres." This spring, the General Assembly passed House Bill 1345 which added the following definition of dwelling unit to the Critical Area law:

> *Dwelling unit means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities associated with daily life.*

Clearly, the General Assembly acknowledged that permanent provisions for sanitation are part of a dwelling unit and must be considered when evaluating density on a property. The density calculations on the St. George's Peninsulas site include the 16 lots with individual septic systems within the Critical Area, therefore, there is no further development potential on the RCA portion of the property that could be used for the wastewater treatment system for the 65 lots.

It is possible that growth allocation could be used to change the Critical Area designation of a portion of the property to Limited Development Area (LDA) to accommodate the on-site wastewater treatment system. It appears that approximately 35 acres of growth allocation would be needed to accommodate the use. Because this change in designation would reduce the RCA acreage, it is likely that additional acreage associated with two or more of the Critical Area lots would also need to be deducted to ensure that the number of RCA lots was supported by the appropriate RCA acreage at one unit per 20 acres. In addition, the on-site wastewater treatment system would need to be designed to meet all other provisions of the County's Critical Area regulations regarding the Buffer, Buffer expansion, steep slopes, forest clearing, etc.

I hope this clarifies how sanitation facilities are considered when density is analyzed on RCA properties. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Wanda Cole, CAC
Marianne Mason, OAG
Phil Shire, St. Mary's County

MO-Rach

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

DATE: July 12, 2004

TO: Mr. Matt Bucchin, Resource Planning, E-4

FROM: Mary Owens, Critical Area Commission

RE: Biosolids Application on DNR Lands

2004-DNR-122	**Chapel Point State Park**
2003-DNR-286	**Peed Tract**
2003-DNR-287	**Sasscer Tract**
2003-DNR-245	**Merkle Wildlife Management Area**
2003-DNR-288	**Downing Tract**

Thank you for providing information about the renewal of the biosolids application permit held by Synagro. I have reviewed the information you provided as well as information provided to me by Brooke Henderson of Synagro. Based on the location information that you provided, I believe all of the referenced DNR lands are fully or partially located within the Critical Area.

As we discussed, COMAR §27.01.02.02.F(1)(c) includes provisions for the agricultural use of sludge. It is stated that, "... agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100-foot Buffer." Section B.4 of the "General Conditions" portion of the application permit held by Synagro provides for the establishment of buffer zones for each field prior to the application of sludge. This section properly specifies a buffer of 100 feet from the mean high water line of tidal waters and from the landward side of tidal wetlands; however, the permit does not specify a buffer zone of 100 feet for all tributary streams within the Critical Area. The permit requires a buffer zone of 50 feet for surface application and 25 feet for subsurface application for "streams or other water bodies."

Ms. Henderson assured me that within the Critical Area, they had operated under the assumption that all streams were "tidal tributaries," and therefore the applicators have been using a 100-foot buffer zone on these tributaries. Although this has been the company's practice, I believe that this section of the permit should be amended to accurately represent the prohibition on application within the 100-foot Buffer on all streams within the Critical Area. I would also recommend that the land unit managers on all of these properties be made aware that the application of biosolids within 100 feet of all tributary steams is prohibited. They can then ensure

that the applicators have located all of the streams and established the required buffers within the Critical Area prior to application.

If you have any questions about my comments, please feel free to contact me at (410) 260-3480.

cc: Ms. Barbara Grey, DNR
Ms. Brooke Henderson, Synagro
Ms. Marianne Mason, OAG

May - Read

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2004

Mr. Gary Setzer
Wetlands and Waterways Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: Regulatory Roadblocks to Wetland Creation

Dear Mr. Setzer:

I am writing to follow up on our discussion last month regarding the challenges associated with the creation of tidal wetlands, particularly as they relate to the provisions in the Critical Area Act and Criteria that require a 100-foot Buffer from tidal waters, tidal wetlands, and tributary streams. These challenges, the concerns of landowners, and potential disincentives for tidal wetland creation were discussed in a letter to you from Mr. Spencer Rowe, a wetland consultant in Worcester County.

As we discussed, the Critical Area Act includes the following goals:

1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) To conserve fish, wildlife, and plant habitat; and

3) To establish land use policies for development in the Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Towards these goals, the Critical Area regulations also provide for the establishment and protection of a 100-foot Buffer. In establishing the Buffer, management measures are required to provide forest vegetation that assures the Buffer functions of protecting water quality, minimizing the effect of human activities, maintaining transitional habitat, protecting streams, and protecting wildlife habitat.

Based on Mr. Rowe's letter, it seems that his concerns are based on the concept that creating tidal wetlands from upland or nontidal wetland areas, has the effect of relocating the 100-foot Buffer and that this may serve as a disincentive to tidal wetland creation. According to Mr. Rowe, the disincentive is created because part of the buildable area of the lot may be affected by the "new" 100-foot Buffer and because enhanced views resulting from eliminating phragmites and planting spartina alterniflora and spartina patens (which are lower growing) would be lost because of the requirement for a vegetated buffer.

It is not the intent of the Critical Area regulations to promote one type of habitat over another, and we all agree that the creation and restoration of tidal wetlands can promote the goals of the Critical Area Act in many instances. Pursuant to our discussion, it was acknowledged that the decisions regarding the appropriateness of tidal wetland creation projects are best made on a site-by-site basis by analyzing the specific conditions.

In the discussion and example outlined by Mr. Rowe, it seems possible that an area with existing platted lots constrained by the 100-foot Buffer and existing disturbed non-tidal wetlands adjacent to tidal wetlands could potentially qualify for designation as a Buffer Management (exemption) Area in accordance with Section 27.01.09.01.C(8) of COMAR. These provisions allow a jurisdiction to exempt certain portions of the Buffer from the standard requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development prevents the Buffer from fulfilling the functions described above. If such a designation is used, alternative measures for achieving the water quality and habitat objectives of the Buffer shall be proposed.

Although typically, Buffer Management Area designation has been used in areas that are developed with roads and structures within the Buffer, it is possible that the County could use a broader interpretation of this provision. This would allow the County to view areas with platted lots and formerly filled tidal wetlands that have turned into nontidal wetlands dominated by phragmites, as areas where the existing pattern of development would prevent the Buffer from fulfilling its functions. In these areas, some modification of the Buffer could be permitted and appropriate mitigation, which could include the restoration of tidal wetlands, would be required.

Pursuant to our discussion with Mr. Ren Serey, Executive Director, of the Critical Area Commission, an appropriate next step would be for Worcester County staff and Commission staff to work together to develop a new "group" of Buffer Management Areas that would be used to describe and designate these areas and to develop appropriate modified Buffer widths and mitigation strategies. This concept could then be presented to the Program Subcommittee for review and comment at a monthly Commission meeting.

If the Program Subcommittee generally supported the concept and proposed mitigation strategies, the County could then move forward with amending the County's Critical Area Ordinance and Buffer Management Area Maps. Upon local approval of the amendments, the changes could be formally submitted to the Critical Area Commission for review and approval.

In summary, I believe that the Critical Area Act and Criteria provide the County and the Commission the flexibility necessary to promote the creation and restoration of tidal wetlands in certain situations, even when it may result in impacts to the 100-foot Buffer. As we discussed, these situations are best identified on a site-by-site basis, and I believe that the County's Buffer Management Program provides an ideal mechanism for identifying and evaluating appropriate sites and ensuring that while a strict application of the Buffer requirements is modified, the overall goals of the Critical Area Program are met.

Thank you for providing an opportunity for the Commission staff to discuss this issue with your staff. We look forward to working with you on this concept as we begin discussions with the County. If you have any questions or would like to discuss this letter in more detail, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. LeeAnne Chandler, CAC
Mr. Keith Lackie, Worcester County
Mr. Spencer Rowe
Mr. Ren Serey, CAC
Mr. Ed Tudor, Worcester County