

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 28, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: The Avelon at Ocean City, 11 Baltimore Avenue

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down several commercial buildings and redevelop the site with two condominium buildings containing 45 units. The site is 0.72 acres in size and is not waterfront. Critical Area requirements for this project include the 10% pollutant reduction and the 15% afforestation requirement. Commission staff has reviewed the information provided and we have the following comments:

1. While the planting area appears to be available, the proposed landscaping does not meet the 15% afforestation requirement. A fee-in-lieu at \$2.40 per square foot will be required for the deficit in planting.
2. According to the calculations, the proposed bioretention areas will remove approximately half of the required pollutant load. The deficit is proposed to be met through a fee-in-lieu. It is not apparent why additional on-site treatment (such as infiltration areas beneath pervious pavers in the parking lot) cannot be provided. If possible, we recommend that the requirement be met on site.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,

A handwritten signature in black ink that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC257-05

Robert L. Ehrlich, Jr.
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April 25, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Bahama Mama Condominium, 221 Wicomico Street

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down an existing motel and redevelop the site with a 13-unit condominium and restaurant. The site is 0.346 acres in size and is waterfront with a 10-foot setback. Critical Area requirements for this project include the 10% pollutant reduction, Buffer mitigation and the 15% afforestation requirement. Commission staff has reviewed the information provided and we have the following comments:

1. The roof outline shown on the site plan does not match the roof plan, nor does it recognize that the 3rd through 5th floors have additional balconies across the north side of the building. Areas under what appear to be roofed balconies should not be considered pervious or "plantable" areas. These discrepancies should be corrected. It would be helpful if the lines representing the building setback line, the roof outline and the building outline were more discernable from each other.
2. There is a small pollutant removal requirement that is proposed to be addressed through a fee-in-lieu. If possible, we recommend that on-site stormwater management be provided.
3. Provided that the issues raised in comment #1 above are addressed (and that at least 15% of the site can be considered plantable), it appears that the proposed landscaping will address both the Buffer mitigation as well as the afforestation requirement. Trees and large shrubs should not be placed beneath balconies. The landscape plan accompanying the permit drawings must specify the proposed species of all planting materials.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Chandler".

Lee Anne Chandler
Natural Resources Planner

cc: OC256-05

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April 25, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Sunset Beach, 4605 Coastal Highway - **REVISED LANDSCAPE PLANS**

Dear Mr. Smith:

Thank you for providing the revised landscape plans related to the above referenced site plan for our review. Proposed site development includes a condominium and associated parking. Based on a review of the revised landscape plans, it does not appear that the proposal meets the minimum 15% afforestation requirement in terms of actual plantings. It seems that there is enough plantable area, yet the trees and shrubs proposed do not add up to the minimum 15%. A variance should be required if the plantings are not increased. This office could not support such a variance request.

Thank you for the opportunity to review these plans. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC616-04

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April 22, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Minor Site Plan - Appletree Custom Homes
File #04-04-12-0008-C - **Revision #1**

Dear Ms. Spinelli:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to demolish an existing two-unit building and construct a three-unit condominium building with associated parking on a 0.451-acre parcel. The property is waterfront and Buffer Exempt. The Critical Area maps show it as partially LDA (including some tidal wetlands) and partially IDA. Commission staff has reviewed the information provided and we have the following comments:

1. Commission staff supports the proposal to use additional plantings in lieu of a stormwater management structure within the setback from the tidal gut. Site grading and drainage (i.e., downspouts) should direct runoff to these vegetated areas as much as possible.
2. We recommend adding additional herbaceous materials to the Buffer along Piney Creek. Adding native grasses (such as switch grass) and other plants (in lieu of turf grass) would greatly enhance the Buffer from a habitat and water quality standpoint but would not impact the view. It would also decrease the need for weekly maintenance, fertilizers and pesticides associated with a residential lawn.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC504-04

Robert L. Ehrlich, Jr.
Governor

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April 22, 2005

Mr. Mark Keeley
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Subdivision, Winchester Phase III - FINAL
File #05-04-01-0002© - Revision #3

Dear Mr. Keeley:

Thank you for providing revision #3 of the above referenced subdivision. The applicant is proposing to create three additional lots out of the open space of an existing subdivision. The subdivision is partially within the Critical Area with an LDA designation. Commission staff has reviewed the information provided. We have the following comments:

1. It would be extremely useful to have a point-by-point explanation from the applicant on how each of the conditions of the preliminary plat approval (as set by the Planning Commission) has been addressed.
2. We recommend that any final approval contain a condition that the location for the replanting of the 2.17 acres be defined and permanently protected. Also, the planting itself should be completed or bonded with a schedule for replanting.
3. The off-site mitigation plan for the new clearing should be more specific in terms of the species proposed and the cost estimate for the plantings. Protective measures for the planting areas should be recorded in the land records to ensure future landowners are aware of the restrictions applicable to those portions of the property.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

Handwritten signature of LeeAnne Chandler in cursive script.
LeeAnne Chandler
Natural Resources Planner

cc: QC5-04



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April 22, 2005

Mr. Keith Lackie
Worcester Co. – Dev. Review & Permitting
One West Market St. – Room 1201
Snow Hill, MD 21863

RE: Sketch Plan - Bay Point Plantation – Comments for Planning Commission May 5, 2005

Dear Mr. Lackie:

Thank you for providing the sketch plan for Bay Point Plantation to our office for review and comment. As you are aware, the subject property received growth allocation to change 38 acres of RCA to IDA. The subject property also received a special Buffer Management Area designation based on previous development on the property. With the understanding that the sketch plan is meant primarily to ensure the requirements of the County ordinance pertaining to cluster subdivisions are addressed (and that detailed technical review will follow), we are submitting these minor comments for your consideration.

1. The Buffer from the tidal gut near the entrance to the property is not shown properly. This should be corrected.
2. As indicated in previous comments, discussions regarding the community pier previously focused on using the existing northernmost canal. The plans now show the pier extending 304 feet into Turville Creek. While staff is amenable to finding the most environmentally sound location for the pier, there are a number of permitting issues that have to be resolved. Also, please note that if a community pier with slips is permitted out into Turville Creek, the northernmost canal will not also be used as a community marina.
3. The sketch plan should delineate the boundary between RCA and IDA.

Thank you for the opportunity to on this sketch plan. If there are questions, concerns, or a need for clarification on any of these comments, please contact me at (410) 260-3477.

Sincerely,

Handwritten signature of LeeAnne Chandler in cursive.

LeeAnne Chandler
Natural Resources Planner

cc: WC766-03

Robert L. Ehrlich, Jr.
Governor

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April 20, 2005

Mr. Steve Cohoon
Department of Planning & Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Clark's Landing Boat Sales – Major Site Plan
MASP # 04-00-07©, Amendment #2, Revision #1**

Dear Mr. Cohoon:

Thank you for providing the revision to amendment #2 to the above referenced site plan. The applicant is proposing to expand an existing commercial use by adding office space as a second floor. As indicated in previous comments, provided that the proposed addition does not have any effect on stormwater management (e.g., change drainage patterns, etc.) this office does not oppose the site plan amendment.

Thank you for the opportunity to review this amendment to the site plan. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC271-00

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Governor

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April 20, 2005

Mr. Mark Keeley
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617


RE: Minor Site Plan – Queenstown Harbor (Washington Brick & Terra Cotta)
MISP #05-05-01-0004

Dear Mr. Keeley:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to enclose an existing open-sided pavilion on an existing golf course that is partially within the Critical Area. Since the pavilion itself is outside of the Critical Area, this office has no comments on this site plan.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC262-05

Robert L. Ehrlich, Jr.
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April 20, 2005

Ms. Cathy Maxwell
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Variance Case #V-040007, Board of Education (Matapeake Middle School)

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the height limitations in the E and NC zoning districts in order to construct a new middle school.

This office defers to the County Department of Planning and Zoning on specific zoning variances such as this one. We have no comment on this request.

Thank you for the opportunity to review this application. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC261-05

Robert L. Ehrlich, Jr.
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April 15, 2005

Mr. Tom Lawton
Somerset County
11916 Somerset Avenue
Princess Anne, Maryland 21853

VIA FACSIMILE

RE: CBCA Variance #05-793, Barbara Wallace

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the Critical Area Buffer requirements for construction of an addition to an existing dwelling. The property is approximately two acres in size and is developed with a dwelling and driveway.

It is not clear how the dwelling was constructed so recently within the Buffer to the wetlands. A property of this size should be able to accommodate a dwelling and associated improvements without a variance, although we acknowledge that the parcel is bounded on two sides by tidal waters or wetlands. Without a more complete site plan (a surveyed plan of existing and proposed improvements), it is difficult to assess possible alternative locations for the addition. Ideally, the addition would intrude no further into the Buffer than the existing dwelling or be located completely outside of the Buffer. Any variance requested must be the minimum to provide relief. The relief requested should not be a matter of preference or convenience. A variance of 86 feet from the 100-foot requirement seems excessive, especially given that the house is not a grandfathered structure (i.e., existing prior to the Critical Area requirements) and it itself should have been located completely outside of the Buffer. We recommend that the applicant pursue available alternatives to enlarge the living space of the dwelling without the need to impact the Buffer. If impacts are unavoidable, we recommend that the request be further minimized to provide a wider Buffer than 14 feet. If a variance is approved, we recommend mitigation at a 3:1 ratio for any disturbance within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this case. Also, please notify the Commission in writing of the Board's decision.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: SO252-05

Robert L. Ehrlich, Jr.
Governor

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Memorandum

To: John Wilson, Resource Planning

From: LeeAnne Chandler 

Date: April 13, 2005

RE: Clearing Activities at Wye Island Natural Resources Management Area

This memo is in response to the reported clearing activities on DNR land near Wye Hall at the Wye Island NRMA. Based on the information provided and the conditions observed on site on April 11, 2005, woody vegetation was removed both in and outside of the 100-foot Buffer within the Critical Area.

In late February, Ranger Dave Davis contacted Commission staff regarding some proposed tree-trimming activities around the NRMA. In early March, Ranger Davis visited our office in Annapolis to discuss the activities proposed in person. He indicated that a crew from the Conservation Corps would be at the NRMA and he would like to take advantage of their help in tree maintenance, invasive species control, and removal of fallen trees along the shoreline. In past years, the Conservation Corps has assisted with similar activities, especially in areas where non-structural shoreline protection measures were installed or proposed.

It is our understanding that some of the clearing was done by outside contractors hired by the lessee of the land on which it occurred. It is also our understanding that some of the clearing done was outside of the area and beyond the scope of the activities discussed between Ranger Davis and myself. I have reviewed and discussed the history of various projects at Wye Island and the situation at hand with others in our office. We have the following comments and recommendations, based on the areas affected by the clearing:

Hedgerows/Areas outside of the 100-foot Buffer

- As indicated above, Ranger Davis and I discussed the removal of invasive species (particularly multiflora rose) from the hedgerows. As seen in the field, removal of the multiflora rose was essentially removal of the entire understory beneath the canopy of larger trees. This was due to the invasive aspect of this species as it had probably shaded

all other species out. It was also due to the extreme size (8 to 12 inch diameter trunks) and number of the shrubs.

- We recommend that the areas cleared of multiflora rose be replanted (once it is completed eradicated) with native understory vegetation. Also, we recommend that those areas where the canopy is now open be planted with canopy trees. The mitigation due can be quantified based on the number of trees/shrubs removed or the square footage of the area disturbed.

Cleared Areas within the 100-foot Buffer

- Work completed in previous years consisted of cutting of trees that had fallen or were in danger of falling into the water to minimize the loss of shoreline. The cut trees were left in place to provide valuable habitat wherever possible. This was done in preparation for future or as maintenance for existing marsh creation/soft shore erosion control measures.
- The recent clearing within the 100-foot Buffer is different in scope from previous tree maintenance activities along the shoreline. Nearly all understory vegetation was removed from the Buffer in the areas waterward of the two hedgerows and between the hedgerows. There are some additional trees that are in imminent danger of falling in to the water, taking large portions of the bank with them.
- It is our recommendation that the area where vegetation was removed be fully restored with native vegetation. Mitigation should be provided at a 3:1 ratio, based on the area disturbed or the number of woody stems removed.

We recommend that a two-part restoration plan be prepared and implemented as soon as possible. The first part should provide the 1:1 mitigation for the cleared understory of the two hedgerows. The second part should consist of a Buffer Management Plan that provides 3:1 mitigation for the areas of the Buffer that were cleared or disturbed. The restoration plan should include a graphical depiction of the subject areas, a planting plan with an appropriate legend, and a schedule of proposed native plantings. Commission staff recommends that species most conducive to Delmarva Fox Squirrel habitat (i.e., mast producing trees such as oaks, maples, hickories and pines) be utilized as much as possible.

We would appreciate the opportunity to review and provide comments on the restoration plan. For your information, I have included a "Mitigation Guide for State Projects within the Critical Area" which provides information on mitigation credits for certain plant materials. If you have any questions or if I can be of any assistance, please contact me at (410) 260-3477 or lchandler@dnr.state.md.us.

Mitigation Guide for State Projects in the Critical Area

1. Amount of Disturbance and Clearing

There are two ways to calculate the amount of mitigation in the Critical Area. Mitigation is based on either the area disturbed or the number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e., canopy cover with a multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, mitigation should be based on the square footage of the area disturbed or the square footage of the structure or impervious surface. On the other hand, if your site more closely resembles a park setting (i.e., scattered trees with little or no understory), it is recommended that you count the number of trees removed.

2. Planting Ratios

Mitigation Ratios for Clearing Outside of Buffer

Clearing of Forest/Woodlands up to 20% 1:1
 Clearing of Forest/Woodlands up to 30% 1.5:1
 Clearing of Forest/Woodlands over 30% 3:1
 Clearing Violation 3:1

Mitigation Ratios for Disturbance/Clearing Within Buffer

New Development/Redevelopment (non-BEA) 3:1
 New Development/Redevelopment (BEA) 2:1
 Shore Erosion Control 1:1
 Public Shoreline Access 2:1
 Clearing Violation 3:1

3. Other types of Planting

Projects within the Critical Area may be required to provide planting for reasons other than those described above. First, all development sites in areas that are not considered intensely developed must have at least 15% forest coverage. Second, for those projects where stormwater management is required but site constraints limit opportunities for on-site stormwater facilities, plantings may be accepted as a stormwater offset. Amount of planting is determined on a case-by-case basis.

Plant Spacings and Mitigation Credits for Various Size Trees and Shrubs*

Credit (Square Feet)	Plant Size	Plant Spacing
100 sq. ft.	1 tree (2-inch caliper)	10-foot center
400 sq. ft.	1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) <u>and</u> understory vegetation (minimum 2 small trees or 3 shrubs)	tree: 20-ft. center understory: 10-ft. center
50 sq. ft.	1 tree (seedlings)	7-ft. center
50 sq. ft.	1 shrub	3 - 7 ft. center

* The Critical Area Commission recognizes natural regeneration as a method for mitigation on appropriate sites. This will be determined on a case-by-case basis. All plantings will require an easement to ensure that these areas remain forested in perpetuity.

4. Planting Date

The Planting Date should be either the Spring or Fall season following the approval of the project by the Critical Area Commission.

Site Visits

Two site visits will be conducted over a period of two years by Critical Area Commission staff. The objective of the site visits is to verify that the planting has been completed out in accordance with the approved planting plan (i.e., species, number of trees/shrubs, location) and that the plantings are surviving.

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April 13, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Critical Area Map Amendment – p/o P. 45, TM 57

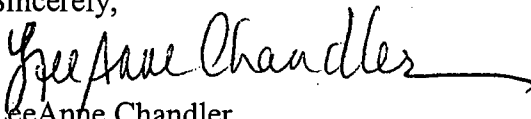
Dear Ms. Spinelli:

Thank you for providing the petition for the Critical Area map amendment involving a small portion of Parcel 45 on Tax Map 57. It is our understanding that the subject property is an island that is part of what was formerly known as the Luther Gregory farm. A total of 1.3 acres of IDA is proposed to be redesignated to RCA based on a mistake in the original mapping.

Based on the information provided, it appears that the island meets the mapping standards for a Resource Conservation Area. Specifically, the island is undeveloped, is part of a large farm, and is characterized as a nature-dominated environment. It appears that the assumption that the area was part of the Queen's Landing property was the key factor in the County's originally designating the area as an Intensely Developed Area.

If the County approves the proposed map amendment, please forward it to our office for processing as a change to the County's Program. The Commission must review and approve all requests for map amendments affecting the Critical Area. During the Commission's formal review, they may request additional information to address any concerns that may arise. If you have any questions, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC595-00

Robert L. Ehrlich, Jr.
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April 12, 2005

Mr. Saunders C. Hillyer
210 West Market Street
Snow Hill, MD 21863

RE: Shipyard Alley, Snow Hill

Dear Mr. Hillyer:

This letter is in response to the numerous questions raised regarding the proposed development of a number of existing parcels within the Town of Snow Hill. Commission staff met and reviewed the information provided to date and discussed possible future courses of action. Below is a summary of those discussions:

1. The staff has no specific concerns related to the request for growth allocation. It appears that the LDA impervious surface limitations may be a problem if the desire is to develop the site with 13 to 16 dwellings. If the site received growth allocation, the 10% pollutant reduction requirement will have to be addressed.
2. Regardless of the issue of growth allocation, the site is subject to all requirements for Habitat Protection Areas and Water-dependent facilities including the 100-foot Buffer.
3. Any development within the Buffer will require a variance. This is the case whether the property is developed as individual grandfathered parcels or as one parcel. The variance standards within the Critical Area must be met in order for a variance to be granted. The Critical Area Law was amended in 2004 to further clarify and strengthen the variance standards. The amendments also defined "unwarranted hardship" (which is one of the standards) to mean that, "without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested."
4. Neither the Town's Program nor the Critical Area Criteria have any provisions for "trading of development rights" within the Buffer. As indicated above, there is no inherent right to develop within the Buffer, even on grandfathered lots. While we

Mr. Saunders C. Hillyer
April 12, 2005
Page 2 of 2

acknowledge that there are portions of three grandfathered parcels within the Buffer, it is impossible to speculate how much disturbance would occur in the Buffer if these lots were developed, as this would largely depend on a decision of the Board of Appeals.

5. It seems that the length of the review process is of particular concern due to the potential sewer allocation limitations. If growth allocation is pursued and is approved by both the Town and Worcester County, the request would be submitted to the Critical Area Commission for their review. The process for Commission review can take anywhere between 30 and 90 days, depending on the project and any unusual issues that may arise. Proposing development within the Buffer on a project involving growth allocation would likely cause concern with the Commission.
6. The variance process would involve preparation of detailed plans for the proposed development activities within the Buffer. The plans and supporting documentation would be submitted to the Town and the Town would forward a copy of the information to the Commission office for review and comment. After notice in a local newspaper, a hearing would be held. Once the Board issued a decision, there is a 30-day period in which the decision could be appealed. The decision to appeal is made by the Chairman of the Commission, with input from staff and our counsel.
7. Based on the information we have to date, it seems that the most timely alternative would be to abandon plans to develop within the Buffer, apply for growth allocation to redesignate the area to IDA, erase the lot lines and develop a site plan under a condominium regime.

I hope this letter answers some of your questions regarding the development of this property. Please contact me if you have questions or concerns.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Kay Stroud, Town of Snow Hill
Tracey Gordy, Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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April 8, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan, John Maners, 131 Old Wharf Road

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes a construct a garage addition on an existing dwelling. The property is 6,000 square feet in size with a 15-foot waterfront setback.

Commission staff has reviewed the information provided. It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed swale and raingarden. Also, it appears that the proposed landscaping will provide the necessary Buffer mitigation. The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

OC212-05

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 8, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan, David C. Malatesta, 313 S. Heron Gull Court

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes a dwelling on an existing vacant lot. The property is 9,477 square feet in size with a 15-foot waterfront setback.

Commission staff has reviewed the information provided. It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed swales and raingardens. Also, it appears that the proposed landscaping will provide the necessary Buffer mitigation. The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

OC204-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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April 8, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Mandalay Cay Condominium, 12303 Coastal Highway


Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down an existing Wendy's restaurant and redevelop the site with a 41 unit condominium. The site is 0.994 acres in size and is not waterfront. Critical Area requirements for this project include the 10% pollutant reduction requirement and the 15% afforestation requirement. Commission staff has reviewed the information provided and we have the following comments:

1. It appears that the 10% requirement can be addressed by the proposed infiltration trench beneath the pervious pavers. The soil results indicate adequate permeability.
2. In regard to the 15% afforestation requirement, it appears that the proposed landscaping will meet the requirement provided that adequate planting space is provided.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: OC201-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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April 8, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan, Hubert Meyer, Jr., 606 32nd Street

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes a construct an addition on an existing townhouse. The property is 2,795 square feet in size with a 10-foot waterfront setback.

Commission staff has reviewed the information provided. It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed swale disconnecting the rooftop runoff. However, Buffer mitigation should be 15% of the cost of construction of the addition rather than the ratios as shown. Provided the landscaping plan is adjusted, the project will be consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: OC202-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 8, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan, Kleppinger, 14013 Sea Captain Road – ADDITIONAL DECK


Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes a construct a deck addition on an existing dwelling. The property is 4,456 square feet in size with a 15-foot waterfront setback. A previous addition was approved in August 2004.

Commission staff has reviewed the information provided. The deck must be built to be pervious with adequate spacing between the boards. The Buffer mitigation must be in addition to that required for the construction approved in August and the stormwater management measures must also be implemented as previously approved.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: OC568-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 5, 2005

Mr. Keith Lackie
Worcester Co. – Dev. Review & Permitting
One West Market St. – Room 1201
Snow Hill, MD 21863

VIA FACSIMILE

RE: Sketch Plan - Bay Point Plantation – Comments for TRC on April 6, 2005

Dear Mr. Lackie:

Thank you for providing the sketch plan for Bay Point Plantation to our office for review and comment. As you are aware, the subject property received growth allocation to change 38 acres of RCA to IDA. The subject property also received a special Buffer Management Area designation based on previous development on the property. These two Program amendments were approved by the Critical Area Commission at their September 2004 meeting with several conditions. For your reference, enclosed with this letter are the two approval letters sent back to the County after the Commission meeting. These letters list the conditions that must be met and addressed through the development review process. The sketch plan submitted is consistent with the plans presented during the growth allocation process with a few exceptions. These exceptions and several minor comments/recommendations are listed below.

1. All tributary streams must have a 100-foot Buffer.
2. The approval letter sent back to the County reflects a condition related to mitigation for impact to FIDs habitat. While there were discussions about allowing natural regeneration, it appears that the condition was written very specifically to require planting of the FIDs habitat. Staff will investigate this issue further by listening to the tapes of the meeting to ensure the condition as stated in the letter is consistent with what was approved by the Commission.
3. On all plans that show the proposed subdivision, all appropriate Buffers and setbacks should be shown on all lots. Also, since all existing piers and docks are required to be removed, they should be removed from the plans as well.
4. Please note that there is a small tidal gut located near the entrance to the property. This is not shown on the plans as being tidal, nor does it have the appropriate 100-

Mr. Keith Lackie
April 5, 2005
Page 2 of 2

foot Buffer. (A copy of the tidal wetland map and an aerial photo of the site are enclosed.)

5. Please provide this office with a copy of the plans related to restoration of the non-tidal wetland areas and proposed mitigation.
6. Discussions regarding the community pier previously focused on using the existing northernmost canal. The plans now show the pier extending 304 feet into Turville Creek. While staff is amenable to finding the most environmentally sound location for the pier, there are a number of permitting issues that have to be resolved. These include the water depth requirement for new marinas (as MDE considers everything over 10 slips a marina). Also, it is unclear if the County's 250-foot length limit on water-dependent facilities as specified in §NR 3-124(b)(1) would prevent the proposed pier from being constructed. The limit is 250-feet over State or private wetlands and open water is State wetlands. This should be clarified.
7. The proposed private drives serving the majority of the waterfront lots were previously shown as being 16 feet in width. They are now shown as 18 or 20 feet. Please clarify why they have been widened.

Thank you for the opportunity to on this sketch plan. If there are questions, concerns, or a need for clarification on any of these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Enc.

cc: WC766-03

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



Martin G. Madden
Chairman
Ren Serey
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: Bay Point Plantation Growth Allocation

Ed
Dear Mr. ~~Tudor~~:

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

Mr. Tudor
September 8, 2004
Page 3

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, 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

I. M. S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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. ^{ed}Tudor:

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

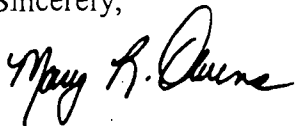
Mr. Tudor
September 8, 2004
Page 2

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.

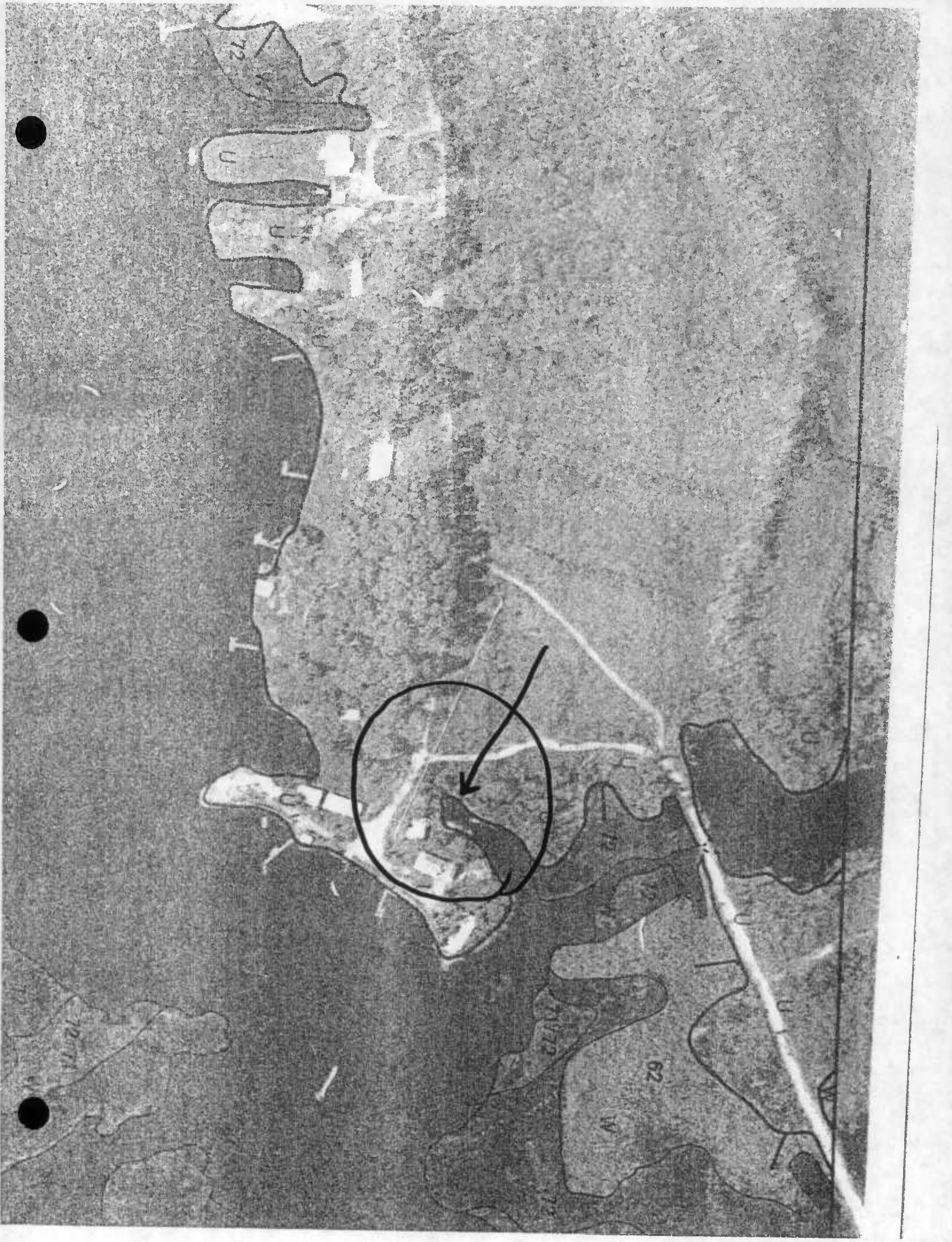
Sincerely,



Mary R. Owens, 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

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 4, 2005

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Variance Case No. 92279, Seaside Village

Dear Ms. Weisner:


Thank you for providing information on the above referenced variance case. It is our understanding that there are actually two parts to this request. The first is to permit disturbance within the Buffer to bury an existing high voltage electric line under an existing driveway. The second is to permit grading within the Buffer to restore previously disturbed tidal and non-tidal wetlands as required under a correction order from the Maryland Department of the Environment.

In regard to the disturbance to the Buffer related to burying the electric cable, this office does not oppose the variance requested provided impacts are minimized and the variance requested is the minimum to provide relief. While the cable is being placed beneath existing impervious surface, we recommend that the applicant take advantage of the opportunity to ensure the future perviousness of the driveway. Also, the applicant should have all applicable permits from MDE in hand prior to any work (as the line is being placed within the non-tidal wetland buffer).

In regard to the disturbance to the Buffer related to restoration of the wetland, again we do not oppose the variance requested provided impacts are minimized and the variance requested is the minimum to provide relief. We recommend mitigation at a 3:1 ratio for all disturbance to the Buffer. Mitigation should be in addition to that otherwise required under the County's Buffer Management Area Program. Also, the applicant should coordinate these corrective actions with MDE, especially since it has been nearly three years since the violation occurred.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made by the Board. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 4, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Subdivision – Southeast Creek LLC
File #03-04-05-0003-C – Revision #4

Dear Ms. Spinelli:

Thank you for providing information on the above referenced major subdivision. The property is partially within the Critical Area with an RCA designation. The Critical Area portion of the property is approximately 76 acres. The Critical Area portion of the property is proposed to be subdivided into eight buildable lots (through the use of TDRs), one of which already contains a dwelling and numerous farm buildings. Commission staff has reviewed the new information provided.

1. Please note that the boundaries of the "Area of Future Development" are not consistent between the overall plat (Sheet 8) and the specific plat for that portion of the site (Sheet 10).
2. Please note that the Buffer Management Plans on Sheets L-5, L-7 and L-8 do not graphically depict any of the shrubs proposed (while the overall number of shrubs is indicated in the notes). We recommend that the shrubs be added to the landscape plans.
3. Based on the enlarged version of the plat with additional topographical information provided, we recommend that the Buffer be expanded on Lot 3. Specifically, along the southwest shoreline of Lot 3 (in the vicinity of line numbers 12 to 16), it appears that the slope over its length is 16.9%. (The elevation at the toe of the bank appears to be 5 with the top of the slope at 27. A rise of 22 over 130 feet is a 16.9% slope.) Therefore, in accordance with §14:1-52(C)(1), with four feet of expansion for every one percent of slope, the Buffer should be expanded 68 feet past the 100-foot line. However, please let me know if this method of measuring slopes differs from the County's standard practice.

Ms. Helen Spinelli
April 4, 2005
Page 2

Thank you for the opportunity to review this revision to this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC329-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

Mr. Steve Cohoon
Queen Anne's County Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

Re: Gibson's Grant Growth Allocation

Dear Mr. Cohoon:

This office has received the above-referenced growth allocation request for review. We are accepting the package as a complete submittal. The Chairman now has 30 days to make an amendment or refinement determination in accordance with Natural Resources Article §8-1809(p).

Please note that we have just received preliminary 10% calculations for this project. While the calculations show that the proposal meets the 10% requirement, there are several errors and gaps in information that must be corrected. Commission staff will be responding to the submittal from McCrone in concert with the County's stormwater reviewer to resolve these issues.

We will contact you once the Chairman has made his determination. If you have any questions, please call me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Joseph A. Stevens, Esq.
Mr. Vijay Kulkarni, Queen Anne's DPW

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 1, 2005

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan – Full Tilt Marine
MASP #05-04-10-0004(C) – REVISION #3

Dear Mr. Cohoon:

Thank you for providing Revision #3 on the above referenced major site plan. The applicant proposes to construct a boat showroom and service area as well as associated parking and stormwater management on a 4.574-acre property. The property is designated IDA and is Buffer Exempt. Commission staff has reviewed the information provided.

Commission staff met with Mr. Vijay Kilkarni and Ms. Ginger Dadds on March 23, 2005 to discuss the 10% calculations. At the conclusion of the meeting, it was determined that the proposal can meet the 10% requirement. However, revised calculations consistent with our discussion were to be provided. Also, the site plan was going to be revised to reflect additional areas of gravel pavers to be used such that the overall impervious cover (upon which all the stormwater calculations are based) is no more than 1.97 acres. (Ms. Dadds indicated that asphalt in the vicinity of the boat ramp would be replaced with the gravel paving system.) We have not received this information to date.

Thank you for the opportunity to review this site plan. If there are any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC568-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Concept Plan – RVG Management (David C. Bell Property)
File# CP 04-04-12-0006(c) – REVISION #2

Dear Mr. Cohoon:

Thank you for providing information on the above referenced concept plan. The applicant proposes to construct a new shopping center anchored by a grocery store on 14.5 acres partially located within the Critical Area designated LDA. Commission staff has reviewed the information provided and we have the following comments:

1. While the plans indicate that that Critical Area line shown is scaled from the 1972 tidal wetland maps, the tidal wetland line now shown on the plans (from which the 1000-foot boundary is being drawn) does not correspond to what appears on the tidal wetland map. The mapped tidal wetland line actually matches what is shown as non-tidal wetlands on the site plan. (Please see the attached copy of a portion of Wetland Map 49.) The acreage figures for the project will need to be revised.
2. The 100 and 300-foot Buffers are shown as being drawn from the mean high water line. There are adjacent vegetated tidal wetlands in this vicinity and the Buffer must be measured from the landward edge of tidal wetlands.

Thank you for the opportunity to comment on this concept plan. If you have any questions or concerns, please contact me at (410) 260-3477

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC962-04

ROUTES

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Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

**RE: The Highlands (Home Farm Ltd.) – Major Subdivision
File #02-04-11-0010(c) – REVISION #2**

Dear Mr. Cohoon:

Thank you for providing REVISION #2 of the above referenced major subdivision. The applicant proposes to subdivide an approximately 275-acre parcel into 115 lots. The plat indicates that 6.85 acres are within the Critical Area with an RCA designation. Commission staff has reviewed the information provided and we have the following comments:

1. We note that Lot 115 includes an area of "unencumbered Critical Area land." Please clarify what this means. Does this create a buildable lot? If so, impervious surface limits should be stated on the plat.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC861-04

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/

March 24, 2005

Ms. MaryAnn Skilling, Circuit Rider
Maryland Department of Planning
120 Broadway, Suite 10
Centreville, Maryland 21617

RE: Church Hill Fire Company


Dear Ms. Skilling:

This office is in receipt of the most recent site plan for the above referenced project as well as a copy of the letter you sent to the Town's Planner. Commission staff reviewed the information provided.

As indicated in the mitigation calculations on Sheet L-1, 36 "planting units" are required for mitigation for the new impervious surfaces in accordance with the variance granted. The landscape schedule and the graphically depicted plantings are not consistent. For example, the schedule shows three (3) proposed red maples, yet the plan shows eleven (11). Many other significant discrepancies exist as well. These discrepancies should be resolved prior to issuance of building permits. Also, if offsite planting is necessary, a location for those plantings should be determined prior to the project moving forward.

Thank you for the opportunity to review this site plan. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: CH384-02

Robert L. Ehrlich, Jr.

Governor

Michael S. Steele

Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 17, 2005

Ms. Faith Elliott Rossing, Director
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Consistency Report – Kent Narrows/Stevensville/Grasonville WWTP ENR Upgrade

Dear Ms. Elliott Rossing:

This office has received the information provided on the proposed expansion and upgrade of the wastewater treatment plant (WWTP) on Kent Island. We understand that its capacity will be increased from two million gallons per day (GPD) to three million GPD. Also, construction will include infrastructure necessary to provide enhanced nutrient removal using the latest technology. Stormwater management for the facility is also proposed. The documents indicate that the project area is approximately 27 acres, with the majority being designated an Intensely Developed Area. No Habitat Protection Areas were identified. Permits have been acquired for the non-tidal wetland impacts that are proposed. Commission staff reviewed the information for consistency with the local Critical Area Program in accordance with COMAR 27.02.02.

The primary Critical Area issue for this project is stormwater management (i.e., compliance with the 10% pollutant reduction requirement). An extended detention stormwater pond is proposed as the primary best management practice providing stormwater management. The pond, together with the open areas of the treatment system itself, provide the necessary pollutant removal to meet the 10% pollutant reduction requirement. We note the location of the stormwater facility for the WWTP in a portion of the project site designated RCA. This is permitted by the County's Critical Area Program and §14:1-39(B)(3)(c)[14] of the County Code.

Commission staff concurs with the finding that the proposed project is consistent with the Queen Anne's County Critical Area Program. If you have any questions regarding this matter, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler

Natural Resources Planner

cc: Alan Quimby, DPW

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 15, 2005

Ms. Tanya Krista-Maenhardt
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Administrative Subdivision #04-05-03-0004-C, Mary Porter/Harold & Marylyn Wilson

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced administrative subdivision. The applicants propose to relocate a lot line between two existing parcels and transfer 0.181 acres from one property to the other. The lots are waterfront and are designated LDA.

Provided that all LDA development standards are addressed at the time of any new development, and provided that no non-conformities will be created, this office has no Critical Area concerns regarding this proposal.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC161-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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March 15, 2005

Mr. Mark Keeley
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Declaration of Administrative Subdivision #03-05-03-0003-C, Lawrence Reuwer

Dear Mr. Keeley:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine two existing lots into one. The lots are waterfront and are designated RCA. Based on the information provided, it appears that the lots have existed since 1955.

Provided that all RCA development standards (except the 20 acre requirement) are addressed at the time of development, this office has no Critical Area concerns regarding this proposal.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC162-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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March 10, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

RE: Holland Island LLC, 67th Street Condominiums

Dear Mr. Smith:

Thank you for providing the most recent information on the above referenced project for our review. The applicant proposes to construct five condominium buildings containing 183 residential units, office and retail space on a group of properties totaling nearly five acres. The properties are waterfront. Commission staff has reviewed the information provided and we have the following comments:

1. As indicated in our previous comments, a site visit is needed in order to determine the accuracy of the site plan regarding the landward edge of tidal wetlands. **Please note: The delineation of this line (as the starting point for the required 25-foot setback) will have significant impact on the design of this project and may affect the number of units or square footage of office space. No formal approvals should be granted for a certain design or density until this line is confirmed.**
2. AREA 1 – Notwithstanding the issue above, the proposed construction on Area 1 will require significant Buffer mitigation, afforestation and stormwater management. The 10% calculations indicate that just 15% of the runoff will be treated by a BMP, with a fee-in-lieu proposed for the deficiency in meeting the 10% requirement. The site plan shows that there are additional areas that could be used for stormwater management. We encourage the applicant to address the stormwater requirement on site as much as possible. In regard to Buffer mitigation/afforestation, the application indicates that these requirements are met yet the landscaping plan and application show credit for 33 generic “bushes” counting as small trees and numerous irises as small shrubs. Credits for a “bush” should be 50 or 75 square feet while irises can be credited as 2 square feet. A fee-in-lieu for the remainder may be necessary.

Mr. Blaine Smith
March 10, 2005
Page 2 of 2

3. AREA 2 – Provided that the infiltration trench has adequate volume to treat 25% of the post-development runoff, it appears that the 10% requirement is adequately addressed. Again, we would like to raise the issue of the building being constructed at the 10-foot setback line without any balconies shown. This seems unrealistic. Future balconies or any impervious surfaces within the setback will require a variance. This office will oppose such a variance request. In regard to Buffer mitigation, it appears that the requirement will be met with a substantial fee-in-lieu. However, the amount should be adjusted to correct consideration of a bush as a tree.
4. AREAS 3 & 4 – It is not clear why these areas have been separated. Currently, Area 3 does not meet either the afforestation requirement or the 10% requirement, while the proposal for Area 4 meets both. If considered as independent proposals, Area 3 would need a variance from the 15% afforestation requirement.

Thank you for the opportunity to review the current proposal. I will contact you shortly to arrange a visit to the site to review the wetland delineation. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: OC 45-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 10, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

RE: 10th Street Condominiums, 107 10th Street

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down an existing motel and redevelop the site with a condominium. The property is not waterfront and is 0.422 acres in size. Commission staff has reviewed the information provided and we have the following comments:

1. Critical Area requirements for this project are the 10% pollutant reduction and the 15% afforestation requirements. It appears that the 10% requirement will be adequately addressed by the proposed infiltration trench beneath the pervious pavers.
2. In regard to the afforestation requirement, it appears that there are adequate plantings proposed, yet total plantable area on the site is less than 15%. This should be corrected. Our understanding is that "overplanting" an area would be permitted only for Buffer mitigation provided at least 15% of the site is plantable.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

Cc: OC13-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

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Executive Director

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March 10, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

RE: Bayview South, 1st Street & Bayview Avenue

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down an existing restaurant and residential structures on two parcels and redevelop the sites with two condominium buildings. One property is waterfront with a ten-foot setback and the other is not waterfront. Critical Area requirements for this project include the 10% pollutant reduction requirement, the 15% afforestation requirement and Buffer mitigation. Commission staff has reviewed the information provided and we have the following comments:

1. On site 1, it appears that the 10% requirement is adequately addressed by the proposed reduction in impervious surface. On site 2, a BMP is provided but 10% calculations were not provided. Please forward this information.
2. Buffer mitigation is required for the proposed building on site 1. As currently proposed, a substantial fee-in-lieu will be required. We recommend that additional plantings be provided on site. Also, the Town should ensure that no balconies or overhangs will impact the waterfront setback.
3. In regard to the afforestation requirement, it appears that the proposed landscaping will meet the requirement on both sites. However, please note that the proposal does not provide perimeter landscaping as is usually required.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,

A handwritten signature in black ink that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

OC113-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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March 10, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

RE: Site Plan, Walter Stallings, 153 Pine Tree Road

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to build over an existing mobile home and construct a new dwelling. The property is 5,324 square feet in size with a five-foot waterfront setback.

Commission staff has reviewed the information provided. It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed swales and raingarden. Also, it appears that the proposed landscaping will provide the necessary Buffer mitigation. The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

OC143-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
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March 10, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

RE: Site Plan, James Dresher


Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct an addition on an existing townhome. The property is 5,168 square feet in size with a ten-foot waterfront setback.

Commission staff has reviewed the information provided. It appears that the 10% pollutant reduction requirement and Buffer mitigation are adequately addressed by the proposed landscaping. The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

OC144-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 9, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

RE: Site Plan, 4100 Condominium, PERMIT DRAWINGS

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a mixed use condominium on a 17,875 square foot non-waterfront property.

Commission staff has reviewed the information provided. It appears that the 10% pollutant reduction requirement is adequately addressed by the reduction in impervious cover combined with the bioretention areas. Also, the 15% afforestation requirement is met through on-site landscaping. The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

OC485-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Executive Director

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March 8, 2005

Ms. Helen Spinelli
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Minor Subdivision #05-05-02-0010-C, Christine Frego

Dear Mr. Spinelli:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a 0.627-acre parcel into two lots. The property is designated LDA and is not waterfront. One dwelling currently exists on the property. Commission staff has reviewed the information provided and we have the following comments:

1. Future development on these lots must be fully compliant with all development standards for the LDA.
2. The plat shows three of the ten existing trees being cleared. This is thirty percent (30) clearing which requires mitigation at a 1.5:1 ratio for all of the trees cleared. Five trees should be planted as mitigation.

Thank you for the opportunity to review this minor subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC114-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Minor Subdivision – Lands of Arthur Kudner
File #05-04-08-0004-C – REVISION #2

Dear Ms. Spinelli:

Thank you for providing Revision #2 of the above referenced minor subdivision. The property is primarily within the Critical Area with an RCA designation. The Critical Area portion of the property is approximately 100 acres. The Critical Area portion of the property is proposed to be subdivided into four lots. The applicant has not addressed our previous comments of February 1, 2005. I have re-stated the comments that are still applicable below:

1. The response to our previous comments on the inclusion of State tidal wetlands was a change to the boundaries and size of the property. The boundaries include some areas labeled as private tidal wetlands. Supporting documentation is needed to illustrate how private and State tidal wetlands were distinguished; i.e., how mean high water was determined, and what conclusions are based on observations made in the field versus other data sources. Also, please indicate the elevation of mean high tide.
2. The Buffer is required to be established in woody vegetation whenever agricultural use of land within the Buffer ceases. A Buffer management plan showing establishment of the full 100-foot Buffer should be provided.
3. Please forward a copy of the response from the Corps of Engineers regarding the jurisdictional determination for the wetlands and the response from DNR regarding sensitive species when they are received.
4. A table which lists allowable impervious surfaces for each lot should be provided on the plat.

Ms. Helen Spinelli
March 8, 2005
Page 2

Thank you for the opportunity to review this subdivision. Please forward the requested information when it is submitted. A site visit may be useful to complete review of this proposal. If you have any questions or if a site visit is arranged, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC612-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 11, 2005

Ms. Helen Spinelli
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: Minor Site Plan, Jeff's Body Shop
MISP#04-05-02-0004c

Dear Ms. Spinelli:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to construct an automobile repair shop and associated parking on a one-acre parcel. Just 0.022 acres is within the Critical Area with an LDA designation.

Commission staff has reviewed the information provided and we have the following comments:

1. The site plan statistics do not acknowledge that a small portion of the property is within the Critical Area and is subject to a 15% impervious surface limit. Similarly, no information was provided on the amount of impervious cover proposed within the Critical Area portion of the property.
2. It appears the concrete pad proposed in the Critical Area exceeds the 143.75 square feet of impervious cover permitted. Growth allocation or a variance would be necessary to exceed the limit. This office would not support such a variance request. We recommend that the applicant redesign and move the concrete pad or submit an application for growth allocation to the County.

We recognize that the proposal in terms of Critical Area impacts is minor. However, when the subdivision was recorded in 2001, the impervious surface limits were clearly set on the plat.

Thank you for the opportunity to comment. Please forward a revised site plan or the growth allocation petition when it is submitted. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC 45-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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March 8, 2005

Ms. Stacey Weisner
Worcester Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Site Plan – Ocean City Fishing Center
Comments for TRC of March 9, 2005

Dear Ms. Weisner:

Thank you for providing information on the above referenced site plan. The applicants propose to construct improvements at the Ocean City Fishing Center. The site is designated IDA and is in a Buffer Management Area.

1. Due to inclusion of details that are not pertinent to this project, it is not possible to ascertain any of the needed details such as site area and the property boundaries. A site plan should be provided that clearly shows the boundaries of the property or project site and all required setbacks and Buffers. Existing and proposed conditions should be shown.
2. Critical Area requirements include stormwater management, the 15% afforestation requirement and Buffer mitigation. The 10% calculations, stormwater management plans and landscaping plans (with schedule) are needed for us to complete our review.

Please forward the calculations, Critical Area site plan and report to our office when they are submitted. Final review comments will follow. Thank you for the opportunity to comment on this site plan. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WC139-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 7, 2005

Ms. Stacey Weisner
Worcester Co. – Dev. Review & Permitting
One West Market St. – Room 1201
Snow Hill, MD 21863

VIA FACSIMILE

RE: Site Plan – Seaside Village Residential Planned Community
REVISED STEP III PLAN - Comments for TRC on March 9, 2005

Dear Ms. Weisner:

Thank you for providing the revised Step III submittal for the above referenced project. Based on the revised "Site Layout" Plan, the applicant proposes the establishment of a residential planned community consisting of a mix of 139 residential units and associated amenities. The property is designated IDA and has two Buffer Management Area designations. The required setback around the existing marina is 15 feet while the setback in the dredge disposal area is 50 feet. Commission staff has reviewed the information provided and we have the following comments:

1. The 10% calculations include the commercial component (PCD) previously approved. While this is permissible (i.e., combining stormwater management over the entire site), the site statistics are not consistent between what appears on the site plans and the calculations themselves. The PCD had a site area of 5.01 acres, while the RPC component totaled 23.5 acres as of the previous submittal, for a total of 28.51 acres. The 10% calculations show the site area as 29.04 acres. Similarly, previous 10% calculations for the PCD showed 0.36 acres of existing impervious with 4.24 proposed. These areas added to the existing and proposed impervious areas on the Critical Area site plan do not add up to equal what appears in the 10% calculations.
2. There is an error in Step 5 of the calculations. The Lpost used should be consistent with the result of the calculations from Step 3.
3. As indicated in previous comments, **stormwater plans for the entire site area used for the 10% calculations and a corresponding drainage area map** are needed in order for us to assess compliance with the 10% requirement.
4. Sheet C3.10 is missing from the set of plans provided. Also, the matchline shown on sheet C3.9 incorrectly refers to sheet C3.8. Sheet C3.8 is a water plan and not a stormwater plan. Detail is also missing for ponds C and D, the two SWM facilities located in the area shown on the missing sheet C3.10.
5. On Sheet C3.14, forebays are shown as part of the cross sections for ponds A and B, yet the stormwater plans themselves show no forebays. Also, please clarify the depth of the water table and

Ms. Stacey Weisner
March 7, 2005
Page 2

its relationship to the bottom of each of the ponds. The grading plan should be consistent as well. Adequate detail must be provided.

6. As indicated in previous comments, we recommend that other species be used to landscape the stormwater ponds. A seed mix of asters is proposed for the bottom of all of the facilities. Asters are not an appropriate choice for areas of constant inundation with three feet of water. (While they are commonly found in wetlands, they are not aquatic plants.) Asters are more appropriate for the edges of the deeper pool. We strongly recommend that the applicant's engineer review the MDE stormwater manual's Appendix A for information on landscaping stormwater management facilities.
7. The 10-foot wide paved walkway (wholly within the Buffer) should be replaced with a pervious walkway of a moderate width. While we recognize that there is existing compacted ground along its proposed path, paving it is not essential to the project.
8. Sheet C1.2 is missing from the set of plans provided. Also, metes and bounds, along with site statistics, should be provided on the overall site plan.
9. It would be useful to have a graphic scale on each of the plan sheets.
10. Several of the notes that appear on the Critical Area plan conflict with each other.
11. The site area used on the RPC Step III Bufferyard/Landscaping plan is inconsistent with other project documents.
12. This office continues to be concerned about the project's compliance with the requirements for a bufferyard as required by Section IX(C) of the County's Buffer Management Area Program. The intent of the bufferyard (a specific extra mitigation requirement for commercial, industrial, or multi-family development within BMAs) is to provide a heavily vegetated filter strip to offset the intense development allowed to occur on the site and within the 100-foot Buffer. The majority of proposed plantings are two types of grasses and a groundcovering shrub. We recommend that additional woody species (such as those growing naturally in the scrub/shrub areas of the site) be added to the plan. We also recommend that a densely planted filter strip be added along the perimeter of the marina. Not only would plantings be more aesthetically pleasing, but it would also provide an opportunity to provide some water quality treatment to any runoff coming from the parking areas.

Thank you for the opportunity to review and comment on this revision of this project. Please forward the information requested when it is submitted. If you have any questions regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC758-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 1, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Subdivision – Southeast Creek LLC
File #03-04-05-0003-C – Revision #3

Dear Ms. Spinelli:

Thank you for providing information on the above referenced major subdivision. The property is partially within the Critical Area with an RCA designation. The Critical Area portion of the property is approximately 76 acres. The Critical Area portion of the property is proposed to be subdivided into eight buildable lots (through the use of TDRs), one of which already contains a dwelling and numerous farm buildings. Commission staff has reviewed the new information provided.

1. An area identified as "Area of Future Development" is now located adjacent to Lot 24 within the Critical Area portion of the site. Please explain how this area differs from a buildable lot and what process would be used to change it into a buildable lot. Is it considered part of Lot 1? It does not appear on the Critical Area lot table as a separate area.
2. The plat should clearly indicate that additional dwelling units cannot be constructed without additional TDRs. (This includes Lot 1, even if the Critical Area table shows an impervious "allowance.")
3. The note regarding time-of-year restrictions for protection of the great blue heron colony should specifically identify the lots that will be affected.
4. The table showing Critical Area forest requirements on Sheet 8 has not been revised with the new Critical Area acreage of 76.887 acres.
5. Sheet 13 shows a label for lot 1 pointing to an area of tidal wetlands between lots 3 and 32. Also, there is a table for open space lot 1D but no such area identified on the

Ms. Helen Spinelli
March 1, 2005
Page 2

plat. The two areas identified as Lots 1 and 1A add up to 64.194 rather than the 70.863 acres shown in the Critical Area table.

6. No information is provided regarding the planting of the afforestation area identified on Sheet 14. Also, the Critical Area acreage has not been adjusted in the table labeled as "Forest Requirements and Conservation Provided."
7. Please note that the lot lines and labels shown on the landscape/Buffer management plans are not consistent with the most recent subdivision plat. (For example, areas of tidal wetlands are shown as Lot 1.)
8. The applicant has provided an enlarged version of the plat for Lots 3 and 4 to help us determine if the Buffer requires expansion due to steep slopes. The elevation at the edge of wetlands is not identified so it is difficult to determine the slope of the Buffer. The County's ordinance appears to be silent in terms of how steep slopes are determined and each jurisdiction uses different methods. The purpose of Buffer expansion is to provide additional area for runoff coming down steep slopes to infiltrate prior to hitting the water body. We recommend that the need for Buffer expansion be determined in the field during the site visit for the jurisdictional determination.

Thank you for the opportunity to review this revision to this subdivision. Please keep me informed of any discussions or site visits in regard to the tidal wetland issue. If you have any questions or if I can be of assistance in arranging another site visit, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC329-04

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
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Memorandum

To: Raj Williams

From: LeeAnne Chandler *LAC*

Date: February 28, 2005

RE: Project ID #2005-DNR-010, Gateways Signs at Pocomoke River State Park

Commission staff has reviewed the information provided on the proposed Gateways signs at Pocomoke State Park. While we could not read the areas with the darkest shading, our comments on what we could read are as follows:

1. A number of the signs state that a sports fishing license is needed for anyone under 16 to fish in the river. Anyone 16 years or older needs a license, while those under 16 do not need one.
2. A number of the signs give the address of DNR's website. Given that these signs will be distributed amongst various locations in the park (away from any computers), the web address may be more appropriately placed on a brochure of some kind.
3. There are several typos on the sign titled, "The Pocomoke Heritage" under the subtitle of "Colonial Change". The word "touched" should be touch and colonist should be plural.
4. What is "bog iron ore"? An explanation would be useful.
5. POCO-05 discusses four zones of life along the river but the subtitles beneath list only three and have different names than used under the main title. The text of this sign should be re-organized.
6. Again on POCO-05, under "The River", the two major tributaries to the Pocomoke are Dividing Creek and Nassawango Creek.
7. On Exhibit POCO-32-BCT, under "Why is the Water Brown", the last sentence should end with "...instead of staying green all year like most conifers."
8. The first sentence of the second paragraph under Exhibit POCO-39-BCT does not make any sense. Also, "currency" is spelled incorrectly.
9. On POCO-46-PBT, the word "palustrine" is spelled incorrectly.

DNR should be aware that there is another Chesapeake Gateways site on the Pocomoke, within the Town of Snow Hill, adjacent to the canoe company. Some coordination as to sign content and style may be appropriate.

Thank you for the opportunity to comment on this proposal. If you have any questions or concerns, please contact me at (410) 260-3477.

Robert L. Ehrlich, Jr.
Governor



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Chairman

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Executive Director

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February 28, 2005

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

RE: Major Site Plan – Matapeake Middle School
MASP #04-05-02-0002(c)

Dear Mr. Cohoon:

Thank you for providing information on the major site plan for the Matapeake Middle School. The Board of Education of Queen Anne's County proposes to construct a middle school on a portion of an approximately 40 acre site that is partially within the Critical Area. The Critical Area designation of 9.295 acres is Limited Development Area. Commission staff has reviewed the information provided and we have the following comments:

1. The Critical Area impervious surface information that appears on Sheet C1.1 is not correct. The calculations show 0.588 acres as existing impervious area with 1.022 acres as proposed impervious. Together these add up to 1.61 acres of impervious rather than the 1.394 acres shown. The Critical Area portion of the site is strictly limited to 15% impervious area (1.394 acres). Any amount in excess of 15% would require a conditional approval from the Critical Area Commission in accordance with the criteria set out in COMAR 27.02.06.
2. The Critical Area reforestation and afforestation standards contained in §14:1-54 state that bareroot seedlings will not be considered an acceptable alternative. Seedlings are proposed for the Critical Area afforestation. While this office does not oppose the use of seedlings (provided the planting density is adequate to compensate for the 65% survivability rate), the inconsistency with the County ordinance should be justified. Also, the planting detail on Sheet C11.1 should be consistent with the type of plants used (i.e., the detail is for whips while seedlings are currently proposed). As with any afforestation area, protective covenants and guarantees must be provided.

Thank you for the opportunity to comment. Please contact me if you have any questions or concerns regarding these comments. I can be reached at (410) 260-3477.

Sincerely,


Lee Anne Chandler
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 28, 2005

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan – Full Tilt Marine
MASP #05-04-10-0004(C) – REVISION #2

Dear Mr. Cohoon:

Thank you for providing information on the above referenced major site plan. The applicant proposes to construct a boat showroom and service area as well as associated parking and stormwater management on a 4.574-acre property. The property is designated IDA and is Buffer Exempt. Commission staff has reviewed the information provided and we have the following comments:

1. The 10% calculations provided with this revision will have to be re-done. First, the site area should be the entire area of the site within the IDA (4.574 acres). (If the site is separated into drainage areas, calculations should be provided for each area rather than just the one containing the BMP.) Second, the proposed impervious area shown (1.97) does not match the calculations on the site plan (2.414). Third, the calculations use the outdated "C" values from 10% guidance documents that were updated in December 2003. The calculations for the off-site drainage areas (Worksheet B) also contain similar errors.
2. The removal efficiency for an extended detention wetland is 40% rather than the 65% shown in the last step of the calculations.
3. If treatment of off-site drainage is used to meet the 10% requirement, it must be demonstrated that the BMP can accommodate the drainage from the additional area.
4. Revisions to the landscape plan may be needed if additional plantings for stormwater management are necessary.

Mr. Steve Cohoon
February 28, 2005
Page 2

5. Plantings in the vicinity of the existing area of *Phragmites* should be delayed until the *Phragmites* is under control. It is our understanding that spraying twice in the fall followed by cutting in late winter is the most successful means of control. However, it is likely that some areas will require selective re-application of the herbicide the following fall as well.

Thank you for the opportunity to review this site plan. Corrected/revised stormwater calculations are needed before this project moves forward. If there are any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC568-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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February 17, 2005

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Variance Case No. 92258, Joe Bartell

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit greater than 30% clearing on a fully wooded lot. The property is 20,001 square feet in size, is designated LDA and is not waterfront. The proposed use of the property is a single-family residence.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. Impacts should be minimized and the variance requested should be the minimum to provide relief. Due to the fully wooded condition of the lot and the necessity for on-site septic disposal and water supply, it appears that a variance is unavoidable. It is our understanding that the site plan provided (which shows 10,647 square feet of clearing) is the worst-case scenario, that is, there will be an effort to preserve as many trees as possible around the house. However, if trees meant to be preserved are damaged or destroyed during construction, then the variance would protect the property owner from being cited with a violation. We do not oppose the variance requested provided that measures are taken to conserve trees as much as possible (e.g., minimize the limits of disturbance through use of silt or safety fences around the base of trees) and discussing this issue with the contractors prior to clearing the site. Also, mitigation should be provided at a 3:1 ratio with as much on-site planting as possible (perhaps as shrub, understory, or foundation plantings).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made by the Board. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Executive Director

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February 17, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – 100 Channel Buoy Road, Lawrence Anderson

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. The applicant proposes to construct a new dwelling on a 6000 square foot waterfront lot. A 15-foot setback is required. Commission staff has reviewed the information provided and we have the following comments:

1. It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed grassed swales and raingardens.
2. No information has been provided regarding proposed landscaping. A landscaping plan and schedule should be provided in accordance with the Town's ordinance. Existing vegetation cannot count as mitigation for new development within the Buffer.

Thank you for the opportunity to review and comment on this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC97-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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February 17, 2005

Ms. Faith Elliott-Rossing
Queen Anne's Dept. of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Revocation of Growth Allocation


Dear Ms. Elliott-Rossing:

It is our understanding that several questions have been raised by the County Commissioners regarding the Critical Area Commission's role related to growth allocation. Specifically, it has been asked if the Critical Area Commission has revoked the 1996 award of approximately 20 acres of growth allocation to a portion of the property identified as TM 57, Parcel 45 (otherwise known as the Lands of Luther Gregory/White's Heritage). At the time the growth allocation was awarded, the proposed use of the site was a golf course and related amenities.

The Critical Area Commission unconditionally approved the growth allocation request as submitted by the County in June 1996. Queen Anne's County Ordinance 96-06 formally amended the County Critical Area maps on August 31, 1996. Since that time, to our knowledge, Queen Anne's County has not processed any further map changes related to this property. Similarly, the Critical Area Commission has not taken any further action related to this property or its Critical Area designation since 1996.

If you have any questions regarding this matter, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon
Ren Serey

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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Memorandum

To: Roland Limpert

From: LeeAnne Chandler *LAC*

Date: February 16, 2005

RE: Nichols Belair Properties/Grandview Farms, Worcester Co. (200562160)

Commission staff has reviewed the information provided regarding the above referenced permit request. We have also reviewed the subdivision and grading plans for the project as a whole.

In regard to the southern outfall, we have no specific Critical Area concerns. Stormwater outfalls are permitted within the Critical Area Buffer because they are considered a water-dependent facility. However, in regard to the outfall to the north that is located outside of the Critical Area, we are concerned about potential impacts of the stormwater runoff to the Wetland of Special State Concern (WSSC) located within the Critical Area at the headwaters of PawPaw Creek.

It is my understanding that County staff has provided some information to Scott Smith regarding this project, due to the potential impacts to the WSSC. Now that an application has been made to MDE, we recommend that he be contacted to assess the potential for negative impacts from the outfall and the runoff it will carry. If negative impacts are anticipated, Commission staff can make further recommendations to the County as necessary.

Thank you for the opportunity to review and comment on this permit request. If you have any questions or concerns, please contact me at (410) 260-3477.

cc: Stacey Weisner, Worcester County
Scott Smith, Eastern Region Ecologist

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Lt. Governor

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Executive Director

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February 16, 2005

Mr. Mark Keeley
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Minor Subdivision #05-05-03-0003-C, Paul Nahnbida

Dear Mr. Keeley:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a 5.575-acre parcel into two lots. The property is designated LDA and is waterfront. One dwelling currently exists on the property. Commission staff has reviewed the information provided and we have the following comments:

1. The County should ensure that the subdivision does not create any non-conformities in terms of existing impervious surfaces on Lot 12-B. Both lots are subject to the 15% impervious limit and the maximum allowed coverage for each lot should be noted on the plat.
2. The subdivision must ensure that at least 15% of the parcel is forested.
3. If not already existing, the Buffer should be established on the new lot.

In summary, future development on either lot must be fully consistent with the County's standards for development within the LDA.

Thank you for the opportunity to review this concept plan. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC87-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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Memorandum

To: Ray Dintaman

From: LeeAnne Chandler *LAC*

Date: February 16, 2005

RE: State Clearinghouse MD20050118-0026, Snug Harbor Sewer Extension, Worcester Co.

Commission staff has reviewed the information provided regarding the request for funds for the Snug Harbor Sewer Extension. We have also discussed the project with Worcester County's Natural Resources Administrator, Mr. Keith Lackie. Based on our understanding of the project, the sewer extension will be located primarily within or directly adjacent to existing roadways. Given the projects goal of alleviating existing water quality problems, there are no significant Critical Area concerns regarding this request.

The project is required to be submitted to the Critical Area Commission when design is finalized. The submittal will likely qualify as a "consistency report" provided the work is limited to existing road and utility rights-of-way. Commission staff will coordinate with County staff if any follow-up is necessary.

Thank you for the opportunity to comment on this funding request. If you have any questions or concerns, please contact me at (410) 250-3477.

cc: Keith Lackie, Worcester County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

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Executive Director

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February 14, 2005

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan – Sigtex, Inc. (William Hegarty)
MASP #05-04-11-0012(c) (Amendment #1) – REVISION #1

Dear Mr. Cohoon:

Thank you for providing Revision #1 of Amendment #1 of the above referenced major site plan. The applicants propose to construct an addition to an existing building on a 1.89-acre site wholly within the Critical Area. The site is designated IDA and is not waterfront. Commission staff reviewed the information provided and also discussed the project with Mr. Dave Powers of McCrone, Inc. Based on the 10% calculations and the revised landscaping plans, it appears that the project is consistent with the County's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC328-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 14, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – 134 Winter Harbour Drive, Mark & Laura Paddack

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. The applicant proposes to tear down and replace an existing dwelling on a 7500 square foot waterfront lot. A 15-foot setback is required. Commission staff has reviewed the information provided and we have the following comments:

1. It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed grassed swales and raingarden.
2. It appears that the Buffer mitigation requirement will largely be addressed on site. However, the application states that \$ 5,220 is being spent on landscaping while the site plan itself shows just \$4,350. This discrepancy should be corrected through the collection of fees-in-lieu as necessary.

Provided that the discrepancy noted in comment 2 above is addressed, the project appears consistent with the Town's Critical Area ordinance.

Thank you for the opportunity to review and comment on this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC60-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 14, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Iceland Golf (File 1897) – **PERMIT DRAWINGS**

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a condominium building containing 20 units. The parcel is 22,100 square feet in size and is currently developed with a miniature golf course. It is not waterfront but contains some area within the 100-foot Buffer.

Critical Area requirements for this project include mitigation for disturbance within the Buffer, the 15% afforestation requirement, and compliance with the 10% pollutant reduction requirement. Based on a review of the information provided, it appears that the project is consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC303-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Executive Director

STATE OF MARYLAND
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February 14, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Nassau Condominium, 60th Street

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. The applicant proposes to tear down several motel buildings on a 1.87-acre parcel and construct two condominium buildings containing 79 units. The parcel is not waterfront on the Coastal Bays. Commission staff has reviewed the information provided and we have the following comments:

1. It appears that the 10% pollutant reduction requirement can be adequately addressed by the proposed reduction in impervious surface.
2. The application indicates that the 15% afforestation requirement is being addressed through on-site plantings. We recommend that native beach grasses (such as switch grass) be utilized as a general ground cover instead of the turf as proposed (this is especially true in the beach front areas).

The project appears generally consistent with the Town's Critical Area Program.

Thank you for the opportunity to review and comment on this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC86-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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February 14, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Bill and Debbie Rosada, 207 North Heron Drive – REVISED PLANS

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a single family dwelling on a vacant lot. The application previously submitted in late 2003 has been revised. Based on a review of the revised application, we have the following comments:

1. It appears that the 10% pollutant reduction requirement will be adequately addressed by the proposed bioretention areas.
2. In addition, it appears that the Buffer mitigation requirement will be addressed primarily on-site. Some fee-in-lieu may be needed to ensure the full 2% cost-of-construction requirement is met.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC923-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 14, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Candy Kitchen, 53rd Street

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. The applicant proposes to construct an addition on an existing commercial building on two parcels totaling approximately 31800 square feet in size. The parcels are waterfront, though the proposed work is outside of the Buffer. Commission staff has reviewed the information provided and we have the following comments:

1. The 15% afforestation requirement is not adequately addressed. According to the Town's Program, if the area of disturbance is less than 50% of the area of the parcel, the requirement for planting shall be two times the area of disturbance up to a maximum of 15% of the area of the parcel.
2. Similarly, the 10% pollutant reduction requirement is not adequately addressed. The site area should be the entire parcel in this case. While some situations may warrant a site area less than the entire parcel (such as a PAD site within a large shopping center), basing the calculations on just the limit of disturbance does not accomplish the goal of reducing the pre-development pollutant loadings from this site by 10%. Please note that it may be possible to address this requirement through additional reduction of impervious cover (which will be required anyway to provide additional on-site plantings.)

Thank you for the opportunity to review and comment on this project. If you have any questions or concerns or if a site visit can be arranged, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC45-05

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/

February 14, 2005

Mr. Steve Cohoon
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Concept Plan #CP04-05-01-0009(C)
William & Ruth Snively

Dear Mr. Cohoon:

Thank you for providing information on the above referenced concept plan. The applicants propose to covert an existing residence to a commercial office. The property is 0.304 acres in size and is designated IDA. The property is not waterfront.

Commission staff reviewed the information provided. Because the proposal involves a change in use without a change in the physical condition of the site, we have no Critical Area concerns at this time. Any future development or redevelopment activities (additional structures or modifications to existing impervious cover) will necessitate stormwater management to address the 10% requirement.

Thank you for the opportunity to review this concept plan. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC54-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 11, 2005

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

RE: Pakcin, LLC variance

Dear Mr. ~~Dodd~~: *Steve*:

I have reviewed the variance application to build a replacement dwelling and septic reserve area in the 100-foot Buffer. The lot is grandfathered and currently developed with a house and separate garage. The new dwelling will be larger than the existing dwelling; the existing garage will be removed. There is no portion of the lot that is outside of the 100-foot Buffer. This office does not oppose the variance. We recommend that the applicant provide mitigation for all Buffer disturbance at a 3:1 ratio using native plantings, on site if possible.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: DC78-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 11, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – 17th Street Condominiums, Initial Plans

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. The applicants propose to construct a 15-unit condominium on a 12,153 square foot property. The property is waterfront with a 10-foot setback. Commission staff has reviewed the information provided and we have the following comments:

1. It appears that the 10% pollutant reduction requirement can be addressed on site. According to the plans and calculations, just 32% of the site is proposed to be treated and there is an outstanding balance of 0.0453 pounds. However, if an area of additional pavers (with infiltration trench beneath) were added, then a fee-in-lieu would likely not be necessary. We encourage the applicant to address the requirement on-site with the fee-in-lieu option available if it is not feasible.
2. It appears that the 15% afforestation requirement is being addressed on site.
3. A substantial fee-in-lieu is proposed to be used for the Buffer mitigation requirement. Fees-in-lieu should be a last resort and additional plantings should be placed on site whenever possible.

Thank you for the opportunity to review this site plan. If you have any questions or comments regarding these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC58-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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February 11, 2005

Mr. Mark Keeley
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Minor Subdivision – Landmark, Inc.
File #03-04-10-0003-C

Dear Mr. Keeley:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a parcel into three lots. The property is partially in the Critical Area with an RCA designation. Two Critical Area TDRs from the Schaeffer property will be used. Based on a review of the information provided, we have no further Critical Area concerns regarding this subdivision.

Thank you for the opportunity to review this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC734-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

February 11, 2005

Mr. Mark Keeley
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Administrative Subdivision – Landmark, Inc.
File #03-04-10-0001-C

Dear Mr. Keeley:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a boundary line between two existing parcels. Both have an RCA designation. It does not appear that the line adjustment will create any issues related to the County's Critical Area requirements. Any further development on either parcel will have to be fully consistent with the development standards for the RCA.

Thank you for the opportunity to review this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC734-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 10, 2005

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

**RE: The Highlands (Home Farm Ltd.) – Major Subdivision
File #02-04-11-0010(c) – REVISION #1**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced major subdivision. The applicant proposes to subdivide an approximately 275-acre parcel into 114 lots. The plat indicates that 6.85 acres are within the Critical Area with an RCA designation. Commission staff has reviewed the information provided and we have the following comments:

1. We recommend that plat note #15 referencing the bald eagle time-of-year restrictions include a specific reference to the affected lots (Lots 6 through 12).
2. It is our understanding that MDE permits farm ponds to be used for stormwater management provided that adequate pre-treatment is provided and the pond is modified as necessary to meet the current MDE specifications for small pond design. The applicant should coordinate with DPW and the Soil Conservation District along with MDE on the possible pond modifications.
3. The applicant should have their MDE non-tidal wetlands permit in hand prior to any work on site.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC861-04



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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February 8, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Harrison Suites, 3200 Baltimore Avenue – Pending Permit drawings

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. A portion of the proposed satellite parking lot is located within the Critical Area. The Critical Area portion of the site is not waterfront and is 0.432 acres in size. Commission staff has reviewed the information provided and we have the following comments:

1. The 10% pollutant reduction requirement is addressed through a reduction in impervious cover.
2. The 15% afforestation requirement is adequately addressed through on-site plantings.

The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC53-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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February 1, 2005

Mr. Mark Keeley
Queen Anne's Dept. of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Administrative Subdivision, Matthew & Bonnie Strunk
File #04-05-01-0004-C

Dear Mr. Keeley:

Thank you for providing information on the above referenced administrative subdivision. The applicants propose to revise the property line between two lots under common ownership. The lots are designated LDA and are currently developed with a dwelling, septic system and accessory structures.

While there do not appear to be any Critical Area issues of concern with this administrative subdivision, there appears to be a possible legal issue. Enclosed with this letter is a copy of a Court of Appeals decision (*Friends of the Ridge v. BG & E* [352 Md. 645 (1999)]) that discusses the concept of "doctrine of merger" whereby a property owner who utilizes contiguous lots in the service of a single structure essentially merges the two lots. For this proposal, the two lots as combined (by having the dwelling on one lot and the septic system on the other) appear to meet current zoning but if separated, the lots would be non-conforming in relation to minimum lot area, road frontage and lot width. Under the doctrine of merger, lots 28 and 29 are considered a single parcel. We recommend the County review the case and determine its relevance to the subject proposal.

Thank you for the opportunity to review and comment on this subdivision. Please inform us of the County's position on the doctrine of merger issue. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC28-05



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 28, 2005

Mr. Mark Keeley
Queen Anne's Dept. of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Minor Subdivision, Thomas Keating
File #03-05-01-0007-C

Dear Mr. Keeley:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide an existing parcel into two lots. One will be located entirely outside of the Critical Area while the other will contain 0.92 acres of RCA. The lot containing the RCA already contains a dwelling and associated structures and no disturbance is proposed within the Critical Area portion of the lot. There do not appear to be any Critical Area issues with this subdivision. We have no comments at this time.

Thank you for the opportunity to review this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC50-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 28, 2005

Ms. Cathy Maxwell
Department of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Variance Case V-010006, Full Tilt Marine

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to exceed the allowable area for a garage in the floodplain. The garage in this case is a boat repair/storage area associated with a commercial boat sales facility. The site is designated IDA.

This office defers to the County's Department of Public Works and MDE on floodplain variances. Provided that all Critical Area concerns are addressed in the site plan review process, we have no comment on this request.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC43-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 28, 2005

Mr. Steve Cohoon
Queen Anne's Dept. of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Major Subdivision, Austin & Evelyn Cate
File #04-05-01-0001(c)

Dear Mr. Cohoon:

Thank you for providing information on the above referenced major subdivision. The applicants propose to administratively combine two existing parcels and then subdivide the resulting parcel into seven lots. The parcels total 4.229 acres (according to the plat) and are currently designated LDA and Buffer exempt. Commission staff has reviewed the information provided and we have the following comments:

1. The sizes of the parcels according to tax records are 1.44 acres (P. 530) and 2.47 acres (P. 100) for a total of 3.91 acres. This differs from the information on the plat. Please explain.
2. The new lots will be restricted by the full 100-foot Buffer. Section 14:1-53(C) clearly states that the Buffer Exemption provision apply only to lots of record as of December 1, 1985.
3. Information on proposed clearing of the developed woodland on site is needed along with a table showing permitted impervious surface coverage on each lot. The site does meet the definition of developed woodland and is subject to §14:1-38(D)(6) of the County Code. This section clearly requires areas proposed for clearing to be identified on any proposed development plan. A forest mitigation plan, including a Buffer Management plan that demonstrates establishment of the Buffer, is also needed.
4. A well is not shown for Lot 4.



Mr. Steve Cohoon
January 28, 2005
Page 2 of 2

5. Information contained on the Department of Natural Resources mapping tool (www.mdmerlin.net) indicates that there may be a pocket of non-tidal wetlands where Lots 6 and 7 are proposed. (This area does not show up on the NWI wetland maps.) A site visit may be needed to determine if there is a wetland in that location.
6. Please forward a copy of the response letter from the Department of Natural Resources when it is received.

Thank you for the opportunity to review this subdivision. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC1-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 25, 2004

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Norma Martin, 253 South Ocean Drive (File #8054)

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to build over an existing mobile home on a 4120 square foot property.

Critical Area 10% requirements are adequately addressed by the proposed swales and rain garden. In addition, it appears that the Buffer mitigation requirement is being addressed on site. The project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC381-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 25, 2004

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – McElroy, 118 Peach Tree Drive

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to build over an existing mobile home on a 3640 square foot property.

Critical Area 10% requirements are adequately addressed by the proposed swales and rain garden. In addition, it appears that the Buffer mitigation will be addressed with some on-site plantings and a fee-in-lieu. The proposal appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC44-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 25, 2004

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Bellaluna Condominium, 58th Street

Dear Mr. Smith:


Thank you for providing information on the above referenced site plan. The applicant proposes to construct a 16-unit condominium on an 18,000 square foot property. The parcel is not waterfront.

Commission staff reviewed the information provided and we have the following comments:

1. There is a mathematical error in Steps 2 and 3 of the 10% calculations. The results must be multiplied by 8.16 to account for regional constants and unit conversion factors. Also, in order to claim full efficiency value for the trench, soil information demonstrating an adequate depth to groundwater and soil permeability must be provided. Also, the location of the trench and grading details for the drainage entering the trench must be provided in the plans.
2. A landscaping plan that shows at least 15% afforestation must be provided.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: OC27-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 25, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Holland Island LLC project between 66th and 68th Streets

Dear Mr. Smith:

Thank you for providing the above referenced site plan to our office for review. The applicant proposes to construct five condominium buildings and associated parking facilities on a number of parcels totaling 4.7 acres in size. The property is waterfront.

Commission staff has reviewed the information provided and we have the following comments:

1. Area 1 (Buildings A through D and parking garage) – A site visit and further documentation is needed in regard to establishing the landward edge of tidal wetlands. It is unclear why the 1-foot contour has been used. A field delineation is needed.
2. Area 1 – In regard to the proposed disconnection of rooftop runoff, the proposal must meet all the criteria listed on pages 5.6 through 5.8 in the MDE manual to qualify for this credit. The standards listed in italics are mandatory. Given the extensive areas of rooftop being disconnected and the limits set in the manual, it does not appear that the proposal can meet the requirements. Alternative stormwater measures will need to be explored.
3. Area 1 – Required Buffer mitigation is not calculated correctly in the application. Also, in regard to proposed plantings, a detailed landscaping schedule is needed. All planting (including providing adequate space for proposed species) must be done in accordance with the standards set out in the Town's landscaping ordinance. Large trees are not to be planted beneath balconies. (The credits given are meant to represent coverage at maturity. As proposed, many of the trees will hit the balconies long before they mature.)

Mr. Blaine Smith
January 25, 2005
Page 2

4. Area 2 – Proposed stormwater management appears to meet the 10% requirement, provided the Town's Environmental Engineer determines the soil results are satisfactory in terms of permeability and dept to water table.
5. Area 2 – The building is proposed at the 10-foot setback line. The plans do not include any balconies. This seems unrealistic. Future balconies or any impervious surfaces within the setback will require a variance. This office will oppose such a variance. Also, detail on any pool deck should be provided.
6. Area 2 – What kind of piers or docking facilities are proposed? With redevelopment of the site, the existing piers are likely non-conforming. Any reconfiguration should be consistent with the Town's Critical Area Program or not exceed current capacity.
7. Area 2 – With a substantial fee-in-lieu, it appears that Buffer mitigation can be addressed. However, please see item 3 above in regard to spacing and a schedule of proposed plantings.
8. Area 3 – It appears that the 15% afforestation requirement is adequately addressed on site.
9. Area 3 – Provided that the soil results are deemed to be satisfactory by the Town's Environmental Engineer, it appears that the proposed stormwater facility will meet the 10% requirement. However, additional grading detail may be necessary to demonstrate that the drainage can reach the BMP.
10. Documentation from the Department of Natural Resources in regard to the presence of any Habitat Protection Areas should be provided for our files.

Thank you for the opportunity to review and comment on this project. If you have any questions or concerns or if a site visit can be arranged, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: OC45-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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January 21, 2005

Ms. Cathy Maxwell
Department of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Variance Case V-110014, Maryland General Land Company

Dear Ms. Maxwell:

Thank you for providing the revised information on the above referenced variance. The applicant is requesting a variance to exceed the amount of fill permitted to be placed in the floodplain. The property is partially located within the Critical Area with an LDA designation. It is not waterfront.

This office generally defers to the County's Department of Public Works and MDE on fill variances. However, please take note of the following:

1. Development of this site as proposed will likely require an award of growth allocation to change its designation from LDA to IDA. Stormwater management will be required to address the 10% pollutant reduction requirement.
2. There was substantial unauthorized clearing and some grading on this property several years ago. Any variance should be inclusive of work previously done and ensure that mitigation plantings for that clearing has been completed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


Lee Anne Chandler
Natural Resources Planner

cc: QC595-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 14, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Subdivision – Southeast Creek LLC
File #03-04-05-0003-C – Revision #2

Dear Ms. Spinelli:

Thank you for providing information on the above referenced major subdivision. The property is partially within the Critical Area with an RCA designation. The Critical Area portion of the property is approximately 100 acres. The Critical Area portion of the property is proposed to be subdivided into nine lots (through the use of TDRs), one of which already contains a dwelling and numerous farm buildings. Commission staff has reviewed the new information provided. As you know, we recently discussed the proposal and various issues at length in your office. Given many of the unknowns at this time, the comments below are made more generally and are subject to change with new information.

1. It is my understanding that a visit to the site is being arranged to conduct the jurisdictional determination and discuss the private/State wetland issue with MDE representatives. Please let me know when the site visit has been scheduled. As previously discussed, this issue will substantially affect the proposed subdivision.
2. Notwithstanding the above, additional detail in delineating the wetlands along the shoreline is needed to ensure the 100-foot Buffer is appropriately measured. Also, since non-tidal and tidal wetlands are separated in the resource protection table, they should be clearly delineated on the plat. If there are both State and private tidal wetlands, these will need to be identified separately as well.
3. It would be extremely helpful to have a table specific to the Critical Area lots. Ultimately, we have to ensure the density within the Critical Area matches up to the appropriate number of acres on-site plus the acreage protected by the TDRs (i.e., to ensure we can point to 180 acres of RCA supporting the 9 dwelling units). The table should include lots listed by number and the roads, acreage within the Critical Area

Ms. Helen Spinelli
January 14, 2005
Page 2

for each, allowable impervious coverage for each lot and overall. The lot and road acreage totals then can be cross-checked with the other site statistics.

4. On Sheet 7, the table in the upper left corner lists "total area in Critical Area for this subdivision" and "total area located within Critical Area." Please explain what the on-site numbers (23.466 and 58.868 respectively) are meant to represent.
5. Please note that there is a septic reserve area shown in the open space adjacent to Lot 27. Additional development would require an additional TDR.
6. It is our position that the slope cannot be accurately measured on Sheet 3 due to a lack of detail down to the landward boundary of tidal wetlands. We acknowledge the surveyor's opinion that all the steep slopes lie within the Buffer. However, adequate documentation supporting the opinion has not been provided.
7. Please provide a copy of the map locating the Heron colony provided by the Department of Natural Resources for our files.
8. The response to our previous concern that slopes on lots 25-27 exceeded the maximum for rooftop disconnect was confusing. On lot 27, the contributing slope will exceed 5% so it seems that a level spreader to ensure sheet flow is needed.
9. The landscape plan for the required Buffer establishment provides a mix of native trees and shrubs. The paragraph on Sheet L-1 explains that the proposal is a mix of deciduous and evergreen large trees, understory trees and shrubs. The Buffer landscape schedule does not include any evergreen species. Also, please split the landscape schedule into the three categories described on Sheet L-1.

Thank you for the opportunity to review this revision to this subdivision. Please keep me informed of any discussions or site visits in regard to the tidal wetland issue. If you have any questions or if I can be of assistance in arranging another site visit, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Doldon Moore, Wetlands Administrator
Stan Causey, MDE, Tidal Wetlands Division
QC329-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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January 14, 2005

Ms. Tanya Krista-Maenhardt
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Concept Plan – Downey Land Development
File# CP 04-04-12-0005(c)

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced concept plan. The applicant proposes to construct a condominium containing 10 dwelling units in two buildings on 14.91 acres within the Critical Area. The site is waterfront and is designated RCA.

The property was administratively subdivided in 1994. However, in order to determine the manner in which growth allocation for a project will be subtracted from the County's growth allocation acreage, the property must be considered as it existed on December 1, 1985. Please see page 21 of the County Critical Area Program under "Computing the Use of Growth Allocation," for the applicable guidelines. The 1994 administrative subdivision may effect the current proposal.

Notwithstanding the issue above, Commission staff has reviewed the information provided and we have the following comments:

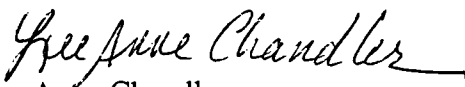
1. The project will require the use of growth allocation to change its designation to LDA. All LDA requirements must be addressed at the time of development. No clearing of trees within the Buffer is permitted. Any trees removed outside of the Buffer must be replaced at a minimum one to one ratio.
2. If the lots are reconfigured as currently proposed, the entire lot on which the condos are proposed (14.91 acres) must be included in the growth allocation request. Again, see page 21 of the Critical Area Program.

Ms. Tanya Krista-Maenhardt
January 14, 2005
Page 2 of 2

3. The project is subject to all requirements for Habitat Protection Areas, including the 100-foot Buffer. Disturbance within the Buffer is prohibited without a variance. Critical Area variances are subject to the strict standards set out in the County Critical Area Program and Chapter 526 of the 2004 Laws of Maryland. Variances from the Critical Area provisions are subject to the standard of "Unwarranted Hardship" which means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.
4. Extensive areas of tidal wetlands are shown on the site plan. It must be determined if the wetlands are State-owned (below MHW) or privately owned (above MHW) in order to determine the actual size of the parcels involved. This can be accomplished through a vegetative analysis, an elevation survey or a combination of both. State tidal wetlands cannot be considered part of the site area for any purpose unless they are shown to be private wetlands through a valid King's grant or land patent.
5. Further information on both the non-tidal and tidal wetlands would be extremely helpful in reviewing this project.
6. Commission staff would like the opportunity to visit the site early in the project design process. Ideally, this could occur at the same time as the site visit for the jurisdictional determination.
7. Section 14:1-76E of the County's Critical Area ordinance lists out minimum mandatory design standards for projects requiring growth allocation to be approved. It does not appear that the project can demonstrate that it meets or exceeds these standards.

Thank you for the opportunity to comment on this concept plan. If a site visit can be arranged or if you have any questions or concerns, please contact me at (410) 260-3477

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC971-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 11, 2005

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan – Full Tilt Marine
MASP #05-04-10-0004(C) – REVISION #2

Dear Mr. Cohoon:

Thank you for providing information on the above referenced major site plan. The applicant proposes to construct a boat showroom and service area as well as associated parking and stormwater management on a 4.574-acre property. The property is designated IDA and is Buffer Exempt. Commission staff has reviewed the information provided and we have the following comments:


1. Additional information is needed on the proposed gravel pavers. The site plan indicates detail for the gravel pavers is provided on Sheet 9, yet the detail is not provided. As indicated in the meeting that took place in mid-November, some pervious "credit" can be given for the pavers, if they are installed according to manufacturer's specifications and if soil conditions permit use of the pavers. Any perviousness claimed for the pavers should be supported and documented in the report and on the site plan sheets. For example, the square footage of the gravel paver area should be clearly indicated to clearly show how the impervious figures were calculated. Please note that the site statistics on Sheet 1 show total impervious as 3.402 acres.
2. In regard to stormwater management as shown on Sheet 4, section D-D does not appear to be consistent with the site plan for cell 1. For example, it shows a forebay elevation of 1.0 feet when no forebay is shown on the plan view. It is difficult to assess which direction the drainage will actually flow because there are no details for the pipes separating the different cells. It is not clear how runoff will reach each part of the stormwater system. Also, please note that the scale on Sheet 5 is not correct.
3. Again in regard to stormwater management, there appear to be some discrepancies in the stormwater calculations. In the stormwater quantity calculations, 4.57 acres is listed as the site area while the quality calculations use 4.473. Why are these not consistent? Also in

the quality calculations, WQv is computed to be 0.167 ac-ft in Step 1 but the summary lists it as 0.142 ac-ft with 0.156 provided. This should be checked.

4. In regard to the 10% requirement, treatment of off-site drainage with an on-site BMP can be acceptable. However, it must be demonstrated that the BMP is sized to accommodate the drainage from the additional 1.17 acres. The acreage used in the water quality calculations does not take the additional area into account.
5. Notwithstanding the above, plantings can be accepted to address small (less than 0.5 lbs) deficits in pollutant removal provided they are in addition to any required for other mitigation. When used for other projects, the planting rate is 105 trees or shrubs for every 0.5 lbs of Phosphorus. The plantings proposed are not sufficient to meet this planting rate.
6. Our other primary concern is mitigation for development within the Buffer. When calculating Buffer mitigation, any areas of the gravel pavers must be fully counted.
7. We recommend that the landscaping plan clearly show where the existing *Phragmites* is located and where control measures may be needed. This will affect the proposed plantings in the Buffer.
8. The landscape plan shows extensive areas of the setback being planted with native grasses. While we support use of warm season grasses in lieu of turf grass, additional woody vegetation would enhance the Buffer functions. Shrubs such as high tide bush, elderberry, sweetspire, blueberry, chokeberry and wax myrtle would be appropriate.
9. The landscape plan also shows extensive areas of *Sagittaria latifolia* and *Scirpus pungens* along the water near the bulkhead. These two species favor flooded areas and require regular inundation, which likely will not occur in the proposed location. The shrub species listed above along with flowering shrubs (Caroline Rose, Marsh Hibiscus) and other herbaceous plants (for example, Cardinal Flower, Bee Balm, Black-eyed Susan, Swamp Milkweed, Virginia Spiderwort and various Asters) are appropriate substitutes.

Thank you for the opportunity to review this site plan. Additional/revised information is needed before this project moves forward. Please forward the requested information when it is submitted. If you have any questions, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC568-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 11, 2005

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Concept Plan – RVG Management (David C. Bell Property)
File# CP 04-04-12-0006(c)

Dear Mr. Cohoon:

Thank you for providing information on the above referenced concept plan. The applicant proposes to construct a new shopping center anchored by a grocery store on 14.5 acres partially located within the Critical Area designated LDA. Commission staff has reviewed the information provided and we have the following comments:

1. The project will require the use of growth allocation to change its designation to IDA. All IDA requirements must be addressed at the time of development.
2. The applicant should be made aware of the difficulty in meeting the 10% pollutant reduction requirement on site when impervious coverage exceeds 62% of the site (i.e., BMPs in a series or treatment of off-site runoff may be needed).
3. The Critical Area line shown on the site plan is only 930 feet from tidal wetlands as they appear on the 1972 Wetland maps and the County's Critical Area maps. The acreage figures for the project will need to be revised.
4. Impacts to non-tidal wetlands and their buffers should be avoided if at all possible. We recommend shifting some of the parking to the out-parcel so direct impacts (both permanent and temporary) to the non-tidal wetlands can be avoided.
5. The Critical Area environmental assessment report indicates the presence of an intermittent stream on the property. The stream requires a minimum 100-foot Buffer. These should both be shown on the site plan.

Mr. Steve Cohoon

January 11, 2005

Page 2 of 2

6. Commission staff would like the opportunity to visit the site early in the project design process. Ideally, this could occur at the same time as the site visit for the jurisdictional determination.

Thank you for the opportunity to comment on this concept plan. If a site visit can be arranged or if you have any questions or concerns, please contact me at (410) 260-3477

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC962-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 10, 2005

Ms. Cathy Maxwell
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Conditional Use – St. Christopher's Church
Case #120007

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting approval of an addition to an existing church as a conditional use. The property is 9.8 acres in size with approximately 1/3 of the property within the Critical Area designated LDA. Because no disturbance is proposed within the Critical Area portion of the property, this office has no comment on this conditional use request.

Thank you for the opportunity to review this request.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC970-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 10, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Seaside Retreat Condominium (P & Z file 1882)
BUILDING PERMIT PLANS

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a 30-unit condominium on a 0.74-acre parcel. The site is currently developed with a building and parking lot.

Commission staff has reviewed the information provided. The 10% requirement is adequately addressed by the proposed reduction in impervious surface and the infiltration trench. In regard to the 15% afforestation requirement, it appears that the applicant is proposing to meet this requirement through heavily planting approximately 11.6 % of the site on ground level and utilizing 1400 square feet of the roof as an additional planted area. We discussed this project in the beginning days of implementing the Town's Critical Area Program and agreed to accept a green roof for this project to meet the afforestation requirement. Given the heavy planting on the ground and the supplemental plantings on the roof, the project meets the intent of the Town's Critical Area Program.

Thank you for the opportunity to review and comment on this application. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC31-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 10, 2005

Ms. Helen Spinelli
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Minor Site Plan - Appletree Custom Homes
File #04-04-12-0008-C

Dear Ms. Spinelli:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to demolish an existing two-unit building and construct a three-unit condominium building with associated parking on a 0.451-acre parcel. The property is waterfront and Buffer Exempt. The Critical Area maps show it as partially LDA (including some tidal wetlands) and partially IDA. Commission staff has reviewed the information provided and we have the following comments:

1. The site statistics should reflect the split Critical Area designation between IDA and LDA.
2. It appears that the property lines shown on the site plan are based on the deed and a field survey. To accurately measure the 100-foot setback and assess the impacts within the Buffer, the landward boundary of tidal wetlands should be clearly identified. Measuring setbacks to the centerline of the tidal ditch is not appropriate.
3. Section 14-153 of the County's ordinance sets out the development standards for BEAs. It states that redevelopment shall minimize the shoreward extent of intrusion into the BEA and shall not exceed the shoreward extent of existing structures located on the property. As shown on the site plan, the new patio is only four feet from the edge of the ditch. Any expansion in the development footprint on this property should be located away from the ditch and Piney Creek. A variance should be required to place new impervious structures so close to the water.



Ms. Helen Spinelli
January 10, 2005
Page 2

4. Comment #3 above applies to stormwater management devices as well as impervious surface. While the proposed wet swale meets the removal requirement, it is located at the edge of the tidal ditch. The ditch with its direct connection to Piney Creek, should be protected as any other wetland or water body. We recommend that the swale/rain garden be moved to the northeast side of the building. Alternatively, the building could be shifted further away from the water, leaving room for stormwater management within the area on the site that is already developed.

A site visit would be useful to determine if there are any other unusual circumstances on this property. Please contact me if a site visit can be arranged. I can be reached at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC504-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 6, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Mariner’s Watch, 2101 Philadelphia Avenue

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a 23-unit condominium on a 25,000 square foot non-waterfront property.

Commission staff reviewed the information provided. It appears that the 10% requirement will be addressed through the reduction in impervious cover and the pervious pavers. Also, it appears that the 15% afforestation requirement will be adequately addressed on site. However, the applicant may want to consider using a different species of ornamental trees. (Bradford pears have been displacing native fruit trees through cross-pollination and are rampantly spreading.) Possible replacements include serviceberry, black haw and red chokeberry. Otherwise, the project appears consistent with the Town’s Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC965-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Francis Purnell, 1556 Teal Drive

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a dwelling on a 13,678 square foot lot. The lot is waterfront with a fifteen-foot setback.

Commission staff reviewed the information provided. It appears that the 10% requirement will be adequately addressed by the swales and raingardens. However, Buffer mitigation has not been adequately addressed. First, any trees or shrubs removed within the Buffer must be replaced on an equal basis. Second, existing vegetation, while it can count toward the 15% afforestation requirement, cannot count toward the 2% cost of construction planting requirement. New plantings are needed to address the new impacts to the Buffer. There appears to be available room on the property to provide more substantial planting on site.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC966-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 5, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Mark Warehime, 10624 Pine Needle Road

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to replace a dwelling on a 5,620 square foot lot. The lot is waterfront with a fifteen-foot setback.

Commission staff reviewed the information provided. It appears that the 10% requirement will be adequately addressed by the swales and raingarden. Similarly, the Buffer mitigation requirement will be addressed with some on-site plantings and some fees-in-lieu. However, it is not clear how much of the mitigation will be located within the setback. Also, the site plan shows a 5-foot wide wood deck along the waterfront side of the dwelling while the landscaping plan shows the deck up to the bulkhead. This should be clarified. Otherwise, the project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC967-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 5, 2005

Mr. Blaine Smith, Zoning Administrator
Town of Ocean City
PO Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – David Sparks, 116 Winter Harbor Road

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct an addition on an existing dwelling on a 5,985 square foot lot. The lot is waterfront with a fifteen-foot setback.

Commission staff reviewed the information provided. It appears that the 10% requirement will be addressed through the swale and raingarden. Also, it appears that the Buffer mitigation requirement will be addressed through on-site landscaping. Provided that at least 15% of the lot contains woody vegetation, the project appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: OC938-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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January 5, 2005

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Variance Case No. 91523, Barry Krisko

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit disturbance within the 25-foot BMA setback for construction of a new dwelling on a currently vacant lot. The property is 11,250 square feet in size and is currently undeveloped. The property is designated IDA and is within Buffer Management Area Group C.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. However, impacts must be minimized and the variance requested must be the minimum to provide relief. We recognize that the lot has an approved hookup for public sewer and that a previous variance on the property granted a front building restriction line variance of 18 feet.

In December 2004, the Applicant requested a variance to reduce the Critical Area setback from the tidal wetlands to 3.2 feet for construction of a dwelling. The Applicant has re-applied, requesting both a variance to reduce the side yard setback to 3.3 feet (moving away from the wetlands) and also a variance to reduce the Critical Area setback to a minimum of 10.5 feet. The proposed footprint within the setback area was originally 1243 square feet. It has been reduced to 561 square feet.

Based on a review of the information provided, it appears that the applicant has worked to significantly reduce the proposed impacts while still gaining the desired use of the property. We do not oppose the variance associated with the site plan dated January 4, 2005. The setback between the house and the wetlands varies from 10.5 feet (where the lot is most narrow) to 20 feet. There has been a substantial reduction in the impacts to the setback and an increase in the opportunity to address mitigation on-site between the development and the wetlands. We support the use of pervious pavers for the driveway and building the deck to

Ms. Stacey Weisner
January 5, 2005
Page 2

Critical Area standards to ensure it remains pervious. As much mitigation as possible should be placed on site with an emphasis on wetland/salt tolerant species such as Arrowwood, Groundsel Bush, Wax Myrtle, Northern Bayberry, and Eastern red cedar.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the official record in this case. Also, please notify the Commission in writing of the Board's decision.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Chandler". The signature is written in black ink and has a long, sweeping horizontal line extending to the right from the end of the name.

Lee Anne Chandler
Natural Resources Planner

cc: WC771-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 4, 2005

Ms. Stacey Weisner
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

VIA FACSIMILE

**RE: Minor Site Plan – Monogram Townhouse Condominiums, TM 27, P 211, 213
PLANNING COMMISSION SUBMITTAL**

Dear Ms. Weisner:

Thank you for providing the most recent submittal on the above referenced minor site plan. The applicant proposes to construct a 4-unit condominium building on a 0.72-acre parcel. The property is not waterfront and is designated IDA. I have reviewed the information provided and I have the following comments:

1. It appears that the 15% afforestation requirement can be addressed with the proposed on-site landscaping.
2. In regard to stormwater management, the applicant is indicating that they are using the grass channel credit in lieu of a best management practice in terms of meeting the 10% requirement. The proposed grass channel may be considered a means of conveying runoff and providing pre-treatment for the runoff entering the pocket pond. However, it may not appropriate to use the credit to "erase" all of the impervious cover on the site. Stormwater data and supporting documentation is needed to ensure the maximum flow is within the limits set out in the MDE Stormwater Manual. The rooftop or non-rooftop disconnect credit may be more appropriate if the project can meet the specifications. If the proposal does not meet the criteria for the grass channel credit, the 10% calculations should be submitted with 23% as the pre-development impervious and 35% as the post-development impervious. The selected best management practice must be designed in accordance with MDE's specifications.
3. We recommend that the stormwater pond include landscaping as specified in the MDE stormwater manual. Such landscaping improves the appearance of the pond aesthetically and improves the function of the pond in terms of water quality and habitat.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WC881-04

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



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 3, 2005

Ms. Stacey Weisner
Worcester Co. – Dev. Review & Permitting
One West Market St. – Room 1201
Snow Hill, MD 21863

VIA FACSIMILE

RE: Site Plan – Seaside Village Residential Planned Community
REVISED STEP II PLAN - Comments for TRC on January 5, 2004

Dear Ms. Weisner:

Thank you for providing the revised site plan for the above referenced project. Based on the revised "Site Layout" Plan, the applicant proposes the establishment of a residential planned community consisting of a mix of 137 residential units and associated amenities. The property is designated IDA and has two Buffer Management Area designations. The required setback around the existing marina is 15 feet while the setback in the dredge disposal area is 50 feet. With the understanding that the site plan will be resubmitted with much greater detail in the next step, please take note of the following Critical Area requirements that must be addressed:

1. New calculations and accompanying stormwater plans (including drainage area maps) need to demonstrate compliance with the 10% pollutant reduction requirement.
2. The 10-foot wide paved walkway (wholly within the Buffer) should be replaced with a pervious walkway of a moderate width. While we recognize that there is existing compacted ground along its proposed path, paving it is not essential to the project.
3. While we recognize that additional detail will be provided in the next step of the review process, the preliminary landscaping plan is inadequate in terms of providing evidence that the 15% afforestation requirement will be addressed on site as well as how the mitigation requirements of the County's Buffer Management Area Plan will be addressed. As indicated previously, a new landscaping plan and Buffer Management Plan must be provided. They must demonstrate compliance with the 15% afforestation and mitigation requirements as provided in the County's Critical Area Program. Specific attention should be paid to the requirements for a bufferyard as required by Section IX(C) of the County's Buffer Management Area Program. The intent of the bufferyard (a specific extra mitigation requirement for commercial, industrial, or multi-family development within BMAs) is to provide a heavily vegetated filter strip to offset the

Ms. Stacey Weisner
January 3, 2005
Page 2

intense development allowed to occur on the site and within the 100-foot Buffer. Please note that this is in addition to mitigation required under Section IX(B)(1). Plantings should consist of a mix of trees and shrubs and should be primarily native species.

Thank you for the opportunity to review and comment on this revision of this project. If you have any questions regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WC758-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

January 3, 2005

Ms. Stacey Weisner
Worcester Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

VIA FACSIMILE

RE: Preliminary Plat – Grand View Farm (Plans dated 12/15/04)

Dear Ms. Weisner:

Thank you for providing the revised plans for the above referenced subdivision. The applicants now propose to subdivide a property into 62 residential lots. Five lots are proposed within the Critical Area portion of the site. Commission staff has reviewed the information provided and we have the following comments:

1. A Critical Area Environmental Report is needed and it should include documentation from the Maryland Department of Natural Resources (DNR) in regard to any Habitat Protection Areas that may be on or in the vicinity of the site. Also, because there is a designated Wetland of Special State Concern in the vicinity, further discussion with Mr. Steve Dawson of the Maryland Department of the Environment and DNR's Eastern Region Ecologist, Mr. Scott Smith, may be needed. Depending upon the species inhabiting the WSSC, stormwater runoff may cause adverse impacts.
2. The "Tract Areas" table on Sheet 1 lists the total gross acreage as 170.66 as compared to the 170.55 used previously (and still used on the Critical Areas plan).
3. An impervious surface table showing permitted amounts of impervious cover for each Critical Area lot is needed on the plat.
4. On the "Preliminary Critical Areas Plan," the site data appears incomplete and the acreage numbers do not make sense. When added together with the tidal wetland acreages listed on the plat, the Critical Area portion of the site totals only 90 acres. These numbers should be verified and revised as necessary.
5. The Critical Area plan should indicate where all required afforestation will be provided. There are two areas designated for "non Critical Area reforestation" within

Ms. Stacey Weisner
January 3, 2005
Page 2 of 2

the Critical Area. If these areas are to count towards the minimum 15% forest cover, the plan should say so. An afforestation/Buffer Management Plan is needed.

6. On the Critical Area Plan, the table listing out the Critical Area Buffer afforestation areas does not match what is shown graphically on the plan.
7. Given the shallow depths and lack of boating opportunities on Paw Paw Creek, the applicant may want to consider establishing a community pier for fishing, crabbing or launching of canoes rather than individual piers on the Critical Area lots.

Thank you for the opportunity to comment on this site plan. Please forward revised plans for further review if the project moves forward. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Steve Dawson, MDE
Scott Smith, DNR
WC660-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 3, 2005

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

RE: Concept Plan – Matapeake Middle School

Dear Mr. Cohoon:

Thank you for providing the conceptual plans for the Matapeake Middle School. The Board of Education of Queen Anne's County proposes to construct a middle school on a portion of an approximately 40 acre site that is partially within the Critical Area. The Critical Area designation of 9.295 acres is Limited Development Area. Commission staff has reviewed the information provided, as well as the file on the recently built Matapeake Elementary School, and we have the following comments:

1. Prior to further development of this site with another school, additional information is needed on the elementary school, associated fields, parking lots and stormwater facilities. As indicated in an e-mail that I sent to you in June 2004 (attached), it came to our attention that the development of the Critical Area portion of the site was ultimately different than what appeared on the final site plan. Stormwater facilities were located where Critical Area mitigation was to be located and additional ballfields and possibly parking were added. These issues need to be discussed and resolved prior to moving forward with further site development.
2. The impervious surface limit for the Critical Area portion of the school site (i.e., only Parcel 49) is 1.394 acres. Total proposed impervious area within the Critical Area portion of the site should be definitively quantified and should include all eventual improvements. As you are aware, the Critical Area portion of the site is strictly limited to 15% impervious area. Any increase beyond 15% would require a conditional approval from the Critical Area Commission in accordance with the criteria set out in COMAR 27.02.06.
3. The existing impervious surface listed on Sheet C1.1 is 0.588 acres. This seems low when considering the road, the parking associated with the football field, and the existing

TTY For the Deaf

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



Mr. Steve Cohoon
January 3, 2005
Page 2

house. The elementary school plans indicated that the house would be removed while these plans indicate the house and associated structures will remain. Please explain.

4. At least 1.394 acres of the Critical Area portion of the site must be afforested. Please explain how and where this will be accomplished.

Thank you for the opportunity to comment on this concept plan. Again, as indicated in Comment #1 above, Critical Area issues remaining from construction of the elementary school must be resolved prior to further development of this site. Please contact me if you have any questions or concerns regarding these comments. I can be reached at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Cc: QC908-04

Chandler, LeeAnne

From: Chandler, LeeAnne
Sent: Thursday, June 24, 2004 3:21 PM
To: 'schoon@qac.org'
Cc: Esslinger, Regina
Subject: Matapeake Elementary issues

It has come to my attention that the development within the Critical Area portion of the site for the elementary school is different than what appeared on the final site plan. Apparently small stormwater ponds are located where the Critical Area mitigation was to be located. Also, there were additional ballfields and possible parking added. The last site plan in our file showed the Critical Area portion of the site at 15% impervious. Exceeding the 15% needs a conditional approval from the Critical Area Commission.

Steve - can you please look into this and see what can be done? Are as-builts for the site available? Please let me know when you have a chance. Thanks.

LeeAnne Chandler
Natural Resources Planner
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401
(410) 260-3477
(410) 974-5338 (fax)

Tracking:

Recipient

Read

'schoon@qac.org'
Esslinger, Regina

Read: 6/29/2004 9:19 AM

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 27, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: St. George's Peninsulas at Piney Point
Lot 500-1
#05-141-026

Dear Mr. Kalmus:

I have reviewed the boundary line adjustment proposal to add 4.4961 acres to existing Lot 1 from the Density Reservation Parcel. Lot 500-1 will be 9.7368 acres and is designated RCA. The Density Reservation Parcel will be 44.7966 acres and is also designated RCA. I have the following comments.

I can find no record that this office received and reviewed the subdivision that created Lots 1-5 and the Density Reservation Parcel, as required by COMAR 27.03.01.02. Please provide a copy of the plats and documentation that this office received this subdivision. Without this previous subdivision plan I am not able to fully review this proposal.

The previous files in our records for St. George's Peninsulas at Piney Point (03-120-027 - Lots 6-11 and sketch plan showing 65 lots) contain conflicting information about the Critical Area acreage. One plan indicates there are 320.6089 acres in the Critical Area and 8.55 acres of tidal wetlands. What is not clear is if these tidal wetlands are State tidal wetlands or private tidal wetlands. State tidal wetlands cannot be included in density calculations. Without this information and documentation regarding the number of lots recorded to date I cannot verify the number of allowable lots in the Critical Area.

It appears that the Density Reservation Parcel is the area proposed for the sanitary facility serving the lots outside the Critical Area. If indeed this Density Reservation Parcel was created with Lots 1-5 to address the Critical Area density provisions, this parcel cannot now be used for other development purposes without growth allocation. Without more information, we have serious concerns about the reconfiguration of the Density Reservation Parcel.

Mr. Kalmus
April 27, 2005
Page Two

Thank you for the opportunity to review this proposal. This office will provide additional comments once we receive the requested information. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Regina A. Esslinger". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Ren Serey
SM238-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 15, 2005

Ms. April Bahner
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Allen Variance
#03-1098

Dear Ms. Bahner:

April:

I have reviewed the variance application to build a new dwelling almost entirely within the 100-foot Buffer. 5517 square feet of impervious surface are proposed, with 14,263 square feet of clearing. The application does not distinguish how much of this is within the Buffer. This office does not oppose the variance; however, it appears the dwelling could be moved forward on the lot 30 feet up to the 25 foot building reserve line to move a about half of the house out of the Buffer and greatly reduce the amount of Buffer disturbance and forest clearing. We recommend that Buffer plantings be provided in accordance with the County's Critical Area provisions.

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

Sincerely,

A handwritten signature in black ink that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM190-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 1, 2005

Ms. April Bahner
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: Cain Property, St. Mary's Beach
#05-0624

Dear Ms. Bahner:

I have reviewed the variance application to build a house, retaining wall, and septic within the expanded Buffer on steep slopes on a grandfathered lot. The application also includes a variance request to clear 53% of the lot. The fully wooded lot contains steep slopes along the road and the far end, with a small flatter area in the center of the lot. The septic system is proposed in this flat area, and the house is proposed between the septic and the road. The house is set back 40 feet from the road and is modestly sized.

While this office does not oppose the variances, it appears there may be an opportunity to minimize clearing by moving the house closer to the road. We recommend all mitigation be in accordance with the County's provisions.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM206-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 31, 2005

Ms. Colleen Bonnel
P O Box 1
Leonardtown, MD 20650

RE: Case #27-05

Dear Ms. Bonnel: *Colleen:*

I have received the building permit plat for the Dorsey property to add onto an existing dwelling. I have the following comments.

It appears the 100-foot Buffer has not been properly expanded for steep slopes on the northeastern corner of the site. A portion of the proposed addition will fall within this expanded area; therefore, the addition will need a Buffer variance.

Conflicting information is provided regarding the site and acreage. Lot lines are shown running through the middle of the existing pool and the acreage is given as 0.499 acres. The plat references both Parcel 349 and lots 64, 65, and part of lot 63. However, the tax maps indicate the site, referenced as Parcel 349, is 1.04 acres and includes lots 66, 67, and 68. This portion of the site contains half the pool, a tennis court, a gazebo, and a pier. The entire 1.04 parcel should be included in the site plan and all improvements included in the impervious surface calculations. Without this information I cannot tell if the proposal will meet the impervious surface limit. The Buffer must be shown as well.

If subdivision is proposed at a future date, all Critical Area information must be provided for both portions of the site.

The plat indicates there are ten trees on site and 1 tree will be cleared for the addition. No information is provided regarding replacement.

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

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

cc: William Higgs
LE 199-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: William and Audrey Sento BLAP
#05-141-021

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between Parcel 168A and Parcel 168B. Parcel 168A (shown as Lot 4 on the October 2004 variance application) will increase from 0.67 acres to 0.92 acres, while Parcel 168B will decrease from 0.81 acres to 0.57 acres. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM207-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Indiantown Farm Subdivision, Lot 2
#05-110-018

Dear Mr. Kalmus:

I have reviewed the site plan to create Lot 2 from an 893 acre parcel. Lot 2 is 20.0 acres, is designated RCA, and contains nontidal wetlands, steep slopes, and hydric soils. I have the following comments.

No information was provided as to how much of the original parcel is in the Critical Area. Without this, I am unable to determine how many lots can be permitted in the RCA. We requested this same information when Lot 1 was proposed. Please have the applicant provide this information so we can verify that Lot 2 can be created and determine remaining Critical Area development rights.

It appears the expanded Buffer has been mapped correctly based on the County's policy for hydric soils. Please note that when agricultural use is converted to residential use, the Buffer shall be established in forest vegetation. The applicant must address this.

Thank you for the opportunity to review this subdivision. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM157-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Cryer Subdivision
#05-110-021

Dear Mr. Kalmus:

I have reviewed the proposal to create 3 lots and an outparcel from Lot 500-1. Lot 500-1 is 37.28 acres, with 17.73 acres in the Critical Area. Within the Critical Area portion of the existing lot is a single family dwelling and facilities; it is designated LDA. The site contains the expanded Buffer and wetlands. No subdivision is proposed within the Critical Area portion of the site. This office has no comments on the subdivision.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM158-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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March 22, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: St. Jeromes Branch
#04-110-022

Dear Mr. Kalmus:

I have reviewed the proposal to create 3 lots from Parcels 258 and 247. Parcel 258 is currently about 28,000 square feet and is designated LDA. Parcel 247 is 73 acres, with about 55 acres in the Critical Area, and is designated RCA. Under this proposal Parcel 258 would be adjusted to contain 17.362 acres and both LDA and RCA. Lots 1 and 2 would be all RCA. The site contains the 100-foot Buffer, steep slopes, a stream, and a small portion of a Bald Eagle nest protection zone 3. I have the following comments.

As proposed, this subdivision will need growth allocation. Based on the RCA acreage, two dwellings are permitted in the RCA portion of the Critical Area. Any development on Parcel 258 must be within the LDA if growth allocation is not obtained. The site plan shows three septic reserve areas in the RCA. If the applicant pursues growth allocation, this office will have additional comments.

General Note #23 refers to existing non-conforming structures on Parcel 258. These structures should be shown on the site plan.

The site plan indicates there are 6288 square feet of impervious surface on site and 6288 square feet of impervious surface proposed. Please clarify if these figures refer to Grayfox Way and the non-conforming structures on Parcel 258. No clearing is proposed but it appears it may be necessary for road widening. Reforestation must be addressed if there is any clearing.

With subdivision the Buffer must be fully established in forest vegetation. There are portions of the Buffer that are not currently fully forested.

Mr. Kalmus
March 22, 2005
Page Two

One pier is shown on Adjusted Parcel 258. Please indicate whether this pier exists and whether a community pier or private piers are proposed.

A letter from the Department of Natural Resources Heritage Division must be obtained, verifying that there are no impacts to any rare, threatened, or endangered species and addressing the Bald Eagle protection zone.

Thank you for the opportunity to review this proposal. Please forward any revised plans you receive and this office will provide additional comments. Please call me if you have any questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM159-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 21, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Bashford Manor Resubdivision
#05-110-017

Dear Mr. Kalmus:

I have reviewed the proposal to subdivide Lot 4 into Lots 500-4A and 500-4B under the intrafamily transfer provisions. The site is 11.89 acres, is in the RCA, and contains the 100-foot Buffer. I have the following comments.

The transmittal sheet indicates this subdivision is proposed as an intrafamily transfer, but no plat notes or other information is provided to verify this. As this lot is in the RCA, it cannot be subdivided except through the intrafamily transfer process. It appears this lot was created in 1979 and is therefore eligible to use the intrafamily transfer provisions if it is transferred to an eligible family member. A note must be provided on the plat stating that it is an intrafamily transfer, providing the name of the recipient, and referencing the provisions in the Natural Resources Article, 8-1808.2

The site plan shows the same legend for the Critical Area Buffer and the Expanded Buffer, yet neither matches the line on the drawing. The site plan also shows the soils are hydric. It is not clear if the 150-foot Water Quality Protection Buffer is intended to be the Expanded Buffer.

The site plan refers to existing impervious surface in the 100-foot Buffer under Critical Area note #5. No impervious area is shown on the site plan in the Buffer. The site plan shows the dwelling and associated facilities on Lot 500-4B as proposed; a portion of the dwelling and the septic reserve area are shown within the 150-foot Water Quality Protection Buffer. Please clarify.


A letter from the Department of Natural Resources Heritage Division must be obtained, verifying that there are no impacts to any rare, threatened, or endangered species, before final approvals are granted.

Mr. Kalmus
March 21, 2005
Page Two

Finally, the site plan states the site is in the LDA and labels the street as Donna Drive. The site is in the RCA and the street is Bashford Lane. These errors must be corrected.

Thank you for the opportunity to review this subdivision. Please call me if you have any questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM84-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 17, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Bashford Manor Resubdivision
#05-110-017

Dear Mr. Kalmus:

I have reviewed the proposal to subdivide Lot 4 into Lots 500-4A and 500-4B under the intrafamily transfer provisions. The site is 11.89 acres, is in the RCA, and contains the 100-foot Buffer. I have the following comments.

The transmittal sheet indicates this subdivision is proposed as an intrafamily transfer, but no plat notes or other information is provided to verify this. As this lot is in the RCA, it cannot be subdivided except through the intrafamily transfer process. It appears this lot was created in 1979 and is therefore eligible to use the intrafamily transfer provisions if it is transferred to an eligible family member. A note must be provided on the plat stating that it is an intrafamily transfer, providing the name of the recipient, and referencing the provisions in the Natural Resources Article, §8-1808.2.

The site plan shows the same legend for the Critical Area Buffer and the Expanded Buffer, yet neither matches the line on the drawing. The site plan also shows the soils are hydric. It is not clear if the 150-foot Water Quality Protection Buffer is intended to be the Expanded Buffer. No "Expanded Buffer" is shown.

The site plan refers to existing impervious surface in the 100-foot Buffer under Critical Area note #5. No impervious area is shown on the site plan in the Buffer. The site plan shows the dwelling and associated facilities on Lot 500-4B as proposed; a portion of the dwelling and the septic reserve area are shown within the 150-foot Water Quality Protection Buffer. Please clarify.

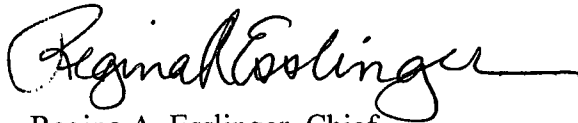
Mr. Kalmus
March 17, 2005
Page Two

A letter from the Department of Natural Resources Heritage Division must be obtained, verifying that there are no impacts to any rare, threatened, or endangered species, before final approvals are granted.

Finally, the site plan states the site is in the LDA and labels the street as Donna Drive. The site is in the RCA and the street is Bashford Lane. Please have the consultant correct these errors.

Thank you for the opportunity to review this subdivision. Please call me if you have any questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM84-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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March 16, 2005

Ms. Susan Mahoney
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Lot 4, Seaside Manor Variance
#05-0228

Dear Ms. Mahoney:

I have reviewed the variance application to build a new dwelling partially within the expanded Buffer and to place a septic system within the expanded Buffer. The impervious surfaces will remain below the limit and 22.1% clearing is proposed. While this office does not oppose development on this site due to the site constraints, it appears the house could be moved slightly forward towards the road to eliminate the encroachment into the expanded Buffer. There is not room on the lot to move the septic system out of the expanded Buffer. The cover sheet indicates that 26, 530 square feet of plantings are proposed, but no information is provided as to where this will occur. The site is currently completely forested.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM153-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

March 16, 2005

Ms. April Bahner
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Mitchell Variance, Riverwood Farms
#05-0431

Dear Ms. Bahner: *April*

I have reviewed the variance application make the following changes to an existing house in the expanded Buffer: put a 576 square foot addition over an existing covered wood deck, add a sunroom and deck, expand the garage by 4 feet, and replace a circular driveway with a straight driveway. The site plan does not show the extent of the expanded Buffer, so it is not clear if all of these proposed improvements will fall within the expanded Buffer. Impervious surfaces are within allowable limits; 1784 square feet of forest plantings are proposed. This office does not oppose the variance; however, we recommend that Buffer plantings be provided, on site if possible, at a 3:1 ratio for the area of disturbance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM136-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 16, 2005

Ms. April Bahner
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Galioto Variance
#05-3084

Dear Ms. Bahner:

I have reviewed the variance application to put a 536 square foot addition and a 72 square foot deck partially within the 100-foot Buffer on an existing house. This office does not oppose the variance; however, we recommend that Buffer plantings be provided, on site if possible, at a 3:1 ratio for the area of disturbance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM186-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 16, 2005

Ms. April Bahner
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Ronald M and Sheryl S. Shields Variance
#03-0573

Dear Ms. Bahner: *April:*

I have reviewed the variance application to retain an after-the-fact 4-foot wide walkway in the 100-foot Buffer. The County's regulations, in 71.9.8.j, specify that a 3-foot wide walkway can be permitted in the Buffer; therefore the applicant is asking to be able to retain the additional width the length of the path. The variance request states that removing a portion of the walk will cause significant disturbance to the Buffer and negatively impact water quality. This office opposes this variance request. Any disturbance caused by removing a portion of the walkway will be temporary; the removal of impervious surface in the 100-foot Buffer will ultimately provide for more infiltration in the Buffer and reduced runoff going into Deep Creek. We recommend that this area be revegetated once the walkway has been removed.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM152-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 11, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Recompense Farm BLAP
#05-141-017

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between Lot 500-3 and Parcel 91. The site plan shows Lot 500-3 as 20.782 acres, but the Critical Area notes indicate 66.55 acres are in the Critical Area and the total site area is 74.7 acres. The applicant should clarify the correct acreage for the lot. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM154-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 11, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: St. Clements Shores BLAP, Lot 500-8
#05-141-019

Dear Mr. Kalmus:

I have reviewed the proposal to combine lots 8, 9, and 10 into Lot 500-8. The new lot will be 0.191 acres and is developed with a dwelling in the Buffer. No new development is proposed. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM156-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 8, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Cobrum BLAP
#05-141-015

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between farmstead 500-1A and Lot 500-1. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM617-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 24, 2005

Mr. David Manning
Engineer, Southern Region
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Point Lookout State Park
Waterline and Valve Replacement
P-065-052-010

Dear Mr. Manning:

I have received your February 17, 2005 letter regarding the waterline and valve replacement proposal at Point Lookout State Park. After reviewing the proposal, I have determined that this project does not need formal Critical Area Commission approval. However, if any changes to the plans occur, please forward them to us so we can ensure that they comply with our regulations.

Thank you for the opportunity to review this proposal.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: 15-05 DNR

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Ren Serey
Executive Director

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February 24, 2005

Ms. Karen Houtman
Dorchester County Planning & Zoning Office
P O Box 107
Cambridge, Maryland 21613

RE: Highway Department Consistency Reports
Wingate Proposals

Dear Ms. Houtman: *Karen:*

Thank you for providing the consistency reports for the County Highway Department's proposals to install pipes in two roadside ditches in Wingate. This office concurs with your determination that the projects are consistent with the County's Critical Area Program.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: DC111-05
DC110-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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February 24, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Moran Confirmatory Plat
#05-142-002

Dear Mr. Kalmus:

I have reviewed the confirmatory plat for the Moran property. There are no Habitat Protection Areas shown. This office does not oppose this proposal.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM109-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 24, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Oakwood Lodge, Parcels 288/205 BLAP
#05-141-014

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property line between Parcel 288 and Parcel 205. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM108-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 22, 2005

Mr. Mark Kalmus
Department of Land Use and Growth
Management
23150 Leonard Hall Drive, P O Box 653
Leonardtown, Maryland 20650

RE: Javald BLAP
#04-141-058

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between parcels 1, 2, 3, and 10. This office does not oppose the boundary line adjustment. Please note that the Buffer is not shown on the plan and will need to be established before any development occurs.

Thank you for the opportunity to review this proposal. I apologize for our late response. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd
cc: SM920-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 22, 2005

Mr. Mark Kalmus
Department of Land Use and Growth
Management
23150 Leonard Hall Drive, P O Box 653
Leonardtown, Maryland 20650

RE: Drury and Bell BLAP
#04-141-075

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between parcels 64 and 188. This office does not oppose the boundary line adjustment.

Please note that the Buffer is shown only along the Potomac River and not also from the tidal wetlands and stream, as required. The plan does not indicate whether the pond is tidal; if so, a Buffer is required.

The plan shows "tidal wetlands" but does not indicate if they are State or private tidal wetlands. State tidal wetlands cannot be included within the metes and bounds of the property or used for density calculations.

Thank you for the opportunity to review this proposal. I apologize for our late response. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM921-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

February 22, 2005

Mr. Mark Kalmus
Department of Land Use and Growth
Management
23150 Leonard Hall Drive, P O Box 653
Leonardtown, Maryland 20650

RE: Ridgell Estates
#04-110-113

Dear Mr. Kalmus:

I have reviewed the proposal to subdivide an existing parcel with a dwelling into two residential lots under the intrafamily transfer provisions. The site is 9.34 acres, is in the RCA, and contains the 100-foot Buffer. A letter from the Department of Natural Resources Heritage Division must be obtained, verifying that there are no impacts to any rare, threatened, or endangered species, before final approvals are granted.

Thank you for the opportunity to review this proposal. I apologize for our late response. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM918-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 15, 2005

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

RE: Paolucci/O'Keefe variance

Dear Mr. ~~Dodd~~: *Steve*:

I have reviewed the variance application to build two additions, totaling 451 square feet, onto an existing dwelling in the 100-foot Buffer. The application also includes an after-the-fact Buffer variance for a 192 square foot porch. A portion of the larger addition will be constructed over the existing driveway.

This office does not oppose the variance. We recommend that the applicant provide mitigation for all Buffer disturbance at a 3:1 ratio using native plantings, on site in the Buffer.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: DC26-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 15, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Esparanza Farms, Lots 23, 24 BLAP
#04-141-001

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property line between Lots 500-23 and 500-24. Lot 550-24 will increase in size by 0.1317 acres, and Lot 500-23 will be decreased by the same amount. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM95-05

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

TO: Roland Limpert

FROM: Regina Esslinger



RE: Fred Schaefer, Island Creek
Dorchester County
Tracking #200562031

DATE: February 15, 2005

I have reviewed the proposal to reestablish a gravel drive and gravel campsite on Parcel 25 by clearing trees, filling nontidal wetlands and associated buffer, and adding gravel. The site is partially in the Critical Area. The Permit Application Tracking Form indicates the site contains a rare/threatened/endangered species and is within a Wetland of Special State Concern. At this time I do not have any additional information on these items. While this office would not oppose reestablishing a drive and campsite, I am unable to determine whether any specific protection measures for the species and WSSC are necessary. Any clearing of trees on site will necessitate replacement under Dorchester County's Critical Area regulations.

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

cc: Karen Houtman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 11, 2005

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

RE: Donald Willy variance

Dear Mr. Dodd: *Steve:*

I have reviewed the variance application to exceed the impervious surface limit and the special exception application to have a home occupation. The parcel is currently developed with a house, a separate garage, a shed, and another building not labeled on the site plan. The proposal includes a new dwelling with new driveway, an addition and a pole barn addition to the other building as well as new driveway to this building. The existing garage and shed will be removed; the site plan does not indicate the existing dwelling will be removed. There is no portion of the lot in the 100-foot Buffer. The existing development is 18% impervious; the proposed development will be 20% impervious.

This office opposes any variance to exceed impervious surface beyond the existing levels. The site is already over the impervious surface limits for a parcel of this size; this office cannot support any additional increases in impervious surface.

This office has no comment on the special exception.

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

Sincerely,

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

RAE/jjd

cc: DC77-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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February 11, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Golden Beach Lot 515 BLAP
#04-141-080

Dear Mr. Kalmus:

I have reviewed the proposal to combine two lots into Lot 500-163. The site is LDA, 0.767 acres, and contains an existing dwelling. No new development activity is proposed. This office does not oppose the boundary line adjustment.

Thank you for the opportunity to review this proposal. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM88-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 27, 2005

Ms. April Bahner
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Leopold Variance
#04-3249

Dear Ms. Bahner:

I have reviewed the variance application to renovate an existing dwelling within the 100-foot Buffer. The proposal includes renovating the first floor and adding a porch around the entire perimeter of the house, constructing a second floor, and removing some concrete walks. The impervious surfaces will remain below the limit. This office does not oppose this variance. 2130 square feet of plantings are proposed. I am unable to tell from the site plan where the existing plantings are on the site, but we recommend the proposed plantings be put in the Buffer.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM47-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

January 27, 2005

Ms. April Bahner
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Parker Property, St. Jerome Shores
#04-3084

Dear Ms. Bahner:

I have reviewed the variance application to add a 228 square foot deck within the 100-foot Buffer on an existing house. From the information provided, it appears the applicant is proposing to plant 1350 square feet of plantings. This office does not oppose the variance. We recommend these plantings be put in the Buffer.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM46-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 27, 2005

Mr. Mark Kalmus
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Elbie Williams, Lots 11-13 BLAP

Dear Mr. Kalmus:

I have received the proposal to combine Lots 11-13 into Lot 500-11. The site plan does not show the 100-foot Buffer, which should be added. It appears that the existing dwelling is just beyond the Buffer.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM56-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 26, 2005

Ms. Susan Mahoney
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Spring Ridge Lot 500-1
Variance 04-2717

Dear Ms. Mahoney:

I have received the variance application to disturb the Buffer for a septic system on Lot 500-1 and need the following information to complete my review.

1. The site plan states that there are Tm soils, but they are not shown. If tidal wetlands occur on site they must be shown to ensure the Buffer is accurately depicted and disturbance is accurately assessed.
2. The proposal includes removing 20,758 square feet of forest; a portion of this clearing is in the Buffer but the application does not state how much. This office recommends that all Buffer disturbance be mitigated at a 3:1 ratio. Conflicting information is provided regarding the reforestation: the site plan states that no reforestation is required while the cover sheet states that 22,708 square feet of forest will be created. If the site is fully wooded, where will this reforestation occur?
3. No information is provided as to why the septic reserve areas must be located in the Buffer; there appears to be ample room outside the Buffer.

We recommend that this information be provided for our review before a decision is made on this variance. Based on the information provided to date, this office opposes the proposed variance to disturb the Buffer. The site appears to be large enough to support a dwelling, driveway, and septic system without the need to disturb the Buffer.

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

Sincerely,

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

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

cc: SM49-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 26, 2005

Ms. Sue Veith
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Spring Ridge Lot 500-1 BLAP
#04-141-076

Dear Ms. Veith: *Sue*:

I have reviewed the proposal to combine Lots 1-5 into Lot 500-1. The site is LDA, 2.45 acres, and contains the 100-foot Buffer. No information was provided as to where existing forest occurs on the site. Soils are not shown on the site plan, but the soil survey shows Tm soils; if tidal wetlands exist on site they must be shown and the Buffer measured from the landward edge of tidal wetlands. This information should be shown on the plat.

Thank you for the opportunity to review this subdivision. Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM919-04

MEMORANDUM

*Call to see if we can
get copies of CA portions
of this plan*

To: James W. Price, Program Open Space
From: Kerrie Gallo
Date: January 24, 2005
RE: POS Project #4676-8-58 LPRP, Charles County

This office has received the Clearinghouse review notice for the above referenced project. The notice states that the purpose of the project is to prepare a land preservation and recreation plan within Charles County. The document is to be used by the County and State for the next 6 years, and is focused on active recreation, agricultural and rural land preservation, and the conservation of lands which support natural resources.

While the details of this plan may not yet be available, it may be beneficial for the applicant to consult with this office during the preparation of the plan. This office's interest lies in ensuring that the plan includes pertinent references and or informational material in relation to Charles County's Critical Area Regulations. In the interest of maintaining a consistent approach to the management and long-term preservation of natural resources, we would appreciate the opportunity to review and provide comments on portions of the proposed plan which lie within the Critical Areas of Charles County. In addition, we recommend that the applicant work closely with members of Charles County's Critical Area staff to identify any potential overlapping areas of concern.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

Cc: Kevin Vienneau (Charles County)

RECEIVED

JAN 14 2005

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CLEARINGHOUSE REVIEW

January 13, 2005

TO : Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
Mark Chaney, Natural Resources Police (E-3)
Matthew Fleming, Education, Bay Policy Growth Management (E-2)
Marian Honeczy, Forestry (E-1)
Peter Dunbar, Resource Assessment Services (B-3)
Ray Dintamin, Environmental Review (B-3)
Regina Esslinger, Critical Area Cmsn. (1804 West St., Suite 100, Annapolis MD 21401)

FROM : *J.W.P.* James W. Price, Director, Program Open Space

SUBJ : POS # 4676-8-58
2005 Land Preservation and Recreation Plan, Charles County

This project proposes the preparation of the 2005 Land Preservation and Recreation Plan (LPRP) as required of each county every 6 years.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

✓ JK

3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

Please return to Marti Sullivan or Judy Jones, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

Maryland Department of Natural Resources
Capital Grants and Loans Administration
Program Open Space
Planning Grant Application

1. POS # 4676-8-58 Last POS Planning Grant _____ Federal ID # 52-6000-925

2. Project Title 2005 Land Preservation and Recreation Plan
Indicate: Land Preservation and Recreation Plan Year or Plan Element

3. Applicant Charles County
Municipality or County

4. Address 1001 Radio Station Road
Street or P.O. Box
La Plata, Maryland 20646
City State Zip Code

5. Contact Person Tom Roland 301-932-3470 301-932-3590
Name Telephone Fax

6. Project Description: Discuss the objective(s) of the proposed plan or study and the ultimate goals expected to be achieved. Attach additional sheet if needed.

2005 Land Preservation and Recreation Plan - Maryland Office of Planning requires each county to prepare a LPRP planning document every 6 years. The plan focuses on active recreation, agricultural and rural land preservation and the conservation of lands that support natural resources. This planning document is to be used by the County and State to ensure that good strategy has been developed to protect these areas and guarantee good return on public investment (POS funding). POS law requires this plan.

7. Project Location/Geographical Area the Planning will cover
Town/County or a portion? Charles County in its entirety
State Tax Map # and Grids N/A
ADC Map # and Grids N/A
State Legislative District(s) 28

8. Project Period
From: _____ Date of Letter of Acknowledgment or Letter of Concurrence
To: 12/01/05 (When project will be completed)
Month Day Year

9. Are There Other State Grants Assisting with this Proposed Plan? Yes No

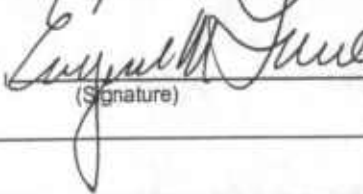
If "Yes": Name of Program _____
Administering State Agency _____

RECEIVED
DEC 16 2004
PROGRAM OPEN SPACE-DNR

10. A. Program Open Space Assistance Requested	<u>\$50,000.00</u>	<u>100</u> %
B. Other State or Federal Sources	_____	_____ %
C. Applicant's Contribution	_____	_____ %
D. Total Cost of Project	_____	<u>100.00</u> %

11. Local Government Authorization:

As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and General Conditions" of the Program Open Space (POS) Grants Manual and I agree to perform all work in accordance with the Manual, POS Law and Regulations, and with the attachments included herewith and made a part hereof.

	<u>Eugene Lauer</u>	<u>County Administrator</u>	<u>11/30/04</u>
(Signature)	(Print Name)	(Print Title)	(Date)

12. STATE CLEARINGHOUSE REVIEW	DATE	Number
13. ON-SITE INSPECTION	DATE	BY
14. POS FUND SOURCE ASSIGNED		AMOUNT \$
15. DEPARTMENT OF NATURAL RESOURCES - PROGRAM OPEN SPACE APPROVAL		
(Director's Signature)	(BPW Approval Date)	(Agenda Item No.)

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 29, 2005

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

Re: Captain's Galley Final Review

Dear Mr. Quintanilha:

This letter is in response to our continuing review of the above referenced revised site plan. Please note that these comments represent a coordinated review effort between Commission Staff and Tracey Gordy, Circuit Rider for the City of Crisfield.

Based on the information provided within the revised site plan, it appears that all outstanding issues have been addressed. Therefore, the project appears to be consistent with the City's Critical Area Ordinance. Please note that should any changes be made to the current site plan, the project must be re-submitted for further Critical Area review and a determination of compliance.

Thank you for the opportunity to provide comments for this site plan and development proposal. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CF846-03
CF974-04
CF208-05

Cc: Tracey Gordy, Maryland Dept. of Planning
Calvin Dize, City of Crisfield



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 27, 2005

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

Re: Variance 05-3177 Fisher

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slopes requirements in order to demolish and reconstruct the existing dwelling, as well as to construct a detached garage structure. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, we do not oppose the grating of this variance request. However, we recommend that the applicant be required to construct the proposed walkways as pervious. Based on an April 25th site visit, the existing timber walkways do not appear to be pervious. In order to be considered pervious, the walkways must be constructed with spaces between the boards, have six inches of gravel underneath the entirety of the walkway and have vegetative plantings surrounding the base of the walkway. In addition, the applicant is proposing to remove approximately 5,768 square feet of forested cover. The Calvert County Zoning Ordinance requires that this forest cover be replaced on no less than an equal basis.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA249-05

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/

April 26, 2005

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

Re: SFD 30742 Clifton/Shelton

Dear Ms. Ault:

This letter is in response to our continuing review of the above referenced site plan and development proposal. Based on the revised site plan received, we provide the following comments.

As we have discussed, the mitigation and landscaping plan proposed is not consistent with the required 1:1 mitigation as detailed within the Charles County Zoning Ordinance. The applicant proposes to remove .14 acres of forested cover. Therefore, .14 acres of forested cover should be replaced. Please have the applicant revise the planting schedule and include accurate mitigation credits per tree provided.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CS 976-04

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/

April 26, 2005

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

Re: Candland Subdivision

Dear Ms. Ault:

This letter is in response to our continuing review of the above referenced subdivision proposal. Based on the revised site plan received, we provide the following comments.

1. While note #10 may be an accurate statement, please have the applicant add an additional note stating that the Buffer areas on proposed Lots 1 and 2 shall be fully established at the time of development.
2. It is my understanding that the applicant is in the process of having a habitat survey performed on the property to determine whether suitable habitat for the state-listed rare species, Primrose Willow, is located within the vicinity of the project, and whether any impacts to this habitat may be proposed. In addition, I understand that a FIDS survey is underway. We request that you forward the results of these surveys to Commission staff for review prior to final plat approval.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CS 324-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 26, 2005

Mr. Matt Hedger
City of Salisbury-Wicomico County
Department of Planning, Zoning and
Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Peninsula Regional Medical Center Parking Garage

Dear Mr. Hedger:

Thank you for providing information on the above referenced site plan and development proposal. The applicant is proposing to demolish an existing parking garage structure and reconstruct a new garage in its place. The property is located within a designated Intensely Developed Area (IDA).

Based on the information provided, it does not appear that the project is located within the 100-foot Buffer or proposes impacts to any other Habitat Protection Areas (HPAs). In addition, it appears that the proposed project reduces the total amount of impervious surface area on the property by 0.18 acres, offering a 12.2% reduction in the site's pollutant load. Due to this reduction, the applicant has met the 10% rule, and further Best Management Practices (BMPs) are not required. Regarding the landscaping plan submitted, we provide the following comments.

- Section 125-19.E of the Wicomico County Code states that redevelopment projects within the IDA shall delineate those site areas not covered by impervious surfaces that are to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable. Based on the landscaping plan, it appears that additional opportunities to provide plantings may exist on multiple areas on the site. Please have the applicant address this provision within the ordinance.
- The proposed plantings contain multiple species which are non-native to Maryland (Green Vase, Bradford Pear, Glossy Abelia, and Japanese Barberry). In addition, two of the proposed species are known invasives within Maryland (*Pyrus Calleryana* and *Berberis Thunbergii*). We recommend that the applicant be required to provide plantings which are

Matt Hedger
Peninsula Regional Medical Center Parking Garage
April 26, 2005

native to the Maryland coastal plain. These species are best adapted for the soil conditions of this region and offer the greatest survival rates.

- Note # 1 on the landscaping plan should be amended to read, the quality and size of plants, spread of roots, and size of balls shall be in accordance with the current standards outlined within the Wicomico County Code, Section 125-21.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
WI218-05

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/

April 22, 2005

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

Re: Appeal #1365 Garey

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 demolishing and reconstructing an existing non-conforming dwelling. The proposed reconstruction also involves the addition of new impervious surface within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

Given that the applicant has not provided a breakdown of the square feet for each area of new impervious surface proposed, it is difficult to determine whether the 158 square feet total of new impervious surface area listed on the site plan is accurate. It appears that the applicant proposes approximately 412 square feet of new impervious surface at the rear of the dwelling for a new addition and roof overhang, 160 square feet of new impervious surface for the proposed porch entry addition, and an unspecified amount of new impervious surface for the rear upper deck to be rebuilt in concrete. This is inconsistent with the 158 square feet stated by the applicant. While this office generally does not oppose this variance, please ensure that the amount of new impervious surface area within the Buffer is clarified and that an accurate measurement is used to calculate the required Buffer mitigation. In addition, we note that the applicant has stated the intent to address stormwater management on the reconstructed dwelling. We recommend that this be included as a condition of variance approval.

Thank you for the opportunity to provide comments. Please include this letter in your file and 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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC209-05

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/

April 20, 2005

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

Re: Appeal #1373-Sharp

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 330 square foot screened addition to the primary dwelling, and to enclose a portion of an existing deck with a roof. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that the existing dwelling is legal, non-conforming structure in regard to its location within the Buffer. Provided that the applicant provides the required mitigation, we do not oppose the granting of this variance request. We recommend that mitigation be required at a 2:1 ratio for the total area of new disturbance to the Buffer. This mitigation should consist of native plantings implemented at an alternative location within the Buffer. In addition, given the proximity of the dwelling to tidal wetlands, we recommend that the applicant be required to provide a non-structural Best Management Practice (BMP) which effectively intercepts and/or directs stormwater runoff away from the Buffer and wetland areas. Examples of non-structural BMPs include filter strips, rain barrel collection systems, and downspouts directed to a rain garden or other vegetated area 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. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Handwritten signature of Kerrie L. Gallo in cursive script.

Kerrie L. Gallo
Natural Resource Planner
TC 741-03

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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April 20, 2005

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

Re: A058-Erickson

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 an addition to the existing porch. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that the existing dwelling is legal, non-conforming structure in regard to its location within the Buffer. The applicant's proposal requires 920 square feet of new disturbance to the Buffer. Provided that the applicant provides the required mitigation, we do not oppose the granting of this variance request. We recommend that mitigation be provided at a 2:1 ratio for the entire area of disturbance, and that the mitigation consist of native plantings to 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. 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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 303-03

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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April 20, 2005

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

Re: Jersey Island Multifamily Community Preliminary Site Plan

Dear Mr. Quintanilha:

This letter is in response to our continuing review of the above referenced development proposal and site plan. Please note that the following comments represent a coordinated review effort between Commission staff and Tracey Gordy, circuit rider for the City of Crisfield.

Based on the information included within the revised site plan, we provide the following comments:

- 1) The 10% rule calculations provided remain incorrect. In determining the pre-development load, .52 was used for Ipre instead of 52. This results in a pre-development load calculation of 9.70 lbs/year instead of 9.75. When 9.70 lbs/year is substituted into the calculations, the resulting pollutant removal requirement changes from 2.78 lbs/year to 2.88 lbs/year, falling just short of the load removal provided by the proposed BMPs. While it appears that this may be a result of inconsistent rounding throughout the calculations, it is necessary to have a 10% rule worksheet which correctly shows that the pollutant removal requirement can be met. Please have the applicant correct the mathematical errors and provide an accurate worksheet.
- 2) As stated in our previous review, the Crisfield's Critical Area Ordinance has a site plan section (§112-109) that specifically lists what types of information must be included on all Critical Area site plans. These are required items. The only note that has been added to the revised plan since our previous review is in relation to wetlands. Please have the applicant address all of the site plan requirements as outlined within the City of Crisfield's ordinance.
- 3) A sediment and erosion control plan should be submitted to Greg Williams of the Somerset County Natural Resources Conservation Service for review and approval. If satisfactory, Mr.

Alvaro Quintanilha
CF21-04
April 20, 2005

Williams will stamp and sign the plan. A copy of this plan should be forwarded to both the Commission staff and to Tracey Gordy for inclusion within the project files. This plan should be submitted prior to final plat approval.

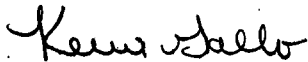
- 4) The applicants have submitted Page 3 of the preliminary site plan for an approval in accordance with the Town's criteria for a stormwater management plan submittal. In addition, the applicants state that the City's approval of this submission will be considered an approval of the proposed bioretention facilities in concept. Prior to final plat approval, the City will be required to provide a copy of the stormwater review and approval to this office, indicating that the proposed facilities will adequately address the stormwater management needs for this site. This office questions whether the facilities proposed are viable given the location of the water table in Crisfield. If the City requires assistance in evaluating the efficacy of the proposed bioretention facilities, we recommend contacting Charlie Wallis of the Maryland Department of the Environment (MDE) at 410-537-3543.
- 5) The applicant states that information regarding the proposed marina development will be included within a separate submittal and that the required elements within the Water Dependent Facilities Section of Crisfield's Critical Area Ordinance will be addressed at that time. In addition, it is my understanding that coordination with the Army Corps of Engineers, MDE, and the Department of Natural Resources is ongoing and that approval has not yet been received from these agencies regarding the marina proposal. Given these statements and circumstances, we note that this comment letter is a review of the proposed residential condominium development only. Once the applicant has received approval from all appropriate resource agencies, a separate marina application and review request should be submitted to this office.
- 6) In order for the wooden walkways to be considered pervious, they must be constructed to include spacing between the boards, a minimum of 6 inches of gravel bed underneath the entirety of the walkway, and include vegetative plantings along the edge of the walkway. Please refine the plat note to reflect these requirements.
- 7) General Note #24 on the cover sheet should be revised as follows, This site is located entirely within an Intensely Developed Area (IDA) and Buffer Exemption Area (BEA) of the City of Crisfield's Critical Area Overlay District and therefore must comply with the City's Critical Area Program and Ordinance.
- 8) There are two minor mistakes in the impervious surface data. Under proposed conditions (A), the impervious cover should read 48.73%. Under (B), the pervious and impervious square footage amounts total 333,197 square feet instead of 333,198 square feet.
- 9) The landscaping plan as submitted contains multiple non-native species of plants including *Acer Palmatum*, *Spirea Bumalda*, *Pennisetum Alopecurbides*, and *Cortaderia Selloana*. We

Alvaro Quintanilha
CF21-04
April 20, 2005

recommend that these species be replaced with salt-tolerant species native to the Maryland Coastal Plain.

When revisions are complete, we recommend that the applicant provide a revised site plan for Critical Area review, along with an explanation describing how each of the above comments has been addressed. For future submittals, please keep in mind that the Commission's standard review period for projects of this type of development and scale is generally thirty days. If you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CF21-04

Cc: Tracey Gordy, MDP
Charlie Wallis, MDE
Calvin Dize, City of Crisfield

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 19, 2005

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

Re: SFD 50181 Duggan

Dear Ms. Kelley:

Thank you for providing information on the above referenced site plan. The applicant is requesting a building permit to demolish an existing single-family dwelling and construct a new primary dwelling in its place. The property lies within a designated Resource Conservation Area (RCA) and is currently developed.

Based on the information provided, we have no comments regarding the site plan and development proposal. The applicant has indicated that 3 trees will be removed for the construction of the dwelling and that 3 trees will be planted as mitigation.

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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CS 239-05

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 19, 2005

Mr. Ron Young
Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: IH 317-04 R.H. Knott Subdivision, Lots 1, 2, & 3
A Resubdivision of Lots 47, 48 & 49 (Maureen O'Brien)

Dear Mr. Young:

This letter is in response to our continuing review of the above referenced resubdivision proposal.

Based on the revised site plan received, it appears that the impervious surface calculation language still reads incorrectly for Lots 1 and 2. The language should read, "impervious surface area permitted", not "required", for each of the lots. Please have the applicant correct this language on the plat. In addition, please add the remaining permitted impervious surface allotments for each lot to the plat. Lot 1 has 253 square feet remaining, and Lot 2 has 518 square feet remaining. Lot 3 has reached the 15% impervious surface area limit. Any future development proposed on Lot 3 will require a variance.

Provided that the applicant revises the plat to address the above comment, further review by this office is not necessary. 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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
IH 317-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2005

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

Re: A059 Williams

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance request. The applicant is requesting a variance to the 100-foot Buffer to permit construction of an approximately 500 square foot accessory deck structure. The property lies within a designated Resource Conservation Area (RCA) and is currently developed.

The applicant has stated that the proposed deck structure will encroach no closer to Mean High Water (MHW) than the existing non-conforming dwelling, and that the deck will be constructed as pervious with implementation of post-construction foundation plantings. Based on this information, we do not oppose the granting of this variance request. Given the location of the proposed structure within the Buffer, we recommend that any stockpiling of construction materials be located outside of the Buffer, and that proper sediment and erosion control measures be implemented prior to beginning construction.

Thank you for the opportunity to provide comments for this administrative variance. Please include this letter as part of the record for the case. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC443-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2005

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

Re: Captain's Galley Final Review

Dear Mr. Quintanilha:

This letter is in response to our review of the above reference site plan. The applicant proposes to construct a condominium structure on a .49-acre site. The property lies within a designated Intensely Developed Area, and is a designated Buffer Exemption Area.

Based on a coordinated review with the Commission's Circuit Rider, Tracey Gordy, we provide the following comments regarding the site plan and development proposal:


- 1) It appears that the landscaping plan includes some non-native plant species. We recommend that the plant listing shown on the landscaping plan be revised to reflect native species only, and more specifically, salt-tolerant native species. It is my understanding that Randy Eckert of Iott Architecture was faxed a copy of a recommended native species list last week to assist him with this requested revision.
- 2) Prior to final plat approval, the sediment and erosion control plan should be submitted to Greg Williams of the Somerset County Natural Resources Conservation Service for review and approval. If satisfactory, Mr. Williams will stamp and sign the plan.
- 3) In order to comply with the 10% Rule, the applicant must submit a check in the amount of \$998.40 to the City of Crisfield to be placed in a separate account for stormwater quality projects within the City's Critical Area. A building permit should not be issued for this project until the City has received the check and a copy of the check has been forwarded to the Critical Area Circuit Rider, Tracey Gordy.

Alvaro Quintanilha
CF208-05
April 19, 2005
Page 2

- 4) Copies of the approved sediment and erosion control plan and the revised landscaping plan should be forwarded to both the Critical Area Commission Office in Annapolis and the Critical Area Circuit Rider.
- 5) If any changes are proposed to the site plan, the project must be submitted for further Critical Area review and a determination of compliance.

Thank you for the opportunity to provide comments for this site plan and development proposal. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CF846-03
CF974-04
CF208-05

Cc: Tracey Gordy, Maryland Dept. of Planning
Calvin Dize, City of Crisfield

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2005

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

Re: Windsor Manor Subdivision-Preliminary Review
XPN 99-0033

Dear Mr. Faasen:

Thank you for providing information on the above referenced subdivision proposal. The applicant is requesting to subdivide a 42.94-acre parcel to create 91 single-family detached lots and 1 estate lot. There are 9.35 acres within the Critical Area portion of the property. The Critical Area portion of the property is designated as a Resource Conservation Area (RCA) and is currently undeveloped.

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

1. The site plan indicates that the entire Critical Area portion of the site is encompassed within the proposed 9.35-acre estate lot. The additional notes section of the plat references development plans for this estate lot based on the January 3, 2000 preliminary site plan approval received from the Charles County Planning Commission. This office has no record of having received a preliminary site plan to review in reference to this January 2000 preliminary site plan approval. Therefore, additional information regarding development of the proposed estate lot is necessary for further review by this office. Please have the applicant address the following comments on a revised site plan:
 - While the applicant has indicated the intent to construct a single-family dwelling on the proposed estate lot, a building envelope has not been indicated. This information is necessary.
 - There is no information regarding ingress and egress to the proposed estate lot. Please include any proposed driveways areas on the site plan.

- The September 1996 site plan provided with this submission indicates a grinder pump located on the estate lot. Please clarify whether this feature is currently intended for inclusion on the estate lot.
- The 15% impervious surface limits will apply on the proposed estate lot.
- We note that the proposed estate lot contains significant non-tidal wetland and perennial stream Buffer areas. No disturbance to the 100-foot Buffer is permitted. Please include the standard Buffer disturbance note on future site plans.
- Information regarding existing forest cover or proposed forest clearing has not been provided in relation to the proposed estate lot. We note that the general notes section does refer to a preliminary forest cover plan. However, this office has not received a copy of this plan.
- The applicant will be required to comply with appropriate mitigation requirements for any proposed clearing on the estate lot at the time of development.

2. The applicant will be required to obtain an evaluation of the property from the Department of Natural Resources' (DNR) Wildlife and Heritage Division for the presence of any rare, threatened or endangered species. If present, the applicant will be required to address the recommendations made by DNR for the protection of these species. This office has not yet received notice of any such evaluation.

Thank you for the opportunity to provide comments on this major subdivision request. We recommend that the applicant submit a revised site plan, along with a letter addressing how each of the above concerns has been addressed. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS 205-05

Cc: Heather Kelley, 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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April 18, 2005

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

Re: XPN 05-0010 Barber's Quarters

Dear Ms. Kelley:

Thank you for providing information on the above referenced subdivision proposal. The applicant is requesting to subdivide a 360.14-acre parcel to create a 33-lot subdivision. The parcel contains 276.20 acres within the Critical and is designated as a Resource Conservation Area (RCA). There are 3 lots proposed within the Critical Area portion of the site.

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

1. The applicant has stated that 13 development rights are permitted within the Critical Area portion of the site, based on 276 acres. Please advise the applicant that areas of tidal wetlands lying below Mean High Water (MHW) are considered to be State-owned and cannot be included within calculations for the purposes of generating density or to determine impervious surface area limits. Please ensure that the tidal wetland areas on the property are professionally delineated in the field in order to determine an accurate assessment of private and State-owned wetlands. This determination should be made prior to preliminary plat approval. Given the significant area of tidal wetlands on the site, the number of development rights is likely to be affected by this determination.
2. It is unclear whether the Buffer and expanded Buffer areas shown on the plat are accurate. Please advise the applicant that the location of MHW and the Buffer must be delineated in the field and cannot be taken from maps. Once this field delineation has been performed, we recommend that the applicant consider the use of shading or symbols to clearly distinguish between the areas of tidal wetlands, non-tidal wetlands, the Buffer or expanded Buffer, and any non-tidal wetland Buffers.

Heather Kelley
XPN 05-0010
April 18, 2005
Page 2

3. Note # 13 under the General Notes section proposes to utilize some of the Critical Area development rights for development outside of the Critical Area. Please advise the applicant that the number of remaining Critical Area development rights may change subject to the determination of wetland ownership as described in comment #1.
4. Please include the appropriate 100-foot Buffer on the blue line and perennial streams shown on the plat.
5. The non-tidal wetland shown on the eastern portion of the site is lacking the required 25-foot Buffer.
6. No information has been provided regarding the existing impervious surface area on the property, yet it appears that there are some existing structures. Please have the applicant include this information.
7. Note #8 under the Critical Area Notes should be changed to say that no disturbance to the 100-foot Buffer and expanded Buffer is permitted.
8. The applicant will be required to obtain an evaluation of the property from the Department of Natural Resources' (DNR) Wildlife and Heritage Division for the presence of any rare, threatened or endangered species. If present, the applicant will be required to address the recommendations made by DNR for the protection of these species. This office has not yet received notice of any such evaluation.

Thank you for the opportunity to provide comments on this major subdivision request. We recommend that the applicant submit a revised site plan, along with a letter addressing how each of the above concerns has been addressed. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS 214-05

Cc: Reed Faasen, Charles County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2005

Mr. Matt Hedger
City of Salisbury-Wicomico County
Department of Planning, Zoning and
Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Antes Variance

Dear Mr. Hedger:

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

Based on the information provided, it appears that the primary dwelling is a legal, non-conforming structure in relation to its location within the 100-foot Buffer. The applicant is proposing to remove the existing dwelling and reconstruct a replacement dwelling, utilizing the existing foundation. The proposed footprint of the replacement dwelling is approximately 1,312 square feet, and will encroach no further towards Mean High Water (MHW) than the existing non-conforming dwelling.

Based on this information, we do not oppose the applicant's request for a variance. However, please note that all disturbance to the Buffer is subject to mitigation. We recommend that mitigation plantings be required at a 2:1 ratio. These plantings should include a combination of native tree and shrub species, and should be clustered at an alternative location within the Buffer, so as to provide optimal habitat value. In addition, we have discussed that the proposed garage structure shown on the site plan is not a component of the current proposal, but that the area proposed for this construction has been identified as an area of non-tidal wetlands. I am enclosing a copy of a map created from MERLIN, which indicates the approximate location of these wetlands. Please advise the applicant that non-tidal wetlands are considered a Habitat Protection Area (HPA) as outlined in the Wicomico County Zoning Ordinance, Section 125-11.B.4.d, and are regulated by the Maryland Department of the Environment (MDE). Any development which proposes impacts to non-tidal wetlands will require a Critical Area variance and appropriate permits from MDE.

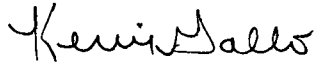
TTY For the Deaf

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

Matt Hedger
Antes Variance
April 14, 2005

Thank you for the opportunity to provide comments for this variance request. Please include this letter as a part of the record for the case and please notify the Commission in writing of the Board's decision. If you have questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
WI213-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2005

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

Re: Wal-Mart Growth Allocation
Somerset County, Maryland

Dear Ms. Kean:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On April 6, 2005, the Critical Area Commission approved the Wal-Mart growth allocation request to change approximately 51.11 acres of a Resource Conservation Area to an Intensely Developed Area. This approval included the following conditions:

- 1) All development activities, including structures, impervious surface areas, stormwater treatment practices, and necessary grading and excavation shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.
- 2) The 300-foot setback shall be established in natural vegetation.
- 3) Detailed stormwater management plans shall be submitted to Commission staff for review and approval, and to the full Commission prior to the issuance of local building and grading permits.

Please incorporate this refinement into the Town's Critical Area program within 120 days from the date of this letter, and provide this office with an updated map reflecting the growth allocation. Thank you for your assistance in presenting this project to the Commission. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "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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April 13, 2005

Jan Kaczmarek
Maryland Transportation Authority
300 Authority Drive
Baltimore MD 21222

Re: Key Bridge Toll Facility
Administration Building Annex

Dear Mr. Kaczmarek:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On April 6, 2005, the Critical Area Commission unanimously approved the construction of an approximately 7,220 square feet annex to the existing administration building located at the Key Bridge Toll Facility in Baltimore County. In addition, Commission staff have reviewed and approved the engineered planting plan submitted in conjunction with the mitigation requirement for this project. Please notify Commission staff once the plantings have been implemented.

Thank you and your staff for your efforts in coordinating the review of this project. I'd also like to thank Harry Canfield for his assistance in presenting this project to the Commission. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner

Cc: Robert Anderson, MdTA
Harry Canfield, JMT

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2005

Benedict Leibowitz
Dept. of Public Safety & Correctional Services
Division of Capital Construction & Facilities Maintenance
6776 Reisterstown Road, Suite 201
Baltimore, MD 21215-2341

Re: ECI Inmate Housing Building

Dear Mr. Leibowitz:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On April 6, 2005, the Critical Area Commission unanimously approved the construction of a 140-bed inmate housing building located at the Eastern Correctional Institution in Somerset County. I am enclosing a copy of the mitigation planting plan which has been approved by Commission staff in conjunction with this project. Please notify Commission staff once the plantings have been implemented.

Thank you and your staff for your efforts in coordinating the review of this project. I'd also like to thank Joseph Arthur and Nason Construction for their assistance in presenting this project to the Commission. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner

Cc: Gene Neff, DPSCS
Joseph Arthur, McCrone
Fred Doster, Nason Construction

Enclosure

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2005

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

Re: 407 Rhine/Cook Site Plan

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting after-the-fact site plan approval to permit the construction of a 2,400 square foot enclosed pavilion. The property is designated a Resource Conservation Area (RCA) and is currently developed with a boarding inn and frame barn structure.

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

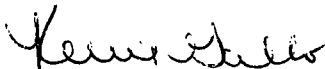
1. We note that the existing use on the property is considered to be non-conforming in relation to its permitted existence within the RCA. We refer to Section 190-98 of the Talbot County Zoning Ordinance, stating that a nonconforming use shall be allowed to enlarge or expand no more than 10% in site area as existing on the effective date of the chapter. It is unclear from the information provided how much of the existing development was present as of the effective date of this regulation. In addition, the County must determine how the site area will be defined. Calculations based on the entire acreage of the parcel would not appear to be consistent with the language within the zoning ordinance.
2. There are numerous deficiencies in the site plan provided. Please have the applicant provide a revised site plan which addresses the following:
 - The 100-foot Buffer has not been shown on the site plan.
 - The site plan shows a 2,400 square foot proposed structure, but the application states that the proposed pavilion is 1,920 square feet. More detailed and consistent information regarding the existing impervious surface area must be shown.

Mary Kay Verdery
Rhine/Cook Site Plan
April 13, 2005
Page 2

- The site plan shows bathrooms included within the proposed pavilion. Please clarify how the sewage disposal needs will be met.
 - The site plan does not indicate whether tree removal is required for construction of the proposed pavilion. This information is required.
3. Given that the 100-foot Buffer is not shown, it is unclear whether the proposed structure encroaches into the Buffer. If Buffer encroachment is proposed, the applicant will be required to obtain a variance. Given the size of the property, it is unlikely that this office would support a Buffer variance.
 4. Please advise the applicant that MERLIN indicates an area of existing tidal wetlands lying within the property boundaries. These wetlands must be field delineated and may affect the location of the 100-foot Buffer.

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 Resources Planner
TC165-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2005

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

Re: S994 Higgins

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 10.075-acre lot to create two new lots within the Critical Area. The property is currently designated as a Limited Development Area (LDA) and is developed with a series of existing storage buildings.

Based on the information provided, we provide the following comments. The existing remaining lands parcel is non-conforming with regard to its impervious surface area limits. In March of 2003, the Talbot County Board of Appeals issued the applicant a special exception on this property for the purposes of erecting multiple storage buildings. The Board's decision makes reference to sworn testimony by Thomas Lane, stating that the impervious surface limits of the property would not exceed 14.9%. Based on the site plan, it appears that these calculations were based on the entire acreage of the parcel and not the Critical Area acreage of the site, which permits 64,346 square feet of impervious surface within the LDA portion of the site, not 65,829 square feet. Currently, the site is 15.3% impervious within the Critical Area portion, making this parcel non-conforming with current County and State Critical Area requirements.

In addition, the applicant is proposing to subdivide the property to create a 7.990-acre Lot 1 and a 2.085-acre Lot 2. Newly created, non-grandfathered lots within the Critical Area must comply with current regulations as detailed within the Talbot County Critical Area Program and Zoning Ordinance. The proposed subdivision creates one lot (Lot 1), which cannot meet these regulations, and results in an increase in the non-conformity on the lot. The applicant's proposal to "swap" impervious surface allotments from Lot 2 to Lot 1 in order to comply with the

Mary Kay Verdery
S994 Higgins
April 13, 2005
Page 2

regulations is not permitted under the Critical Area Law, as outlined in Section 8-1808.3. Based on this information, this office does not support this subdivision as proposed.

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
Natural Resource Planner
TC 167-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2005

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

Re: L993 Capranica

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). Both parcels are developed with primary dwellings.

Based on the information provide, we provide the following comments regarding the line revision proposal:

1. The ponds shown on the plat at the eastern side property boundary on Parcel 164 and at the northwestern property boundary on Parcel 19 show up in MERLIN as non-tidal wetlands. Based on this information, please have the applicant include and label the required 25-foot Buffer surrounding these ponds.
2. The impervious surface calculations for Revised Parcel 164 are inaccurate. The calculations should read that the impervious surface allotment for the revised parcel is 36,002 square feet, and that there is 19,280 square feet of remaining allowable impervious surface.

Thank you for the opportunity to provide comments for this line revision request. If you have any questions, please call me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 165-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 11, 2005

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

Re: Appeal #1353 Bridges/The Darby Farm

Dear Ms. Verdery:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to store roll-off dumpsters on the above referenced property. The property is designated as a Limited Development Area (LDA) and is currently developed with an existing primary dwelling and multiple accessory structures associated with a landscaping business.

Based on the information provided, it appears that the applicant is proposing to temporarily store a limited amount of empty, roll-off dumpsters, and that the location of the dumpsters will be confined to the area of the property shown on the site plan. It is my understanding that the County has classified the proposed activity as rental equipment storage, and that this use is consistent with the permitted uses within a LDA as outlined within the Talbot County Zoning Ordinance. Based on this information, we do not oppose the applicant's request for a special exception. However, we note that the proposed activity has been stated as a temporary use with a defined termination date and that the applicant has specifically stated that the proposed dumpsters will be empty while stored on-site. Should these factors change, additional review will be required.

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

A handwritten signature in cursive script that reads "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
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

April 8, 2005

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

Re: L995 Right of Way Abandonment & Relocation
Tax Map 32, Parcels 182, 144, & 194

Dear Ms. Verdery:

Thank you for providing information on the above proposal to abandon and relocate an existing right of way and driveway. The property is designated a Resource Conservation Area (RCA) and is currently developed.

Based on the information shown on the site plan, we provide the following comments:

1. The Talbot County Zoning Ordinance requires that a Nontidal Wetlands Management Plan shall be prepared for any development activity containing or within 25 feet of a nontidal wetland. It appears that disturbance to the 25-foot nontidal wetland Buffer is proposed at several locations within the Critical Area. In addition, the plan must include the criteria outlined within Section 190-93.E.7.d of the County's Zoning Ordinance. This office has not received a plan of this nature at this time. We note that an existing driveway currently serves Parcel 194.
2. The applicant has stated that two development rights exist on Parcel 194, Lot 1, based upon a determination of State and private wetland ownership as shown on the Talbot County Wetland maps. As we have discussed previously, the Critical Area Commission is currently working with the Maryland Department of the Environment and the Board of Public Works' Wetland Administrator to analyze the issue of ownership of private versus State tidal wetlands. This will result in cooperatively identifying a strategy that will best provide protection and conservation of the State's wetland resources. In the interim, if applicants are including areas of private tidal wetlands within lot boundaries, they must provide a

Mary Kay Verdery
L995 Rapetti
April 8, 2005
Page 2

description and field data information outlining how the wetland delineation and State and private wetland acreage was determination was performed. In this case, information obtained from the County Wetlands maps is not sufficient, as the development rights on Parcel 194 may be affected by this determination.

3. Please note that the impervious surface area calculations for Parcel 194, Lot 1 are subject to change based on a determination of State and private wetland ownership.

Thank you for the opportunity to provide comments for this right of way abandonment request. Please call me with any questions at (410) 260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC449-04 Rapetti

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Bryan Line Revision-Revised

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised lot line revision. The applicant is requesting to revise a property line to create a .999-acre revised Parcel 761 and a 1.776-acre revised Parcel 759. Both properties lie within a designated Limited Development Area (LDA). Tax Parcel 761 is currently developed with a single family dwelling, while Tax Parcel 759 is undeveloped.

It is my understanding that revised Tax Parcel 759 will be placed in a permanent conservation easement upon final approval of the line revision request. Provided that this information is accurate and that a note is added to the plat which clearly states, defines, and labels the entire revised Parcel 759 as within the easement, this office does not oppose the line revision request.

Thank you for the opportunity to provide comments for this line revision request. If you have any questions, please call me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC35-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Variance 05-3163 Gibson

Dear Ms. Whitt:

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 200 square foot deck structure and pier. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided and a March 31, 2005 site visit to the property, we provide the following comments regarding the variance request and development proposal.

1. We recommend that the deck structure be constructed as pervious with 6 inches of gravel below the deck, spacing between the boards, and vegetative cover underneath.
2. The Calvert County Zoning Ordinance requires that 2:1 mitigation be provided for all new disturbances to the Buffer. Given that the existing Buffer area is not established, we recommend that the applicant be required to provide mitigation in the form of native woody and vegetative plantings, and that these plantings be placed at a location within the existing 50-foot Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA195-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Bryan Administrative Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance request. The applicant is requesting a variance to the 100-foot Buffer to permit construction of a garage and accessory deck structure. In addition, it is my understanding that the applicant is also proposing future construction of a pool, which will be located outside of the Buffer.

We note that the applicant's property is also the subject of an ongoing line revision request. If the proposed line revision request is approved, the subject lot will increase by .434 acres. With the lot's increase in size, the total impervious surface area on the property is decreased. Based on this information, and the site plan provided we provide the following comments.

1. The applicant proposes to construct an 1120 square foot garage addition, and a 360 square foot deck. The Talbot County Zoning Ordinance requires that, in considering a variance request, the County must find that applicant has satisfied its burden to prove that each of the County's variance standards is met, including that the variance shall not exceed the minimum necessary, and the standard of unwarranted hardship. Based on the proposed location within the Buffer, we recommend that the County consider whether 1120 square feet is the minimum necessary to provide adequate vehicle storage space. Based on the site plan, it appears that a smaller footprint would allow the applicant to move the garage forward, and be placed in an area of existing impervious cover, largely outside the Buffer. In addition, the applicant currently enjoys a substantial deck area as part of the primary dwelling. Based on this information, this office questions whether the standard of unwarranted hardship can be met.
2. Should the County approve a variance on this property, we recommend that a stormwater Best Management Practice (BMP) be required to direct rooftop runoff away from the Buffer. Examples of BMP options include French drains, rain barrel collection systems, and downspouts directed to a rain garden or other vegetated area away from the Buffer.

Mary Kay Verdery
Bryan Administrative Variance
March 1, 2005
Page 2

3. The Talbot County Zoning Ordinance requires that mitigation be provided at a 2:1 ratio for the areal extent of any new Buffer disturbance. We recommend that this mitigation be conducted using native woody and vegetative species, and that the plantings are directed to an alternative location within the Buffer.

Thank you for the opportunity to provide comments for this administrative variance. Please include this letter as part of the record for the case. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC35-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Variance 05-3165 Spann

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot expanded Buffer and steep slope requirements in order to construct a single-family dwelling and garage. In addition, the applicant proposes greater than 30% clearing. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the site plan provided and a site visit conducted on March 31, 2005, we provide the following comments.

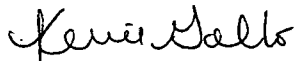
1. The applicant proposes to construct a 2,784 square foot dwelling on a lot which is severely constrained by the presence of steep slopes and highly erodible soils. During the site visit, it was observed that the lot contains a flat, level area extending from the top of the slope to the existing road. While the septic area occupies most of this level area, it appears that a smaller dwelling could be constructed on this site with minimal impact to the steep slope and erodible soils. It does not appear that attempts at minimization have been made.
2. We note that the water and habitat quality of Mill Creek has been observed to be particularly threatened and potentially impaired in the general vicinity of this property. This excessive sedimentation is likely occurring as a result of the surrounding residential developments. The Critical Area variance standards include overcoming the burden of proof that the proposed development will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area. Based on the current proposal, this office does not believe that this standard can be adequately assured, as significant clearing and disturbance to highly erodible soils and slopes is proposed. Construction of a smaller dwelling, requiring less clearing and disturbance to erodible soils could be achieved on this site.

Roxana Whitt
Variance 05-3165
April 1, 2005
Page 2

3. The applicant is proposing to clear 43.25% of the lot. Based on this amount of clearing, the Calvert County Zoning Ordinance requires mitigation at a 3:1 ratio. Given that most of this clearing is also proposed within the Buffer and expanded Buffer, we recommend that mitigation be required via the planting of native woody and vegetative plantings. These plantings should be located at an alternative location within the Buffer.

Thank you for the opportunity to provide comments. Based on the information provided, this office is not able to offer support for the development as proposed. We recommend that the Board require the applicant to revise and resubmit a site plan which demonstrates minimization, and which clearly attempts to reduce the impacts to the steep slopes. Please include this letter in your file and submit 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 197-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Variance 05-3164 Ritzel

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 steep slope requirements in order to construct a single-family dwelling. In addition, the applicant proposes 25% clearing. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the site plan provided and a site visit conducted on March 31, 2005, we provide the following comments.

1. The applicant proposes to construct a 1,288 square foot dwelling on a lot which is severely constrained by the presence of steep slopes and highly erodible soils. While development of this site is not possible without some degree of disturbance to steep slopes, it does appear that opportunities for further minimization exist. During the site visit, it was observed that the character of the neighboring homes is that of modestly sized dwellings, with either small or no rear deck structures. We recommend that the applicant utilize vertical construction to achieve the desired living space, thereby allowing the applicant to reduce the size of the proposed footprint. We note that the steep slopes and erodible soils on the property lead directly to a blue line stream currently providing significant habitat values.
2. The applicant proposes to construct a 552 square foot deck structure at the rear of the proposed dwelling. At a minimum, and given that there is also a 6-foot wide wrap-around porch proposed, we recommend that the Board require minimization or removal of this rear deck feature.
3. During the site visit, it was observed that significant disturbance was present in the area of the perc test. No sediment or erosion control measures were present. As a result, active erosion and sediment runoff was observed, demonstrating the potential for significant threats to the blue line stream and water and habitat quality. As a condition of any variance

Roxana Whitt
Variance 05-3164
April 1, 2005
Page 2

approval, we recommend that Board consider requiring the applicant to stabilize the area of the perc test prior to any further construction activities.

4. Based on the amount of clearing proposed, the Calvert County Zoning Ordinance requires the applicant to provide mitigation at a 1.5:1 ratio. However, we note that the majority of the site is located within the 100-foot Buffer, and is therefore subject to mitigation at a 2:1 ratio. We recommend that mitigation be required in the form of native woody and vegetative plantings and that the plantings be directed to an alternative location within the Buffer.
5. The site plan states that all disturbed slopes will be replanted with sod. As an alternative, we recommend that native ground cover be planted such as Virginia Creeper or various native fern species which tolerate moist, shady conditions.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit 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 196-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Appeal #1363 Smallwood

Dear Ms. Verdery:

I have received the above referenced allegation of error for review and comment. The applicant has appealed a decision by the Talbot County Zoning Enforcement Officer, claiming he erred by issuing an abatement order on January 5, 2005, stating that a portion of the swimming pool deck is built within the 100-foot Buffer.

The Commission has no evidence within our files to support or oppose the claims made in this case. However, it is my understanding that County Planning and Zoning staff, as well as a representative from the Maryland Department of the Environment (MDE) have accompanied the zoning officer in the field on several occasions to take measurements of the deck in relation to its distance from Mean High Water (MHW). Based on conversations with County staff, it appears that there is unanimous agreement that the deck encroaches into the Buffer.

Absent any specific information relating to the site or the proposed development, this office can offer the following recommendation. Should the Board of Appeals determine that a portion of the deck is within the Buffer, the applicant should either remove this portion of the deck or apply for the required Buffer variance. As you are aware, 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. Given that the property is 18.04 acres, it appears that the standard of unwarranted hardship would be difficult to overcome.

Mary Kay Verdery
Appeal #1363
April 1, 2005
Page 2

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
TC164-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

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

Re: L985 Masters-Revised
Tax Map 44, Parcels 14 & 15

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised line revision request. The applicant is requesting a line revision to change the layout of property lines on two existing parcels. Both parcels lie within a designated Resource Conservation Area (RCA).

Based on the revised site plan, we provide the following comments:

1. The proposed SDA on the revised Parcel 14 encroaches into the 25-foot non-tidal wetland buffer. This area should be reconfigured and removed from the buffer.
2. The impervious surface area calculations within the Critical Area portion of the revised tax parcel 14 are incorrectly calculated on the revised plat. The calculations should read, impervious allotment within the Critical Area=75,689, remaining allowable impervious surface area within the Critical Area=57,702. Please correct these on the final plat.

Provided that the above listed concerns are addressed, we have no further comments. Thank you for your efforts in coordinating the review of this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 924-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 25, 2005

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

Re: Appeal 1367 Spinnaker Properties

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a Buffer variance to permit the construction of an addition and renovation to the existing non-conforming dwelling. The property is designated a Resource Conservation Area (RCA) and is currently developed.

The applicant has stated that the proposed development activity requires the removal of the existing structure within the Buffer, including substantial portions of the foundation. In addition, 1,187 square feet of new Buffer disturbance is proposed. The applicant has stated that this variance request results out of necessity due to a non-habitable existing structure. Based on this description and the information provided in the site plan, we provide the following comments.

- 1) The site plan shows a portion of the existing dwelling incorporated into the proposed development. It is unclear whether the proposal involves significant alteration of this portion of the existing dwelling or foundation. We recommend that the Board obtain specific details regarding the redevelopment of this particular component of the proposal to determine whether the footprint can be grandfathered in the general spirit and intent of the Talbot County Critical Area Program.
- 2) The provisions relating to expansion of non-conforming structures within the Buffer are intended to provide an opportunity for reasonable renovation and expansion of structures built prior to Critical Area regulations. Where opportunity exists to bring a structure into compliance with current regulations, the applicant should be required to do so. As proposed, 1,184 square feet of new impervious surface area will be constructed within the Buffer. At a minimum, we recommend that the applicant be required to minimize the footprint or reconfigure as to avoid disturbing the Buffer.

- 3) 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.

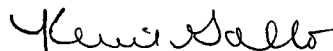
The applicant has stated that constraints exist which mandates the location of the proposed dwelling within the Buffer. Based on the site plan, the 4.58-acre size of the property, and the fact that significant reconstruction of the driveway is already proposed as a component of the development, it appears that the applicant could reconfigure the proposal to decrease the size of the driveway and move the entire dwelling outside the Buffer. 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.

- 4) Should the Board approve the variance request, all new disturbance within the Buffer is subject to mitigation requirements. We recommend that mitigation by replanting be conducted at a 2:1 ratio. To the extent possible, the mitigation should be conducted using native vegetative species, and should occur in an alternative area within the Buffer.

In conclusion, we recommend that the Board determine whether the development activity as proposed is consistent with the intent of the provisions for expansion of a non-conforming structure outlined within the Talbot County Zoning Ordinance. 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. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC 146-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 25, 2005

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

Re: Swan Point Growth Allocation

Dear Mr. Vienneau:

We have received your request for preliminary comments on the above referenced growth allocation proposal. The applicant, United States Steel Corporation, is requesting the use of growth allocation to change the Critical Area designation of 59.89 acres from a Limited Development Area (LDA) to an Intensely Developed Area (IDA), and 40.91 acres from a Resource Conservation Area (RCA) to a Limited Development Area. The proposed growth allocation is located on Tax Map 86, Parcel 41 and Tax Map 88, Parcels 5 and 28 respectively. The requested growth allocation is for the purpose of constructing a major residential subdivision, with multiple commercial components.

Based on our initial review of the preliminary development plan and growth allocation request, we provide the following comments. We will provide additional comments as the proposal progresses through the approval stages.

Growth Allocation Request, Part Two

1. Section C- The applicant refers to a 2,000-acre land grant from Lord Baltimore to James Neale in 1641 in reference to the Horse Farm property. If the referenced land grant is to be used for the purposes of claiming jurisdictional ownership of tidal wetlands, the applicants must apply for a certification of the grant through the Commissioner of Land Patents and the Land Office of Maryland.

Growth Allocation Request, Part Five

Section C, Design Criteria

1. P.17-The applicant references the existence of four Habitat Protection Areas (HPAs) within the proposed development site: Bald eagle habitat, non-tidal wetlands, historic waterfowl staging areas,

and Forest Interior Dwelling Birds (FIDS). Based on a preliminary assessment of the site, it appears that multiple colonial water bird nesting sites (Great Blue Herons), and anadromous fish propagation waters may also be present. In addition, please advise the applicant the 100-foot Buffer is also a HPA. While the applicant has provided a preliminary habitat protection plan, more detailed information and coordination with the Department of Natural Resources (DNR) will be required.

2. P.17-The discussion of Habitat Protection Areas does not indicate that generally variances are required for impacts to Habitat Protection Areas. Applicants for variances must demonstrate that denial of the variance request will result in an unwarranted hardship. It appears that variances may be necessary for impacts to the 100-foot Buffer, non-tidal wetlands, State endangered species habitat, and possibly others.
3. P.18-The applicant talks about the 1986 approved plan in reference to FIDS conservation. It is unclear how much of the 1986 figure of 68.14 protected acres of forest cover is located inside the Critical Area. It is my understanding that only 88.45 of the 223.6 acres described in the 2004 proposed forest retention are located within the Critical Area. In addition, it is unclear how much of the initial 1986 or 1992 mitigation and FIDS conservation agreements have been fulfilled to date. In order to determine what conservation measures and/or mitigation will be required for the current proposal, the County and DNR need to evaluate the outstanding FIDS conservation agreements to determine whether the terms of the agreement have been fulfilled. Then, it will be necessary to evaluate whether the applicant is proposing to change the original agreements, remove them, or simply add acreage to them. All development proposed to take place in areas where there are currently no recorded lots, and where any changes to the original FIDS agreements are proposed, must comply fully with the Commission's current FIDS Guidance or an alternative strategy approved by the County, the Commission, and DNR.
4. P.18, Eagle Habitat Protection-The applicant is proposing impacts to the secondary protection zone for the purposes of constructing multi-family and single-family dwellings. Bald Eagle Nests and surrounding protection zones are considered Habitat Protection Areas. The applicant will be required to develop a Negotiated Bald Eagle Protection Plan as outlined in the Charles County Critical Area Program, Chapter 8. It is my understanding that the applicants have begun this process in coordination with Glenn Therres of DNR. The Charles County Critical Area Program requires that the County be involved in this coordination.
5. P.20, Impacts to Tidal Wetlands # 1 and #2 - The Charles County Zoning Ordinance, Section 297-132.G.3, states that roads, bridges and utilities which must cross a HPA shall be located so as to minimize negative impacts to wildlife, aquatic life and their habitats, and maintain hydrologic processes and water quality. In addition, roads bridges and utilities may not be located in any HPA unless no feasible alternative exists. It appears that the proposed road crossing of the wetland adjacent to the Potomac River, at the horse farm, could be relocated to avoid wetland impacts. For the impacts to wetlands near Weir Creek Villages, it appears that the road could be reconfigured to minimize the amount of wetland crossed. Possible alternatives include moving the road location

farther to the north, or tying into the existing road infrastructure and extending Lord Baltimore Drive to the south.

6. P.20, Impacts to Tidal Wetlands #3 and #4- The applicant proposes to dredge an area on the north side of Matthews Cove to create a yacht basin and provide navigable access to Cuckold Creek. In addition, the applicant proposes to excavate an area of upland to the north of Matthews Cover to create an "Annapolis-style" yacht basin. There are several significant issues regarding the excavation of these areas.
- Based on the existence of several HPAs in the area, including the 100-foot Buffer, and the proposed destruction of functional tidal wetlands and forested upland, it does not appear that the proposed excavations are not consistent with the Charles County Critical Area Program.
 - The proposed excavations will require State and Federal approval from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers (ACOE) respectively.
 - The proposed development along the newly created shoreline does not include any Buffer areas. While the portions of the northern property boundary are currently designated as Buffer Exempt Areas (BEA), the newly created shorelines would not be considered as part of this designation. These areas would need to be mapped as Buffer Exempt Areas as a separate Critical Area map amendment. These areas have a functioning, forested Buffer, and do not meet the standards for mapping new BEAs.
 - If the applicant could obtain Federal and State permits for the proposed excavations, a fully forested Buffer would be required along the newly created shoreline area.
 - It is unclear why the existing marina cannot be expanded to provide adequate service to all of the proposed development. This expansion would represent an environmentally sensitive development alternative and does not appear to have been considered.
 - The designation of the existing 2500 linear feet of BEA near the marina and a portion of the golf course was negotiated after extensive deliberations between the County, the Commission, and USX Realty Development. This is the area approved by the Critical Area Commission (CAC) in 1994 for development activities, and was identified as the area of the project site that would be used for development activities like marinas and other water-oriented uses. No additional shoreline areas or new shorelines created by excavation were proposed by the County or contemplated by the Commission. As we discussed, Commission staff would not support additional BEAs at this location, or elimination of the Buffer through excavation.
7. P.20, Impacts to Non-tidal Wetlands- The applicant proposes 47,566 square feet of impacts to non-tidal wetlands. Non-tidal wetlands are identified as HPAs within the Charles County Critical Area Program. Therefore, the applicant will be required to develop a Habitat Protection Plan as specified in the Charles County Critical Area Program, Chapter 8. The applicant may also need to obtain a

variance to disturb these areas. This office would not support variances to disturb non-tidal wetlands or their buffers for the purposes of creating the proposed marina basin and residential lots. In addition, non-tidal wetlands are protected and regulated by MDE, and any proposed impacts will require MDE approval.

8. P.21, Water Quality- The applicant states that a 100-foot Buffer will be managed and maintained in a natural state between the development and waterway, per Critical Area laws. We note that the Buffer may be subject to expansion for contiguous sensitive areas such as areas of hydric or highly erodible soils. This information was not included in the materials submitted, and should be provided in future submittals. In addition, the applicant will be required to fully establish the Buffer where forested cover does not currently exist.
9. P.21, Buffer Impacts- It does not appear that the island to the north of the marina is currently designated as a BEA. As indicated in #6 above, where the Buffer exists in an ecologically functional state, the designation of new BEA status would not be consistent with Critical Area regulations. This may be problematic for any additional areas identified by the applicant as proposed for BEA designation.
10. P.21-The applicant refers to the proposed amphitheatres as water-dependent facilities. Amphitheatres are not considered a water-dependent use as they can exist outside of the Buffer and are not dependant upon the water by reason of the intrinsic nature of their operation. These features should be located outside the Buffer or located in the area already designated as a BEA.
11. P.21-The applicant is proposing to construct six community piers north of Harbour Village and two larger piers along the southern shore. Development of, and in relation to, community piers must comply with the regulations outlined in Section 8-1808.5 of the Critical Area Law, as well as any additional requirements outlined within the Charles County Zoning Ordinance. Because of the negotiations involved in the designation of the existing marina area as a BEA, it is strongly recommended that all water-dependent facilities be located in that area.
12. P.24- The applicants have suggested that the 300-foot setback may not be applicable to this site. The Charles County Zoning Ordinance states that, "Growth allocation applications shall comply with the following design criteria." Criteria number six states, "Projects in the RCA should provide a 300 foot buffer from tidal waters and tidal wetlands." Based on this language, further discussion of the applicability of 300-foot setback may be warranted.

Section J, Growth Allocation Plan Contents

1. P.32- The applicants state that planning for an additional 9-holes of golf is considered as a component of the development proposal. Because the project must address the conservation of FIDS habitat and mitigation for any impacts to FIDS habitat, any areas proposed for golf course development as part of this project need to be clearly designated and included in discussions of the project at this stage.

2. P.33- The applicants state that a special events facility or restaurant on Cuba Island is proposed. Since this island does not appear to be currently included within existing BEA designation on the property, the 100-foot Buffer requirements would be applicable. It also appears that the island is designated RCA. Is growth allocation proposed for the island?

General Comments on the Growth Allocation Proposal

1. The County must confirm the exact limits of the BEA and the required setbacks.
2. Views of the water are consistently mentioned throughout the information submitted. The Critical Area regulations do not include provisions for cutting, clearing, or planting in order to create or maintain views. The Critical Area regulations do allow for management of the Buffer to promote its water quality and habitat benefits and for public access to the water.
3. The general development plan does not consistently show lots or buildable areas surrounding the proposed dwellings, nor does it include any indication of proposed lot sizes. It is unclear whether the applicant will be able to remain within the 15% or 25% impervious surface area limits for each lot within an LDA, as set out in Section 8-1808.3 of the Critical Area Law.
4. The general development plan does not include any proposed stormwater management facilities. While we acknowledge that the proposed development plan is preliminary in nature, potential stormwater management areas located within the Critical Area should be included within the growth allocation development envelope. Preliminary information regarding stormwater management will be required prior to the Commission's consideration of the growth allocation request.
5. The development envelope for the proposed IDA is an unusual shape. The Commission requires that if a development envelope concept is applied, then the development envelope shall include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. Only one development envelope shall be established per parcel of land. It is likely that the Commission will want more information about the configuration of the IDA area since it appears to represent two development envelopes that have been connected by a roadway. It may be necessary to increase the acres of growth allocation proposed in order to form a more contiguous intensely developed pad.
6. There appears to be one building shown outside of the proposed LDA development envelope. Please clarify the intended use of this building and whether this should be included within the development envelope.

7. The Buffer impact map and Buffer Management Plan indicate that 189,478 square feet (4.34 acres) of impacts are proposed to the Buffer areas on the site for the purposes of constructing buildings, pavilions, hiking trails, docks, and pier paths. Buildings and pavilions are not considered water-dependent facilities and cannot be located within the Buffer. In some instances, hiking trails may be located within the Buffer as a means of providing access to the water; however, these impacts should be minimized. Impacts associated with the development of water-dependent facilities must comply with the regulations outlined within COMAR 27.01.03.

Growth Allocation Issues within the Amended Master Plan/Docket 250

Part Five: Amendment to Docket 250

1. Water & Sewer Facilities, P. 21- The development proposal includes the construction of a new wastewater treatment plant. Is this treatment plant proposed within the Critical Area portion of the site?
2. Buffers, P. 24- The applicants propose to modify original Docket 250 language to read, "Grading of earth and clear cutting of trees is not permitted, except as needed as a part of the shoreline erosion control plan or to provide view corridors to the water." As noted above, clearing within the Buffer to obtain a view is not permitted within the Critical Area. We recommend that this requested change not be approved.
3. Habitat Corridor Buffer, P. 25- The original Docket 250 required that a minimum 100-foot habitat corridor be required and maintained adjacent to the natural buffer in particular areas on the property. In addition, Docket 250 states that all buffer areas and habitat corridors shall be shown and recorded as restrictive covenant/environmental easements on all preliminary and final record plats. Prior to permitting any changes to this condition, we recommend that the County determine whether any covenants or easements have been recorded in relation to this condition to date, and whether these restrictions prohibit alterations to the portions of the property described within Docket 250. In some cases, expansion of the 100-foot Buffer for contiguous sensitive areas (nontidal wetlands, steep slopes, etc.) may extend further inland than the habitat corridor described in Docket 250. In this instance, the expanded Buffer would prevail.
4. Mitigation Techniques, P. 26- The applicant proposes language which provides greater flexibility in the plant materials available for use in mitigation, dependant upon prior County approval. The Commission will evaluate all proposed FIDS mitigation for consistency with its current FIDS guidance document, including providing mitigation stocking at 300-400 stems per acre. This may be more restrictive than the mitigation requirements as outlined within the Charles County Zoning Ordinance.
5. Evaluation of Environmental Impacts, P. 29- Docket 250 required a follow-up to the original water quality study of Cuckhold Creek and Matthews Cove within one year after the completion of 50% of the approved dwelling units. The applicants propose to eliminate this condition based on

Kevin Vienneau
Swan Point Growth Allocation
March 25, 2005
Page 7 of 7

updated stormwater management guidelines. Given the amount of impacts proposed to Cuckhold Creek and Matthews Cove, and that the initial water quality study was conducted 17 years ago, we recommend that the applicant be required to provide this follow-up study prior to any change in this condition.

Thank you for the opportunity to provide comments on the application materials pertaining to amendments to Docket 250 and the growth allocation request. The preceding comments represent the preliminary review and evaluation of the project submittal 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 and BEA designation. During its formal review, the Commission may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal at this early stage in the review process. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

Cc: Marianne D. Mason, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 25, 2005

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

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

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised 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).

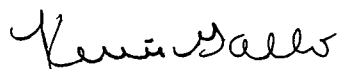
Based on the information provided, we have the following comments regarding this revised subdivision proposal.

- 1) There is no information on the plat regarding how the tidal wetland limits and subsequent Buffer on Lot 2 and the non-rip-rapped portion of Lot 1 were determined. These limits must be field surveyed and located, and cannot be taken from maps. Please advise the applicant that the Buffer as shown may be subject to change upon clarification of this issue.
- 2) The 100-foot Buffer on Lot 2 will need to be fully established at the time of development. Please have the applicant add a note to the plat containing the standard Buffer establishment language.
- 3) The forested areas of the property have been identified as FIDS habitat. While no development activity is currently proposed impacting these areas, please advise the applicant that future development within FIDS habitat must comply with the guidelines found in the Commission's 2000 FIDS Guidance Document as detailed within the Habitat Protection Area (HPA) requirements of the Talbot County Zoning Ordinance.

Mary Kay Verdery
S986 Jarboe-Revised
March 25, 2005
Page 2

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 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

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March 25, 2005

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:

This letter is in response to our continuing review of the Dwyer major subdivision. Regarding the revised site plan received, we provide the following comments.

As agreed upon in our recent email communication, and in email communications with Elizabeth Fink of Lane Engineering, please have the applicant add a note to the plat stating that the impervious surface area limits shown for each lot may not be accurate as indicated and are subject to change based on a determination of wetland ownership on a lot by lot basis. Alternative language which effectively conveys a comparable meaning may be proposed and agreed upon by the Talbot County Planning Office, Lane Engineering, and Critical Area staff.

Provided that the above referenced concern is addressed, this office has no further comments regarding this subdivision proposal. Thank you for your continued efforts in coordinating the review of this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "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

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March 23, 2005

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

Re: S983 Callaghan, Dennis

Dear Ms. Verdery:

This letter is in response to our continuing review of the Callaghan minor subdivision. Based on the revised site plan provided, we have the following comments.

The Department of Natural Resources (DNR) has identified this property as containing Delmarva Fox Squirrel (DFS) habitat. While no development is currently proposed in the forested areas of the property, we recommend that a note be added to the plat identifying the property as containing DFS habitat and stating that, as such, future development activities may warrant further review by the Talbot County Planning and Zoning office, as well as appropriate resource agencies.

Provided that the applicant addresses the concern detailed above, we have no further comments. Thank you for the opportunity to review this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 285-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 23, 2005

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

Re: Shore Erosion Protection Works Permits

Dear Ms. Dailey:

This letter is in reference to the recent building permits applications, AP#52403 (Wood), AP#52399 (Lawson), and AP#52404 (Evans) which were forwarded to this office for review.

The Critical Area Criteria, Title 27.01.04, Shore Erosion Protection Works, encourages the protection of rapidly eroding portions of the shoreline in the Critical Area by public and private landowners. Based on these provisions, shore erosion control measures proposed channelward of Mean High Water (MHW), do not generally require review by the Critical Area Commission. In these instances, applicants are required to apply for a permit from the Maryland Department of the Environment (MDE). Where shore erosion control projects propose disturbance, or permanent displacement to the 100-foot Buffer, landward of MHW, review by the Commission is required.

Based on the information provided within the above referenced building permit applications, it appears that all proposed development activities fall into the category of shore erosion protection measures, and are proposed at or below MHW. Therefore, I have concluded that review of these projects by the Critical Area Commission is not required. However, please note that the applicant will be required to obtain the necessary MDE permits.

Thank you for your efforts in coordinating the review of the proposed shore erosion protection projects. I hope that you find this information helpful in clarifying the types of projects which require Commission review. Please call me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner
CA185-05,187-05,188-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 23, 2005

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

Re: Appeal #1362 Koh

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 construct an addition to the primary 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 an 848.26 square foot addition to the primary dwelling, with 513.97 square feet of new disturbance to the Buffer. Given that the existing dwelling is a legal, non-conforming structure, and based on the configuration of the existing structure, we do not oppose the applicant's request for a Buffer variance. However, it does appear that the development proposal also includes the installation of new septic tanks, and a new septic reserve area, and that some additional disturbance to the Buffer is required as a component of this development activity.

As you know, all disturbance to the Buffer is subject to strict mitigation. We recommend that the applicant be required to provide mitigation plantings at a 2:1 ratio, calculated as the total areal extent of the new disturbance to the Buffer. Any clearing or ground disturbance for the installation of the septic tanks and reserve area must be included within this calculation. In addition, we recommend that a Best Management Practice such as French drains, rain gardens, or downspouts to vegetated outfalls be required as a component of the variance approval. This will provide greater infiltration opportunities within the Buffer, and will prevent further degradation to Maxmore Creek.

TTY For the Deaf


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



Mary Kay Verdery
A1362 Koh
March 23, 2005
Page 2

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC147-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 21, 2005

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

Re: Wal-Mart Distribution Center Growth Allocation

Dear Ms. Kean:

This letter is in response to the above referenced growth allocation request and development proposal. As you are aware, the Commission received the County's formal request for growth allocation for the Wal-Mart project on February 4, 2005. At that time, it was communicated to you that we required some additional information regarding the site conditions and the proposed development activities before the application could be considered complete.

On March 4, 2005, you accompanied Commission staff and a panel of Commission members on a site visit to the property where we were able to gather some additional information. On March 17, 2005, Commission staff were able to meet with a representative from MDE to discuss the stormwater management for the project.

At this time, I wish to notify you that the County's application for growth allocation is now complete. Per your February application letter, I note that you have requested that this growth allocation request be treated as a refinement to the County's program. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter. Commission staff will notify you of his determination and the procedures for review by the Commission.

Thank you for your continued coordination on this project. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. 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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March 16, 2005

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

Re: SFD 05-0079 Majors

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.

Based on the information provided, it appears that greater than 30% clearing is proposed. Clearing in excess of 30% requires that mitigation be provided at a 3:1 ratio for the entire area of trees removed. We note that the applicant has indicated that 69 trees, or an area of .63 acres is proposed for clearing. In order to meet mitigation requirements, it appears that 1.89 acres of reforestation will be required. It does not appear that the applicant has provided a planting plan at this time. We recommend that a planting plan be submitted which demonstrates how the mitigation requirement will be fulfilled. In addition, it is difficult to determine from the site plan whether the Buffer is established or will require afforestation. Please have the applicant include this information in the planting plan and have a note placed on the plat indicating the standard Buffer establishment language if necessary.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CS 99-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 16, 2005

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

Re: Mote Property

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. It appears that the applicant proposes to raze the existing dwelling and garage and to construct a new dwelling in its place. The property lies within a designated Resource Conservation Area (RCA) and is currently developed.

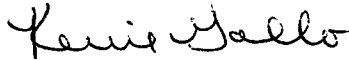
The site plan indicates that there is an area of tidal wetlands originating on the western portion of the property. Has this wetland been delineated in the field? MERLIN indicates that this area of tidal wetlands leads into a non-tidal wetland pocket. If the entire area is tidal as shown on the site plan, a 100-foot Buffer will need to be shown surrounding the wetland boundaries. In addition, it appears as though the Buffer may not be accurately shown along the northern portion of the shoreline where the bulkhead shifts inward along the slope. This shift may impact the proposed septic area and should be considered. Please have the applicant clarify this information in the field and submit a revised site plan if necessary.

While the applicant has provided information regarding the required mitigation plantings, the site plan indicates that the Buffer may require afforestation in order to achieve a fully forested state. Please verify the existing conditions of the Buffer. If afforestation is required, please have the applicant add the appropriate Buffer establishment language to the plat and provide the appropriate Buffer plantings plan.

Elsa Ault
Mote Property
March 16, 2005
Page 2

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 104-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 16, 2005

Tracey Gordy
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: Town of Princess Anne-Somerset County Office Complex Tower
Map 200, Parcel 110

Dear Ms. Gordy:

Thank you for providing information regarding the proposed construction of a new emergency services radio tower and 900 square foot concrete foundation pad at the Somerset County Office Complex site, located in the Town of Princess Anne. As stated in your letter dated March 4, 2005, the proposed activity requires review by the Critical Area Commission as detailed within COMAR, Title 27.02.02.

Based on the information you have provided, I agree with your determination that the proposed development project is consistent with the Princess Anne Critical Area Program and Ordinance for projects located within Intensely Developed Areas, provided that the 10% pollutant removal requirement can be adequately addressed. As agreed by Ren Serey, the Commission staff will determine how the County can adequately address the 10% Rule requirement concurrent with our site visit and evaluation of the 10% rule requirement for the Somerset Office Complex storage building. Again, this compromise allows the County to continue with their construction timeline as planned as well as ensures that the Critical Area 10% Rule compliance is achieved.

Thank you for your efforts in coordinating the review of this project. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner

Cc: Charles Massey

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 16, 2005

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

Re: SE 05-2286 Crossan
Tax Map 23, Parcel 35

Dear Mr. Lawton:

Thank you for providing information on the above referenced request for a special exception. The applicant is requesting a special exception to permit a tenant house over the existing garage structure. The property is located within a designated Resource Conservation Area (RCA) and is currently developed.

It is my understanding that Somerset County's Zoning Ordinance does not permit the existence of two dwelling units on the same lot or parcel. However, given that the applicant has sufficient density to support two development rights within the Critical Area, the applicant is applying for a special exception to permit the continued existence of the tenant house on the same parcel as the primary dwelling. Based on the information provided, we do not oppose the request for a special exception. We acknowledge that the applicant has no remaining development rights within the Critical Area.

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 request. 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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
SO140-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 16, 2005

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

Re: Jersey Island Multifamily Community Preliminary Site Plan

Dear Mr. Quintanilha:

This letter is in response to the above referenced preliminary site plan. The applicant proposes to construct a condominium community and private/commercial marina on a 7.649-acre site. The property lies within a designated Intensely Development Area, and a designated Buffer Exemption Area.

Based on the information provided, we provide the following comments regarding this preliminary site plan review and development proposal.

- 1) While the applicant has restricted the majority of the development to outside of the 25-foot Buffer, there is a section of Building #11, a concrete walkway, and a gazebo that falls within the 25-foot Buffer near the western property line. This area will need to be reconfigured to remove those features from within the 25-foot Buffer. In addition, no Buffer is shown for the portion of the property near the 8-slip private marina. Please include the Buffer in this area on future site plans.
- 2) Bioretention facility #1 is shown within the 25-foot Buffer. Stormwater ponds are not permitted within the Buffer and must be removed.
- 3) The applicant will be required to fully establish the 25-foot Buffer. We recommend that the applicant submit a Buffer planting plan detailing the species type, location, and quantity of plantings to be provided. The plantings plan should utilize a variety of salt-tolerant species including native shrub, grass, and tree species.

Alvaro Quintanilha
CF21-04
March 16, 2005

- 4) In addition to the Buffer planting requirements, the City's Critical Area Ordinance [§112-107 E.(5)] states that in IDA's "Development and redevelopment projects shall delineate those site areas not covered by impervious surfaces that are to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable". This information has not been provided.
- 5) The 10% Rule calculations appear to be incorrect. The pre-development phosphorous load should be 9.70 lbs, rather than 9.75lbs. The post-development phosphorous load should be 11.55 lbs., rather than 11.56 lbs. The resulting pollutant removal requirement should be 2.82 lbs., rather than 2.78 lbs. Please check these calculations and make changes as necessary.
- 6) The proposed bioretention facilities do not provide the required removal amount. Bioretention facility #2 incorrectly lists the removal amount as 1.22 lbs., when it is actually .95 lbs. This changes the total proposed removal amount to 2.59 lbs. and the required removal amount is 2.82 lbs. There appears to be a .23 lb. deficit in pollutant removal.
- 7) Prior to final plat approval, the applicant will be required to provide evidence that a stormwater management plan was submitted, reviewed, and approved in accordance with the provisions outlined in the City's stormwater ordinance. We recommend that the applicant take measures at this preliminary review stage to ensure that approval of the stormwater plan can be obtained based on the bioretention facilities proposed.
- 8) The City's Critical Area Ordinance has a site plan section (§112-109) that specifically lists what types of information must be included on all Critical Area site plans. For example, non-tidal wetlands are required to be shown. If non-tidal wetlands do not exist on the site, a note should be added that states, "There are no non-tidal wetlands located on this site". The site plan requirements have not been addressed on the current site plan and must be included in future submittals.
- 9) There are some minor mistakes in the impervious surface data. Under existing conditions (B), the pervious and impervious square footage amounts total 333,198 square feet instead of 333,197 square feet. The note for impervious cover decreased within the Buffer states that it is 14.3%, but it is actually 13.7%. The note for impervious surface increase on the total site states that it is 10.6%, but it is actually 10.7%.
- 10) The walkway notes which address how the walkways can be considered pervious, should also state that the entirety of the walkways must have at least 6" of gravel underneath and that vegetative plantings will be included in the design to minimize runoff. Guidance regarding pervious construction methods can be provided if needed.
- 11) It appears that the proposed marina site plan provided by the applicant at the February 23rd Joint Evaluation meeting is consistent with the City's Critical Area Criteria for marina


Alvaro Quintanilha
CF21-04
March 16, 2005

development. Should any revisions be proposed to this marina site plan, resubmittal and subsequent review by the Critical Area staff will be required.

- 12) The City's Critical Area Ordinance, Water Dependent Facilities Section (§112-110), contains a specific list of required information for all site plans that include the development of commercial marinas or other water-related uses in the Critical Area. These requirements have not been addressed on the plan and will need to be addressed prior to final plat approval.
- 13) This office received a memo from DNR on March 14, 2005 raising concerns over the proposed breakwater structure on the north side of the property. The applicant will be required to address the recommendations made by DNR regarding these concerns in future site plan submittals.

Please note that these comments are provided to you as a review of a preliminary site plan and are the result of a coordinated review effort between Tracey Gordy, the Commission's Circuit Rider for the City of Crisfield, and myself. When revisions are complete, we recommend that the applicant provide a revised site plan for Critical Area review, along with an explanation describing how each of the above comments has been addressed. For future submittals, please keep in mind that the Commission's standard review period for projects of this type of development and scale is generally thirty days prior to any scheduled local meeting dates. If you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CF21-04

Cc: Tracey Gordy, MDP
Charlie Wallis, MDE

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 16, 2005

Tracey Gordy
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: City of Crisfield-Woodson Elementary School Renovation
Map 103, Parcel 910

Dear Ms. Gordy:

Thank you for providing information regarding the proposed renovations at the Woodson Elementary School site, located within the City of Crisfield, Somerset County. As stated in your letter dated February 25, 2005, the proposed activity requires review by the Critical Area Commission as detailed within COMAR, Title 27.02.02.

It is my understanding that the Somerset Board of Education is proposing several renovations to the Woodson Elementary School, but that the installation of a geothermal field is the only impact proposed within the Critical Area portion of the site. The applicants propose to install the geothermal field in an area of existing lawn which will be reseeded after construction is complete. There are no impacts to habitat protection areas proposed and the property is currently designated as an Intensely Developed Area (IDA).

Based on the information you have provided, I agree with your determination that the proposed development project is consistent with the Crisfield Critical Area Program and Ordinance for projects located within IDAs. Thank you for your efforts in coordinating the review of this project. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "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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March 15, 2005

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

Re: Variance 2005-787 Rodman

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 primary dwelling. The property is located within a designated Limited Development Area (LDA) and is currently undeveloped.

While we do not generally oppose the applicant's request for a Buffer variance for this development proposal, it appears that the proposed disturbed area lies within an identified sensitive species review area. Given this designation, Somerset County's Critical Area Program requires that the applicant and County coordinate with the Department of Natural Resource's Wildlife and Heritage Division to identify the particular species of concern and ensure that recommendations for their protection are addressed.

In addition, the Pocomoke River is designated as a Natural Heritage Area (NHA) and a Wetland of Special State Concern (WSSC). While no development is proposed directly impacting the river, we recommend that the applicant also consult with DNR regarding the NHA designation, and that appropriate coordination with the Maryland Department of the Environment (MDE) be taken. In general, WSSC require that a 100-foot buffer be drawn from the edge of the wetland. It appears that a portion of the proposed development may lie within the WSSC buffer and may therefore require a MDE permit. Based on this information, we recommend that the following conditions be included within any approval that the Board may issue.

- 1) Prior to the issuance of a building permit, the applicant and County must coordinate with DNR to identify the species of concern on the property and to ensure that all recommendations for their protection are addressed.

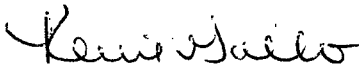
Tom Lawton
Rodman Variance
March 15, 2005
Page 2

- 2) Prior to the issuance of a building permit, the applicant must consult with MDE to assess whether a permit will be needed to disturb the WSSC buffer.

Should the Board grant the proposed variance request, we recommend that the applicant be required to provide mitigation at a 3:1 ratio for the entire area of disturbance to the Buffer. Given the particularly sensitive nature of this property, we recommend that mitigation be required in the form of native woody and vegetative 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,



Kerrie L. Gallo
Natural Resource Planner
SO 141-05

CC: Lori Byrne, DNR
Scott Smith, DNR
Joe Kincaid, MDE

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 15, 2005

Mr. Matt Hedger
City of Salisbury-Wicomico County
Department of Planning, Zoning and
Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Stormwater Ponds in the RCA
Whitetail Subdivision

Dear Mr. Hedger:

This letter is in response to the February 22, 2005 letter from Mr. Brock Parker of Parker and Associates regarding the desire to locate a stormwater pond within the Critical Area portion of a property designated as a Resource Conservation Area (RCA). It is my understanding that the proposed pond is intended to service development activity outside of the Critical Area.

As you are aware, there are strict limitations on density and land use within the RCA. These restrictions are intended to conserve, protect, and enhance the overall ecological values of land characterized as nature-dominated. Without the use of growth allocation, land within the RCA cannot be used to support development outside of the Critical Area. This policy is consistent with previous Critical Area approvals within Wicomico County and within surrounding counties.

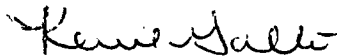
Regarding Mr. Parker's specific request for a waiver to this regulation, I provide the following comments. First, while the existing drainage conditions of the site appear to direct 100% of stormwater runoff to Barren Creek, the site is currently in a natural state and providing infiltration and groundwater recharge opportunities via overland flow. While I acknowledge Mr. Parker's desire to over design the stormwater pond to manage larger storm events, the current design standards required by the Maryland Department of the Environment are intended to adequately address the altered flow of runoff created by a specified amount of developed, impervious surfaces, thereby assuring that the ecological function of adjacent land is not significantly impacted.

Matt Hedger
White Tail Subdivision
March 15, 2005

Second, Mr. Parker refers to "Coopers Landing" as a previously approved Critical Area project designed in the same fashion as the proposed, "White Tail Subdivision." Based on information within our files, the property known as Coopers Landing was approved as a growth allocation request, where the entire acreage of the property was deducted from the County's allocated reserves, and the Critical Area designation changed to a Limited Development Area (LDA). It appears that Mr. Parker may be confusing permitted uses within the LDA and RCA. As previously stated, the placement of the proposed stormwater pond within the RCA that serves development outside the Critical Area is not permitted within the RCA, but may be permitted within the LDA or IDA. Likewise, facilities that serve development in the LDA or IDA are also not permitted within the RCA without growth allocation.

In summary, and based on my understanding of the information provided, it appears that the applicant must either relocate the proposed stormwater pond outside of the Critical Area, or a petition for growth allocation must be filed. If you require further information regarding this determination or would like specific examples of this policy within Wicomico and surrounding counties, please feel free to contact me at 410-260-3482. Thank you for the opportunity to provide comments and for your coordination efforts in this matter.

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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March 15, 2005

Mr. Matt Hedger
City of Salisbury-Wicomico County
Department of Planning, Zoning and
Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Cedar Hill Park Drainage Pipe Installation

Dear Mr. Hedger:

Thank you for providing information on the above referenced drainage pipe installation project located within Cedar Hill Park in the Town of Bivalve, Wicomico County. The purpose of the proposed project is to provide drainage for an associated dredge spoil containment facility located outside of the Critical Area. The property is designated a Limited Development Area (LDA).

Based on the information provided, it appears that the proposed project results in a limited amount of disturbance to the Buffer, as well as removal of an area of trees outside of the Buffer, but within the Critical Area. It does not appear that impacts to any other Habitat Protection Areas (HPAs), tidal or non-tidal wetlands are proposed within the Critical Area, and no new impervious surface area is proposed. Your letter indicates that mitigation will be provided at a 3:1 replacement ratio for trees cleared within Buffer and at a 1:1 ratio for any trees removed outside the Buffer. We recommend that mitigation be provided at a 3:1 ratio, measured as the entire area of new disturbance to the Buffer, and at a 1:1 replacement ratio for any trees removed outside the Buffer.

Based on this information, I concur with your determination that this project is consistent with the regulations outlined within the Wicomico County Critical Area Program and Zoning Ordinance. Thank you for the opportunity to provide comments, and for your coordination efforts in this project.

Sincerely,

A handwritten signature in cursive script that reads "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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March 8, 2005

Mr. Bruce M. Grey
Deputy Director
Office of Planning and Preliminary Engineer
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: Project No. SO408A21
US 13 at Linden Avenue Roadway Widening
Somerset County

Dear Mr. Grey:

Thank you for providing information on the above referenced roadway-widening project located at the intersection of Route 13 and Linden Avenue in the Town of Princess Anne, Somerset County.

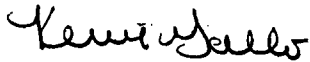
As indicated in your letter, the project proposes to create approximately 10,000 square feet of new impervious surface area within a 2.42-acre drainage area for the purposes of constructing a school bus acceleration lane. The project is proposed within an existing right-of-way and median, and results in an approximate 9.5% increase in the total impervious surface area of the site. There are no impacts to the 100-foot Buffer, tidal wetlands or habitat protection areas proposed. Review of the calculations provided indicates that the proposed dry swales adequately address the 10% pollutant reduction requirement.

Based on this information, the project appears to be consistent with the standards of environmental protection outlined under COMAR 27.02.05.09, and therefore qualifies for consideration as an Eligible Minor Project, outlined under #6 in the current Memorandum of Understanding between the State Highway Administration (SHA) and the Critical Area Commission. Given this determination, the project qualifies for a general approval and will not require formal Commission approval.

Bruce Grey
Route 13 Road Widening
March 8, 2005

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
14-05 DOT

Cc: Catherine Ford, SHA-PPD
Meg Andrews, MDT

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

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

Re: S993 Weller

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision request. The applicant is requesting to subdivide a 5.916-acre parcel to create two new lots within the Critical Area. The property lies within a designated Limited Development Area (LDA) and is currently developed with a primary dwelling.

The applicant will be required to obtain a DNR Wildlife and Heritage evaluation of the property to determine the presence of any rare, threatened, or endangered species. If present, the applicant will be required to address recommendations made by DNR for their protection.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC91-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

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

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

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised major line revision. The revised plan proposes to create eight lots. 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 revised line revision proposal.

- 1) The plat shows multiple features which require further clarification and possible verification by a certified professional.
 - The farm swale shown was previously labeled as an intermittent stream. How was this change in designation determined?
 - There is an agricultural ditch shown running from an area of wetlands into the forest cover outside of the Critical Area, where it dead ends. Please clarify whether this is a man-made ditch or an existing natural feature in use as a ditch.
 - There is an intermittent stream shown with a note stating that a determination by the Army Corps will be made regarding its status as a stream. Please note that the purpose of the ACOE's determination is to clarify whether the waterway in question is considered "waters of the US". This determination does not necessarily indicate whether the waterbody is considered a tributary stream as defined by the Talbot County Critical Area Program. If necessary, a field assessment of the resource can be




made via a site visit with Critical Area staff and appropriate coordinating resource agencies.

- 2) The site plan does not include impervious surface area calculations. Please include a summary of the existing and proposed impervious areas for each lot, including all driveways and roads.
- 3) The existing forest cover conditions are described as 96.98 acres overall, with 26.76 acres within the Critical Area and 26.16 acres outside the Critical Area. These numbers do not add up to 96.98 acres. In addition, please ensure that the existing forest cover conditions within the Critical Area do not include wetlands areas as forest cover.
- 4) It appears that the Buffer areas shown on all the lots and the intermittent streams will require establishment via afforestation. Please add appropriate notes referring to this requirement.
- 5) The development rights summary states that 1 grandfathered development right was derived from the existing Parcel Number 5, Deed 1230-585. The parcel that this deed references does not appear to be shown on the site plan or is not labeled as described. Please clarify.
- 6) The DNR Heritage letter indicates that the large forested area on the property is identified as potential Forest Interior Dwelling Bird (FIDS) habitat. While only a small portion of this forested area lies within the Critical Area, development should be restricted within this area, as ample opportunity exists to development elsewhere. A note should be added to the plat which details this restriction.

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

Sincerely,



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

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March 8, 2005

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

Re: L990 Duvall
Tax Map 41, Parcel 257

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 256 and 257. Parcel 257 is located within a designated Limited Development Area (LDA) and is currently developed with a single-family dwelling. Parcel 256 is located within a designated Resource Conservation Area (RCA) and is also developed with a single-family dwelling.

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


- 1) While the applicant indicates that the zoning on these parcels is LDA, MERLIN and the Talbot County Critical Area maps indicate that Parcel 256 is actually designated as RCA. While this does not affect the feasibility of a lot line revision, it does affect the development rights summary as currently indicated. After the revision, a portion of the revised Lot "H" will lie within the RCA. As the total lot size of revised Lot H is 9.71 acres, there are no remaining development rights. Similarly, the existing Lot "G" is not currently permitted 4 remaining development rights, as the existing acreage is 8.71 acres, with its one permitted development right in use. Please make changes to the development rights summary as necessary.

Mary Kay Verdery
L990 Duvall
March 8, 2005

- 2) MERLIN indicates that there is a tidal wetland on the property directly to the north of Parcel 257 whose corresponding Buffer falls onto the boundary of Parcel 257 (Lot H). Please have this Buffer area added to the site plan along with a note describing the standard Buffer restrictions.
- 3) Please add the word, **remaining**, to each area labeled as "F" under the impervious surface area calculations shown for the property so that the plat reads, "total allowable impervious surface remaining".
- 4) Please advise the applicant that the property lies within a designated sensitive species review area. An evaluation of the property by DNR's Wildlife and Heritage review division for the presence of any rare, threatened, or endangered species may be required prior to any future development.

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
TC89-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

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

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

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised major subdivision request. The applicant is requesting to subdivide a 320.77-acre parcel to create 5 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 revised subdivision proposal.

1. The current plan does not include the following required elements: Critical Area 100-foot Buffer, non-tidal wetland boundaries and their buffers, steep slopes, hydric soils, and perennial or tributary streams and their buffers. Please advise the applicant that these features must be field delineated. Please add these features to the site plan and resubmit a revised plan.
2. The current site plan shows the location of mean high water in several places on the property. This feature should be consistently shown and a note should be included explaining how this determination made. Mean high water must be determined in the field.
3. There are several areas where tidal wetlands are shown to lie within the property boundaries. These wetlands area will be considered to be State-owned unless the applicant provides a jurisdictional determination made by a certified professional detailing the field-determined acreage of state and private tidal wetland areas.

Mary Kay Verdery
M1057 Callahan
March 8, 2005
Page 2

4. Currently, the lot lines and the centerline of the stream are shown in the same line style. Please clarify whether the centerline of the stream shown is also the lot line between Lots 18 and 19.
5. As described in detail in my December 3, 2004 letter, this site has been identified by DNR as containing both Delmarva Fox Squirrel (DFS) habitat and Forest Interior Dwelling Bird (FIDS) habitat. The presence of the DFS habitat requires the applicant to consult with the US Fish and Wildlife Service to determine any necessary protection measures. In addition, the applicant is required to submit a habitat protection plan for both the DFS and FIDS habitat as detailed within the Talbot County Zoning Ordinance. Based on the level of information provided on the site plan, there is potential for Lots 16, 17, and 18 to be affected by these protection requirements.

In addition, DNR has identified the potential for six rare, threatened, or endangered species to be present on the site or in the vicinity of the site. The applicant must address this issue by providing a professional determination as to whether the listed species and their habitat occur on site or by providing a determination that the development activities proposed do not affect the species or potential habitat areas. Technical guidance on this matter can be found by contacting the appropriate DNR representative as detailed within the November 24, 2004 Heritage letter.

6. Previous review of this property indicated that 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. This feature should be identified on the plat. The applicant should coordinate with the Maryland Department of the Environment (MDE) to determine the need for special permits should development be proposed within this WSSC or its buffer.

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
Natural Resource Planner
TC 829-04

Cc: Mary Ratnaswamy, FWS
Scott Smith, DNR
Gary Setzer, MDE

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

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

Re: L991 Bozzelli
Tax Map 30, Parcel 101

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 Lots 11 and 9, resulting in a transfer of 4.36 acres of land from Lot 11 to Lot 9. The Critical Area portion of the parcel is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling.

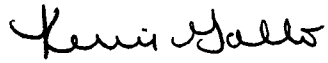
Based on the information provided, we have the following comments regarding the lot line revision.

- 1) The Critical Area boundary should be shown and labeled consistently on the site plan. As shown, the CA boundary stops at the new line of division for Lot 9.
- 2) The applicant states that revised Lot 11 is 50.63 acres, and has calculated the impervious surface area limit based on 42.58 acres. Please advise the applicant the there appears to be approximately 19 acres of tidal wetlands within the property's boundaries. It does not appear that a determination of State versus private ownership of this tidal area has been made. Therefore, the impervious surface area limits may not be accurate as shown. To ensure future clarity and consistency, we recommend that a note be placed on the plat stating this stipulation.

Mary Kay Verdery
L991 Bozzelli
March 8, 2005

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC

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
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March 8, 2005

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

Re: White Swan, LLC 200561987/05-WL-1093

Dear Mr. Hamilton:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps Of Engineers (ACOE) joint public notice for the placement of 1470 linear feet of riprap and 607 linear feet of revetment at the property known as White Swan, LLC in Talbot County.

I am enclosing a copy of a memo received from Lori Byrne of DNR's Wildlife and Heritage Service, dated February 17, 2005. Please note that the memo indicates that a bald eagle nest occurs within ¼ mile of the project site and that the site is also a known waterfowl concentration area. Within the Critical Area, local jurisdictions are required to provide protection for those species identified as rare, threatened or endangered, or for those species identified as in need of conservation. In addition, State law requires that appropriate protection measures be incorporated into actions by state agencies. Based on this information, we recommend that further coordination with the appropriate DNR representatives be pursued. This will ensure that adequate protection is given to the identified species in the course of the proposed shoreline stabilization project.

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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner

Cc: Glenn Therres (DNR)
Larry Hindman (DNR)
Mary Kay Verdery (Talbot County)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

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

Re: A053 Finizio

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 designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that 576 square feet of new disturbance to the Buffer is proposed for the construction of the addition. The applicant proposes to remove 803 square feet of existing impervious surface area within the Buffer and an additional 865 square feet of impervious surface area outside the Buffer to bring the property into compliance with permitted impervious surface limits. Based on the information provided, 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 576 square feet of new Buffer disturbance and that the areas where impervious surface is removed be replanted and restored to pervious vegetative cover. Mitigation for the new disturbance should consist on native woody and vegetative plantings directed 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 administrative variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 93-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

Ms. Nancy Jones
UMCES
Center Administration
Post Office Box 775
Cambridge, Maryland 21613

Re: Pole Barn Construction
Dorchester County, Maryland

Dear Ms. Jones:

This letter is to inform you that on March 2, 2005, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above-referenced project located at the Horn Point Laboratory site.

I'd like to thank you and your staff for your assistance in presenting this project to the Commission. Please call me if you have any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie Gallo
Natural Resources Planner

47-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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March 4, 2005

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

Re: Jersey Island Multifamily Community Site Plan
ADC Builders

Dear Mr. Quintanilha:

This letter is in response to the above referenced preliminary site plan. The applicant proposes to construct a condominium community and private/commercial marina on a 7.649-acre site. The property lies within a designated Intensely Development Area, a designated Buffer Exemption Area, and is currently developed.

As I mentioned during our phone conversation, the timeline between the Commission's receipt of the site plan and the date by which you have requested formal comments is considerably less than the normal standard of operation. In an effort to provide comments to you prior to the Planning Commission meeting scheduled for Monday, March 7th, as you have requested, I have performed an initial review of the materials submitted. Please note that this shortened review period has not allowed for adequate time to coordinate our review with Tracey Gordy, the Maryland Department of Planning representative, and Critical Area Commission Circuit Rider for the Town of Crisfield. Please be advised that Ms. Gordy may have additional comments which the applicant will need to address at a future date.

Based on our preliminary review of the site plan and development proposal, we provide the following comments:

- 1) While the applicant has restricted the majority of the development to outside of the 25-foot Buffer, there is a section of Building #11, a concrete walkway, and a gazebo that falls within the 25-foot Buffer near the western property line. This area will need to be reconfigured to remove those features from within the 25-foot Buffer. In addition, no Buffer is shown for the

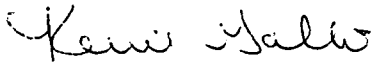
Alvaro Quintanilha
CF21-04
March 4, 2005
Page 2

portion of the property near the 8-slip private marina. Please include the Buffer in this area on future site plans.

- 2) Bioretention facility #1 is shown within the 25-foot Buffer. Stormwater ponds are not permitted within the Buffer and must be removed.
- 3) The applicant will be required to fully establish the 25-foot Buffer. We recommend that the applicant submit a Buffer planting plan detailing the species type, location, and quantity of plantings to be provided. The plantings plan should utilize a variety of salt-tolerant species including native shrub, grass, and tree species.

Thank you for the opportunity to provide comments for this preliminary site plan and development. We recommend that the applicant submit a revised site plan which addresses the above comments. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CF21-04

Cc: Tracey Gordy, Maryland Dept. of Planning

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 3, 2005

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-revised
(Tax Map 44, Parcels 421, 395 & 396)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised 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 the revised site plan.

- 1) This office has not yet received a DNR Heritage letter regarding the presence of any rare, threatened or endangered species on the property. This letter must be obtained prior to recordation of the subdivision and the applicant will be required to address any recommendation made by DNR for the protection of these species.
- 2) Please include a note on the site plan acknowledging that no disturbance is permitted within the Buffer areas on Lots 1-5, Lot 13, and the lot referred to as the Cooke property, and the entire Buffer in general.
- 3) Based on the amount of clearing proposed for the subdivision, it appears that mitigation will be required at a 1.5:1 ratio for the entire area of disturbance. We recommend that mitigation be fulfilled first by on-site replanting of native woody and vegetative species. Where planting is not possible, payment of a fee-in-lieu is acceptable.

4) Impervious Surface Area Calculations

- The notes state that paving and sidewalk areas were included within the impervious surface area calculations. Does this include the driveway and cul-de-sac?
- It does not appear that Lot 6 was included within impervious surface calculations.
- Lot 8 has been included twice within the calculations-once in reference to the 7x1200 square feet, Lots 4, 8-13, and once as a stand-alone Lot 8.
- The existing impervious surface area for Lot 7 was included in the calculations. Given that this trailer is proposed to be removed, please provide information relating to the proposed amount of impervious surface on Lot 7.
- Please advise the applicant that the subdivision as a whole is limited to 15% impervious surface cover, which is 1.002 acres, including all driveways, sidewalks and roads. Individual Lots 1-13 are each limited to 25% impervious surface area, while the Cooke property is limited to 15% impervious cover.

Thank you for the opportunity to provide comments for this revised 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 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

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March 1, 2005

Tracey Gordy
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: Town of Princess Anne-Somerset County Office Complex
Map 200, Parcel 110

Dear Ms. Gordy:

Thank you for providing information regarding the proposed construction of a storage building at the Somerset County Office Complex site, located in the Town of Princess Anne. As stated in your letter dated February 25, 2005, the proposed activity requires review by the Critical Area Commission as detailed within COMAR, Title 27.02.02.

Based on the information you have provided, I agree with your determination that the proposed development project is consistent with the Princess Anne Critical Area Program and Ordinance for projects located within Intensely Developed Areas, provided that the 10% pollutant removal requirement can be adequately addressed. As agreed upon by Ren Serey and Charles Massey, the Commission staff will visit the site and determine how the County can adequately address the 10% Rule requirement sometime within the next 60 days. This will allow the County to continue with their construction timeline as planned as well as ensure that the Critical Area 10% Rule compliance is achieved. As you and Ren discussed, we will coordinate the site visit with you and proceed accordingly.

Thank you for your efforts in coordinating the review of this project. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner

Cc: Charles Massey



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 1, 2005

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

Re: Variance 05-5156 Roland

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 steep slope requirements in order to construct a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently developed.

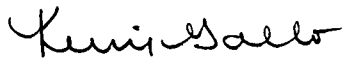
Based on the information provided and a recent site visit to the property, we do not oppose the granting of this variance request. However, we provide the following comments regarding the site plan and development proposal.

1. It appears that the property is subject to an expanded Buffer due to the presence of contiguous steep slopes on the property. Please have the applicant make adjustments as applicable to the Buffer shown on the site plan and ensure that potential homeowners are advised of the amended Buffer location.
2. Per the Calvert County Zoning Ordinance, Section 8-1.03, any disturbance within the Critical Area Buffer requires replacement of forested cover on a 2:1 ratio. We recommend that this mitigation be conducted using native woody and vegetative plant species and that it be directed to an alternative location within the Buffer. In addition, we recommend that mitigation be required for all clearing outside the Buffer, but within the Critical Area at a 1:1 replacement ratio.
3. There is a note on the site plan stating, "Disturbed slopes greater than 15% shall be stabilized with sod." Given that the slopes lie within the 100-foot Buffer, we recommend that the slopes be stabilized using a mixture of native groundcovers and supplemented with native woody and vegetative plantings to re-establish the Buffer. The resulting effect should provide functional habitat opportunities and a stable slope face. Landscaping materials providing only aesthetic value should not be considered as mitigation or as Buffer plantings.

Roxana Whitt
Variance 05-5156
March 1, 2005
Page 2

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA83-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 1, 2005

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

Re: Variance 05-3144 Butts

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 steep slope requirements in order to construct a 1,704 square foot addition to the primary dwelling. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided and a recent site visit to the property, we provide the following comments regarding the variance request and development proposal.

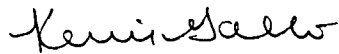
1. As proposed, the addition is 1,704 square feet. Given the location of the proposed construction within the expanded Buffer, this office questions whether minimization of impact could be further explored. As an alternative, the use of vertical construction would allow for a comparable amount of interior living space while limiting the overall footprint and necessary Buffer disturbance.
2. The site plan shows that the proposed addition is located on steep slopes leading directly to St. John's Creek. Based on this information, we recommend that the applicant be required to provide a Best Management Practice (BMP) which addresses stormwater management and provides a mechanism for controlling and/or intercepting rooftop runoff. Should the Board grant a variance to construct an addition, we recommend that this be included as a condition of approval.
3. There is a note on the variance request stating that a 500 square foot pier and a 150 linear foot retaining wall are included as an additional request. Please have the applicant clarify this statement. During the site visit, it was observed that a pier currently exists and that all faces of the existing slopes are stable. This office would not support the construction of a retaining wall on this property as indicated.

Roxana Whitt
Variance 05-3144
March 1, 2005
Page 2

4. We recommend that mitigation plantings be provided at a 2:1 ratio for the total area of disturbance within the Buffer. 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
CA80-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 1, 2005

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

Re: Variance 05-3147 Sandifer

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from impervious surface limits to permit the construction of a 195 square foot patio addition. The property is a designated a Limited Development Area (LDA) and is currently developed.

The Calvert County Critical Area regulations require that impervious surface areas on this property be limited to 25%. While the property is currently non-conforming, with 26.4% existing impervious surface area, it does appear that ample opportunity exists to remove a portion of the paved driveway, therefore preventing further non-compliance with the County's Critical Area regulations. Should the Board approve this variance request, we recommend that the applicant be required to remove an area of existing impervious surface area equivalent to the area of the proposed patio. This area should then be restored to pervious cover.

In addition, it was observed that the proposed patio is located adjacent to a sloped area on the property. While the slope is less than a 15% grade, it appears likely that stormwater runoff from the new patio will run down the slope and into the adjacent paved street area. In order to decrease this runoff and provide greater infiltration opportunities, we recommend that the Board consider an additional requirement that the patio be constructed of a porous paver material.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA 81-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 1, 2005

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

Re: Variance 05-3155 Zeiller

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 steep slope requirements in order to construct a 387 square foot patio. It is my understanding that this is an after-the-fact variance request. The property is designated a Limited Development Area (LDA) and is currently developed.

Given that the patio is already constructed and the surrounding area stabilized with silt fencing, we do not oppose the request for a variance. However, we recognize that the construction of the patio necessitated the grading of steep slopes and required significant disturbance to the Buffer. In addition, the patio lies less than ten feet from the edge of a cliff. Based on this information, we recommend that the applicant be required to provide mitigation plantings at a 3:1 ratio. The plantings should be directed to the Buffer, surrounding the patio and in the area between the patio edge and the top of the cliff, and should consist of native woody and vegetative species. The goal of these plantings should be to establish an ecologically functional Buffer area and are not intended to serve merely as landscaping.

In addition, the applicant has indicated that the property is currently non-compliant with Calvert County Critical Area impervious surface regulations, and has proposed to either reduce the amount of driveway constructed or to construct the driveway as pervious. Given that the property is currently in the construction phase, and that the applicant can take measures to avoid a non-compliant situation, we recommend that compliance with impervious surface limits be included as a condition of a variance approval.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA914-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 18, 2005

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-revised

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised major subdivision proposal. It is my understanding that the current site plan is being submitted for review because the original subdivision was never recorded and preliminary plat approval has subsequently expired.

Given that the applicant was granted a variance to locate the septic area on steep slopes in May of 2000, this office has no further comments regarding the subdivision of this property. However, please note that this office has not yet received notice of 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 evaluation must be provided prior to recordation of the subdivision.

Thank you for the opportunity to provide comments for this major subdivision request. 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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA 118-00

Cc: Paula Proctor (Calvert County)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 18, 2005

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:

We have received a revised site plan for the above reference lot line revision, line abandonment and major subdivision request. As you requested during our meeting earlier today, I am providing comments in reference to the latest revised plat.

Based on the information provided, the following issues have not yet been addressed:

Stream Crossings for Roads

As stated in previous letters, the proposed construction of Field Master Lane within a Habitat Protection Area will require a variance. We recommend that the existing Wye Town Farm Road be upgraded to a public road. This office would find it difficult to support a variance for a stream crossing where an alternative exists. In addition, the January 27, 2005 letter from MDE indicates that road impacts to particular streams and wetland areas can be avoided and that a revised site plan indicating avoidance must be submitted.

Delineated Limits of Streams

We note that the current plat shows an amended limit of the intermittent stream and subsequent 100-foot Buffer at the center of the property. This is inconsistent with what MDE has indicated as a stream crossing (Site 3) and is the burden of the applicant to resolve.

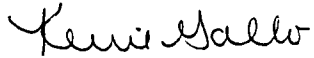
Pier Construction

Comments regarding the pier have not changed. Please refer the applicant to the Commission's January 21, 2005 letter which outlines the regulations pertaining to private and community piers.

Mary Kay Verdery
M1034 Wye Town Farm
February 18, 2005
Page 2

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

Sincerely,



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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February 15, 2005

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

Re: Appeal #1360 Stoltz Special Exception

Dear Ms. Verdery:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to allow an existing pier structure to remain on a property after the property is subdivided. It is my understanding that the existing pier will remain on a newly created lot without an existing primary dwelling. The property is designated a Resource Conservation Area (RCA).

Based on the fact that the pier is an existing structure and that no community pier appears to be proposed as a component of the subdivision, this office does not oppose the request for a special exception. We note that the subdivision of this property is currently in the review stages and has not received final plat approval at this time. Should a community pier be proposed as a component of the subdivision in the future, removal of any existing piers may be required.

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

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC51-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

February 15, 2005

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

Re: Variance for Docket #1138, Charles Coghlan

Dear Ms. Kelley:

Thank you for providing information on the above referenced variance request. The applicant is requesting an after-the-fact variance to construct an addition to the existing primary dwelling within the 100-foot Critical Area Buffer. The property lies within a designated Resource Conservation Area (RCA), a known Natural Heritage Area (NHA), and is currently developed.

Given that the existing primary dwelling is a legal non-conforming structure within the Buffer, this office would generally not oppose an addition to the existing dwelling as shown on the site plan. However, we note that the applicant's property lies within a designated Natural Heritage Area and that the applicant appears to have purchased the property in 1997, and should therefore have been sufficiently informed about Critical Area Laws. Based on this information, we recommend that the Board consider including conditions as a component of a variance approval. In particular, the designation of an NHA requires that the County follow the management guidelines for Habitat Protection Areas (HPAs) as described in the Charles County Zoning Ordinance and Critical Area Program (Section 297-132 (G)(2) and Chapter 8 respectively).

In accordance with these management guidelines, Katharine McCarthy of DNR's Wildlife and Heritage Division has provided specific recommendations regarding stormwater management and mitigation plantings to be addressed by the applicant in order to ensure that the environmental integrity of the NHA is maintained. I have attached this memo for your records. Should the Board approve this variance request, we recommend that DNR's recommendations be required as conditions of approval.

Given that the proposed construction was undertaken in violation of the Critical Area regulations and that the variance request is after-the-fact, we recommend that the applicant be required to

Heather Kelley
Variance 1338 Coghlan
February 15, 2005
Page 2

provide mitigation at a 3:1 ratio as described in Section 298-135 of the Charles County Zoning Ordinance. This mitigation should be performed in accordance with the guidelines provided within the attached memo from DNR.

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 40-05

cc: Katharine McCarthy (DNR)

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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February 14, 2005

Mr. Ron Young
Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: IH 317-04 R.H. Knott Subdivision, Lots 1, 2, & 3
A Resubdivision of Lots 47, 48 & 49 (Maureen O'Brien)

Dear Mr. Young:

Thank you for providing information on the above referenced revised site plan for this subdivision. This office has reviewed three previous plats in reference to this subdivision. Based on the revised site plan, and in comparison with the previous plats submitted, we provide the following comments.

- 1) Previous plat submittals showed the property boundary on Lot 3 extending to mean low water. While the applicant has revised the plat to show the mean high water line, and subsequently amended the lot line boundary to end at mean high water, no change in lot size has been indicated within the impervious surface area calculations for Lot 3. In addition, the revised plat shows that the size of Lot 3 has decreased from 31,829 square feet to 19,214 square feet. The 19,214 square foot size of proposed Lot 3 is not consistent with the impervious surface calculations shown for Lot 3. Please have the applicant clarify this discrepancy and make appropriate changes to the plat.
- 2) The impervious surface calculations should read, "impervious surface area permitted", not "required", for each of the lots. Please have the applicant correct this language on the plat.
- 3) The plat does not indicate whether any tree removal is necessary for the construction of the proposed dwellings. If trees removal is required, we recommend that the applicant provide mitigation at a 1:1 replacement ratio, utilizing native tree species. It is my understanding that no disturbance to the Buffer is proposed.



Ron Young
R.H. Knott Subdivision
February 14, 2005
Page 2

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 L. Gallo

Kerrie L. Gallo
Natural Resource Planner
IH 317-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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February 9, 2005

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

Re: Modification to Building and Grading Permit-White Property

Dear Mr. Brownlee:

Thank you for providing information on the above referenced revisions to the building and grading permit for the White property. It is my understanding that the existing building and grading permits for the property are being modified to address recommendations made by County staff to control an on-going roof runoff problem and to install a revetment and cement retaining wall on the cliff portion of the property. The property lies within a Limited Development Area (LDA) and is currently developed.

Based on the information provided, a recent site visit to the property, and our ongoing conversations regarding the need to stabilize the cliff face, we do not oppose the proposed revisions to the grading and building permits. As we have discussed, the need for modifications to the original permits arose as a result of a recent slump that has occurred to the cliff face on the property. The failure of the applicant to comply with the storm water management measures included within the original order from the Board of Appeals is a likely contributor to the cause of the cliff slump, as rooftop runoff has been directed into the soils at the top of the cliff via the use of downspouts. This saturation of the soil further exacerbates the instability of the soil on the property and has resulted in seepage throughout the cliff face and an ultimate cliff slump.

In order to stabilize the face of the cliff and to provide for effective stormwater management on the property, it is my understanding that the applicant intends to remove the current connection to the downspouts located at the rear of the house. These downspouts will be reconnected to a PVC pipe that directs rooftop runoff to rainwater trenches located on either side of the house, and ultimately outfalls to a series of rain gardens located on the front or street side of the property. In addition, a retaining wall and section of revetment will be installed to stabilize the eroding cliff face.



Dave Brownlee
White Property
February 10, 2005
Page 2

Per the conditions included within the County's approval of the revised building and grading permit, I understand that proposed modifications on the property will be conducted in phases and that the downspout connections and stormwater management measures will be completed and inspected by the County prior to beginning work on the retaining wall. In addition, we note that the restored area above the retaining wall is to be planted in vegetative cover as a condition of approval.

Thank you for the opportunity to provide comments on this revised building and grading permit. Please call if you have any questions at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA 02-2814

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 9, 2005

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 regarding the above referenced minor subdivision and lot line abandonment. This office has reviewed three previous site plans for the Dwyer subdivision. Based on the current site plan and revisions provided, we have the following comments.

- 1) As stated in three previous letters, areas of tidal wetlands and contiguous hydric soils exist on the property within the property boundaries. The plat shows multiple areas of wetlands labeled as State/private wetlands. Prior to final plat approval, the applicant must provide a jurisdictional determination of wetland ownership based on field delineated wetland boundaries, vegetative cover, and the location of mean high water. The current plat indicates that the tidal wetland information shown was taken from Talbot County Wetlands Photo Maps. This source is not a sufficient means to determine the acreage of State-owned wetlands. As you are aware, areas of State-owned wetlands cannot be used to calculate impervious surface area limits on the lots nor to generate density. In addition, no information is included on the plat regarding the presence of hydric soils. Please advise the applicant that areas of hydric soils may be subject to an expanded Buffer.
- 2) The current plat shows the western property boundary labeled as mean high water. How was the location of mean high water determined? This determination must be made in the field. Please have the applicant clarify how this determination was made.
- 3) It does not appear the applicant has yet addressed the additional afforestation required. Based on the information on the plat, there are 82.938 acres of land within the Critical Area portion of the property. The 15% forest cover requirement is 12.44 acres. The applicant has indicated that 6.76 acres of afforestation is being provided in addition to the existing 5.31 acres of

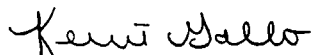


existing forest cover, for a total of 12.09 acres. It appears that an additional .35 acres of afforestation will be required on this site.

- 4) The plat indicates that the existing forest cover calculations were taken from the Talbot County Orthophoto maps of 2000. Information regarding existing forest cover must be verified in the field. In addition, tidal wetland areas are not considered forest cover and should not be included in forest cover calculations. Based on aerial photos found in MERLIN, this office has concerns that the tidal wetlands found on the property were used to generate the existing forest cover calculations shown on the plat.
- 5) 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 L. Gallo
Natural Resource Planner
TC 553-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 4, 2005

Ms. Joanna Hiebler
URS Corporation
4 North Park Drive, Suite 300
Hunt Valley, MD 21030

Re: Maryland Air National Guard Relocated Access Road Revisions

Dear Ms. Hiebler:

This letter is in response to revised site plans received for the above referenced project located at Martin State Airport in Baltimore County. I have reviewed the revised set of plans and have concluded that the revisions remain consistent with the original project approval issued by the Critical Area Commission in July of 2004.

Based on my review, it appears that the changes to the plan involve an increase in the Limits of Disturbance (LOD), specifically necessary to accommodate additional stormwater control measures and to include a stockpiling area within the LOD. Based on our recent conversation, it is my understanding that these changes were required by the Maryland Department of the Environment, and that no additional impervious surface is associated with the changes. In addition, it appears as though the amount of mitigation provided is sufficient to offset the additional areas of disturbance. As we have discussed, this office has not yet received a signed planting agreement which is required as a component of the Commission's original approval. It is my understanding that this agreement will be signed and returned to us in the near future.

I am enclosing a copy of the original approval letter issued by the Commission for your records. Thank you for coordinating with us on the changes to the site plans. I look forward to working with you on future project submittals. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner

cc: Lt. Col. Scott Kearby, MANG
Robin Bowie, MAA

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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February 3, 2005

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

Re: Wal-Mart Distribution Center Growth Allocation

Dear Ms. Kean:

This letter is in response to the above referenced growth allocation request and development proposal. The applicant, H & M Design Services, P.C., is requesting the use of growth allocation to change the zoning of 64.55 acres from a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA). The proposed growth allocation is located on Tax Map 32, Grid 4, Parcel 149. It is my understanding that the requested growth allocation is for the purposes of constructing an approximately 492,384 square foot Wal-Mart distribution center with associated parking areas. The proposed development lies partially within the Critical Area.

Per your request, and based on our initial review of the preliminary site plan and growth allocation request received at this time, we provide the following comments.

1. While the applicant has provided an environmental assessment of the proposed site, the applicant should address each of the growth allocation guidelines and requirements outlined in the County's Critical Area Program and the Critical Area Law and Criteria, including a description of how the proposed development meets each of the County's standards for locating a new IDA.
2. In addition to the environmental assessment provided, please refer the applicant to the Somerset County Zoning Ordinance, Section 6, Subsection 14, Site Plans, which outlines the required features of site plans for projects located within the Critical Area. At this time, this office has not received a site plan for the proposed development activity which meets the Critical Area site plan standards outlined in the above referenced section of the zoning ordinance. A more detailed site plan will be required for formal review of this growth allocation request.

3. Section 15 of the Somerset County Zoning Ordinance states that all multi-family, planned unit development, and non-residential development projects will limit the area of disturbance from non-residential development to no more than 40% of the total site area. Does the proposed project comply with this standard?
4. We note that this office has not yet received information regarding stormwater management and the 10% pollution reduction requirement for the proposed growth allocation request and development proposal. Submission of detailed stormwater plans and pollution reduction calculations is required at the time of a formal growth allocation request.
5. We note that comments received from the Department of Natural Resources Wildlife and Heritage Division indicate that the State-listed endangered species, Leafy Pondweed, is known to occur within the vicinity of the project site. The applicant has submitted to the County an independent survey and assessment of the site for the presence of this species. This information should be submitted by the applicant to DNR's Heritage Division for further review. DNR's response should then be forwarded to this office for completion of the file.

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, it 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 L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 1, 2005

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

Re: Variance 05-3141 Harbison

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 a 385 square foot deck structure. The property is designated a Limited Development Area (LDA) and is currently developed.

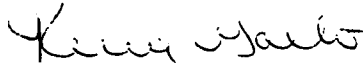
Based on the site plan provided and a site visit conducted on January 31, 2005, we provide the following comments.

1. The site plan shows that the proposed limits of the deck are located approximately 19 feet from the existing shoreline. While it is unclear whether the shoreline shown is intended to represent Mean High Water (MHW), it was observed in the field that the distance between the deck and the shoreline appeared significantly less than 19 feet. In addition, it appeared that the limits of the deck may lie at MHW. If the deck lies at the MHW, will this trigger a review from the Maryland Department of the Environment?
2. The site plan shows that the existing forest cover on the site is 637 square feet. Given the location of the lot within the Buffer and the sparse forest cover currently on-site, we recommend that the Board consider requiring a combination of upland and salt tolerant plantings to help establish an ecologically beneficial Buffer area and provide greater opportunities for infiltration.
3. Will the deck be constructed as pervious? Given the location of the dwelling to MHW, we recommend that the deck be constructed as pervious, with salt tolerant vegetative cover planted underneath.

Roxana Whitt
Variance 05-3141
February 1, 2005
Page 2

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA 05-3141

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 28, 2005

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

Re: Kemp Subdivision
(Tax Map 24, Parcel 41)

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 79.26-acre parcel to create two Critical Area lots, the revised Deed Parcel 2, Lot 2 and Lot 3. The property lies partially within a designated Resource Conservation Area (RCA) and is currently undeveloped.

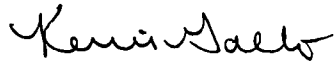
Based on the information provided, we have the following comments regarding the subdivision proposal.

1. The plat indicates that .25 acres of afforestation is being provided on Lot 3. The applicant has not provided any forest cover information for the revised Lot 2. Please have the applicant provide this information. Depending on the amount of existing forest cover on Lot 2, additional afforestation may be required.
2. 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 will be required to address recommendations for their protection. Preliminary review of the property indicates that the property lies within a designated sensitive species review area. Additional comments and/or review by this office may be necessary once recommendations have been received from DNR.

Mary Kay Verdery
Kemp Subdivision
January 28, 2005
Page 2

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
Natural Resource Planner
TC 38-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 26, 2005

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

Re: Bryan Line Revision

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision and abandonment. The applicant is requesting to abandon a property line separating two contiguous parcels to create one large revised parcel. Both properties lie within a designated Limited Development Area (LDA). Tax Parcel 761 is currently developed with a single family dwelling, while Tax Parcel 759 is undeveloped.

Based on the information provided, this office does not oppose the abandonment and revision of lot lines on this parcel. However, we provide the following comments regarding the site plan and development rights summary.

1. As discussed with Debbie Moore and relayed to Elizabeth Fink via email on January 24, 2005, MERLIN shows that a significant portion of existing Tax Parcel 759 contains tidal wetlands. These wetland areas are not shown on the site plan and the Buffer areas shown do not reflect their presence. We recommend that a field survey and jurisdictional determination be conducted on this property to determine the extent of wetland boundaries and the location of Mean High Water (MHW). As you are aware, tidal wetlands lying below MHW are considered State-owned and cannot be counted towards property acreage for the purposes of calculating development rights, impervious surface limits, or forest cover conditions.

Given that the current site plan does not show the wetlands areas in question and that the Buffer areas, impervious surface area and forest cover calculations are subject to change based on the determination of wetland ownership, a determination should be made by a certified professional and any changes sent to this office for review before any approvals are granted for this application or the associated variance.

Mary Kay Verdery
Bryan Line Revision
January 26 2005
Page 2

2. The development rights summary of the site plan includes information for Tax Parcels 29 and 140. Given that these parcels are not shown on the plat and do not appear to be a component of this lot line revision request, please clarify whether this information is pertinent or in error.

Thank you for the opportunity to provide comments regarding this lot line abandonment and revision. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC 39-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 26, 2005

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

Re: White Swan Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 66.373-acre parcel to create 3 new Critical Area lots. The property lies within a designated Resource Conservation Area. Lot 1 is currently developed with an existing building structure and Lot 3 is currently developed with a tennis court, multiple sheds, and three barn structures.

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

- 1) The tidal and non-tidal areas shown on the plat are not consistent with those shown in MERLIN. Specifically, MERLIN shows multiple pockets of palustrine wetlands. These wetlands are not currently shown on the plat. In addition, MERLIN shows several tidal areas whose boundaries do not match those shown on the plat. Please ensure that the existing wetland areas on the property are field located, and that a jurisdictional determination is performed to determine an accurate assessment of private and State-owned wetlands. As you are aware, State-owned wetlands cannot be counted towards acreage for calculating density, generating impervious surface limits, or determining existing forest cover. The jurisdictional determination of wetlands should occur prior to preliminary plat approval.
- 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.

Mary Kay Verdery
White Swan Subdivision
January 26, 2005
Page 2

Please advise the applicant that MERLIN indicates that portions of the property lie within a sensitive species review area.

3. The plat shows an existing building on Lot 1 labeled as, to be relocated. Will this building be moved prior to final plat recordation? If not, please have the applicant include a note stating that the building will be relocated prior to any new development on Lot 1.
4. The plat currently states that there are 16.2 acres of existing forest cover on the property. How was this acreage calculated? Were tidal wetlands included? In general, tidal wetland areas are not considered forest cover. Tidal areas can only be counted towards forest cover acreage when they are significantly composed of woody species. In addition, we note that the existing forest cover calculation is subject to change based on field location of tidal wetland areas and a field determination of State-owned wetland acreage.
5. We acknowledge that the Buffer areas on Lots 1, 2, and 3 will be established in three-tier vegetation at the time of development as indicated by the note on the plat.

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
Natural Resource Planner
TC 37-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 26, 2005

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

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

Dear Ms. Verdery:

Thank you for providing information on the above-referenced revised site plan. 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, and to amend the lot lines of Parcel 99, Lot 6. The property lies within a designated Limited Development Area (LDA).

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

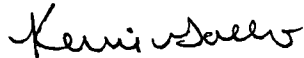
1. The revised site plan includes new lot line revisions for Lot 6. Please advise the applicant that MERLIN shows a large pocket of non-tidal wetlands which encroach into the property boundaries of Lot 6. This wetlands area should be verified in the field and shown on the plat with appropriate Buffers.
2. We note that the site plan includes a note stating that the 100-foot Buffer on new Lot 1 will be established in three-tier vegetation upon a change of land use. Given that this is a newly created, non-grandfathered lot, please advise the applicant that this office interprets "a change in use of land" to mean at the time of new development.
3. The impervious surface calculations for each of the revised lots are inaccurate. While the numerical changes for each lot are not significant, we recommend that the applicant recalculate and revise the plat to reflect accurate impervious surface area limits.

Mary Kay Verdery
S987 Morgan
January 26, 2005
Page 2

4. This office has not yet received notification of an evaluation of the property by the Maryland Department of Natural Resources for the presence of any rare, threatened or endangered species. Additional comments and/or habitat protection measures may be required dependent upon the results of this evaluation.

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

Sincerely,



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

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January 25, 2005

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

Re: Covington/Johnson LR
Tax Map 44A, Parcels 5 & 100

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicants are 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), and both lots are developed.

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,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 36-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 25, 2005

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

Re: Variance 05-3139 Hale

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 the Calvert County cliff setback requirements to permit the construction of a 100 square foot addition to the primary dwelling. The property is designated a Resource Conservation Area (RCA) 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. The applicant has shown that the proposed development does not encroach any closer to mean high water than the existing dwelling, and that the impervious surface area on the property remains within the permitted limits. While we acknowledge that tree removal is not required for construction of the addition, all new disturbance within the Buffer is subject to mitigation. We recommend that the applicant be required to provide mitigation plantings at a 3:1 ratio. Plantings should be composed of native woody and vegetative species and should be directed to an alternative location within the Buffer. In addition, rooftop runoff should be directed away from the cliff face, to a stable, vegetated area.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA 05-3139

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 25, 2005

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

Re: A055 Caraci

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 Resource Conservation Area (RCA) and is currently developed.

The applicant has stated that the proposed addition does not extend any closer to mean high water than the existing dwelling, and that the impervious surface area on the property remains within permitted limits. Based on the information provided, we do not oppose the granting of this variance. However, it does appear that afforestation will be required on this lot at the time of the new development. In addition, all disturbance to the Buffer is subject to mitigation. We recommend that the applicant be required to provide mitigation plantings at a 2:1 ratio. These plantings should consist of native woody and vegetative species, and should be placed at an alternative location within the Buffer. The mitigation plantings may be counted as credit towards the 15% afforestation requirement. All afforestation plantings should first be directed to the Buffer and should be clustered so as to provide habitat opportunities. Afforestation plantings are not intended to serve as landscaping.

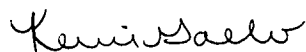
Given the proximity of the dwelling to the shoreline, we recommend that the applicant be required to implement a best management practice which addresses stormwater runoff. Examples of these measures include, French drains, rain barrel collection systems, and downspouts directed to a rain garden or other vegetated area. The applicant should consult with the Department of Public Works to determine the most feasible BMP 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 administrative variance. Also, please notify the

Mary Kay Verdery
A055 Carachi
January 25, 2005
Page 2

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
TC34-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 21, 2005

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

Re: The Riverboat

Dear Mr. Vienneau:

Thank you for providing information regarding the above referenced application for a special exception. It is my understanding that the purpose of the special exception is to permit expansion of a non-conforming use as it applies to a proposed replacement structure. The previously existing structure was destroyed as a result of Hurricane Isabel, and had been operating continuously for the past 40 years.

Based on the information provided, we have no comments regarding the application for a special exception. Thank you for the opportunity to review this special exception request. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CS41-05





STATE OF MARYLAND
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January 20, 2005

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

Re: SFD 30742 Clifton/Shelton

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 greater than 15,000 sq. ft. of disturbance. The property lies within a designated Limited Development Area (LDA) and is currently developed with an existing driveway and private pier.

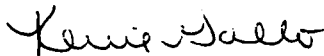
Based on the information provided, we have the following comments regarding the site plan and development proposal.

1. Was the Mean High Water (MHW) line shown field delineated and verified as part of "existing features and topography" referred to in addition note #3? Please have the applicant clarify how the location of MHW was determined.
2. The Charles County Zoning Ordinance, Section 297-131(B)(1) states that, "The Buffer shall be expanded to include contiguous sensitive areas on the parcel which, if developed or disturbed, may impact streams, wetlands, or other aquatic environments." In addition, Section 297-131(B)(3) states, "When development or other land-disturbing activities are on a property with hydric soils...or highly erodible soils, the Buffer shall be expanded to include adjacent hydric soils...and erodible soils within the Critical Area." It appears that portions of the proposed driveway leading to proposed dwelling lie within an area of highly erodible Othello series soils contiguous to steep slopes and other highly erodible soils. Given these contiguous sensitive areas, the County should determine if the Buffer needs to be further expanded.

3. The plat indicates the presence of private and State tidal wetlands within the property boundaries. 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 generating density, calculating impervious surface limits or calculating existing forest cover. While the applicant has subtracted 22.67 acres for "tidal waters," it is unclear whether State-owned wetlands were included in the deduction.
4. As mentioned above, areas of State-owned tidal wetlands cannot be used to calculate existing forest cover on the property. The area of existing forest cover has been identified as 4.10 acres. How was this calculation derived? In addition, privately owned wetland areas must be significantly composed of woody species in order to be considered forest cover and included within calculations. Please have the applicant clarify where the 4.10 acres of existing forest cover is located.
5. Given the environmentally sensitive nature of the steep slopes and erodible soils present on the property, we recommend that the applicant be required to implement a stormwater best management practice (BMP) which controls the quantity of stormwater runoff from the new development, and directs runoff away from areas of steep slopes. Examples of BMP options include French drains, rain barrel collection systems, and downspouts directed to a rain garden or other vegetated area away from steep slopes. The applicant might consult with the Department of Public Works to determine the most feasible BMP for this property.
6. Please have the applicant include the standard Buffer note on the site plan prohibiting future disturbance or clearing within the Buffer and expanded Buffer areas.
7. Note #12 is inconsistent with the amount of forest being replaced as indicated by the Site Tabulations. Please have the applicant clarify whether forest is being replaced at a 1:1 ratio, or at no less than a 3:1 ratio.

Based on the information provided, we recommend that the applicant provide written clarification to the above questions and submit a revised site plan if necessary. 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 976-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 13, 2005

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

Re: 2004-783 Shaner

Dear Ms. Kean:

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 addition to the primary dwelling and to construct an accessory porch structure. The property is 14.3 acres in size, is designated as a Resource Conservation Area (RCA), and is currently developed with a main dwelling and accessory structure.

While this office would not generally oppose the expansion of an existing and legally non-conforming structure in the Buffer where the applicant can meet the variance standards, and where the applicant demonstrates compliance with the County's regulations regarding expansion of a non-conforming structure within the Buffer, neither of these circumstances appears to exist in this case. The application provided to us for review lacks information sufficient for the County to make the required findings under the variance standards. Accordingly, we oppose this variance request.

In 2002 and 2004, the General Assembly strengthened the Critical Area law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides 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." Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an

affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case, the applicant is proposing to place approximately 2200 square feet of new impervious surface within the Buffer. Due to the large size of the property, and the apparent opportunity to locate the addition outside of the Buffer, or at a minimum, no closer to MHW than the existing dwelling, we do not believe that the standard of unwarranted hardship has been met. The applicant has not provided information as to how this application meets each one of the County's variance standards, but I have discussed each one below as it pertains to this site:

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.* This is a 14.3-acre lot, with opportunities to construct a reasonably sized addition outside of the Buffer, or at a minimum, no closer to MHW than the existing dwelling. While the existing dwelling is a legally, non-conforming structure partially within the Buffer, it does not appear that the applicant has attempted to minimize intrusion into the Buffer or attempted minimization in regard to the size of the proposed addition. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of the entire parcel or lot. Based on the information in our file, we do not believe that the County has evidence on which to base a favorable finding on this factor.
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. From a review of the application, we believe that there is opportunity to construct an addition in a manner that minimizes impacts to the Buffer and remains consistent with the Somerset County Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed. Again, we do not believe that the applicant has provided evidence upon which to base a favorable finding on this factor.
3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.* If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to place new impervious surface in the Buffer on a 14.3-acre property where alternative locations and configurations exist, would confer a special privilege on the applicant. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area law. We do not believe the applicant has overcome this burden.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* It is my understanding that the need for a variance arose when the proposed development was discovered to be in the Buffer during a footing inspection. If the applicant has begun construction in the Buffer without first measuring the Buffer in the field and without consulting County staff regarding Critical Area Buffer regulations, then the variance request is a result of actions by the applicant. The commencement of construction without consideration of applicable Critical Area regulations cannot be the basis upon which a variance is approved. In 2004, the General Assembly confirmed that the County may consider that construction was undertaken without the appropriate permits in evaluating whether the variance is based on actions of 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.* In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. While we acknowledge that no trees need to be removed in order to construct the addition, the applicant is proposing to permanently emplace 2200 square feet of new impervious surface within the Buffer. This new impervious surface area and consequential disturbance to the land results in increased stormwater and sediment runoff within the Buffer, and the loss of essential infiltration opportunities. The 2002 and 2004 amendments to the State Critical Area law place increased emphasis on the importance of maintaining the Buffer in a fully vegetated state. Given that the 100-foot Buffer is the only forested area on the property and that ample opportunities exist to minimize impacts to the Buffer, approval of this variance would not be in harmony with the general intent and spirit of the law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that he has met 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,



Kerrie L. Gallo
Natural Resource Planner

Cc: Marianne Mason

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 11, 2005

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

Re: XRS 40143 Holmes Estates

Dear Ms. Ault:

Thank you for providing information on the above referenced subdivision request. The applicant is requesting to subdivide a 10.7855-acre property to create 3 new lots (Lots 1, 2, and the residue lot). The property lies within a designated Limited Development Area (LDA) and is currently developed.

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

1. The plat shows a line titled, "Limit of Field Delineated Edge of Marsh" from which the 100-foot Buffer was measured. Is this line intended to represent the Mean High Water (MHW) line, therefore marking the distinction between State and private wetland ownership? Based on the overlay of soil types shown on the plat, the tidal marsh area appears to extend beyond the "edge of marsh" line. If this edge line is intended to be the MHW line, please have the applicant label it as such. If it does not represent MHW, please have the applicant clarify the discrepancy between the soil overlay and "edge of marsh" label and show MHW on the plat.
2. The tidal marsh areas shown on the plat do not correlate to the wetlands shown on the Department of Natural Resources (DNR) wetland maps found in MERLIN. MERLIN shows that the marsh area on the residue parcel is part tidal marsh and part palustrine wetlands. In addition, it is unclear how 1.9470 acres of existing forested area was calculated for the residue parcel. Does this calculation include tidal marsh vegetation? Upland vegetation types typically found in palustrine wetlands may be counted towards this acreage, but tidal marsh areas are not considered forest cover. Please advise the applicant that the existing forest cover calculation shown may change subject to clarification of the "edge of marsh" line and of existing wetland types. Additional afforestation may be necessary at the time of future development on the residue parcel.

Elsa Ault
Holmes Estate
January 11, 2005
Page 2

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 Holmes Estates subdivision.
4. Please advise the applicant that impervious surface area on Lots 1 and 2 is restricted to 25%. The residue lot is restricted to 15% impervious surface area. In addition, impervious surface area may not exceed 15% for the subdivision as a whole.
5. As we discussed, please have the applicant correct the note on the plat which refers to RCA zoning on the parent parcel. It appears that the only areas designated as RCA lie below MHW. The remainder of Parcel 1 is designated as LDA.

Thank you for the opportunity to provide comments. Please have the applicant clarify the outstanding concerns prior to plat approval. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS936-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 7, 2005

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

Re: Stinchcomb Site Plan
Tax Map 44, Parcel 17

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is seeking approval to construct a 1500 square foot accessory pole barn structure for the purposes of storing machinery. The parcel lies within a designated Resource Conservation Area (RCA), and is currently developed.

Provided that the impervious surface area on the property does not exceed the 15% limit, this office does not oppose the proposed development activity. The applicant has not indicated whether any cutting of trees or clearing of vegetation is required for the proposed development. We recommend that mitigation plantings be provided at a 1:1 replacement ratio where applicable. The plantings should be composed of native woody and vegetative species.

Thank you for the opportunity to provide comments regarding this site plan and development proposal. Please call me if you have any questions at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 922-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 7, 2005

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

Re: L985 Masters
Tax Map 44, Parcels 14 & 15

Dear Ms. Verdery:

Thank you for providing information on the above referenced line revision request. The applicant is requesting a line revision to change the layout of property lines on two existing parcels. Both parcels lie within a designated Resource Conservation Area (RCA).

Based on the information provided, we do not oppose a line revision to the property boundaries on Parcels 14 and 15. However, we provide the following comments regarding the site plan and in relation to any future development proposed for the revised Parcels 14 and 15.

1. It appears that the existing Parcel 14 is currently developed with a primary dwelling. It is unclear whether a sewage disposal area currently exists on Parcel 14 or whether the SDA shown on Parcel 15 is currently used to service Parcel 14. Please have the applicant clarify this question and label the SDA area shown on Parcel 15 as existing or proposed.
2. The State of Maryland's online mapping system, MERLIN, shows that an area of palustrine wetlands exists on the existing Parcel 15. While this wetland does not impact the current lot line revision, please advise the applicant that they exist and that any future site plans for development on the revised Parcels 14 or 15 will need to identify these wetlands and any appropriate Buffer areas.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 924-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 7, 2005

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

Re: S983 Callaghan, Dennis

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide an 11.475-acre parcel to create one new 4.119-acre Lot 3, and a revised 7.345-acre Lot 1. The property lies within a designated Limited Development Area (LDA) and is currently developed.

This office reviewed a request in June of 2002 for this property which proposed a line revision between the existing Lot 1 and an adjoining Lot 2 (not shown on the current plat), and which created a new Lot 3, then proposed to be 3.944 acres. It is my understanding at this time that the previous subdivision of this property was never recorded. Based on the information provided in the current subdivision proposal and in comparison with the plat submitted in 2002, we provide the following comments.

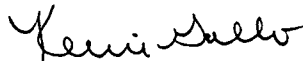
1. The current site plan shows an area on the proposed Lot 3 identified as "top of bank". Does the area leading down from the bank consist of slopes equal to or greater than 15%? Does the top of bank line shown indicate the actual length of the bank? Please have the applicant provide information to verify the topography of the bank area. Should slopes of 15% or greater be present in this area, the property may be subject to an expanded Buffer.
2. At the time when new development is proposed on Lot 3, the 100-foot Buffer will need to be established in three-tiered vegetation. While a note is provided on the plat that indicates establishment of the Buffer will be provided upon a change in land use, please advise the applicant that any new development activity is considered a change in land use on the newly created lot.

Mary Kay Verdery
S983 Callaghan
January 7, 2005
Page 2

3. The plat received in 2002 shows that a pool exists within the 100-foot Buffer on Lot 1. This feature is not shown on the current site plan. In addition, the previous site plan showed that a tennis court exists on the proposed Lot 3. Has this tennis court been removed?
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 Callaghan property.
5. We acknowledge that the existing gazebo shown within the 100-foot Buffer on the proposed Lot 3 will be removed as indicated by the note on the plat. In addition, we note that features and accessory structures appear to have been created and placed within the 100-foot Buffer since the previous review of this property in 2002. Please advise the applicant that no new development is permitted within the Buffer on either lot without the approval of a Critical Area variance.

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
Natural Resource Planner
TC 285-02

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 7, 2005

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

Re: Lynch Road Reconstruction

Dear Mr. Kulis:

Thank you for providing information on the above referenced site plan. The applicant is proposing safety, drainage, and roadway paving improvements along a portion of Lynch Road, extending approximately .64 miles. The roadway lies within a designated Intensely Developed Area (IDA) and is currently developed.

We acknowledge that the proposed project results in an additional 1.69 acres of impervious surface area within the Critical Area, and 0.20 acres of disturbance to the Buffer. Aside from the proposed Buffer impacts, no impacts to rare, threatened, or endangered species, or to any other Habitat Protection Areas (HPAs) are proposed. In addition, the applicant has stated that no forest clearing is necessary. Regarding the site plan and development proposal, we provide the following comments.

1. All disturbance to the Buffer is subject to mitigation. The applicant has indicated the intent to provide mitigation at a 3:1 ratio, with 1/3 of the requirement fulfilled via plantings, and 2/3 of the requirement fulfilled via payment of a fee-in-lieu. Mitigation plantings should incorporate native woody and vegetative species and should be located at an alternative site within the Buffer to the extent practicable. In addition, it does appear that some removal of trees and shrubs will be necessary along Lynch Road outside of the Buffer, but within the Critical Area. We recommend that these trees and shrubs be replaced at a 1:1 ratio.
2. The applicant has stated that the 10% rule cannot be met for this project based on the limited opportunity to provide water quality treatment on-site and the geographical limitations of the project. Therefore, the applicant has proposed payment of a fee-in-lieu. While payment of a fee-in-lieu is an acceptable method of fulfilling the 10% rule compliance where all possible stormwater offset options have been explored, it is unclear whether the applicant has fully explored all available offset options. Provided below are a list of possible alternatives that we recommend be considered by the applicant prior to payment of a fee-in-lieu. Where

Mike Kulis
Lynch Road Reconstruction
January 7, 2005
Page 2

implementation of these options may not be possible on-site, the applicant may also consider implementing an option at an alternative location within the watershed. In general, it is not clear that the applicant has maximized the opportunities available to reduce pollutant contributions. We encourage that further exploration be provided prior to choosing payment of a fee-in-lieu.

- Convert an existing BMP to achieve a higher pollutant removal
- Restore a degraded tidal or non-tidal wetland
- Restore a channelized stream
- Daylight a stream
- Implement a forest riparian reforestation project
- Improve existing stormwater ponds by planting forested buffer areas around the facility
- Over-design another pending project

Based on the information provided, we recommend that the applicant consult further with Baltimore County DEPRM to investigate possible stormwater offsets in fulfillment of the 10% rule compliance. Aside from this outstanding concern, the Lynch Road reconstruction project appears to be consistent with the Baltimore County Critical Area Program and Regulations. 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
BC715-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 5, 2005

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

Re: Variance 05-3132 Yellema (Cawood)

Dear Ms. Whitt:

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 288 square foot accessory deck structure. The property is designated a Limited Development Area (LDA) and is currently developed.

It is my understanding that the above referenced property was damaged as a result of Hurricane Isabel. As a component of the repair effort, the applicant was issued permits to emplace a concrete foundation, backfill and grade the site. I understand that the applicant also began construction of the proposed deck, including the concrete footers, without the appropriate permits and Buffer variances. At this time, the applicant is requesting a variance to complete construction of the deck structure within the 100-foot Buffer.

This office does not oppose a variance to complete construction of the deck. However, we recommend that the applicant be required to provide mitigation at a 2:1 ratio for the construction of the deck, including the area disturbed for the footers. Mitigation should consist of native salt tolerant plantings, and should be used to establish an ecologically functional Buffer area where lawn currently exists. In addition, we recommend that the deck be constructed as pervious, with spaces between the boards and native plantings both below and around the base of 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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA914-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

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

Re: Variance 05-3131 Steiner

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 steep slope requirements to permit the construction of a 128 square foot addition to the dwelling and a replacement deck structure. The property is designated a Resource Conservation Area (RCA) and is currently developed.

We acknowledge that the property is currently non-conforming in regard to its location approximately 52 feet from Mean High Water (MHW). The current site plan proposes to reduce the Buffer to 32 feet. As observed during a January 3rd site visit to the property, the existing Buffer area is established in vegetation and the existing steep slopes are vegetated and stable.

We recognize that the location of the proposed addition is constrained due to the orientation of the existing dwelling. It is my understanding that the proposed expansion does not require disturbance to the steep slopes directly waterward of the proposed deck structure and that the deck footers will be cantilevered so as not to disturb these slope areas. The applicant has stated that the existing retaining walls are to remain in place and that silt fences will be used during construction.

While this office does not oppose the granting of a variance to construct the additions as proposed, we note that the environmentally sensitive nature of the steep slopes on the property and the close proximity of the dwelling to MHW make this property susceptible to environmental degradation if construction activity is not conducted cautiously. We recommend that the Board consider the following recommendations as conditions of approval.

- No heavy equipment should be utilized to install the deck footers. Footers should be dug by hand.
- The deck should be constructed as pervious and the waterward face of the deck structure should not extend past the edge of the steep slope as to avoid stormwater runoff directly down the face of the slope.
- The applicant should implement stormwater Best Management Practices which direct roof runoff from the addition and existing dwelling away from steep slopes.


Roxana Whitt
Variance 05-3131
January 5, 2005
Page 2

Examples of BMP options include French drains, rain barrel collection systems, and downspouts directed to a rain garden or other vegetated area away from steep slopes.

Given the location of the proposed development within the Buffer, the Calvert County Zoning Ordinance requires the applicant to provide mitigation for all disturbance. We recommend that mitigation plantings be required at a 2:1 ratio. The plantings should be composed of native woody and vegetative species, and be placed 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 L. Gallo
Natural Resource Planner
CA 913-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

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:

This letter is in response to our continuing review of the above referenced variance request. The applicant is requesting a variance to allow disturbance to steep slopes and to allow greater clearing than permitted. The property lies within a designated Limited Development Area (LDA) and is currently undeveloped.


Based on the revised site plan and a January 3rd site visit to the property, we provide the following comments.

1. Although no alternative perc tests are shown on the site plan, it is my understanding that alternative locations were explored and that the current location is the only suitable site for placement of the sewage disposal area. This is due to the existence of a perched water table condition on the western, level portion of the lot. It was observed that a significant amount of clearing had already been conducted on the site where the proposed septic and dwelling footprint are sited.
2. Should the Board approve the grading plan as shown, we recommend that the septic area be graded first and independently of the dwelling site, with only as much disturbance as 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. We recommend that the Board consider the inclusion of this comment as a condition within the variance if granted.
3. As currently shown, the rear portion of the grading area is proposed at nearly a 100% slope. Has the applicant considered the use of retaining walls rather than grading in this area?

4. During the site visit, I observed that the existing stakes delineating the proposed footprint of the house did not match the proposed footprint on the current site plan. It is my understanding that the stakes have not been adjusted to reflect the current site plan. Please have the applicant clarify this information as the existing stakes indicate a garage which is not included on the site plan and which would not be supported by this office as observed. If approved, the area of clearing and grading for the dwelling should be limited to the minimum necessary for the construction of the dwelling. The disturbed area should then be stabilized using native groundcover and plantings.
5. The current site plan includes an "L" extension on the eastern portion of the proposed driveway. Given the amount of disturbance proposed on this lot, we recommend that this feature be removed and the area restored to native vegetation.
6. During the site visit, there appeared to be a stream flowing across the area where the culvert is being proposed. The flow drains across the property to the west and enters an existing culvert at the corner of the neighboring property. This culvert appears to divert the flow under the existing Cove Point Road, outfalling to a contiguous stream or wetland system. Based on this observation, a determination regarding the nature of this flow should be made prior to variance approval. If the flow is determined to be a tributary stream, a permit will be required from the Maryland Department of the Environment (MDE) to construct the culvert, and the appropriate 100-foot Buffer will apply. We recommend that the applicant coordinate with MDE to obtain this determination.
7. Based on the amount of clearing proposed, the Calvert County Zoning Ordinance requires that 3:1 mitigation be provided. Mitigation should be fulfilled first by on-site plantings of native woody and vegetative species. Where on-site mitigation is not possible, 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

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April 29, 2005

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

Re: Minor Subdivision - Woodall Road
(Tax Map 35, Parcels 182 and 285)

Dear Ms. Cangialosi:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide Parcels 182 and 285 to create three lots outside the Critical Area and two lots within the Critical Area. The Critical Area portion of the properties is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, this office has the following comments regarding the subdivision proposal.

- 1) As described in the report by Little & Associates, Inc. and as identified on the site plan provided with the subdivision application, a tributary stream is present within the Critical Area portion of the property. The tributary stream originates in the nontidal wetland complex at the center of the site and flows southward and beneath Kirk Road to the Northeast River. A minimum 110-foot Buffer must be identified from the stream and, in this case, the Buffer must be expanded to include contiguous nontidal wetlands and the 25-foot nontidal wetland buffer (Cecil County Zoning Ordinance Article XI, Section 196 Buffer Requirements).
- 2) As estimated from the site plan, it appears that the following development is located within the 110-foot Buffer: the driveway access from Woodall Road, the driveway serving Lots 3, 4 and 5 outside the Critical Area, the driveway serving Lots 1 and 2 within the Critical Area, and a portion of the proposed dwelling on Lot 1. The proposed driveways are approximately 16 feet wide. This office assumes that the driveways will provide private access to the proposed lots and are not considered public roads. This office will not oppose a variance to permit disturbance to the Buffer to establish private access to the proposed lots if impacts are minimized and the variance is the minimum necessary.

This office will not support a variance to permit a dwelling in the Buffer on a non-grandfathered lot in the Critical Area. Based on the size of the original combined parcels, it appears that Lot 1 and Lot 2 could be reconfigured to eliminate the need for a Buffer variance for the dwelling on Lot 1. The applicant should investigate alternative lot configurations that would eliminate the Buffer variance for Lot 1.

- 3) Although the applicant has provided calculations showing that the subdivision proposal meets the requirements of the Forest Conservation Act, these requirements do not apply within the Critical Area portion of the subdivision. The applicant must provide a mitigation plan, which provides replacement at a ratio of 1:1, for clearing within the Critical Area (Cecil County Zoning Ordinance Article XI, Section 200 Development Standards in Limited Development Areas (LDAs), including clearing associated with development of Lot 1 and Lot 2, and the driveway proposed within the Critical Area for Lots 1-5. Because the property is fully forested, off-site mitigation alternatives will need to be addressed. The mitigation plan must be provided to the Commission for review and comment prior to final approval of the subdivision plat.
- 4) As noted on the site plan, the subdivision is limited to 15 percent impervious surface coverage (Cecil County Zoning Ordinance Article XI, Section 200 Development Standards in Limited Development Areas (LDAs), and approximately 0.47 acres or 6.6 percent impervious coverage is being proposed within the Critical Area.
- 5) This office received a letter of April 13, 2005 from the Department of Natural Resources, Wildlife and Heritage Service, indicating that there are no State or Federal records of rare, threatened or endangered species within the boundaries of the project site.
- 6) The applicant must secure the necessary authorizations from the Department of the Environment and the U.S. Army Corps of Engineers for impacts to nontidal wetlands and their buffers.

Thank you for the opportunity to provide comments. If additional information is provided, we may have additional comments on this subdivision proposal.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

CE 259-05 Woodall Road

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 28, 2005

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

Re: Variance 2005-0118-V Roy and Marilyn Higgs

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 and dwelling unit) in the front yard with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

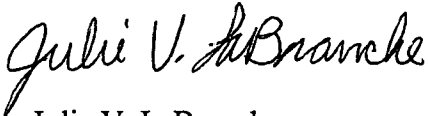
This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the development proposal.

- 1) The applicant proposes to construct a detached garage containing a studio and an additional dwelling unit (for use by a domestic employee). As shown on the site plan, the structure is located just outside the Buffer, which is expanded to include the 50-foot setback from the top of steep slopes (Anne Arundel County Zoning Ordinance Article 28, §1A-104). Given a minimum 10-foot limit of disturbance, it appears that disturbance may occur within the Buffer during construction. This office recommends that the structure be shifted 10 feet away from the Buffer to avoid a variance for disturbance to the Buffer.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, particularly in non-forested areas of the Buffer.
- 3) Stormwater should be directed away from steep slopes to a stable and densely vegetated outfall to provide water quality benefits on the site.

Ramona Plociennik
Variance 2005-0118-V Roy and Marilyn Higgs
April 28, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 282-05 Higgs

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 28, 2005

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

Re: Variance 2005-0105-V Denise Smith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a lot (Lot 8R) with less area than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with two single-family dwellings and a swimming pool.

This office does not oppose the variance request. The applicant proposes to subdivide Lot 8 to create Lot 8R and Lot 11R, with each lot containing one dwelling. We understand that the existing dwellings were constructed on Lot 8 prior to the County subdivision regulations and that no new development is proposed at this time.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 276-05 Smith



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 28, 2005

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

Re: Variance 2005-0117-V Paul Laber

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

Because the property is designated an IDA, water quality improvements must be provided on the site. This office recommends the use of plantings to achieve reduction in pollutants from runoff. Stormwater should be directed to a stable and 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 281-05 Laber

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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April 28, 2005

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

Re: Variance 2005-0094-V Thomas and Cherie Jockel

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

This office has no comment on the setback variance.

Because the property is designated an IDA, water quality improvements must be provided on the site. This office recommends the use of plantings to achieve reduction of pollutants from runoff. In addition, stormwater should be directed to a stable and densely 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 271-05 Jockel

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 28, 2005

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

Re: Variance 2005-0093-V John Muller

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (detached garage) in the front yard with less setbacks 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 setback variance.

Because the property is designated an IDA, water quality improvements must be provided on the site. This office recommends the use of native plantings to achieve reduction in pollutant from runoff. In addition, stormwater should be directed to a stable and densely 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 270-05 Muller

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 26, 2005

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

Re: Variance 2005-0082-V Joe and Marilyn Varnadore

Dear Mr. Konowal:

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

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

- 1) The 100-foot Buffer is not shown on the site plan provided with the variance application. As estimated from the site, it appears that most of the dwelling is located within the Buffer.
- 2) The applicant proposes to construct a 312 square foot covered porch addition over an existing deck. As shown on the site plan, the porch extends no further waterward than the principal structure.
- 3) Mitigation, at a ratio of 2:1 for newly developed impervious surface within the Buffer, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be directed first to non-forested areas of the Buffer and if necessary elsewhere on the site.
- 4) Stormwater should be directed to a stable and densely vegetated outfall to provide water quality benefits on the site.

Rob Konowal
Variance 2005-0082-V Joe and Marilyn Varnadore
April 26, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 228-05 Varnadore

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 26, 2005

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

Re: Variance 2005-0089-V John Weaver

Dear Ms. West:

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

Providing the lot is properly grandfathered, this office does not oppose the variance request. 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 for the variance application. As estimated from the site plan, it appears that nearly the entire lot is within the Buffer.
- 2) The applicant proposes to expand the second floor of the dwelling including a 9 inch cantilevered roof and expand the existing side entrance. No clearing or grading is necessary for construction.
- 3) Mitigation, at a ratio of 2:1 for newly developed impervious surface within the Buffer, should be required. Plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.
- 4) Stormwater should be directed to a stable and densely vegetated outfall to provide water quality benefits on the site.

Liz West
Variance 2005-0089-V John Weaver
April 26, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 350-02 Weaver

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 26, 2005

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

Re: Variance 2005-0075-V Robert and Joyce Nay

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with greater height than allowed. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Providing the lot is properly grandfathered, this office does not oppose the variance request. If granted, we recommend the following be made a condition of the variance.

- 1) To prevent disturbance to steep slopes, the limits of disturbance around the proposed bioretention area should be identified prior to the commencement of construction on the site.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, and directed first to non-forested areas of the Buffer 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 225-05 Nay

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 25, 2005

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

Re: Variance 2005-0087-V Kevin Smith

Dear Ms. West:

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

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the development proposal and variance request.

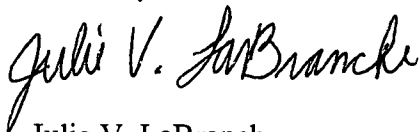
- 1) The applicant has completed partial construction of a 448 square foot carport attached to the existing dwelling. Before construction of the carport, the property was non-conforming with respect to impervious surface limits (31.25 percent or 3,114 square feet in this case) with 3,665 square feet of impervious surface coverage. The current proposal would result in 3,953 square feet of impervious surface coverage, including the removal of two existing sheds. It appears that by removing approximately 288 square feet of existing impervious surface, the additional impervious surface for the carport could be offset. For example, a portion of the gravel driveway could be removed. We recommend that the applicant consider alternatives to maintain and not increase the non-conforming condition. Because alternatives exist and the property is already non-conforming with respect to impervious surface coverage, this office opposes the impervious surface variance.

Liz West
Variance 2005-0087-V Kevin Smith
April 25, 2005
Page 2

- 2) Mitigation, at a ratio of 1:1 for disturbance within the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, and directed first to non-forested areas within the Buffer then to other areas of the site.
- 3) Stormwater 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
Natural Resource Planner

AA 229-05 Smith

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 25, 2005

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

Re: Variance 2005-0073-V Daniel and Elizabeth Petenbrink

Dear Ms. West:

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

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the development proposal and variance to permit disturbance to steep slopes.

- 1) As measured from the site plan, I estimate that 19 percent slopes are present across the property from northeast to southwest that are contiguous with steep slopes beyond the property boundary to the northeast and east. Due to the extent of steep slopes, we recognize that a variance is necessary to permit development of the site.
- 2) The applicant proposes to construct a dwelling and an attached garage with a footprint of 2,644 square feet or 16.6 percent impervious surface coverage. We note that a driveway is not shown on the site plan. Because it would be located on steep slopes, a driveway should be included as part of the variance request if anticipated by the applicant. The applicant should provide a revised site plan showing the limits of disturbance and area of clearing for all development activities associated with construction of the dwelling and utilities.

Liz West

Variance 2005-0073-V Daniel and Elizabeth Petenbrink


April 25, 2005

Page 2

- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, particularly to stabilize steep slopes disturbed during construction.
- 4) Due to the extent of steep slopes on and adjacent to the site, the applicant should provide information about how stormwater will be managed to maintain water quality and prevent erosion of steep slopes. Stormwater management best management practices implemented on the site should be included as part of the variance request and located within the limits of disturbance 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
Natural Resource Planner

cc: James Luff (McCrone, Inc.)

AA 224-05 Petenbrink

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 25, 2005

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

Re: Variance 2005-0070-V Lawrence and Linda Creamer

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped.

Providing the lot is properly grandfathered, this office does not oppose a variance to permit construction of 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 development proposal and variance request.

- 1) The 100-foot Buffer is shown on the site plan. As shown on the site plan, the property is constrained due to its narrow shape.
- 2) As estimated from the site plan, the proposed dwelling appears to be waterward of the average setback as established by the dwellings on the adjacent lots (estimated to be 50.5 feet). The proposed dwelling is located 48 feet from the existing bulkhead at its nearest point. For compliance with the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28 1A-109(c)(3)), we recommend increasing the setback for the dwelling by approximately 3 feet to maximize the distance between the shoreline and the structure, to be compatible with the existing pattern of residential development by meeting the average setback, and to maximize Buffer function.

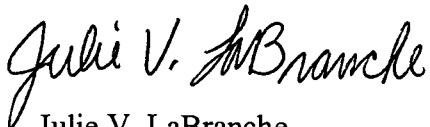
Liz West
Variance 2005-0070-V Lawrence and Linda Creamer
April 25, 2005
Page 2

- 3) As reported on the site plan in the section "Critical Area Calculations" the applicant proposes to pay a fee-in-lieu based on the area clearing associated with development of the property. Newly developed impervious surfaces within the Buffer Exemption Area must be offset and mitigation provided consistent with County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28 1A-109(c)(5)). Mitigation, at a ratio of 2:1 for the area of newly developed impervious surface within the Buffer and 1:1 for the area of newly developed impervious surface outside the Buffer, should be required. Plantings shall be used to establish a vegetated Buffer to the extent possible then directed to non-forested areas outside the Buffer.

- 4) Stormwater should be directed away from steep slopes near the shoreline to a stable and densely vegetated outfall to provide water quality benefits on the site. Because the property is designated an IDA, additional water quality benefits must be provided on the site. Reduction in pollutants from runoff can be achieved with plantings or a best management practice.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 222-05 Creamer

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 25, 2005

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

Re: Variance 2005-0079-V Mark and Linda Hartman

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 and a detached deck.

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

- 1) As estimated from the site plan, it appears that most of the lot is located within the Buffer.
- 2) The applicant proposes to construct a second story to the existing dwelling, and to expand the footprint of the existing dwelling over a concrete pad and enclose a deck over a concrete patio. The proposed expansion will result in an overall decrease in impervious surface coverage of 67 square feet and will extend the dwelling footprint approximately 5 feet further waterward.
- 3) Newly developed impervious surfaces within the Buffer Exemption Area must be offset and mitigation provided consistent with County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28 1A-109(c)(5)). Mitigation, at a ratio of 2:1 for the area of newly developed impervious surface within the Buffer and 1:1 for the area of newly developed impervious surface outside the Buffer, should be required. Plantings shall be used to establish a vegetated Buffer to the extent possible then directed to non-

Liz West

Variance 2005-0079-V Mark and Linda Hartman

April 25, 2005

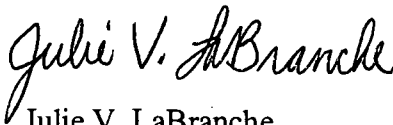
Page 2

forested areas outside the Buffer. If with mitigation the 15 percent afforestation requirement is not met, additional plantings should be provided on the site (Anne Arundel County Zoning Ordinance Article 28, §1A-105(i)).

- 4) Stormwater should be directed away from steep slopes to a stable and densely vegetated outfall to provide water quality benefits on the site. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved with additional plantings or with a best management practice.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 226-05 Hartman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 21, 2005

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

Re: Variance 2005-0102-V Janet Price

Dear Ms. West:

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

This office has no comment on the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. We recommend that the necessary reduction in pollutants from runoff can be achieved 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 221-05 Baillie

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 21, 2005

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

Re: Variance 2005-0090-V Lois Meszaros

Dear Ms. West:

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

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, and directed first to non-forested areas within the Buffer then to other areas of the site.
- 2) Stormwater 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 230-05 Meszaros



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 20, 2005

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

Re: Variance 2005-0067-V Steven Baillie

Dear Ms. West:

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

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

- 1) As determined during our telephone conversation of April 19, 2005, a tributary stream bisects the southwest portion of the property. The minimum 100-foot Buffer from the tributary stream is not shown on the site plan. Due to the presence of steep slopes, the Buffer is expanded to include lands within 50 feet from the top of steep slopes (Anne Arundel County Zoning Ordinance Article 28, §1A-104(a)(1)(ii)). As estimated from the site plan, it appears that nearly the entire property is within the Buffer.
- 2) The applicant proposes to construct an 1,100 square foot footprint with a garage and septic system within the Buffer. As shown on the site plan, the location of the dwelling is constrained by the placement of the septic drain fields adjacent to Beales Trail. The limits of disturbance (not shown on the site plan) for construction of the dwelling and the well should be the minimum necessary, typically no greater than 10 feet. We note that a driveway is not shown on the site plan. Because it may likely be within the Buffer, a driveway should be shown on the site plan if anticipated by the applicant as part of the development proposal.

Liz West
Variance 2005-0067-V Steven Baillie
April 20, 2005
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, particularly to stabilize steep slopes disturbed during construction.
- 4) Stormwater should be directed away from steep slopes 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
Natural Resource Planner

AA 221-05 Baillie

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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April 20, 2005

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

Re: Variance 2005-0027-V (Lot 32-34) and 2005-0029-V (Lot 35-36) Weston Builders, Inc.

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling on Lot 32-34 and a dwelling on Lot 35-36 with less setbacks and Buffer than required. The properties are designated a Limited Development Area (LDA) and are currently undeveloped. Our records indicate that Lot 32-34 and Lot 35-36 were the subject of previous variance cases (Case No. 2002-0517-V and 2002-0518-V). On April 18, 2005, this office received revised site plans and Critical Area calculations for both variance cases.

Providing the lots are properly grandfathered, this office does not oppose the variances requested. Based on the revised information provided, we have the following comments regarding the development proposal and variance request.

- 1) The 100-foot Buffer is identified on the site plan provided, and includes portions of Lot 32, Lot 35, and portions of the 30-foot right-of-way for 204th Street and outfall across Everd Road.
- 2) The applicant proposes to construct a dwelling on Lot 32-34 and on Lot 35-36. The proposed impacts to the Buffer are limited to an area of clearing on the two lots, the driveway for Lot 35-36, the improvements to 204th Street, and the outfall across Everd Road. As reported on the site plan, the clearing proposed on Lot 32-34 and on Lot 35-36 is below the maximum limit of 6,534 square feet for a grandfathered lot of less than one half acre.

Pam Cotter

Variance 2005-0027-V (Lot 32) and 2005-0029-V (Lot 35) Weston Builders, Inc.

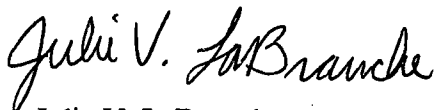
April 20, 2005

Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Due to the extent of clearing proposed, this office recommends that plantings be accommodated on the site to the extent possible, particularly in the front and side yards and between Lot 32-34 and Lot 35-36, and the area cleared within the Buffer for installation of the storm water outfall across Everd Road.
- 4) As shown on the site plan, the applicant proposes infiltration trenches on Lot 32 and Lot 35 to manage and treat storm water from the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 124-05 Weston Builders revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 20, 2005

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

Re: Variance 2005-0071-V Jane Amsbaugh

Dear Mr. Konowal:

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

Based on the site plans provided, this office has the following comments regarding the development proposal and variance request.

- 1) The 100-foot Buffer is shown on the site plan; however, the Buffer must be expanded to include all land within 50 feet of the top of steep slopes on the site (Anne Arundel County Zoning Ordinance Article 28, §1A-104(a)(1)(ii)). The applicant should provide a revised site plan showing the revised Buffer.
- 2) The variance application does not include calculations of existing and proposed impervious surface coverage or the area of disturbance within the Buffer. We recommend that the applicant provide this information for consideration as part of the variance.
- 3) The applicant proposes to construct a garage and to expand an existing porch, which are both attached to the existing dwelling, resulting in 92 square foot reduction in overall impervious surface coverage on the site. A portion of the garage is located over the existing driveway. As estimated from the site plan, the proposed porch and portions of the garage and the new driveway appear to extend within the Buffer. As estimated from the site plan, it appears that a

minimum 10-foot limit of disturbance for construction of the garage and the porch would extend within the Buffer (limit of disturbance not shown on the site plan).

- 4) Although the applicant has minimized the variance by locating the garage over the existing driveway, it appears that impacts to the Buffer could be minimized further. Because the dwelling has a wrap-around porch in the front yard, we recommend relocating the porch addition to the west side of the dwelling outside the Buffer. In addition, it appears that the garage and the new driveway could be relocated outside the Buffer, while maintaining the necessary setbacks from the existing utilities. We recommend that the applicant consider alternatives to reduce impacts to the Buffer and minimize the variance.
- 5) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site, preferably within the Buffer.
- 6) Stormwater should be directed away from steep slopes on the site to a stable and densely vegetated outfall.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Frank Lucas (Lucas Associates Architects)

AA 223-05 Amsbaugh

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2005

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

Re: Variance 2005-0032-V Robert Katski

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 currently developed with a single-family dwelling and two sheds. As stated in the application, the property consists of Lots 24, 25, 26, 27, and 28, consisting of 15,675 square feet. On April 19, 2005, this office received a revised site plan for this variance.

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

- 1) The 100-foot Buffer is identified on the revised site plan. As shown on the revised site plan, the existing structures on the property are located within the Buffer.
- 2) The applicant proposes to construct a second floor over the footprint of the existing dwelling and garage, and a covered porch on the (south) side of the dwelling. It appears that the deck proposed on the (north) side of the garage extends no further waterward than the existing principal structure. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization at the perimeter. We understand that the two existing sheds, which are located outside the property boundary within the right-of-way for Shore Drive, will be removed.

Pam Cotter
Variance 2005-0032-V Robert Katski
April 19, 2005
Page 2

- 3) Mitigation, consistent with the BEA provisions of the Anne Arundel County Zoning Ordinance (Article 28, §1A-109), should be provided. The required plantings should be accommodated on the site, preferably within the BEA.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 128-05 Katski

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2005

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

Re: Variance 2005-0026-V Faye Anderson

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling, driveway 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. On April 6, 2005 and April 15, 2005, this office received revised site plans, Sheet 3 of 3 - Grading and Sediment Control Plan and Details, which show that the Buffer has been expanded on this site due to the presence of steep slopes contiguous with the minimum 100-foot Buffer.

Providing the property is 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.

- 1) As determined during our discussion of April 18, 2005, the Buffer must be expanded to include all lands within 50 feet from the top of steep slopes contiguous with the Buffer, as you have drawn on the revised site plan (refer to attachment). The Buffer shown on the revised site plans provided by the applicant's consultant do not properly identify the Buffer on this site. The site is nearly fully forested, except for areas near the shoreline and adjacent to Forest Beach Road.
- 2) The applicant proposes to construct portions of a 2,426 square foot house within the Buffer. As measured from the site plan, the driveway turn-around area next to the house and garage is approximately 1,872 square feet. We recommend that the applicant consider alternatives to

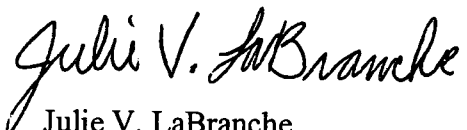
Pam Cotter
Variance 2005-0026-V Faye Anderson
April 19, 2005
Page 2

reduce impacts to the Buffer and the amount of clearing necessary. For example, it appears that the house and garage could be located outside the Buffer if the driveway turn-around area were reduced in size. By relocating the dwelling, the setback from steep slopes could be maximized and the amount of clearing reduced.

- 3) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be provided and based on the total area of clearing proposed, which is 24,233 square feet or 34 percent (Anne Arundel County Zoning Ordinance Article 28, §1A-105). We note that 1:1 mitigation is proposed in the site tabulations on Sheet 3 of 3 on the revised site plans. Plantings should be accommodated on site to the extent possible, particularly in the non-forested area of the Buffer and adjacent to steep slopes that will be disturbed during construction.
- 4) As described in the SWM/Outfall Note on Sheet 3 of 3 of the revised site plan, stormwater will be directed from rooftop disconnects to forested areas of the Buffer and discharge to tidal waters of Martins Cove. The applicant should provide information describing how conveyance of runoff at non-erosive velocities across steep slopes in the Buffer will be achieved to maintain water quality of Martins Cove.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Gary Evans (Bay Engineering, Inc.)

AA 123-05 Anderson revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 19, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0051-V Tonia and Maurice Bowie

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 setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling, a detached garage, a swimming pool, and two driveways.

This office has no comment on the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Due to the extensive impervious surface coverage on the site, this office recommends the use of dense plantings or several best management practices to provide 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 254-05 Bowie

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 18, 2005

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:

The purpose of this letter is to officially notify you of the Critical Area Commission's action regarding the Town's growth allocation request for the Richfield Station subdivision. On April 1, 2005, this office received from the Town a revised growth allocation request, which included a reduction in acreage from 27.74 acres to 22.24 acres. Joe Devlin, the Town's representative, presented the revised growth allocation request and revised site plan to the Panel at the April 6, 2005 Commission meeting. Based on the revised information provided, the Panel recommended to the Commission that they approve the growth allocation request with conditions. On April 6, 2005, the Commission approved the Town's revised growth allocation request and the Forest Interior Dwelling Bird Habitat Protective Covenant and Agreement, described in the April 1, 2005 letter from the Town and shown on the revised site plan, as an amendment to the Town's Critical Area Program with the following conditions:

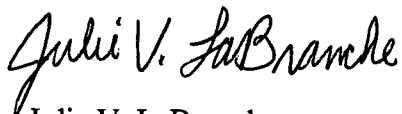
- 1) The applicant must execute and record the Forest Interior Dwelling Bird Habitat Protective Covenant and Agreement prior to final approval of a subdivision plat for any lands within the Critical Area in the Richfield Station Subdivision.
- 2) The final storm water management plans for Phase I must be provided to Commission staff for review, and provided to the Commission for approval if necessary.

Within 120 days, the Town must provide the following documentation: a copy of the approved zoning amendment, a copy of the approved Critical Area map showing the change in designation of 22.24 acres from Resource Conservation Area (RCA) to Intensely Developed Area (IDA), and revised calculations of RCA and IDA acreage within the Town.

William R. Watson
Richfield Station Growth Allocation
April 18, 2005
Page 2

We look forward to working with the Town on any future proposals. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Joseph Devlin (Council, Baradel, Kosmerl & Nolan, P.A.)
Eric Blitz (Webb & Blitz, L.L.C.)

CB Richfield Station Phase I

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 18, 2005

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

Re: Variance 2005-0036-V Cindy Allen

Dear Ms. West:

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.

This office has no comment on the lot area and setback variances requested.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 169-05 Allen

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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April 15, 2005

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

Re: Variance 2005-0026-V Faye Anderson

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling, driveway 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. On April 6, 2005 and April 15, 2005, this office received revised site plans, Sheet 3 of 3 - Grading and Sediment Control Plan and Details, which show that the Buffer has been expanded on this site due to the presence of steep slopes contiguous with the minimum 100-foot Buffer.

Providing the property is 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.

- 1) As shown on the site plans provided, it appears that the site is constrained by the Buffer and isolated steep slopes near Forest Beach Road. The site is nearly fully forested, except for areas near the shoreline and adjacent to Forest Beach Road.
- 2) The applicant proposes to construct portions of a 2,426 square foot house, a 500 square foot garage, and a 4,852 square foot driveway, resulting in a total of 2,070 square feet of new impervious surface coverage within the Buffer. As measured from the site plan, the driveway turn-around area next to the house and garage is approximately 1,872 square feet. We recommend that the applicant consider alternatives to reduce impacts to the Buffer and the amount of clearing necessary. For example, it appears that the house and garage could be

Pam Cotter
Variance 2005-0026-V Faye Anderson
April 15, 2005
Page 2

located to maximize the setback from steep slopes if the driveway turn-around area were reduced in size.

- 3) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be provided and based on the total area of clearing proposed, which is 24,233 square feet or 34 percent (Anne Arundel County Zoning Ordinance Article 28, §1A-105). We note that 1:1 mitigation is proposed in the site tabulations on Sheet 3 of 3 on the revised site plans. Plantings should be accommodated on site to the extent possible, particularly in the non-forested area of the Buffer and adjacent to steep slopes that will be disturbed during construction.
- 4) As described in the SWM/Outfall Note on Sheet 3 of 3 of the revised site plan, stormwater will be directed from rooftop disconnects to forested areas of the Buffer and discharge to tidal waters of Martins Cove. The applicant should provide information describing how conveyance of runoff at non-erosive velocities across steep slopes in the Buffer will be achieved to maintain water quality of Martins Cove.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Gary Evans (Bay Engineering, Inc.)

AA 123-05 Anderson

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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April 15, 2005

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

Re: Variance 2005-0069-V Daniel and Lorraine Kelleher

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for 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.

This office does not oppose the variance request. Based on the site plans provided for the request for an extension there appear to be no changes made to the previously approved development proposal. If granted, we recommend that the conditions of the previous variance, Case No. 2004-0099-V, be made conditions of the current variance request.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 213-04 Kelleher

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2005

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

Re: Variance 2005-0054-V Cynthia Sampson

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) is currently developed with a single-family dwelling, a shoreline access, and a pier.

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the current redevelopment proposal.

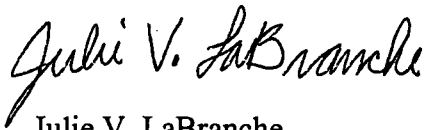
- 1) The Buffer is identified on the site plan and is expanded for steep slopes on the site. As shown on the site plan, much of the existing dwelling is located within the Buffer.
- 2) The applicant proposes to remove the existing dwelling, brick paving and driveway, and to construct a new dwelling, garage, swimming pool, and septic system outside the Buffer. A portion of the Buffer will be disturbed to remove the existing dwelling. Mitigation plantings can be used to vegetate these areas following completion of the project.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings, consisting of native trees and shrubs, should be accommodated on the site and preferably within the Buffer. If not met through mitigation, the property must be planted to provide 15 percent forest cover (Anne Arundel County Zoning Ordinance Article 28, §1A-105(i)).

Ramona Plociennik
Variance 2005-0054-V Cynthia Sampson
April 14, 2005
Page 2

- 4) Stormwater should be directed to a best management practice or to a heavily forested area to provide water quality benefits. Stormwater outfalls should be directed away from steep slopes on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 174-05 Sampson

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2005

Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway Suite 10
Centreville, Maryland 21617-1000

Re: Town of North East Revetment and Pier Extension

Dear Ms. Skilling:

Thank you for providing a consistency report for the Town of North East revetment and pier extension project at the Town Park. Based on the information provided, this office concurs with your determination that the project is consistent with the Town's Critical Area Program. As shown on the site plans and the photographs provided, the proposed revetment will replace an existing shore erosion control structure that is failing and protect an area of shoreline that is currently eroding. We understand that it will be necessary to remove two trees from the Buffer to construct the revetment and that these trees will be replaced on the site. The Commission recommends the use of native species for plantings within the Critical Area.

Thank you for providing the project information for our review.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Melissa Cook-MacKenzie (Town Administrator)

NE 233-05 revetment pier project



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 12, 2005

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

Re: Variance 2005-0015-V Timothy Barrett

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a new impervious surface (concrete stairs) within the Buffer 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, several decks and concrete patios, a detached garage, a driveway, retaining walls and gabion structures parallel to the shoreline, and a pier.

Based on the information provided, this office has the following comments regarding the variance request.

- 1) As stated in the variance application, we understand that the concrete stairs were constructed within the Buffer without the necessary local authorization and absent a variance. This office assumes that the stairs were constructed to provide access to the shoreline and pier. The variance application does not report the area of new impervious surface placed in the Buffer. As estimated from the site plan, the concrete stairs are approximately four to five feet wide and result in 216 approximately square feet of additional impervious surface coverage within the Buffer.
- 2) As required by the Buffer exemption and enhancement program (Anne Arundel County Zoning Ordinance Article 28, §1A-109), the criteria for approval of new impervious surface consisting of expansions of existing structures and new accessory structures state that no new impervious surface shall be placed nearer to the shoreline than the existing principal

Liz West
Variance 2005-0015-V Timothy Barrett
April 12, 2005
Page 2

structure, and 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 on the site. As constructed, the concrete stairs do not meet these standards, since the concrete stairs are located nearer to the shoreline than the existing principal structure.

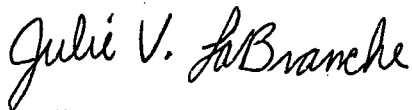
- 3) It appears that the variance may have been avoided if the shoreline access were constructed of pervious materials, such as a wooden walkway or a wood chip path. The applicant provided no information to demonstrate that the shoreline access could not be constructed of pervious materials, and therefore this office questions whether the unwarranted hardship standard has been met in this case. In addition, because the variance is necessary to perfect the concrete stairs, it appears that the variance request may be based upon conditions or circumstances which are the result of the actions by the applicant.

If the variance is granted, this office recommends the following be made a condition of the variance:

- 1) Mitigation, at a ratio of 2:1 for the area of new impervious surface within the Buffer, should be provided.
- 2) Mitigation plantings should be accommodated on site and within the Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 118-05 Barrett

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 12, 2005

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

Re: Variance 2005-0041-V Amy and Philip Dell

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). The property is currently developed with a single-family dwelling and a shed.

This office has no comment on the setback variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings, consisting of native trees and shrubs, should be accommodated on the site. Storm water runoff from the 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 171-05 Dell

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 12, 2005

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

Re: Variance 2005-0038-V Sandra Murray

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) within less setbacks than required. The property is designated a Limited Development Area (LDA). The property is currently developed with a single-family dwelling.

This office has no comment regarding the setback variance. Mitigation, at ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings, consisting of native trees and shrubs, should be accommodated on the site. Storm water runoff 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 170-05 Murray

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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Executive Director

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April 12, 2005

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

Re: Variance 2005-0046-V Eleanor Stumpfoll

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

This office has no comment on the setback variance. The deck should be constructed to be pervious, with a gravel substrate and vegetation at the perimeter. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings, consisting of native trees and shrubs, should be accommodated on the site.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 173-05 Stumpfoll

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

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Executive Director

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April 4, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0001-V Jon and Barbara Eugenio

Dear Ms. Rhodes:

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

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) On February 15, 2005, this office received revised impervious surface calculations for the variance request. Based on the revised information, the existing impervious surface coverage is 3,438 square feet. As measured from the site plan, I estimate that the existing impervious surface coverage is 3,335 square feet. Based on a lot area of 12,632 square feet, the maximum impervious coverage permitted is 3,947.5 square feet or 31.25 percent. With the addition of 624 square feet of impervious surface coverage for the shed, the impervious surface coverage limit would be exceeded using either calculations— 4,062 square feet as reported by the applicant or 3,959 square feet as measured from the site plan.

The applicant should clarify the discrepancy in impervious surface coverage between the site plan and the revised calculations provided. In order to avoid an impervious surface variance in this case, this office recommends that the applicant offset the additional impervious surface for the shed by removing enough existing impervious surface coverage to remain with the allowable limits.

Lori Rhodes
Variance 2005-0001-V Jon and Barbara Eugenio
April 4, 2005
Page 2

- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings could be accommodated on the site. Plantings should consist of a mix of native trees and shrubs.
- 3) Storm water from the shed 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
Natural Resource Planner

AA 69-05 revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Case No. 2005-0008-V William Trevillian (Lot 2)
Case No. 2005-0005-V Gary Lenz (Lot 1)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance and for arranging a site visit to the Lenz and Trevillian properties on March 24, 2005. The applicants are requesting a variance to permit an accessory structure (raised walkway) with less setbacks and Buffer than required. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). Lot 1 and Lot 2 are each currently developed with a single-family dwelling.

Lot 1 and Lot 2 are part of the Herons Watch subdivision, for which a revised plat was approved in 1989 (refer to attached sections of Plat 6170; Plat Book 117, p. 47). Therefore, Lot 1 and Lot 2 are not grandfathered lots. The Critical Area notes on the subdivision plat state that there shall be no disturbance within the 100-foot setback from tidal marsh (refer to #6 in the Critical Area notes). As we discussed during a telephone conversation of March 30, 2005, County staff report that the clearing limits stated on the record plat for the subdivision have been exceeded, following development of the new lots in the subdivision. For this reason, it is my understanding that County staff do not support the current variance request to permit additional clearing on Lot 1 and Lot 2 for construction of a walkway.

This office received a revised site plan for these variances on March 22, 2005. Based on the information provided, this office has the following comments regarding the development proposal and variance request.

- 1) Based on the revised site plan, the extent of tidal wetlands is identified on Lot 1 and Lot 2. We note that the extent of tidal wetlands on Lot 1 and Lot 2 appears to have changed since

Lori Rhodes

Case No. 2005-0008-V William Trevillian (Lot 2)

Case No. 2005-0005-V Gary Lenz (Lot 1)

April 1, 2005

Page 2

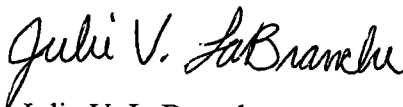
recording of the 1989 subdivision plat. The 100-foot Buffer (as measured from the edge of tidal wetlands) is shown incorrectly on the revised site plan. Based on the Critical Area maps for Anne Arundel County, it appears that the LDA and RCA lands on Lot 1 and Lot 2 are shown incorrectly on the revised site plan. The applicants should provide a revised site plan showing accurately the 100-foot Buffer and the LDA and RCA lands on Lot 1 and lot 2.

- 2) As shown on the revised site plan, the applicants propose the following development activities within the Critical Area: a 6 foot by 20 foot ramp on Lot 2; a 6 foot by 85 foot section of raised walkway and a 6 foot by 20 foot ramp along the property boundary of Lot 1 and Lot 2; and a 6 foot by 135 foot wood chip path (a raised walkway was proposed on the original site plan) and a 6 foot by 20 foot ramp on Lot 1. As observed during my site visit, the area of the proposed access path and walkway is relatively flat and forested (refer to the attached photographs), with the exception of the ramp on Lot 2, which is proposed in an area of mowed grass. Based on conversations with the Department of the Environment, Mr. Trevillian and Mr. Lenz have applied for a permit to construct a joint-use walkway over tidal wetlands. The walkway will connect at the shoreline to the piers proposed for each lot.

In developing Lot 1 and Lot 2, the property owners could have retained a clearing allowance to construct an access to the shoreline, particularly since the platted access easement on Lot 1 and the upland areas waterward of the dwelling on Lot 2 are fully forested. Based on the current site conditions, it appears that a joint-use access could be constructed with minimal or no clearing, if the access were limited to a 3 foot wide woodchip path or a joint access easement, wide enough to accommodate a 3 foot wide path in existing cleared areas, were provided on Lot 2 for use by both Lot 1 and Lot 2. As alternatives may exist to provide access for both Lot 1 and Lot 2 without further exceeding the clearing limits for the subdivision, this office does not support the current 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
Natural Resource Planner

cc: Scott Mielke (The Permit Coordinators, Inc.)

AA 76-05 revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 1, 2005

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

Re: Variance 2005-0042-V Mary Uyeda

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling. This office received a revised site plan on March 23, 2005.

Providing the property is grandfathered, this office does not oppose the variance request; 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.

- 1) Based on GIS information from the Department of Natural Resources (refer to attached maps), it appears that the tidal and nontidal wetlands shown on the revised site plan may not be accurate. The maps show extensive wetlands adjacent to the property to the south and on the east of the property. The 100-foot Buffer is not shown on the revised site plan. This office recommends that County staff verify the extent and type of wetlands identified on the site plan and the extent of the Buffer on the site.
- 2) As reported in the variance application, the applicant proposes to remove the existing dwelling, which was damaged by hurricane Isabel, and to construct a 2,032 square foot dwelling on the property. As measured from the site plan, I estimate that the dwelling is 1,017.4 square feet, the deck is 950 square feet and the driveway is 656 square feet. The application does not include calculations of existing impervious surface coverage, although the new house is reported to be 15 square feet less than the existing dwelling. We note that

Pam Cotter
Variance 2005-0042-V Mary Uyeda
April 1, 2005
Page 2

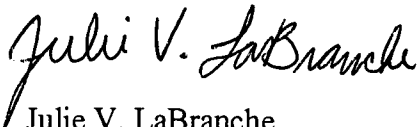
the existing dwelling is shown on the revised site plan with a footprint of 30 feet by 34 feet or 1,020 square feet.

If granted, this office recommends the following be made conditions of the variance.

- 1) The new dwelling, including the deck, should extend no further waterward than the existing dwelling.
- 2) The development proposal must comply with the impervious surface limits in a RCA as required by the County's Critical Area Program.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Plantings should be accommodated on the site to the extent possible.
- 3) Stormwater from the dwelling should be directed to a stable outfall, away from the adjacent wetlands, to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 130-05 Uyeda

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 31, 2005

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

Re: Variance 2005-0055-V Michael Ratay

Dear Ms. Plociennik:

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

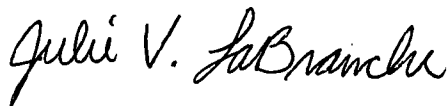
Providing the property is grandfathered, this office does not oppose the variance request. Based on the information provided, we have the following comments regarding the development proposal.

- 1) The applicant proposes to remove a 130 square foot shed and to construct a 704 square foot garage. By locating the garage at the 30-foot front building restriction line, it appears that the applicant has attempted to minimize disturbance to steep slopes on the site and minimize clearing.
- 2) Mitigation, at a ratio of 1:1 for clearing outside the Buffer, should be provided. Plantings should be accommodated on site.
- 3) Stormwater from the garage should be directed to a heavily vegetated and stable outfall to provide water quality benefits on the site.

Ramona Plociennik
Variance 2005-0055-V Michael Ratay
March 31, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 175-05 Ratay

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 31, 2005

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

Re: Variance 2005-0057-V Dorothy Mills

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 a septic tank with less Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a single-family dwelling.


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

- 1) The applicant proposes remove the existing dwelling and construct a new dwelling outside the Buffer, and to replace the existing septic tank and reconnect the new tank to the existing septic fields within the Buffer.
- 2) Mitigation should be provided consistent with the County's Buffer Exemption Area criteria (Article 28, 1A-109) and at a ratio of 1:1 for clearing outside the Buffer. This office recommends that plantings be accommodated on site to extent possible, preferably within the BEA.
- 3) Stormwater from the dwelling should be directed to a heavily vegetated and stable outfall to provide water quality benefits on the site.

Ramona Ploccienik
Variance 2005-0057-V Dorothy Mills
March 31, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 176-05 Mills

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 30, 2005

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

Re: BA 5-05V Vincent and Veronica Chick, Jr.

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant's appeal is taken from the denial of a variance to permit an accessory structure (garage) in the front yard with less setbacks than required. The property is designated a Limited Development Area (LDA) and the property is currently developed with a single-family dwelling and a swimming pool.

Based on the revised variance information provided to this office on November 17, 2004 (refer to attachments), we have the following comments regarding the development proposal and variance request.

- 1) The applicant provided revised variance information on November 17, 2004; however, the calculations provided in the Critical Area Report differ from the impervious surface coverage shown on the site plan. As stated in the Critical Area Report, the property has 5,843 square feet or 61 percent impervious surface coverage. As estimated from the site plan, the property is currently non-conforming with respect to impervious surface coverage, with approximately 4,100 square feet or 42 percent. In either case, the property exceeds the impervious surface coverage limit of 3,008 square feet or 31.25 percent.
- 2) The applicant proposes to construct a 440 square foot garage over a portion of the existing driveway and to remove 1,055 square feet of the existing driveway. Using either calculations from the Critical Area Report or as estimated from the site plan, the property would remain non-conforming with respect to impervious surface coverage (5,412 square feet or 3,485 square feet respectively).

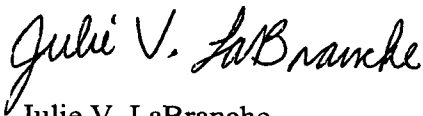
Liz West
BA 5-05V Vincent and Veronica Chick, Jr.
March 30, 2005
Page 2

- 3) As stated in the Critical Area Report, the applicant obtained a building permit to construct the existing dwelling on this grandfathered lot in 1998. As reported in our conversations about this case, the County reports that the lot is properly grandfathered; however, several structures were built on the property absent the necessary local permits. Based on this information, it appears that the applicant created the current non-conforming condition with respect to impervious surface limits without the necessary authorizations and absent a variance, and that the existing impervious surface coverage on the property is not grandfathered.

Given the actions of the applicant to exceed the impervious surface limits and the apparent violations that exist on this property, this office opposes the current variance request.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 536-04 Chick BOA

Critical Area Report

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Md. 21401

Re: 1306 Holly Drive
Edgewater, Maryland 21037

Tax Map 56, Block 7, Parcel 115
Subdivision South River Park
Non - Waterfront Lot
Critical Area Classification LDA

Applicant/Owner
Vincent G. Chick Jr.
Veronica Chick

A Brief Explanation

The property is located in the older subdivision. The owner wants to erect a 2 car garage 22' x 20' in the front yard with storage only above. The existing property fronts two streets. Holly Road and Riverside Road. Due to the location of the existing dwelling, there is no other place to locate this structure. A building and grading permit was issued on this site in 1998 and at that time the front was Holly Road and met the setbacks for a front property line. The owner of lot 24 was worried that the house would block her side bay window and Mr. Chick moved the house closer to Holly Road. At present there are 5 property owners in the subdivision with detached garaged.

Variance Required

Construction of a 2 car garage 22' X 20' with storage only above. (accessory structure in the front yard). The garage will be located 25' from Holly Road and 10' from the north property line.

A vicinity map is enclosed

Ground Cover

The property at the present time is landscaped with a couple of trees. No ground cover will be disturbed for the construction of this structure. The rear yard has been landscaped when the pool and spa was constructed.

RECEIVED

NOV 17 2004

CRITICAL AREA CONSTRUCTION

Page two

Methods of controlling rain water.

The existing water is down spouts to the ground. Silt fence will be placed around the structure to prevent any silting to the road. Storm water management will be address by planting.

Square Footage of existing Impervious Coverages

2,718 House including covered porches

360 Pool and spa

2,765 Driveways and sidewalks

5,843 Existing impervious $\rightarrow 9624 SF = 61\%$

440 Garage

100 Driveway

84 Lead Walk

624 Proposed impervious

(max. = 3,008 SF)
OR 31.25 %

Total impervious to be removed from driveway 1055 sq. ft. The total site impervious reduction is 431 sq. ft.. The total impervious after construction will be 5,412 sq. ft.. (56%)

21 site plans are enclosed

The lot is served by public sewer and well.

Lot = 9624 = 56% impervious

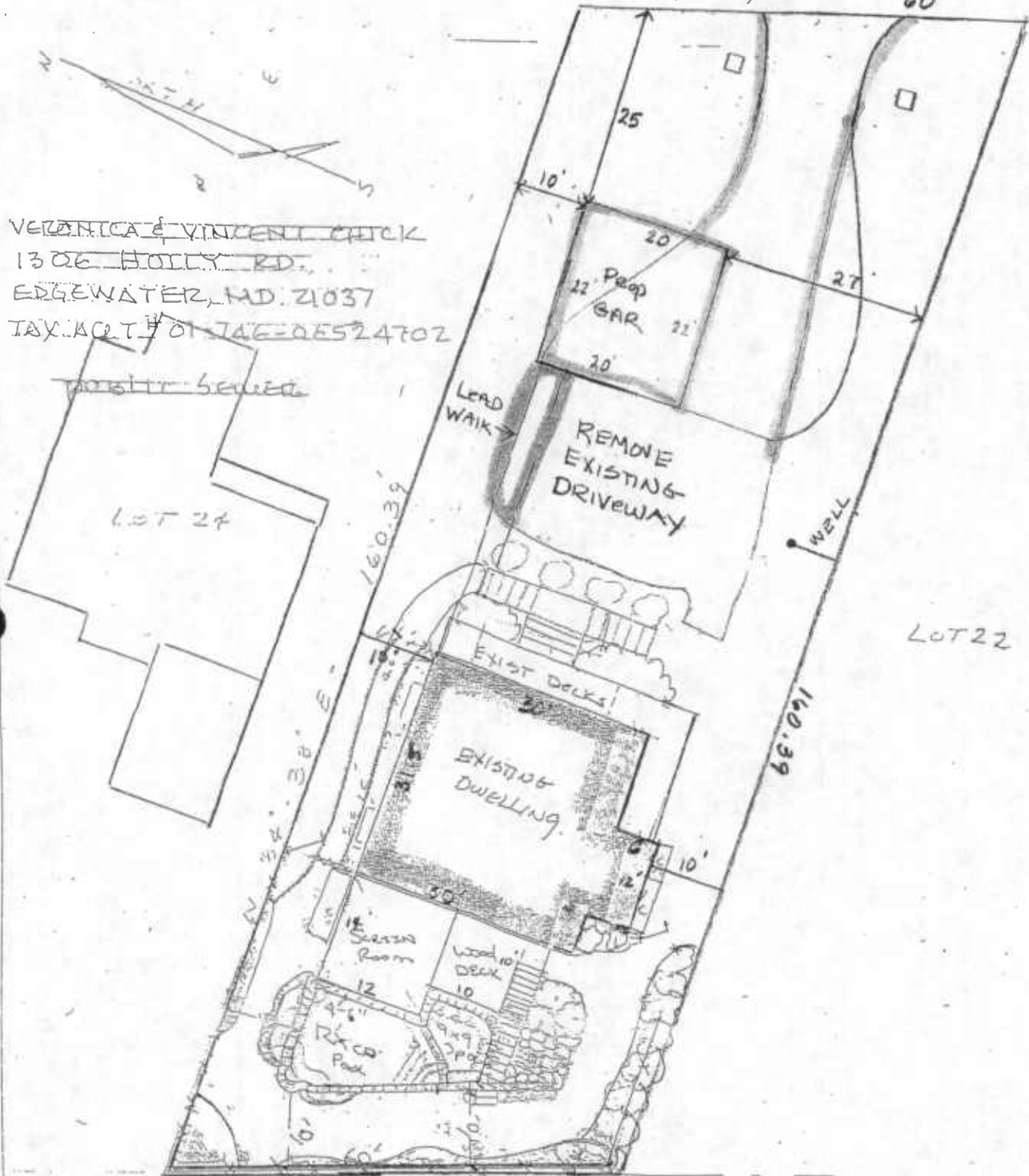
Per Liz West : AA not supporting variance, because :

- (1) Too much imp surface
- (2) out of character w/ neighborhood
- (3) 25' in height \rightarrow too high
- (4) too much going on
- (5) self-created hardship \rightarrow

CRITICAL AREA

HOLLY ROAD 60

VERONICA & VINCENT CHICK
1306 HOLLY RD.
EDGEWATER, MD. 21037
TAX ACCT # 01-746-08524702



N-20°06'-E

RIVER SIDE ROAD
(20' N/W)

1"=20'

LOT 23 APPEARS TO BE LOCATED IN ZONE C AS SHOWN ON ICM MAPS, 240007-0043C

MINIMUM ADVICE

REFERENCE

LOCATION SURVEY
LOT 23

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Charlestown Crossing subdivision
(Tax Map 30, Parcel 11 and Parcel 124)

Dear Mr. Di Giacomo:

Thank you for providing a revised site plan for the Charlestown Crossing subdivision. The applicant proposes a Planned Unit Development, a portion of which is within the Critical Area. The Critical Area lands are designated Limited Development Area (LDA) and Resource Conservation Area (RCA). Based on the information provided, this office has the following comments regarding the development proposal.

- 1) As shown on the site plan, the main access road from MD Route 7 Philadelphia Road to the subdivision is proposed within the LDA. Forest clearing within the LDA must be mitigated at a ratio of 1:1. The applicant should provide a mitigation plan for the project to this office for review and comment. It appears that no additional development is proposed within the Critical Area.
- 2) As shown on the site plan, the easternmost corner of Lot 389 is located within the LDA. Any forest clearing within the LDA on Lot 389 must be mitigated at a ratio of 1:1.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

CE 651-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

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

Re: Howe's Ridge subdivision
(Tax Map 41, Parcel 350)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision. The applicant is proposes to subdivide Parcel 350 to create 5 lots. Based on the information provided, this office has the following comments regarding the subdivision proposal.

- 1) Lot 5 consists 14.746 acres designated Resource Conservation Area (RCA), which is currently undeveloped with exception of an existing access road. A tributary stream, nontidal wetlands are identified on Lot 5, and the Buffer appears to be expanded to include the limits of the 25-foot nontidal wetland buffer. It appears that no development activities are proposed within the Buffer.
- 2) The RCA portion of Lot 5 is limited to 15 percent impervious surface coverage. As stated previously the RCA portion of Lot 5 is currently undeveloped with exception of an existing access road.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

CE 163-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

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

Re: Variance Case No. 2005-0061-V Richard Abbott

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 the property is currently developed with a single-family dwelling, a shed, and an accessory structure (beach house).

Providing the property is grandfathered, this office does not oppose the variance request; 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.

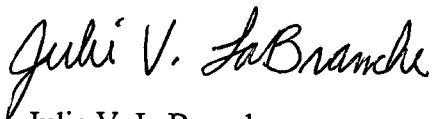
- 1) The applicant proposes to remove the existing dwelling and beach house, and to construct a new dwelling on the site. In addition, a shed and impervious patio will be removed from the side yard, resulting in a reduction of 78 square feet in the total impervious surface coverage. It appears that the new dwelling will be no further waterward and will be constructed approximately within the footprint of the existing dwelling, except for a minor expansion in the side yard.
- 2) Because the property is designated an IDA, water quality improvements must be provided on the site. This office recommends that reduction in pollutants from runoff can best be achieved on this site with plantings.

Ramona Plociennik
Variance Case No. 2005-0061-V Richard Abbott
March 29, 2005
Page 2

- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings should be accommodated on site to the extent possible.
- 4) Stormwater from the garage should be directed to a heavily vegetated and stable outfall to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 177-05 Abbott

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

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

Re: Variance 2005-0063-V Anthony Olmert

Dear Ms. Plociennik:

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

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

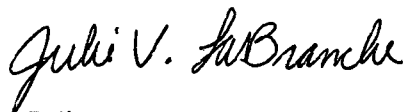
- 1) The applicant proposes to remove the existing dwelling within the Buffer, and to construct a single-family dwelling, a detached garage, a swimming pool, and a driveway outside the Buffer. As reported on the site plan, the results of perc-tests performed on the site indicate the only acceptable locations for new mound-type septic system is within the Buffer.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. This office recommends that some plantings be used to reforest the Buffer in the location of the existing dwelling. As shown on the site plan, the applicant proposes 12,819 square feet reforestation area in the west side yard; however, as estimated on the site, 12,969 square feet of reforestation is required. If additional mitigation is required, this office recommends that these plantings be accommodated on the site.

Ramona Plociennik
Variance 2005-0063-V Anthony Olmert
March 29, 2005
Page 2

- 3) As shown on the site plan, stormwater will be managed and treated in two bioretention areas proposed in the side yards.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 178-05 Olmert

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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March 29, 2005

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

Re: Variance 2005-0065-V Preston Cole

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with less setbacks than required and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and the property is currently developed with a single-family dwelling and a swimming pool.

Providing the property is grandfathered, this office does not oppose the variance request; 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.

- 1) Based on the County topographic map provided with the variance application, it appears that the entire site may be constrained by steep slopes.
- 2) The applicant proposes to construct a 1,152 square foot garage in a partially forested area of the property. We note that the proposed garage is larger than the existing dwelling. This office recommends that the applicant consider relocating the garage to an area that is already cleared and reducing the size of the garage to minimize both forest clearing and overall disturbance to steep slopes on the site.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings should be accommodated on site to the extent possible.

Ramona Plociennik
Variance 2005-0065-V Preston Cole
March 29, 2005
Page 2

- 4) Stormwater from the garage should be directed to a stable outfall in a forested area to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 180-05 Cole

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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March 29, 2005

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

Re: Variance 2005-0064-V Karen Brown

Dear Ms. Plociennik:

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

Providing the property is grandfathered, this office does not oppose the variance request. 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. Due to the limited amount of vegetative cover and high water table in this low-lying community, this office recommends the use of plantings on this site to achieve water quality improvements. Storm water from the garage should be directed to a heavily vegetated and stable outfall to provide additional water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 179-05 Brown

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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March 24, 2005

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

Re: Variance 2005-0028-V Stacey and Rob Zier

Dear Ms. Schappert:

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 properties are designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and an outbuilding.

This office has no comment regarding the setback variance.

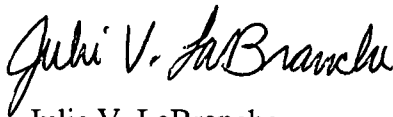
Based on the information provided, we have the following comments regarding the development proposal.

- 1) As reported in the variance application, the property currently has a total of 4,020 square feet of impervious surface coverage. The property is limited to 3,531.25 square feet or 31.25 percent impervious surface coverage (Anne Arundel County Zoning Ordinance Article 28, §1A-105), and therefore is non-conforming with respect to these limits.
- 2) The applicant seeks a variance to perfect a shed, which would increase the impervious surface coverage on the property by 100 square feet. This office recommends that the applicant remove an equivalent area of existing impervious surface coverage to offset the additional impervious surface coverage for the shed. For example, a portion of the existing gravel driveway could be removed and established in natural vegetation. This office would not support a variance to further exceed the impervious surface limits.

Suzanne Schappert
Variance 2005-0028-V Stacey and Rob Zier
March 24, 2005
Page

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 125-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 24, 2005

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

Re: Variance 2005-0050-V Charles Wynn

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

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

- 1) The 100-foot Buffer is not identified on the site plan provided. As estimated from the site plan, it appears that nearly the entire lot is located within the Buffer.
- 2) As stated in the variance application, the applicant proposes to construct a second story on the existing dwelling and reconfigure an existing stairway, which will result in a minor reduction in impervious surface coverage. This office recommends that the applicant stabilize with plantings areas where impervious surface will be removed on the site.

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

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive.

Julie V. LaBranche
Natural Resource Planner

AA 131-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 24, 2005

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

Re: Local Case No. 3117 Hacks Point Community Pier Club and Association
(Tax Map 52, Parcel 91-O.S. Lot 205)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit extension of the existing community pier by 169 feet and to construct 20 additional boat slips. The properties are designated an Intensely Developed Area (IDA), is currently undeveloped and designated as community open space.

Based on the information provided, this office does not oppose the variance request. Any areas of Buffer vegetation that may be disturbed during construction should be replanted following completion of the project.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

CE 150-05 Hacks Point pier

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 24, 2005

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

Re: Variance 2005-0033-V Dennis Houck

Dear Mr. Konowal:

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 properties are designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and a shed.

Providing the lots are properly grandfathered, this office does not oppose the variance request. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) The 100-foot is not identified on the site plan provided. As estimated from the site plan, it appears that the entire dwelling is located within the 100-foot Buffer.
- 2) As estimated from the site plan, the existing dwelling is located 46 feet from the bulkhead and proposed deck is located 34 feet from the bulkhead. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization at the perimeter.
- 3) 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 installation of a best management practice or with plantings.

Rob Konowal
Variance 2005-0033-V Dennis Houck
March 24, 2005
Page 2

- 4) Mitigation, consistent with the County's Buffer Exemption Area Criteria (Zoning Ordinance Article 28, §1A-109), should be provided. Plantings should be accommodated on site, preferably within the BEA.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 129-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 24, 2005

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

Re: Variance 2005-0010-V Mark Von Sas

Dear Mr. Konowal:

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 properties are designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a detached garage, and a detached wooden deck. We understand that the deck has been constructed.

This office has no comment on the setback variance.

Based on the County's Buffer Exemption Area criteria (Zoning Ordinance Article 28, 81A-109), it appears that a Buffer variance is not necessary, since the deck is no further waterward than the existing concrete patio or the previous dwelling. As measured from the site plan, the previous dwelling was located 74 feet from the shoreline and the existing concrete patio and deck are located 85 feet from the shoreline. As noted on the site plan, the applicant proposes to remove the detached wooden deck 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 116-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 24, 2005

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

Re: Variance 2005-0032-V Robert Katski

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 currently developed with a single-family dwelling and two sheds. As stated in the application, the property consists of Lots 24, 25, 26, 27, and 28, consisting of 15,675 square feet.

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

- 1) The 100-foot is not identified on the site plan provided. The applicant should provide a revised site plan showing the extent of the Buffer on the property. As estimated from the site plan, a portion of the dwelling and the entire garage are located within the Buffer.
- 2) The applicant proposes to construct a second floor over the footprint of the existing dwelling and garage. The covered porch is proposed on the west side of the dwelling appears to be located outside the Buffer. We note that the two existing sheds appear to be located outside the property boundary within the right-of-way for Shore Drive.

As estimated from the site plan, it appears that the deck proposed on the east side of the garage is located within the Buffer and extends no further waterward than the existing

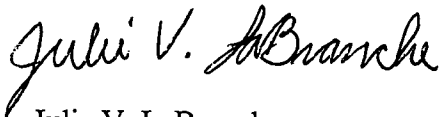
Pam Cotter
Variance 2005-0032-V Robert Katski
March 24, 2005
Page 2

principal structure. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization at the perimeter.

- 3) Mitigation, consistent with the BEA provisions of the Anne Arundel County Zoning Ordinance (Article 28, §1A-109), should be provided. The required plantings should be accommodated on the site, preferably within the Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 128-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 24, 2005

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

Re: Variance 2005-002-V Jay and Ann Tokosch

Dear Ms. Schappert:

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

Based on our records, this property was the subject of a previous variance, Case No. 2001-0234-V, in which the Administrative Hearing Officer granted a Buffer variance of 16 feet to permit construction of a 20 feet by 40 feet in-ground swimming pool. Based on the information provided, we understand that the applicant is requesting the identical variance to permit an in-ground swimming within the Buffer. The applicant's request for a second variance is necessary because the previously approved variance has lapsed. Because the previous case was decided prior to adoption of the 2004 legislation, the applicant's variance request must be evaluated under the current variance standards.

In 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." In 2004, the General Assembly defined "unwarranted hardship" as follows: without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

Also, the General Assembly affirmed that in considering an application for a variance, a local jurisdiction shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article 8-1801, regulations adopted under Natural Resources Article 8-1801, and the requirements of the County's Critical Area program. Below, I have discussed each of the County's variance standards with respect to this variance request.

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.*** As reported on the site plan provided for the variance request, we understand that the property has been developed with a 3,398 square foot dwelling (including a 912 square foot garage) and a 4,147 square foot driveway. It appears that the applicant has reasonable and significant use of the property for residential purposes. Furthermore, the current variance request should not be evaluated based on the constraints posed by the existing dwelling and facilities on the property. Based on the site plan provided for the previous variance request, the applicants chose to locate the existing dwelling on the footprint of the previous dwelling, which was located concurrent with the 100-foot 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.*** 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 in the Buffer. This office has no record of any variance being granted under the current variance standards to permit a swimming pool in the Buffer in this neighborhood.
3. ***The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*** The following criteria apply to all residential properties in a Buffer Exemption Area in Anne Arundel County: no new impervious surface shall be placed nearer to the shoreline than the existing principal structure, and new accessory structures shall be designed and located to maximize the distance from the shoreline or enhance and protect the environmentally sensitive features on the site (Anne Arundel County Zoning Ordinance Article 28, §1A-109). This office believes that, since the variance application does not include information to support why these criteria cannot be met, the granting of the variance would confer upon the applicant a special privilege that would be denied to others in similar situations in the County'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 request arise from any condition conforming, on any neighboring property.*** The applicant meets this standard.

Suzanne Schappert
Variance 2005-002-V Jay and Ann Tokosch
March 24, 2005
Page 3

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

Because we believe that the application does not present information sufficient for the Hearing Officer to make the required findings under the variance standards, we oppose this Buffer 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 383-01 second request

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 23, 2005

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

Re: Variance 2005-0014-V Bruce Miller and E. Lequin

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 than required and with disturbance to steep slopes. The properties are designated a Limited Development Area (LDA) and are currently undeveloped with the exception of an access road to adjacent lots.

Providing the lots are properly grandfathered, this office does not oppose the variance request; 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, the property is constrained by steep slopes, with the only flat areas being located down the center of the property.
- 2) The applicant proposes a single-family dwelling with an attached garage and covered porch, a driveway, and an access road to Lots 248, 247 and 246 to the west. A retaining wall is also proposed on the south side of the access road. The covered porch, a portion of the dwelling, the retaining wall, and most of the access road are located on steep slopes. We note that a deck is not shown on the current site plan. If a deck is anticipated in the future, the deck should be included as part of the variance request.
- 3) The proposal includes 4,191 square feet or 28 percent impervious surface coverage and 4,898 square feet or 55 percent forest clearing. As shown on the site plan, extensive grading is proposed around the perimeter of the dwelling and the limit of disturbance east and west of

Liz West
Variance 2005-0014-V Bruce Miller and E. Lequin
March 23, 2005
Page 2

the dwelling to the property boundary appears to be excessive. Although the proposed impervious surface coverage (31.25 percent) and forest clearing (6,534 square feet for grandfathered lots of less than one half acre) are within permitted limits it appears that the overall disturbance on the site could be minimized. We recommend that applicant consider relocating the covered porch off of steep slopes (for example, on the east or north side of the dwelling) and reducing the limit of disturbance to the minimum necessary to provide access for construction of the access road and the dwelling.

- 4) The application does not include a plan to manage storm water on the site. The applicant should provide information regarding how stormwater will be managed on the site. This office recommends that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site.
- 5) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings should be accommodated on the site to the extent possible, particularly in the east and west side yards and on steep slopes within the limits of disturbance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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 117-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 23, 2005

John Hofmann
Town of North Beach
P.O. Box 99
North Beach, MD 20714

Re: North Beach History and Nature Center

Dear Mr. Hofmann:

Thank you for arranging our meeting of March 15, 2005 to discuss the Town's proposed to develop a History and Nature Center. Following our meeting, I accompanied Warren Anderson (PMI Architects) on a brief tour of the site. The History and Nature Center is proposed on lands owned by the Town that are currently used by the North Beach Department of Public Works as a maintenance facility and storage yard and is the site of the Town's water well and tower, and an abandoned water treatment plant. The site is designated an Intensely Developed Area (IDA). Based on our discussions with the Town's consultants, I have the following comments regarding the project.

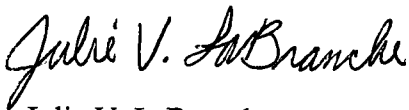
- 1) Based on the North Beach Critical Area maps, the proposed project site is not a designated Buffer Exemption Area (BEA). Given the extent of development on the site, it appears that the site may qualify as a BEA. The Town will need to submit to the Commission for consideration a request for BEA designation of the site. I will coordinate with you to take the request forward to the Commission in a timely manner to accommodate the Town's schedule for the project.
- 2) As part of the development proposal, the existing water treatment plant and the Department of Public Works maintenance facility and storage yard will be removed. I understand that a 25-foot development setback, consistent with the Commission's Buffer Exemption Area policy, will be applied to redevelopment of the site. In addition, various construction debris, maintenance materials, invasive species, and dead trees will be removed from the 25-foot setback and replaced with Buffer plantings.

John Hofmann
North Beach History and Nature Center
March 23, 2005
Page 2

- 3) As the project moves forward to the site plan development stage, the Town must submit the project for review by Commission staff. If the project is found to be consistent with the Town's Critical Area Program, the project will not require Commission approval.

Thank you again for providing information about this project. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: The Honorable Mark Frazier (Mayor of North Beach)
Warren Anderson (PMI Architects)
Michael Lambert (KCI Technologies)
Mary Owens (Critical Area Commission)

NB 189-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 23, 2005

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

Re: Variance 2005-0023-V William Babbington

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. The properties are 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 wood deck.

Providing the lots are properly grandfathered, this office does not oppose the variance request. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) The 100-foot Buffer is not identified on the site plan provided. As estimated from the site plan, it appears that a portion of the existing dwelling is located within the Buffer.
- 2) The applicant proposes to construct a 352 square foot deck with a 120 square foot covered deck on the second story. The deck is located waterward of the existing dwelling and approximately 78 feet from the shoreline at its nearest point.
- 3) Mitigation, consistent with the County's Buffer Exemption Area regulations (δ 1A-109), should be required. If required, plantings should be accommodated within the BEA and consist of native species of trees and shrubs.

Suzanne Schappert
Variance 2005-0023-V William Babbington
March 23, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 121-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 18, 2005

Ms. Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway, Suite 10
Centerville, Maryland 21617-1000

Re: McMullens Landing

Dear Ms. Skilling:

Thank you for providing information regarding the McMullen's Landing site. The property is designated an Intensely Developed area (IDA) and a Buffer Exemption Area (BEA). The property was previously operated as a recreational vehicle campground and is currently developed with two structures and has extensive areas of gravel. Based on the information provided, this office has the following comments regarding the current redevelopment proposal.

- 1) The applicant has demonstrated compliance with the 10% Rule requirements by reducing impervious surface coverage on the site by 20 percent. The applicant must clarify whether the questionable pervious area (described your letter of February 25, 2005) was determined to be pervious or impervious as part of the 10% Rule calculations provided for the project.
- 2) Based on the revised site plan and previous correspondence to the Town, this office has the following comments regarding review of this project for compliance with the Town's Buffer Exemption Area provisions in the Town's zoning ordinance.
 - We understand that the project is being reviewed as new development with respect to the BEA provisions.
 - As stated in your December 20, 2004 letter to the Town, the 25-foot front yard setback for townhouses in the CM district applies to this site, and it is noted that proposed Unit 1 and Unit 5 do not meet this setback. The Town should clarify what development setback applies to this site (BEA or other local setback) and whether a variance would be necessary if the proposed structure does not meet the required setback.
 - As required for new development, the applicant must determine whether impervious surfaces are proposed within the BEA shoreward of any required setback or as defined by existing structures on adjacent lots or parcels. If applicable to this project, the

Ms. Mary Ann Skilling
McMullens Landing
March 18, 2005
Page 2

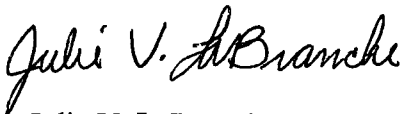
applicant must comply with the offsetting requirements in a BEA for impervious surfaces that do not conform with the requirements for new development. Offset requirements include planting the extent of the parcel shoreward of the new development in natural vegetation and planting of natural vegetation at a ratio of 2:1 for the area of new impervious surface within the BEA.

- 3) As indicated on the revised site plan provided (dated 11/29/04), the property currently has three existing piers, and may acquire an additional pier through acquisition of lands from the adjacent property, Parcel 705 Lot 1. If the applicant proposes a marina on this property, the facility shall meet the requirements of the Department of the Environment as required in COMAR 26.04.02.

If a community pier is proposed as part of the redevelopment project, the number of slips permitted at the facility shall be the lesser of the following: one slip for every 50 feet of shoreline in a subdivision located in an IDA, or one slip for each proposed unit (Natural Resources Article 88-1808.5 and COMAR 27.01.03.07). As estimated from the site plan, the shoreline on this site is approximately 198 linear feet, and therefore a community pier would be limited to a maximum of three slips. Any of the existing piers that are retained, and are not part of an approved marina facility, must comply with the requirements of COMAR 27.01.03.07 for Community Piers and Other Related Noncommercial Boat Docking and Storage Facilities.

If additional information is provided, this office may have additional comments regarding the project. Please contact me at (410) 260-3475 if you have any questions about my comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Heather Erickson (Zoning Assistant, Town of Perryville)

PE 42-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 18, 2005

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

Re: Variance 2005-0027-V (Lot 32) and 2005-0029-V (Lot 35) Weston Builders, Inc.

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling on Lot 32 and a dwelling on Lot 35 with less setbacks and Buffer than required. The properties are designated a Limited Development Area (LDA) and are currently undeveloped. Our records indicate that Lot 32 and Lot 35 were the subject of previous variance cases (Case No. 2002-0517-V and 2002-0518-V).

Providing the lots are properly grandfathered, this office does not oppose the variances requested. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) The 100-foot is not fully identified on the site plan provided. The 100-foot Buffer must also be shown from the tributary stream (as shown on the site plan and as confirmed using GIS information from the Department of Natural Resources) to the east of the site. As estimated from the site plan, it appears that a portion of the development site (part of Lots 32, Lot 35, and the 30-foot right-of-way for 204th Street, and the outfall across Everd Road) is located within the 100-foot Buffer.
- 2) There appear to be differences in the calculations provided in the Critical Area report (Proposed Conditions and Site Calculations) and on the site plan (Earthwork Analysis). The applicant should provide the following revised calculations: the total area of disturbance, total area of clearing, and the area of disturbance within the Buffer and outside the Buffer. This information is necessary to determine the mitigation requirement for the development proposal.

Pam Cotter

Variance 2005-0027-V (Lot 32) and 2005-0029-V (Lot 35) Weston Builders, Inc.

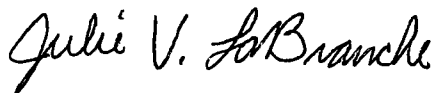
March 18, 2005

Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. This office recommends that plantings be accommodated on the site to the extent possible, particularly in the front and side yards of Lot 32 and Lot 35 and the area cleared within the Buffer for installation of the storm water outfall across Everd Road.
- 4) As shown on the site plan, the applicant proposes infiltration trenches on Lot 32 and Lot 35 to manage and treat storm water from the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 124-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 17, 2005

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

Re: Variance 2005-0031-V Leslie Joe Long

Dear Mr. Konowal:

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

This office has no comment on the setback variance.

Because the property is designated an IDA, water quality improvements must be provided on the site. Based on the information provided, we understand that the existing porch and a portion of the existing driveway will be removed. This office recommends that these areas be planted in native vegetation to provide required 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 127-05

TTY For the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 17, 2005

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

Re: Variance 2005-0030-V Otis Dufrene

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck and hot tub) with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, this office does not oppose the variance. As stated by the applicant, the proposed deck is 256 square feet and the 64 square foot hot tub will be located over the deck. It is not clear from application whether any clearing is necessary to construct the deck and hot tub. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We understand that the applicant proposes to plant six evergreen trees around 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 126-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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March 16, 2005

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

Re: Variance 2004-0562-V Kerry and Darlene Muse

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. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. This office received revised information for this variance on March 9, 2005.

Providing this lot is properly grandfathered, this office does not oppose a variance to construct a dwelling; however, impacts must be minimized and the variance the minimum necessary. Based on the revised information provided, we have the following comments regarding the development proposal and variance request.

- 1) As stated in the Critical Area report, the entire property is a nontidal wetland. Based on GIS information from the Department of Natural Resources (refer to the attached map), the nontidal wetlands on this property are contiguous with tidal wetlands and waters of Selby Bay to the east, and therefore the property appears to be located within the expanded Buffer (Anne Arundel County Zoning Ordinance Article 28, §1A-104).
- 2) The applicant proposes 2,277 square feet of impervious surface coverage to construct a dwelling with an attached garage and a driveway. The proposed limits of disturbance are kept to within 10-15 feet of the dwelling to minimize disturbance to the nontidal wetland.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Because the site is fully forested, mitigation alternatives will need to be addressed. This office

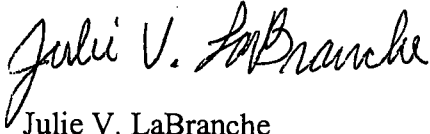
Rob Konowal
Variance 2004-0562-V Kerry and Darlene Muse
March 16, 2005
Page 2

recommends that some plantings be used to manage and treat storm water on the site. Plantings should consist of species similar to the existing natural vegetation in the wetland.

- 4) The applicant must secure authorization from the Department of the Environment for impacts to nontidal wetlands.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 17-05

MERLIN Online Map - Variance Case No. 2004-0562-V Kerry and Darlene Muse (Tax Map 60, Parcel 27, Lots 189-190)

Property Maps

AA Property Map 60



Wetlands DNR

Wetlands - DNR South_SE



Photo 1998 1m

South River SE 3.75' B/W 1998

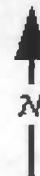


Limit of nontidal wetlands

N 138530.40m E 441743.92m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters
2005, Maryland Department of Natural Resources, www.mdmerlin.net
Created with TNTserver™ from MicrolImages, Inc



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 15, 2005

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

Re: Variance 2004-0581-V Janet and Jeffrey Ferguson

Dear Ms. Rhodes:

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, with disturbance to steep slopes, and with greater impervious surface than permitted. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, a detached garage, a shed, a detached deck, a brick walkway and patio, several retaining walls, a 6-foot wide paved water access, and a pier.

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

- 1) As noted on the site plan and in the Critical area report, nearly the entire property is encumbered by steep slopes with the exception of the area between the dwelling and the garage and between the dwelling and Kinloch Circle.
- 2) The 100-foot Buffer is shown on the site plans; however the Buffer must be expanded for steep slopes on the site. The Buffer should be properly identified and shown on a revised site plan as part of the variance request.
- 3) The applicant proposes to construct an addition to connect the existing dwelling and detached garage. The proposed dwelling addition also includes a 370 square foot porch and a 132 square foot deck. As shown on the site plan, the proposed dwelling addition is located entirely on steep slopes. The footprint of the addition is 2,197.5 square feet, consisting of a 1,432 square foot basement, 2,197.5 square foot first floor, and a 216.9 square foot loft.

- 4) The property currently has 8,575 square feet or 13.2 percent impervious surface coverage, including a dwelling, a detached garage, a paved driveway, a shed, a detached deck, a brick walkway and patio, several retaining walls, and a 6-foot wide paved water access. The applicant requests an impervious surface variance to permit 11,275 square feet or 17.4 percent impervious surface coverage, which exceeds the 15 percent impervious limit by 1,539 square feet.

Because we believe that the application does not present information sufficient for the Hearing Officer to make the required findings under the variance standards, we oppose the applicant's 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 the Hearing Officer 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.

Also, the General Assembly affirmed that in considering an application for a variance, a local jurisdiction shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article 8-1801, regulations adopted under Natural Resources Article 8-1801, and the requirements of the County's Critical Area program. Below, I have discussed each one of the County's variance standards with respect to this variance request.

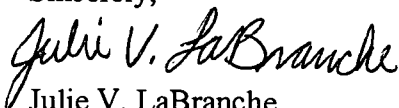
1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.* This 1.49-acre lot is improved with a dwelling, a detached garage, a shed, a detached deck, a brick walkway and patio, several retaining walls, a 6-foot wide paved water access, and a pier. Considering the scope of existing development, it appears that the applicant has reasonable and significant use of the property, and therefore this office believes that the standard of unwarranted hardship has not been met.
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 property is developed with a dwelling, a detached garage and several accessory structures, and therefore, the denial of the variances would not deny them a right commonly enjoyed by their neighbors. Rights commonly enjoyed must be compared to the rights of other persons under the Critical Area program. Although the property is constrained by steep slopes, there appears to be opportunity on the site to accommodate additional living space in a manner that minimizes impacts to steep slopes and the Buffer. The applicant provides no explanation of why the flat areas between the dwelling and garage and up to the 40-foot front building restriction line could not be utilized for the dwelling expansion. Furthermore, it does not appear the

applicant has attempted to comply with impervious surface limits by minimizing impervious surfaces elsewhere on the property to accommodate the proposed dwelling addition. Based on the information provided, this office believes the applicant has not demonstrated that the variances requested are the minimum necessary.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.* If the variance is granted, it would confer 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. All lands designated LDA within the Critical Area of Anne Arundel County are subject to the impervious surface limits. The applicant has provided no information to support the granting of a variance to exceed impervious surface limits other than the desire for a larger dwelling, in addition to the existing amenities on the property.
4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* The applicant 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 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, and 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 and impervious surface coverage 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.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 10, 2005

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

Re: Variance 2005-0024-V Michael Lechlitner

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions (two decks) 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 has not comment regarding the setback variance. As stated by the applicant, no clearing is necessary for construction of the decks. We recommend that the decks be constructed to be pervious, with a gravel substrate and plantings at the perimeter. Mitigation should be provided as required by the Anne Arundel County Zoning Ordinance.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 122-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 10, 2005

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

Re: Variance 2005-0019-V Karen Gladstone

Dear Mr. Konowal:

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

This office has no comment regarding the setback variance. As stated by the applicant, the proposed second story addition will be constructed in the footprint of the existing dwelling, resulting no increase in impervious surface coverage. We understand that no clearing is necessary for construction. This office recommends that storm water from the dwelling be directed to a stable and heavily vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 120-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 10, 2005

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

Re: Variance 2005-0016 John and Kitty Vandekamp

Dear Ms. West:

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

This office has no comment regarding the setback variance. As stated by the applicant, the property is non-conforming with respect to the impervious surface limits for an LDA, with 41 percent coverage. The applicant proposes to remove approximately 1% (estimated as 60 square feet) of existing gravel adjacent to the dwelling to offset the new impervious surface coverage for the porch, and to maintain the existing impervious surface coverage on the site. Mitigation, at a ratio of 1:1 for the area of new impervious surface, should be provided. Plantings should be accommodated on the site.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 119-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

Theresa C. Thomas
Planning Department
Elkton Municipal Building
100 Railroad Avenue
Elkton, MD 21922-0157

Re: Union Hospital Expansion

Dear Ms. Thomas:

Thank you for providing additional information on the above referenced development project, which this office received on March 1, 2005. The applicant proposes to construct a three-story addition to the existing hospital. The Critical Area portion of the property is designated an Intensely Developed Area (IDA).

I have reviewed the calculations and worksheets provided for 10% Rule requirements for development in an IDA. As noted on the site plan provided previously, the total area of the site within the Critical Area IDA is 2.375 acres; however, the site area reported on Worksheet A within the Critical Area IDA is 0.48 acres. The 10% Rule calculations for this project must be revised using the total site area of 2.375 acres within the Critical Area IDA.

Thank you for the opportunity to provide comments for this project. If additional information is provided, we may have additional comments.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

EL 964-04 supplemental

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2004-0309-R Pier Seven LTD. Partnership

Dear Ms. Rhodes:

Thank you for providing information on the above referenced request for rezoning. The applicant is requesting to rezone a portion of the property from R1-Residential District to MB-Maritime Group B District. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a mix of commercial facilities, a marina, and a residence.

This office has no comment on the applicant's request to rezone this property. Based on the information provided for the rezoning request, it appears that the property is non-conforming with respect to the impervious surface limits in a LDA, consisting of 41.7 percent impervious surface coverage. Future redevelopment of the site will be subject to the standards for development in a LDA (Anne Arundel County Zoning Ordinance Article 28, §1A-104(c)) and a BEA (Anne Arundel County Zoning Ordinance Article 28, §1A-109(e)).

Thank 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 571-04 rezoning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 7, 2005

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Buffer Management Plan for the Wapiti Wilderness Retreat Center

Dear Mr. Di Giacomo:

The purpose of this letter is to officially notify you of the Critical Area Commission's action subsequent to the February 2, 2005 approval of Cecil County's request for growth allocation for the Wapiti Wilderness Retreat Center. As you know, the Commission's approval of the growth allocation included the following condition:

A Buffer Management Plan shall be prepared for the entire site and shall be submitted to the Commission for review and approval. The Plan may be implemented in phases to correspond with the development activity on the site; however, the Plan shall be fully implemented within five years of the Commission's approval.

On March 2, 2005, the Commission approved a Buffer Management Plan, which will be implemented over a period of five years on the Wapiti Wilderness Retreat Center site. Ben Brockway (the applicant's consultant) informed the Commission that a copy of the approved Buffer Management Plan would be provided for your records.

If you have any questions, please contact me at (410) 260-3475.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Mark Retz (Wapiti Wilderness Retreat Center)

CE Wapiti BMP approval

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 7, 2005

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

Re: Growth Allocation for Richfield Station Subdivision

Dear Mr. Watson:

The purpose of this letter is to provide an update of the Commission's processing of the Town's growth allocation request for the Richfield Station Subdivision. On February 28, 2005, Chairman Madden determined that the Town's request for growth allocation could be processed as an amendment to the Chesapeake Beach Critical Area Program. As requested in my letter of February 14, 2005, the Town or the applicant must provide a revised growth allocation site plan, a revised Critical Area Report, and the final Forest Interior Dwelling Bird (FID) Habitat Protective Covenant Agreement for consideration by the Commission as part of the growth allocation request. Please submit this information by March 10, 2005 so it can be included in the information provided to the panel members before the hearing.

A Panel has been assigned to evaluate the growth allocation request and a public hearing has been scheduled for 4:00 p.m. on Monday, March 21, 2005 in the Council Chambers at Town Hall. Following the hearing, Commission staff will provide you with information about the process and timeline for evaluation by the full Commission. Please contact me at (410) 260-3475 if you have questions in the meantime.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Joseph Devlin (Council, Baradel, Kosmerl & Nolan, P.A.)
Eric Blitz (Webb & Blitz, L.L.C.)
Marianne Mason (Office of the Attorney General)

CB 138-04 Amendment notification

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 4, 2005

Sue Veith
Land Use and Growth Management
St. Mary's County
P.O. Box 653
Leonardtown, Maryland 20650

Re: Concept Plan – Chesapeake Industrial Park
(Tax Map 40, Parcel 253)

Dear Ms. Veith:

Thank you for providing information about the above referenced development project. Based on the St. Mary's County Critical Area Map #40, the property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the site plan provided to the Commission for review, this office has the following comments regarding the development proposal.

- 1) Based on our records, this property was part of a previous development project and the subject of a growth allocation, which the Commission approved on July 7, 1993 (Calvert Estates and Chesapeake Industrial Park). The growth allocation changed the designation of 9.25 acres from LDA to Intensely Developed Area (IDA), consisting of Parcel 57 (1.52 acres), Parcel 113 (4.00 acres), and a portion of Parcel 52 (3.21 acres) (refer to attached letter and site plan). As indicated by current State tax records and tax maps and the St. Mary's County Critical Area Map #40, the remaining 14.96 acres of Parcel 52 have been designated as Parcel 253.
- 2) As shown on the site plan provided for the previous growth allocation, the remaining 14.96 acres of Parcel 52 were designated as "Area to be Undisturbed and to Remain as Open Space" and to remain as LDA. As part of their approval of the growth allocation, the Commission understood that no further development of the remaining lands of Parcel 52 would be permitted. As noted in the April 3, 2001 letter from Pat Mudd (DH Steffens Company), a Confirmatory deed was recorded on February 22, 2004 (Libre 867, Page 068) that designated Parcel 2 [which is a portion of Parcel 234] to remain open space to meet the [local] design competition provisions of growth allocation. The County should clarify whether future development of the remaining lands of Parcel 234 is prohibited by this deed

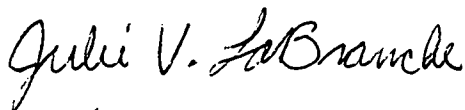
or whether the lands can be used to satisfy the Critical Area requirements (impervious surface coverage, forest clearing, etc.) for future development of Parcel 234.

- 3) As shown on the site plan provided, the current proposal assumes that Parcel 253 is designated an IDA and includes development of 2.65 acres of Parcel 253 with a 10,032 square foot building and a parking area of undetermined size. As stated previously, our records indicate that Parcel 234 is designated an LDA. Absent calculations of total proposed impervious surface coverage, this office is unable to determine whether the proposal complies with the 15 percent impervious surface limit in an LDA. In addition, the proposal provides no information regarding storm water management on the site.

As shown on the site plan, it appears that the minimum 100-foot Buffer to the nearby tributary stream may need to be expanded for contiguous steep slopes, according to the provisions of the St. Mary's County Zoning Ordinance (refer to formula for Buffer expansion for steep slopes in Article 71.8.3.a.1). In addition, the current proposal will result in impacts to steep slopes on the site (not quantified), which may fall within the expanded Buffer. This office would not support a variance to permit disturbance within the Buffer or to steep slopes.

If additional information is provided, this office may have additional comments about this project. Please contact me at (410) 260-3475 if you have questions about my comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

SM 13-01 second submittal

* without attachments

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 1, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Case No. 2005-0008-V William Trevillian (Lot 2)
Case No. 2005-0005-V Gary Lenz (Lot 1)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicants are requesting a variance to permit an accessory structure (raised walkway) with less setbacks and Buffer. Because the raised walkway is proposed on the property boundary between Lot 1 and Lot 2, Mr. Trevillian and Mr. Lenz have each requested variances for the structure. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). Lot 1 and Lot 2 are each currently developed with a single-family dwelling.

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

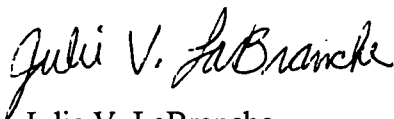
- 1) Lot 1 and Lot 2 are part of the Herons Watch subdivision, for which a revised plat was approved in 1989 (Plat 6170; Plat Book 117, p. 47). Therefore, Lot 1 and Lot 2 are not grandfathered lots. The Critical Area notes on the subdivision plat state that there shall be no disturbance within the 100-foot setback from tidal marsh (refer to #6 in the Critical Area notes).
- 2) Although the 100-foot Buffer is shown on the site plan, the extent of tidal wetlands on Lot 1 and Lot 2 are not identified. Based on GIS information from the Department of Natural Resources and the Anne Arundel County Critical Area maps (Map 13), the RCA portion of the site appears to contain tidal wetlands. The applicants should provide a revised site plan that identifies the RCA lands and the extent of tidal wetlands on Lot 1 and Lot 2.

Lori Rhodes
Case No. 2005-0008-V William Trevillian (Lot 2)
Case No. 2005-0005-V Gary Lenz (Lot 1)
March 1, 2005
Page 2

- 3) As stated in the Critical Area report, 4,000 square feet of disturbance is proposed to construct a 775 foot raised walkway. As shown on the site plan, the proposed raised walkway extends within the 100-foot Buffer on Lot 1 and Lot 2 and through tidal wetlands to the mean high water line. The applicants should provide a revised site plan showing the length of the walkway located within the Buffer and calculations of the area of disturbance proposed within the Buffer as part of the current variance request.
- 4) Based on conversations of February 10, 2005 and February 28, 2005 with Robert Cuthbertson (Department of the Environment), Mr. Trevillian and Mr. Lenz have submitted a permit application for a raised walkway and a pier with an access ramp for each Lot 1 and Lot 2. I understand that the site plan submitted with the permit application does not distinguish between the length of the raised walkway within the Buffer and over tidal marsh and tidal waters. I understand that Mr. Cuthbertson has requested from the consultant on the project (Scott Mielke, The Permit Coordinators, Inc.) that the permit application and site plan be revised to include only the length of the raised walkway located over tidal wetlands and tidal waters, excluding the length of the raised walkway within the Buffer which is the subject of the current variance request.

Without the information requested, this office is unable to complete a review of the variance request. If the information requested is provided, this office may have additional comments regarding the variance. Please contact me at (410) 260-3475 if you have any questions about my comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Robert Cuthbertson (Department of the Environment)
Scott Mielke (The Permit Coordinators, Inc.)

AA 76-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 28, 2005

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

Re: Variance 2004-0589-V Pamela St. John

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions with disturbance in the expanded Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and a shed. This office received a revised site plan for this variance case on February 25, 2005.

Providing this lot is properly grandfathered, this office does not oppose a variance to expand the existing dwelling. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) As shown on the site plan, a portion of the existing dwelling and greater than 50 percent of the property is located within the expanded Buffer to steep slopes. As indicated by GIS information from the Department of Natural Resources, the Buffer is expanded at this location due to the presence of steep slopes contiguous with the headwaters of Dividing Creek to the south.
- 2) As shown on the revised site plan, the current development proposal significantly reduces the overall impacts on this site by relocating most of the proposed dwelling addition outside the Buffer and eliminating all but one 216 square foot deck, which is located outside the Buffer. The current proposal will increase impervious surface coverage from 2,565 square feet or 19 percent to 3,611 square feet or 26.7 percent, and includes the removal of 807 square feet of existing impervious surface coverage outside the Buffer (walkway and portion of the driveway). Although the proposed storm water infiltration device will impact the Buffer, there

appears to be no alternative location on the site outside the Buffer, and the device will provide water quality benefits and prevent runoff from discharging to steep slopes. Based on the revised site plan, it appears that the variance has been minimized and impacts have been reduced by consolidating development outside the Buffer.

- 3) The deck should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization at the perimeter.
- 4) The applicant proposes to plant 906 square feet of forest cover on the site to achieve the minimum requirement for 15 percent forest cover in a LDA (Anne Arundel County Zoning Ordinance Article 28, §1A-104).
- 5) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible. In addition to the afforestation requirement, this office recommends that mitigation plantings be accommodated on the site to the extent possible, preferably directed first to non-forested areas adjacent to steep slopes in the western side yard and in the back 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
Natural Resource Planner

cc: Matthew Forgen (M.A.F. & Associates, LLC)

AA 67-05 revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 25, 2005

Liz West
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. This office received revised site plans for the variance request on February 17, 2005 and February 25, 2005.

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

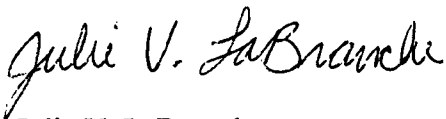
- 1) As shown on the current site plan, the dwelling has been relocated approximately 47 feet from the shoreline (setback increased by 7 feet) and the width of the dwelling is reduced from 31 feet to 28 feet (with both side yard setbacks increased). The proposed deck should be pervious, with a gravel 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. As shown on the site plan, reduction in pollutants from runoff are provided by the reduction in impervious surface coverage (from 4,550 square feet to 3,488 square feet as indicated on the site plan), the use of semi-porous concrete for the driveway, and with plantings. In order to maximize the water quality benefits, this office recommends that

Liz West
Variance 2004-0397-V Family Limited Partnership
February 25, 2005
Page 2

plantings be located to intercept storm water before it reaches the French drains proposed at the front and back of the 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
Natural Resource Planner

cc: Matthew Forgen (M.A.F. Associates LLC)

AA 675-04 2nd revision

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 24, 2005

Mark J. Kalmus
Land Use and Growth Management
St. Mary's County
P.O. Box 653
Leonardtown, Maryland 20650

Re: Case No. 05-131-009 Evans
(Tax Map 65, Parcel 192)

Dear Mr. Kalmus:

Thank you for providing information about the above referenced development project. Based on the St. Mary's County Critical Area maps (Map 65), the property is designated an Intensely Developed Area (IDA). As shown on the site plans, it appears that the property is developed with a residence, a garage/marina building, and several piers. Based on State tax records, the property is zoned for commercial use and is not used as a principal residence.

Based on the information provided, this office has the following comments regarding the development proposal.

- 1) As shown on the site plan, the current redevelopment proposal includes the following: removal and replacement of the existing garage/marina building within the same footprint, the addition of a second story to the garage/marina building with apartments, expansion of the existing dwelling, and the addition of a porch and deck to the existing dwelling. We note that the limits of disturbance for construction are not shown on the current site plan.
- 2) Because some of the proposed development is located within the 100-foot Buffer, a variance is required to permit development activities within the Buffer (St. Mary's County Zoning Ordinance Article 4, Chapter 41.4.3.b). In addition, mitigation will be required for disturbance within the Buffer. This office recommends mitigation at a ratio of 3:1 for the area of disturbance within the Buffer, with plantings to be accommodated first within the Buffer and elsewhere on the site to the extent possible. For the purpose of determining the

mitigation requirement, the limits of disturbance for construction should be identified and quantified on a revised plan.

- 3) Because the property is designated an IDA, the proposed development must comply with the 10% Rule (St. Mary's County Zoning Ordinance Article 4, Chapter 41.4.3.f). Reduction in pollutants from runoff must be demonstrated on the site through the use of best management practices, as described in the Critical Area 10% Rule Guidance Manual (2003). The applicant should provide 10% Rule calculations as part of the development proposal.

If additional information is provided, this office may have additional comments about this project. Please contact me at (410) 260-3475 if you have questions about my comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

SM 96-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 24, 2005

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

Re: Variance 2004-0576-V Clifton Galloway

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 a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently undeveloped.

Providing this lot is properly grandfathered, this office does not oppose a variance to establish 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 measured from the site plan, the entire lot is located within the 100-foot Buffer and most of the lot contains steep slopes. We recognize that a variance is necessary to permit development of the property.
- 2) As estimated from the site plan, approximately 4,360 square feet of disturbance is proposed on this 5,037 square foot lot (calculation not provided as part of the Critical area report), including grading up to the side lot lines and waterward of the dwelling. As shown on the site plan, the applicant proposes a 1,020 square foot dwelling, a 400 square foot driveway, a retaining wall between the dwelling and the driveway, and two rip-rap splash pads and a grinder pump waterward of the dwelling. As measured from the shoreline shown on the site plan, the dwelling is located 34 feet from the shoreline and the limits of disturbance are within 11 feet of the shoreline. In order to minimize disturbance to steep slopes and maximize the setback from the shoreline (Anne Arundel County Zoning Ordinance Article

28 81A-109), this office recommends that the configuration of the driveway, retaining wall, and dwelling be compressed, and the dwelling and facilities shifted approximately 10 feet closer to the road.

- 3) The site plan does not include a deck on the waterside of the proposed dwelling. If the applicant wishes to have a deck in the future, the deck should be included as part of the current variance request.
- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, particularly between the dwelling and shoreline to attenuate storm water runoff and 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
Natural Resource Planner

cc: Matthew Forgen (M.A.F. & Associates, Inc.)

AA 64-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 24, 2005

Liz West
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. This office received a revised site plan for the variance request on February 17, 2005.

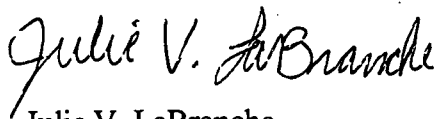
Providing this property is properly grandfathered, we do not oppose this variance. Based on the revised information provided, we have the following comments regarding the current development proposal and variance request.

- 1) As shown on the site plan, it appears that 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. As shown on the site plan, reduction in pollutants from runoff are provided by the reduction in impervious surface coverage (from 4,550 square feet to 3,488 square feet as indicated on the site plan), the use of semi-porous concrete for the driveway, and with plantings. In order to maximize the water quality benefits, this office recommends that plantings be located to intercept storm water before it reaches the French drains proposed at the front and back of the dwelling.

Liz West
Variance 2004-0397-V Family Limited Partnership
February 24, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Matthew Forgen (M.A.F. Associates LLC)

AA 675-04 revised plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 23, 2005

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

Re: Variance 2004-0542-V Heron Investments LLC

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 Resource Conservation Area (RCA) and is currently undeveloped. This office received a revised site plan on February 15, 2005.

This office has no comment on the setback variance.

Providing this lot is properly grandfathered, this office does not oppose a variance to permit construction of a dwelling on it; however, impacts must be minimized and the variance the minimum necessary. Based on the revised information provided, we have the following comments regarding the development proposal and the Buffer variance.

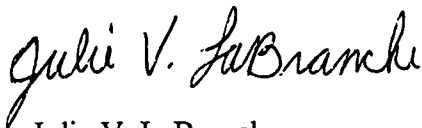
- 1) As shown on the site plan, most of the lot is constrained by non-tidal wetlands and the 25-foot non-tidal wetland Buffer and therefore we recognize that a variance is necessary to permit development of the property.
- 2) The applicant proposes to construct a dwelling with an attached garage, a well, and a grinder pump to connect to the public sewer service within the 25-foot nontidal wetland Buffer. To minimize overall disturbance on the site, the applicant has requested a setback variance in order to place the dwelling closer to Williams Street. *To further minimize direct impacts to nontidal wetlands, this office recommends reducing the limits of disturbance for construction to no more than 10 feet in areas immediately adjacent to the nontidal wetland boundary* (proposed as 10 to 16 feet around the rear of the dwelling).

Liz West
Variance 2004-0542-V Heron Investments LLC
February 23, 2005
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible and should be comparable to the existing native vegetation in the nontidal wetland buffer.
- 4) Storm water should be directed away from the nontidal wetlands and outfall to a densely vegetated area on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Gillespie (Bay Engineering, Inc.)

AA 954-04 revised plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 22, 2005

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

Re: Case No. 2004-0587-V (Lot 26/27) Arundel Investments
Case No. 2004-0588-V (Lot 28/29) Arundel Investments

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer than required and with disturbance to steep slopes on Lot 26/27 and Lot 28/29. Both properties are designated a Limited Development Area (LDA) and are currently undeveloped.

Providing this lot is properly grandfathered, this office does not oppose a variance to permit a dwelling on each of the properties; 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, the 100-foot Buffer does not extend within the boundaries of either Lot 26/27, but does extend within the northeast corner of Lot 28/29 and the 30-foot right-of-way for 201st Street. Lot 26/27 and Lot 28/29 are encumbered entirely by steep slopes and both are fully forested.
- 2) The applicant proposes 3,019 square feet of forest clearing to extend 201st Street, which will provide access to Lot 26/27 and Lot 28/29. As shown on the site plan, it appears that the proposed extension of 201st Street will impact a small area of the Buffer, for which a variance is not required under the exclusion of roads, bridges and utilities providing no feasible alternative exists and impacts are minimized (Anne Arundel County Zoning Ordinance Article 28, §1A-103(f)). *However, it appears that a steep slope variance may be necessary to permit the proposed improvements and storm water management for extension of 201st Street.*

- 3) The applicant proposes to clear 90 percent of the existing forest cover on Lot 26/27 and 77.5 percent of the existing forest cover on Lot 28/29. The limits of disturbance shown on the site plan range from 10-30 feet and extensive grading is proposed in the back yards of Lot 26/27 and Lot 28/29. We note that the dwelling on Lot 28/29 is located 27 feet from the front property line and the dwelling on Lot 26/27 is located 35 feet from the front property line.

To minimize clearing and impacts to steep slopes, it appears that the dwelling on Lot 26/27 could be located 27 feet from the front property line (setback for the dwelling proposed on Lot 28/29). In addition, it appears that the limits of disturbance on both Lot 26/27 and Lot 28/29 could be reduced to the minimum of 10-feet to provide for construction access and that grading could be minimized on both properties. This office recommends that the applicant consider these alternatives to reduce overall impacts within the Critical Area and to minimize the variance.

- 4) If the variance is granted, mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible, particularly where steep slopes are cleared during construction. It is our understanding that the applicant is responsible for providing mitigation for development activities associated with the road improvements. This office recommends that mitigation for the road improvements be made a specific condition of the variance.
- 5) As shown on the site plan, infiltration trenches are proposed to manage and treat storm water from Lot 26/27, Lot 28/29, and 201st Street. This office recommends the use of mitigation plantings to revegetate areas surrounding the infiltration trenches to the extent possible following construction.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

Gary Evans (Bay Engineering Inc.)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 22, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0011-V Steven Kraemer

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 than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, this office does not oppose a variance to permit 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 stated in the Critical Area report, steep slopes encumber the entire property. Based on GIS information from the Department of Natural Resources, it appears that the steep slopes on this property may be contiguous with steep slopes from Saltworks Creek to the south, and therefore this property may be within the expanded Buffer. Based on discussions with County staff of previous variances cases (refer to Case No. 2004-0234-V Robert Britain), it is our understanding that the Buffer would be expanded for steep slopes across Robin Hood Road. The applicant should consult with staff from the Office of Planning and Zoning to determine whether their property lies within the expanded Buffer as this case was not advertised for a Buffer variance.
- 2) The applicant proposes 6,034 square feet of disturbance and 2,525 square feet or 12.3 percent impervious surface coverage to construct a 1,462 square foot dwelling, a 528 square foot

attached garage, and a 490 square foot deck. It appears that applicant has attempted to consolidate the development footprint by locating the dwelling and septic drywells close to Arundel Trail, and by locating the second backup drywell off-site in an easement proposed on an adjacent lot. Although most of the development footprint is located on slopes less than 25 percent, a portion of the proposed dwelling and deck are located on slopes of 25 percent or greater. To further reduce disturbance to steep slopes, the applicant proposes minimal grading behind the dwelling and the footers for the deck will be hand dug.

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer or 1:1 for disturbance outside the Buffer, should be required. As stated previously, the entire property may be located within the expanded Buffer for steep slopes contiguous with Saltworks Creek. We note that the applicant proposes mitigation for forest clearing at a ratio of 1:1 (as reported in the Area Tabulations on Sheet 1 of 2 of the site plans). Plantings, consisting of native trees and shrubs, should be accommodated on the site to the extent possible.
- 4) As shown on the site plan, an infiltration device (drywell) is proposed in the southeast side yard to manage and treat storm water from the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

Michael Helfrich (Gamma Engineering)

AA 74-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 17, 2005

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

Re: Variance 2004-0577-V Sara Burden

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 greater impervious surface than allowed. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling and a shed. Because the property is designated an IDA, a variance for impervious surface is not necessary.

Providing this lot is properly grandfathered, this office does not oppose the setback and Buffer variances. Based on the information provided, the applicant proposes to remove the existing dwelling and shed and construct a new 800 square foot dwelling. Although most of the proposed dwelling is located within the Buffer, no clearing is necessary for construction and the impervious surface coverage will be reduced overall as part of the current proposal.

Because the property is designated an IDA, water quality improvements must be provided on the site. This office recommends the use of plantings to achieve the required reduction in pollutants from runoff, and that plantings be directed first to non-forested areas of 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 75-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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February 16, 2005

Ms. Colleen J. Bonnel
Planning Director
Town of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

Re: Case # 136-04 Courthouse Square

Dear Ms. Bonnel:

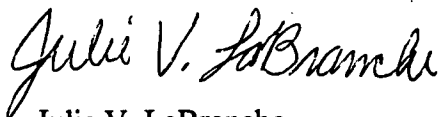
Thank you for providing site plans and 10% Rule calculations for the Courthouse Square project. Based on the information provided, this office has the following comments regarding the development proposal and storm water management plan.

- 1) The following are not shown on the site plans: the off-site drainage area for the 10% Rule calculations, and the proposed infiltration trench to treat off-site storm water.
- 2) As reported in the 10% Rule Calculations, the applicant is proposing 55.7 percent impervious surface coverage on the site. As shown on the storm water management plan (Sheet 4 of 10), there appears to be sufficient pervious area on the site to manage storm water using the list of approved Best Management Practices in Appendix E of the Critical Area 10% Rule Guidance Manual. The applicant should explain why implementation of these BMPs is not feasible on this site.
- 3) The BMP proposed to treat storm water on-site, rain tanks beneath the parking lot, are not included in the 2000 Maryland Storm Water Design Manual, Chapter 3.4 Storm Water Filtering Systems. In order to implement this BMP to satisfy the 10% Rule requirements in an IDA, the applicant must request from the Department of the Environment (MDE) authorization to permit use of this BMP and verification of the reported pollutant removal rate for the BMP. A copy of MDE's authorization must be provided as part of the 10% Rule calculations for the project.

Ms. Colleen J. Bonnel
Case # 136-04 Courthouse Square
February 16, 2005
Page 2

If new or revised information is provided, this office may have additional comments about the project. Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

LE 85-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 11, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0008-V William Trevillian

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a pier with less setbacks than required, and a variance to permit an accessory structure (walkway) 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.

This office has no comment regarding the setback variance for the pier.

Providing this lot is properly grandfathered, this office does not oppose a variance to permit a walkway within the Buffer; 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) In the Critical Area Report, the applicant states that the current proposal will result in 100 square feet of disturbance within the Buffer. In the Site Data section of the site plans, the applicant states that 520 square feet of woodlands will be removed to install a new pier and steps. I estimate from the site plan that the proposed walkway is 6 feet wide by 60 feet long or 360 square feet, as measured from the mean high water line. The applicant should clarify calculations of Buffer disturbance and forest clearing associated with any development activity proposed in the Buffer. Clearing should be the minimum necessary to provide access for construction of the walkway.
- 2) As shown on the site plan, the proposed walkway is located entirely on forested steep slopes within the Buffer. In order to reduce clearing and to minimize the variance, this office

Lori Rhodes
Variance 2005-0008-V William Trevillian
February 11, 2005
Page 2

recommends that the landing proposed at the midpoint of the walkway be eliminated. Because the walkway is for private residential use and to further minimize the variance, this office also recommends limiting the width of the walkway to four feet, including handrails.

- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Cleared areas adjacent to the walkway should be replanted following construction. Given the mitigation requirement will be fairly small for this project, we recommend that plantings be accommodated on the site, particularly in non-forested areas within the Buffer. Plantings should consist of a mix of native trees and shrubs.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 73-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 11, 2005

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

Re: Variance 2004-0584-V Michael and Dorothy Federici

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 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 the variance. As stated in the variance application, storm water requirements for development in an IDA will be addressed during the building permit process as recommended by the permit application center. This office recommends the use of plantings on this site to provide water quality improvements.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 68-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 10, 2005

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

Re: Variance 2004-0589-V Pamela St. John

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions with disturbance in the expanded Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and a shed.

Providing this lot is properly grandfathered, this office does 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 development proposal and variance request.

- 1) As shown on the site plan, a portion of the existing dwelling and greater than 50 percent of the property is located within the expanded Buffer to steep slopes. As indicated by GIS information from the Department of Natural Resources, the Buffer is expanded at this location due to the presence of steep slopes contiguous with the headwaters of Dividing Creek to the south.
- 2) The applicant proposes to construct a dwelling addition and three decks. Totaling 922 square feet, the decks include a 406 square foot deck within the Buffer, a 216 square foot deck partially within the Buffer, and a 300 square foot deck outside the Buffer. The current proposal will increase impervious surface coverage from 2,565 square feet or 19 percent to 3,968 square feet or 29.28 percent, and includes the removal of 807 square feet of existing impervious surface coverage outside the Buffer (walkway and portion of the driveway). As

reported on the site plan, the existing dwelling is 1,355 square feet and the proposed dwelling will be 2,812 square feet, a 52 percent increase in the footprint.

As shown on the site plan, the proposed deck on the west side of the dwelling addition is three feet from steep slopes and the limits of disturbance near the deck extend to the top of steep slopes. In order to reduce disturbance to the Buffer, this office recommends that the deck on the west side of the dwelling addition be reduced in length from 41 feet to 25 feet.

To further minimize the variance, has the applicant considered utilizing more area outside the Buffer for the dwelling addition? For example, the areas east of the existing dwelling and up to the 25-foot building restriction line appear to be undeveloped. It appears that this area could accommodate a portion of the dwelling addition without the need for a setback variance.

- 3) The decks should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization at the perimeter.
- 4) The applicant proposes to plant 906 square feet of forest cover on the site to achieve the minimum requirement for 15 percent forest cover in a LDA (Anne Arundel County Zoning Ordinance Article 28, §1A-104). This office recommends directing plantings to non-forested areas adjacent to steep slopes in the western side yard and along the rear property boundary.
- 5) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Plantings 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
Natural Resource Planner

cc: Matthew Forgen (M.A.F. & Associates, LLC)

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 9, 2005

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

Re: Variance 2004-0529-V Vance Perkins

Dear Ms. West:

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 a Limited Development Area (LDA) 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 deck addition to the existing dwelling on steep slopes within the Buffer. We understand that the deck will be located over existing concrete and therefore will not increase the impervious surface coverage on the lot. The Anne Arundel County Buffer exemption and enhancement program (Article 28, §1A-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.

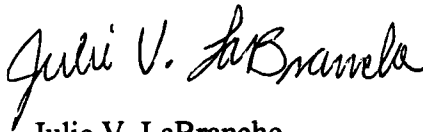
- Mitigation, at a ratio of 2:1 for the area of new impervious surface within the Buffer, should be provided on the site within the Buffer.

Liz West
Variance 2004-0529-V Vance Perkins
February 9, 2005
Page 2

- Plantings should be directed first to areas between the dwelling and the shoreline and consist of a mix of native trees and shrubs.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 948-04 revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 9, 2005

Sue Veith
Department of Planning and Zoning
St. Mary's County
P.O. Box 653
Leonardtown, Maryland 20650

Re: Part of Willow Bottom, boundary line adjustment
(Tax Map 49, parcel 17, Tax Map 56, Parcel 197, Lot 4)

Dear Ms. Veith:

Thank you providing information about the proposed boundary line adjustment for Part of Willow Bottom. The applicant is requesting to subdivide from Parcel 17 7.634 acres, which will be made part of Lot 4 (3.0 acres). Following subdivision, Lot 4 will be 10.634 acres. Based on the information provided, this office has the following comments regarding the applicant's request.

- 1) Based on the St. Mary's Critical Area maps (Map # 49), a portion of Lot 4 is located within the Critical Area and is designated a Resource Conservation Area (RCA). The Critical Area boundary and designation should be shown on the plat. It appears that the proposed boundary line adjustment involves lands outside the Critical area.
- 2) It appears that an existing dwelling and shed are located within the RCA portion of Lot 4, and therefore, Lot 4 has the maximum development density of one dwelling unit permitted for a grandfathered lot in a RCA.

Please contact me at (410) 260-3475 if you have any questions about my comments.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

SM 57-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 8, 2005

Donald H. Sparklin
Assistant Division Chief, Project Planning Division
State Highway Administration
707 Calvert Street
Baltimore, Maryland 21202

Re: Structural Repairs over branch of Antler Creek MD 272, Cecil County
(Structure No. 07083X0)

Dear Mr. Sparklin:

Thank you for providing a consistency report and information regarding the structural repairs proposed over a branch of Antler Creek on MD 272 in Cecil County. Based on the information provided in the submittal and additional information provided by Ms. Adriana Clemens, this office concurs with SHA's determination that the project is consistent with Exhibit B1 of the Memorandum of Understanding (MOU) between the Maryland Department of Transportation and the Commission. We understand that no new impervious surface will result from the proposed repairs. As required by the MOU (Exhibit 1, Parts B and C), mitigation should be provided at a ratio of 3:1 for clearing within the Buffer and 1:1 for clearing outside the Buffer. The Commission recommends the use of native plant species for mitigation purposes.

Please contact me at (410) 260-3475 if you have any questions about my letter.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Adriana Clemens (Project Planning Division)

SHA 5-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 8, 2005

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

Re: Variance 2004-0563-V Harvey Blonder
(Tax Map 50, Parcel 198, Lot 5)

Dear Mr. Konowal:

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

Based on the information provided, this office has the following comments regarding the development proposal and variance request.

- 1) As indicated on the record plat provided by the applicant's consultant, the Olde Bloomfield subdivision was approved by Anne Arundel County, Office of Planning and Zoning on May 28, 2003. Lots 1-6 of the Olde Bloomfield subdivision are not grandfathered and are subject to the Critical Area requirements.
- 2) As shown on Plat 3 of 3, Lot 5 contains a dwelling and a driveway, which are located partially within the Buffer. The existing dwelling and the portion of the existing driveway within the Buffer are labeled "to be removed". As stated in the General Notes on Plat 1 of 3, a new house and parking turn-around are planned on Lot 5 in an area outside the expanded Buffer. We note that the expanded Buffer and steep slopes are not shown on the record plat for Lot 5. In addition, Lot 5 contains two platted conservation areas along the western and eastern boundaries.

- 3) The applicant's consultant provided a copy of a mitigation plan dated April 30, 2003 for Lots 4 and 5 of the Olde Bloomfield subdivision. The mitigation plan includes afforestation of the 100-foot Buffer on Lots 4 and 5 and on steep slopes contiguous with the Buffer on Lot 4. On the mitigation plan, a proposed dwelling (35 feet by 50 feet) is shown on Lot 5 outside the 100-foot Buffer and steep slopes are shown on Lots 4 and 5.
- 4) As shown on the site plan provided for this variance request, the applicant proposes to construct a dwelling with an attached garage and a new driveway on Lot 5 with disturbance to steep slopes. On the current site plan, the extent of steep slopes on Lot 5 appear to be more extensive than previously shown on the mitigation plan provided for the Olde Bloomfield subdivision. Portions of the proposed garage and the new section of driveway exiting to Riva Road are located on steep slopes and the limits of disturbance extend within steep slopes around the perimeter of the dwelling, for storm water management devices and for installation of the sanitary sewer. The limits of disturbance appear to extend within steep slopes in the platted conservation area on the eastern side of Lot 5.
- 5) Based on the information provided, this office recognizes that disturbance to steep slopes may not be avoidable for installation of the sanitary sewer through the platted easement under any circumstances, due to the extent of steep slopes on the site. Based on conversations about this site with applicant's consultant, we understand that the proposed driveway entrance to Riva Road, with associated steep slope impacts, is necessary for safety reasons.

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 variance request for disturbance to steep slopes associated with the proposed dwelling. 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. I have discussed each one of the County's variance standards below.

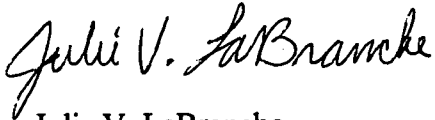
1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant. This is a 1.1-acre lot, which is of sufficient area for developing an ample home site. Although the proposed dwelling is irregular in shape, it does not appear that the applicant has minimized impacts by configuring the development envelope to conform to the flat portions of the site. Because steep slopes are shown in greater detail, the current site plan clearly identifies an area where development could be accommodated without disturbance to steep slopes.

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. With minor adjustments to the current site plan, it appears that the applicants could 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 a dwelling on steep slopes, particularly if alternatives exist or a lesser variance could be achieved. From a review of the application, we believe that there is opportunity to redevelop the site in a manner that could confine disturbance to steep slopes to the minimum necessary to install the sanitary sewer and the new driveway entrance.
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. This office believes that the applicant has not justified the granting of a variance to permit disturbance to steep slopes to construct a new dwelling on a newly platted, non-grandfathered lot in the Critical Area of Anne Arundel County. 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 such that all new lots, parcels, and subdivisions must meet all of the Critical Area requirements.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property. The applicant 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 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. Although a forested Buffer will be established on Lot 5 as a requirement of the subdivision, unnecessary disturbance to steep slopes in the Critical Area does not support the water quality and habitat goals of the Critical Area 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.

Rob Konowal
Variance 2004-0563-V Harvey Blonder
February 8, 2005
Page 4

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Gary Evans (Bay Engineering, Inc.)
Marianne Mason (Office of the Attorney General)

AA 18-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 7, 2005

Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway, Suite 100
Centerville, Maryland 21617-1000

Re: North East Raw Water Pumping Station

Dear Ms. Skilling:

Thank you for your letter and the additional information provided for the proposed Raw Water Pumping Station project in North East. Based on the information received on January 20, 2005, this office has the following additional comments regarding the project.

- 1) The information provided supports the Town's determination that the proposed structure meets most of the criteria to permit new or expanded development activities in the Buffer in intensely developed areas and limited development areas; however, we request additional information clarifying how and why the structure is water-dependent (the activity cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation, COMAR 27.01.03.01). For example, is there a maximum limit on the distance or a slope/grade requirement between the pumping station and the intake that could affect the function of the facility if located further from the shoreline outside the Buffer?
- 2) The North East Zoning Ordinance and Critical Area Program do not specify the mitigation requirements for development within the Buffer. Other jurisdictions determine mitigation based on one or more site-specific factors such as the area of forest clearing, the number of trees removed, the area of new impervious surface, and the total area of Buffer disturbance. This project appears to include a combination of Buffer impacts, including grading, tree removal and new impervious surface. The Commission consistently recommends mitigation, at a ratio of 3:1 for the total area of disturbance within the Buffer, for private, State and local projects.

- 3) Because the project is located within an Intensely Developed Area (IDA), the Town must demonstrate that the project complies with the 10% Rule requirement for pollutant reduction from runoff (COMAR 27.01.02.03). As stated in your letter, roof runoff associated with the structure will be directed over the grassed and newly planted areas around the site. The Commission's 10% Rule Guidance Manual does not list the conveyance of storm water over grassed areas as an acceptable structural best management practice (BMP) for the treatment of storm water within the Critical Area. The Manual does describe non-structural BMPs that provide credit for disconnecting rooftop runoff that may be acceptable for this site, including filter strips and grass channels (refer to Appendix E for design specifications). For example, the filter strip option could be used for this site if an adequate overland flow area and dense buffer plantings are provided; however, a grass channel may create more disturbance in the Buffer and increase the overall cost of the project. Please provide more detailed information about the methods that will be implemented to meet the 10% Rule requirement on this site.

Please contact me if you have questions about my letter or would like to discuss the project in more detail.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

NE 895-04 supplemental

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 7, 2005

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Growth Allocation Request for the Wapiti Wilderness Retreat Center

Dear Mr. Di Giacomo:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on Cecil County's request for growth allocation for the Wapiti Wilderness Retreat Center. On February 2, 2005, the Critical Area Commission concurred with Chairman Madden's determination that the County's request for 40 acres of growth allocation be approved as a refinement to the Cecil County Critical Area Program. The growth allocation has changed the designation of lands within the 40-acre growth allocation envelope, as defined on the site plans provided with the request, from Resource Conservation Area (RCA) to Limited Development Area (LDA).

The Commission's approval of the growth allocation included the following condition:

A Buffer Management Plan shall be prepared for the entire site and shall be submitted to the Commission for review and approval. The Plan may be implemented in phases to correspond with the development activity on the site; however, the Plan shall be fully implemented within five years of the Commission's approval.

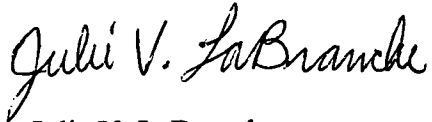
Commission staff received a revised Buffer Management Plan for the Wapiti site; however at this time, Commission staff have not fully evaluated the Plan. The proposed Buffer Management Plan will be reviewed by the Program Subcommittee and presented to the Commission for approval at their March 2, 2005 meeting.

This refinement shall be reflected on the Cecil County Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised Critical Area map to the Commission when it is available.

Anthony Di Giacomo
Growth Allocation Request for the Wapiti Wilderness Retreat Center
February 7, 2005
Page 2

If you have any questions, please contact me at (410) 260-3475.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Mark Retz (Wapiti Wilderness Retreat Center)

CE Wapiti notification

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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February 4, 2005

Chris Jakubiak
Jakubiak & Associates, Inc.
150 South Street, Suite 105
Annapolis, Maryland 21401

Re: Chesapeake Beach Railway Trail Project
Phase II Concept Approval

Dear Mr. Jakubiak:

The purpose of this letter is to officially notify you of the Critical Area Commission's action regarding the Town's request for concept approval of Phase II of the Chesapeake Beach Railway Trail Project. On February 3, 2005, the Commission approved the concept plan for the proposed Phase II of the Railway Trail Project.

As shown on the preliminary site plans provided, the Commission approved the concept of a recreational trail beginning at the terminus of the northern spur of Phase I trail and connecting to the proposed growth allocation envelope on the Richfield Station property. The trail will be approximately 1,300 linear feet and composed of a paved surface no wider than 8 feet. The Commission's approval included the following conditions.

- 1) Before the Town may submit, and before the Commission may consider, a request for final approval of Phase II of the Railway Trail project, and before commencement of any construction associated with Phase II of the Railway Trail project may begin, the Commission must have granted final approval of the Town's request for growth allocation for the Richfield Station subdivision. Should the Commission not grant approval for the growth allocation for Richfield Station, this concept approval for Phase II of the Railway Trail project shall terminate of its own effect and become null and void.
- 2) Chesapeake Beach must provide a mitigation plan that satisfies all mitigation requirements for impacts within the Critical Area associated with Phase I and Phase II of the Railway Trail project for review by Commission staff and for the Commission's approval as part of the Town's request for final approval of the project. Commission approval of the mitigation plan

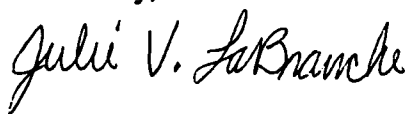
is required as part of the final approval of Phase I and Phase II of the Railway Trail project.

- 3) At a minimum, the mitigation plan must include a site plan showing the location(s) selected for the required plantings, a detailed plant list (including types of species, number of plants, density of plantings), a planting schedule, and a monitoring schedule to ensure success of the plantings. If offsets are utilized, the Town must provide detailed information about the alternative methods selected to achieve the mitigation requirements for the project.

As the engineering and construction plans are developed, the Town must submit plans to the Commission for review and comment. Commission staff will work with the Town and its consultants to move the project forward in a timely manner, and to ensure that the conditions of the concept approval are met. The Town must submit the final project for approval by the Commission as required by COMAR 27.02.04 State and Local Agency Actions Resulting in Major Development on Private Lands or Lands Owned by Local Jurisdictions, or if necessary, for conditional approval as required by COMAR 27.02.06.01 Conditional Approval of State or Local Agency Programs in the Critical Area.

Please contact me at (410) 260-3460 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: The Honorable Gerald Donovan (Chesapeake Beach)
Regina Esslinger (Critical Area Commission)
Mary Owens (Critical Area Commission)

CB 614-02 Phase II concept approval

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 4, 2005

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

Re: Variance 2004-0558-V Michael Wooster

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (deck) with less setbacks 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. According to our records, this property was the subject of a previous variance, Case No. 2000-0128-V, in which the Hearing Officer granted variances to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes.

This office has no comment on the setback variance. Based on the information provided, this office has the following comments regarding the development proposal and variance request.

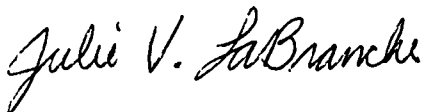
- 1) In comparing the site plans for Case 2000-0128-V and the current variance, it appears that a driveway larger than that approved in the previous variance case has been constructed on the site (refer to copy of site plan from Case 2000-0128-V). As measured from the current site plan, I estimate that the existing impervious surface coverage on the property is 2,919 square feet or 31.8 percent (the impervious surface coverage limit for a lot of this size is 2,700 square feet or 31.25 percent). In the Critical Area report, the applicant states that the existing impervious surface coverage is 2,264 square feet and will be 2,360 square feet following construction of the proposed deck. We recommend that the applicant clarify the impervious surface coverage calculations for the variance. If the property is non-conforming with respect to impervious surface coverage, it appears that a small portion of the driveway could be removed to bring the property into compliance with the required limits.

Pam Cotter
Variance 2004-0558-V Michael Wooster
February 4, 2005
Page 2

- 2) Providing impervious surface coverage does not exceed the required limits, this office does not oppose a variance to permit the proposed deck. The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization around the perimeter to prevent erosion of steep slopes on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 182-00 2nd variance

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 4, 2005

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

Re: Major Subdivision - Canal View Estates
(Tax Map 43, Parcel 3)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced major subdivision. As reported on the concept sketch plan provided, Parcel 3 consists of 217.5 acres, of which 93 acres is located within the Critical Area. The property has a split Critical Area designation of Limited Development Area (33.1 LDA acres) and Resource Conservation Area (59.9 RCA acres). Parcel 3 is developed with a single-family dwelling and several farm buildings, and is primarily used for agricultural purposes. Within the Critical Area, the applicant is proposing to subdivide Parcel 3 to create two lots in the RCA and three lots in the LDA.

Based on the information provided, this office has the following comments regarding the subdivision proposal.

- 1) As proposed, the subdivision will exhaust the permitted RCA density of one dwelling unit per twenty acres by creating two lots within the RCA on Parcel 3. We recommend that a note be added to the subdivision plat stating that no further subdivision of RCA lands on Parcel 3 (Lot 76, Lot 79, and the common space) is permitted.
- 2) Because each of the lots proposed within the Critical Area are greater than 1 acre, the lots will be limited to 15 percent impervious surface coverage as well as the entire Critical Area portion of the subdivision, including roads and other impervious infrastructure (Cecil County Zoning Ordinance Article XI, Part I, Sections 200 and 201). We recommend that a note be added to plat stating the limitation on impervious surface coverage for Lot 76, Lot 79, Lot 4, Lot 5, and Lot 106.

- 3) Map 32 of the Cecil County Soil Survey shows several intermittent streams on the south side of the property bordering MD 285 (refer to attached copy). It appears that the intermittent streams are located within the LDA portion of the site and the streams may extend within the proposed boundaries of Lot 4 and the Common Open Space, and perhaps on Lot 5 and Lot 106. In addition, the applicant proposes a storm water management area in the Common Open Space. We note that an environmental assessment of the property was not provided as part of the subdivision proposal. As required by the Cecil County Zoning Ordinance and Critical Area Program, the property should be evaluated for the presence of Habitat Protection Areas (including but not limited to streams, non-tidal wetlands and their buffers), and an evaluation from the Department of Natural Resources for rare, threatened and endangered species. If present on the site, any development proposed as part of the subdivision must comply with the HPA provisions of the Cecil County Zoning Ordinance and Critical Area Program.
- 4) When agricultural uses cease and the land is converted to another use, the Buffer must be established (Cecil County Critical Area Program, Habitat Protection Program Elements 9.1-6). As shown on the site plan, Lot 79 appears to have a fully forested Buffer. Lot 76 appears to have a partially forested Buffer and therefore the Buffer must be fully established on this lot.
- 5) As shown on the concept sketch plan, Lot 76 and Lot 79 have partial forest cover, and Lot 4, Lot 5, and Lot 106 have no existing forest cover. The applicant should provide calculations of the existing forest cover on Lot 76 and Lot 79. If less than 15 percent forest cover exists, afforestation should be provided to establish 15 percent forest cover on each lot (Cecil County Zoning Ordinance Article XI, Part I, sections 201 and 200(6)).

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

CE 55-05 Canal View

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 1, 2005

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 proposed subdivision consists of 110.20 acres and is designated a Resource Conservation Area (RCA).

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.

Based on the preliminary major subdivision plan provided, this office has the following comments regarding the current subdivision and development proposal.

- 1) Based on GIS information from the Department of Natural Resources, it appears that some lands within the proposed subdivision are being utilized for agricultural activities. When agricultural uses cease and the land is converted to another use, the Buffer must be established (Cecil County Critical Area Program, Habitat Protection Program Elements 9.1-6). As shown on the site plan, Lot 10 and Lot 11 have a fully forested Buffer. Lot 4 and Lot 9 have a partially forested Buffer and therefore the Buffer would need to be established on Lot 4 and Lot 9.

- 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) Because each of the lots proposed are greater than 1 acre, the lots will be limited to 15 percent impervious surface coverage as well as the entire subdivision (Cecil County Zoning Ordinance Article XI, Part I, Sections 200 and 201). We recommend that a note be added to plat stating the limitation on impervious surface coverage for Lot 4, Lot 9, Lot 10, and Lot 11.
- 3) Lot 4 and Lot 9 will be created around the two existing dwellings on Parcel 1. We understand that Lot 10 and Lot 11 will be developed each with a single-family dwelling and septic systems; however the driveway for each lot is not shown on the site plan. We recommend that the driveway be shown on the site plan for Lot 4 and Lot 9 in order to determine whether the forest plantings proposed on site are adequate to satisfy the mitigation requirement.
- 4) As shown on the site plan, Lot 4 and Lot 9 have minimal existing forest cover. The applicant should provide calculations of the existing forest cover on Lot 4 and Lot 9. If less than 15 percent forest cover exists, afforestation should be provided to establish 15 percent forest cover on each lot (Cecil County Zoning Ordinance Article XI, Part I, sections 201 and 200(6)).
- 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
Natural Resource Planner

CE 563-04 preliminary plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 31, 2005

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

Re: Variance 2004-0501-V Joseph Greene

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a driveway with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is developed with a single-family dwelling. Based on our records, this property was the subject a previous variance, Case No. 2004-0025-V, in which the Administrative Hearing Officer denied a variance to permit a dwelling and driveway with disturbance to steep slopes.

As a result of discussion with the applicant and his consultant at our meeting of January 21, 2005, the applicant provided supplemental information for the variance request, which this office received on January 26, 2005 (refer to attached copy). Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) As shown on the site plan and as observed during a previous site visit of January 16, 2004, the property is constrained by the Buffer, which is expanded for steep slopes, and steep slopes are present over a substantial portion of the site outside the Buffer. The property is almost fully forested except for the developed area adjacent to Forest Beach Road, the existing driveway/access road, and two partially cleared areas on the knolls.
- 2) The applicant proposes to construct a new driveway access on steep slopes to replace the existing driveway access. As reported by the applicant's consultant at our meeting, significant grading and filling would be necessary to improve the existing driveway to meet the minimum grade required for a residential driveway.

Pam Cotter

January 31, 2005

Variance 2004-0501-V Joseph Greene

Page 2

- 3) The applicant proposes to construct a dwelling and an attached garage with a footprint of 1,923 square feet and living space of 2,580 square feet (excluding the garage, unfinished basement, several small porches, cantilevered balconies, and unfinished attic space). It is not clear whether the proposed dwelling has a partial of a full second story of living space. We note that, although the structure itself is not located on steep slopes, the limits of disturbance for construction of the dwelling extend within steep slopes. Would it be possible to configure the dwelling and garage to eliminate impacts to steep slopes for the dwelling?

As reported on the site plan, the current proposal includes disturbance to 30 percent of the site (19,852 square feet), 27 percent forest clearing (16,349 square feet), and 12.5 percent impervious surface coverage (8,337 square feet) of which approximately ten percent is for the new driveway.

- 4) Included in the revised information received by this office on January 26, 2005, the applicant states a desire to construct additional parking for guests on the site which is shown as a circular turn-around area on Figures 4 and 5 (refer to Proof that the Application Represents the Minimum Relief). The turn-around and parking area shown would likely increase the overall forest clearing on the site, as would the turn-around and parking area considered on the knoll. Given that the current proposal already includes 27 percent forest clearing (16,349 square feet), would the increased clearing associated with a turn-around and parking area require a variance to clear greater than 30 percent of the site (18,057 square feet) (Anne Arundel County Zoning Ordinance Article 28, Section 1A-104(c))? If a clearing variance would be necessary, we recommend that the turn-around and parking area be included as part of the current variance request.
- 5) Included in the revised information received by this office on January 26, 2005, the applicant provides a summary of impacts associated with three scenarios: the current proposal or Control and two alternative development proposals for the site, Case 1 and Case 2 (refer to Proof that the Application Represents the Minimum Relief, Table 1, page 7). In comparing the Control and Case 2 (dwelling on knoll with garage on south side), the difference in overall disturbance to steep slopes is 137 square feet. For the three scenarios, the same dwelling footprint was used to compare impacts to steep slopes, although it appears that the applicant recognizes (as stated in footnotes #1 and #2, Table 1, page 7) that a smaller dwelling would result in fewer impacts to steep slopes. We note that the comparison does not address whether there may be differences in the amount of forest clearing and overall disturbance with respect to the current proposal and the two alternatives presented; both alternatives eliminate approximately 120 linear feet of driveway. In addition, the applicant does not address use of the flat area adjacent to Forest Beach Road, where the existing dwelling is located.

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

Pam Cotter
January 31, 2005
Variance 2004-0501-V Joseph Greene
Page 3

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.

In evaluating the applicant's request for a variance to permit a driveway on steep slopes, this office must also consider whether impacts have been minimized and the variance is the minimum necessary. Because it is not part of the current proposal or variance request, this office cannot consider the applicant's desire to construct additional guest parking on the site as a limiting factor in selecting a location for the dwelling. As proposed, it is not clear whether the variance to disturb steep slopes for the new driveway access is the minimum necessary, and whether forest clearing, impervious surfaces, and overall impacts to steep slopes have been minimized. Furthermore, it is not clear whether the applicant has demonstrated that a variance of less magnitude than the one requested would prevent reasonable and significant use of the applicant's property. Therefore, this office questions whether the applicant's request meets the standard of unwarranted hardship.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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 112-04 2nd variance

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 26, 2005

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

Re: Variance 2004-0552-V Richardson-Pearson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the completion of a previously approved variance. The property is designated a Resource Conservation Area (RCA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a shed, and a driveway. This property was the subject of Case No. 2001-0008-V which granted the applicant a variance to permit dwelling additions with less Buffer than required and with disturbance to steep slopes. The variance was necessary to permit a deck within the Buffer 4 feet closer to the shoreline than the existing dwelling and a dwelling addition with disturbance to 368 square feet of steep slopes. Subsequently in Case No. 2002-0012-V, the applicant requested and was granted a variance to permit an extension in time for the completion of the variance subject to the conditions of the original variance, Case No. 2001-0008-V.

This office does not oppose the current variance request, providing the conditions of the original variance are applied. Based on the site plans provided (dated 3/22/02), the limits of disturbance shown do not appear to encroach further waterward than permitted previously and no additional disturbance to steep slopes is proposed.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 51-01 2nd extension

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 24, 2005

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

Re: Variance 2004-0450-V Timothy Barnhardt
(Tax Map 69, Parcel 338, Lot 16)

Dear Mr. LeGendre:

This office provided comments to the Anne Arundel County Office of Planning and Zoning for this variance case for the hearing held on January 6, 2005. Since that time, it has been brought to our attention that the shed proposed by the applicant as part of the variance request is located within the 100-foot Buffer. In addition, County staff confirmed that the shed and a second driveway have been constructed on the property. The site plan provided by the applicant for the variance request did not identify the 100-foot Buffer on the property nor did the application indicate that construction of the shed and driveway had been completed.

Based on GIS information from the Department of Natural Resources, I confirmed that Flag Pond (west of Lot 16) is a tidal body of water and at least a portion of Lot 16 appears to be located within the Buffer. In reviewing our records, I discovered that this property was the subject of a previous variance, Case No. 2001-0276-V Annapolis Specialty Homes. Based on the site plan provided for the previous case (refer to attached copy), most of Lot 16 was shown to be located within the 100-foot Buffer (as measured from Flag Pond to the west) except for the extreme southeast corner.

In light of the new information in the case, this office offers the following additional comments regarding the current development proposal and variance request.

- 1) In transferring the Buffer line from the site plan provided in Case No. 2001-0276-V to the current site plan, it appears that the proposed shed and the second driveway are located

within the Buffer and therefore a Buffer variance is necessary in addition to the setback variance requested. Although impervious surface limits do not apply to lots designated IDA, this office questions whether the applicant can meet the variance standard of unwarranted hardship (the applicant would be denied reasonable and significant use of the entire parcel or lot) to construct a second driveway within the Buffer, given that the existing dwelling and original driveway are already located within the Buffer. The applicant has reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. For these reasons, this office opposes a Buffer variance to permit a second driveway on this property.

- 2) With respect to the shed, this office recommends that the applicant clarify whether or not the shed could be accommodated on Lot 16 outside the Buffer with a similar setback variance or further outside the Buffer to minimize the variance necessary. For example, is there any reason why the shed could not be located in the southeast corner of the lot outside the Buffer on the south side of the dwelling? When comparing the current site plan and the site plan provided for Case No. 2001-0276-V, a well is shown in two different locations on the site. We request that the applicant clarify the location of the well in order to determine whether the well presents any restrictions in locating the shed elsewhere on the property. If the variance were minimized, this office would not oppose a variance to permit a shed in the Buffer; however, the applicant must demonstrate that the variance request is not based upon conditions or circumstances which are the result of their actions and that the variance is the minimum necessary.

Thank you for the opportunity to provide additional comments for this case. Please contact me at (410) 260-3475 if you have any questions regarding these comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 781-04 supplemental revised

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 21, 2005

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

Re: Variance 2004-0567-V James and Linda Landon

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.

This office has no comment on the setback variance.

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

- 1) The applicant proposes to remove two sets of concrete steps and to replace them with two wooden decks with stairs (171 square feet). The proposal will result in a reduction of impervious surface coverage from 2,461 square feet to 2,418 square feet. One of the proposed decks will be located 17 feet closer to the shoreline than the existing concrete steps.
- 2) The decks should be constructed to be pervious, with a gravel substrate and vegetative stabilization around the perimeter.
- 3) If required, mitigation should be provided at a ratio of 2:1 for disturbance within the Buffer.

Ramona Plociennik
Variance 2004-0567-V James and Linda Landon
January 21, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 21-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 21, 2005

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

Re: Variance 2004-0566-V ET&A Construction, Inc.
(Tax Map 74, Parcel 135)

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.

This office has no comment on the setback variance. Providing this parcel is properly grandfathered, this office does not oppose a Buffer variance to permit development of the property; however impacts must be minimized and the variance the minimum necessary. We have the following comments regarding the development proposal and variance request.

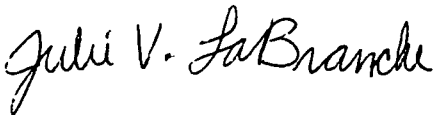
- 1) As stated in the Critical Area report, the entire property has been identified as a nontidal wetland.
- 2) The property is 31,620 square feet (including access easement to paved roadway) and approximately 96.5 percent wooded. The applicant proposes to construct a single-family dwelling with an attached garage, porch and deck, a paved driveway and a well. The development proposal includes the following: 2,700 square feet of impervious surface coverage, 4,840 square feet of forest clearing, and 4,984 square feet of wetland impact. The limits of disturbance are shown at 8 feet from the perimeter of the dwelling.
- 3) As shown on the site plan, the footprint of the dwelling extends into the wetland 50 feet from the 30-foot front yard setback. To minimize intrusion within the interior of the wetland, it appears that the dwelling could be moved closer to Churchton Road. As proposed, it does not

appear that impacts have been minimized to the extent possible or that the variance is the minimum necessary to accommodate the proposed dwelling. We recommend that the applicant investigate potential alternatives to maximize use of the front portion of the lot.

- 4) As indicated on the site plan, the applicant proposes to plant 64 understory trees grouped throughout the forested portion of the property. As stated in the Critical Area Report, the property is mostly forested, more densely in some parts than others, and the understory consists of a mix of native and invasive species. Are the proposed understory trees being provided to supplement the existing understory for mitigation purposes or to replace some of the invasive species? Any removal of natural vegetation from the understory of riparian forests within the Critical Area should be replaced in-kind and such plantings should not be used to satisfy part of the mitigation required for forest clearing associated with development of the property. We recommend that the applicant clarify the purpose of the proposed understory plantings.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 20-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 19, 2005

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

Re: Variance 2004-0450-V Timothy Barnhardt
(Tax Map 69, Parcel 338, Lot 16)

Dear Mr. LeGendre:

This office provided comments to the Anne Arundel County Office of Planning and Zoning for this variance case for the hearing held on January 6, 2005. Since that time, it has been brought to our attention that the shed proposed by the applicant as part of the variance request is located within the 100-foot Buffer. In addition, County staff confirmed that the shed and a second driveway have been constructed on the property. The site plan provided by the applicant for the variance request did not identify the 100-foot Buffer on the property nor did the application indicate that construction of the shed and driveway had been completed.

Based on GIS information from the Department of Natural Resources, I confirmed that Flag Pond (west of Lot 16) is a tidal body of water and at least a portion of Lot 16 appears to be located within the Buffer. In reviewing our records, I discovered that this property was the subject of a previous variance, Case No. 1999-0386-V Annapolis Specialty Homes. Based on the site plan provided for the previous case (refer to attached copy), most of Lot 16 was shown to be located within the 100-foot Buffer (as measured from Flag Pond to the west) except for the extreme southeast corner.

In light of the new information in the case, this office offers the following additional comments regarding the current development proposal and variance request.

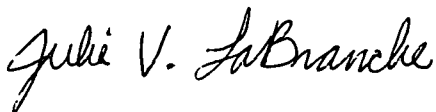
- 1) In transferring the Buffer line from the site plan provided in Case No. 1999-0386-V to the current site plan, it appears that the proposed shed and the second driveway are located

within the Buffer and therefore a Buffer variance is necessary in addition to the setback variance requested. Although impervious surface limits do not apply to lots designated IDA, this office questions whether the applicant can meet the variance standard of unwarranted hardship (the applicant would be denied reasonable and significant use of the entire parcel or lot) to construct a second driveway within the Buffer, given that the existing dwelling and original driveway are already located within the Buffer. The applicant has reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. For these reasons, this office opposes a Buffer variance to permit a second driveway on this property.

- 2) With respect to the shed, this office recommends that the applicant clarify whether or not the shed could be accommodated on Lot 16 outside the Buffer with a similar setback variance or further outside the Buffer to minimize the variance necessary. For example, is there any reason why the shed could not be located in the southeast corner of the lot outside the Buffer on the south side of the dwelling? When comparing the current site plan and the site plan provided for Case No. 1999-0386-V, a well is shown in two different locations on the site. We request that the applicant clarify the location of the well in order to determine whether the well presents any restrictions in locating the shed elsewhere on the property. If the variance were minimized, this office would not oppose a variance to permit a shed in the Buffer; however, the applicant must demonstrate that the variance request is not based upon conditions or circumstances which are the result of their actions and that the variance is the minimum necessary.

Thank you for the opportunity to provide additional comments for this case. Please contact me at (410) 260-3475 if you have any questions regarding these comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 781-04 supplemental

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 19, 2005

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

Re: Variance 2004-0575-V Barry and Janet Barry

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.

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the development proposal and variance request.

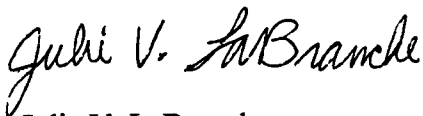
- 1) We note that the 100-foot Buffer is not shown on the site plan provided. As estimated from the site plan, more than half of the existing dwelling is located within the Buffer and therefore a variance is necessary to permit removal of the existing dwelling and construction of a new dwelling within the Buffer.
- 2) As reported by the applicant, the property currently has 3,369 square feet or 41 percent impervious surface coverage, making the property non-conforming with respect to the impervious surface limits. As part of the development proposal, 1,031 square feet of existing impervious surface will be removed and the total proposed impervious surface coverage of 2,338 square feet or 28.5 percent will be below the maximum allowed, eliminating the non-conforming condition of the property. In addition, the footprint of the new dwelling will be smaller than the existing dwelling and the new dwelling will be located approximately 20 feet further from the shoreline. Given the applicant's attempt to minimize impacts to the Buffer (reduction in the overall impervious surface coverage) and to maximize the setback from the shoreline, this office does not oppose the Buffer variance requested.

Ramona Plociennik
Variance 2004-0575-V Barry and Janet Barry
January 19, 2005
Page 2

- 3) We recommend that, where impervious surface will be removed, these areas be established in natural vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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 22-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 18, 2005

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

Re: Variance 2004-0555-V Kirk and Helen Diehl

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 a lot with less width 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 setback or the lot width variances. We have the following comments regarding the subdivision proposal (Parcel 764, Lot 9).

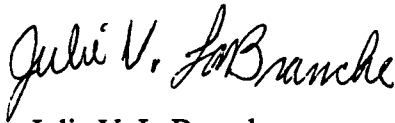
- 1) As stated in the variance application, the applicant proposes to subdivide this 0.53 acre property to create Lots 9A and 9B; Lot 9B will be a waterfront lot. Following subdivision, Lots 9A and 9B will not be grandfathered under the Anne Arundel County Critical Area Program. Development of new lots in the Critical Area should comply with the provisions of the Zoning Ordinance pertaining to development in an IDA, including provisions that prohibit development within the Buffer.
- 2) As shown on the site plan provided, the topography of the site is flat with a maximum elevation of approximately 4 feet on proposed Lot 9B. The 100-foot Buffer is shown on the site plan provided as measured from the field located approximate mean high water line. Due to the topography on the site, was the property field verified for the presence of tidal wetlands (private tidal wetlands or high marsh)? Given the site conditions, this information may be necessary to determine whether the location of the Buffer is accurate and, if wetlands are present, to define a reasonable development envelope on Lot 9B outside the Buffer. We

Ramona Plociennik
Variance 2004-0555-V Kirk and Helen Diehl
January 18, 2005
Page 2

recommend that the applicant provide information as to whether wetlands are present on the site and a revised site plan 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,



Julie V. LaBranche
Natural Resource Planner

AA 15-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 14, 2005

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

Re: Variance 2004-0515-V Robert and Toni Puckett

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 lot frontage 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 setback or the frontage variance. As stated in the variance application, the applicant proposes to subdivide this 0.41-acre property to create two lots within the IDA. Because the new lot would also be designated IDA, water quality improvements must be provided on the site as part of the development proposal. Reduction in pollutants from runoff can be achieved with the implementation of a best management practice or plantings. Due to the limited area of the proposed lot, we recommend that native plantings be used to meet this requirement.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 11-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 14, 2005

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

Re: Variance 2004-0543-V Jean Bowling

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 a Buffer Exemption Area (BEA). The property is developed with a single-family dwelling and two driveways. As stated in the variance application, the applicant proposes to reconstruct and to expand the existing dwelling, which was damaged by hurricane Isabel.

Providing this lot is properly grandfathered, this office does not oppose the variance request; however impacts must be minimized and the variance the minimum necessary. Based on the revised information provided, we have the following comments regarding the development proposal and variance request.

- 1) On January 14, 2005, County staff provided to this office estimated calculations of existing and proposed impervious surface coverage, indicating that the property is currently nonconforming with respect to impervious surface coverage. As estimated by County staff, the property has 4,594 square feet (36.6 percent) of existing impervious surface coverage. Based on conversations with the applicant's consultant, County Staff reported that the applicant had agreed to remove the existing driveway to the right of the dwelling to offset the proposed impervious surface coverage for the dwelling addition. With the proposed modification, the total proposed impervious surface coverage would be 4,382.75 square feet or 34.9 percent; the modification reduces but does not eliminate the non-conforming condition of the property. The applicant's consultant also contacted this office on January 14, 2005 stating that a revised site plan would be provided for the variance hearing on Tuesday, January 18, 2005, reflecting the proposed changes in impervious surface coverage.

Pam Cotter
January 14, 2005
Variance 2004-0543-V Jean Bowling
Page 2

- 2) We note that if additional impervious surface were removed – for example a portion the concrete driveway to the left of the dwelling – the property might be brought into conformance with the impervious surface limits. The area could also be utilized to accommodate mitigation plantings on the site. This office recommends that the applicant consider this alternative to minimize the variance and overall Buffer impacts.
- 3) As stated in the variance application, the deck will be constructed to be pervious, with a gravel substrate. This office recommends installation of plantings around the perimeter of the deck to facilitate infiltration of runoff and provide additional water quality benefits.
- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be provided. It appears that mitigation plantings can be accommodated on the site, particularly in areas where existing impervious surface will be removed and between the proposed development and the shoreline.
- 5) Storm water should be directed to stable and densely vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 955-04, revised information

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 13, 2005

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

Re: Variance 2004-0559-V John and Michelle Smith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (detached 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. As stated in the variance application, the garage has been constructed on the site and requires a variance of 6.5 feet from the 30 foot development setback.

This office has no comment on the front yard or the setback variance.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 16-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 13, 2005

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

Re: Variance 2004-0550-V William Roger Truitt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (gazebo) 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. As stated in the variance application, the gazebo has been constructed on the site.

This office has no comment on the front yard or the setback variance.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 12-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 13, 2005

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

Re: Variance 2004-0572-V Louis P. Reeder

Dear Ms. Plociennik:

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

The property (Tax Map 10, Parcel 17, Lot 18) was the subject of a previous variance request, Case No. 2003-0121-V. Providing this lot is properly grandfathered, this office does not oppose the variance request. As reported in the Critical Area report provided, the applicant proposes a development plan identical to the plan presented as part of the previous variance case. This office recommends that the same conditions be placed on the current variance request as were required in the previous 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 313-03 2nd variance



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 12, 2005

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

Re: Variance 2004-0553-V Barbara Cisna

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. Because the property is designated an IDA, water quality improvements must be provided on the site. Reduction in pollutants from runoff can be achieved with plantings or implementation of a best management practice. We note that the site plan does not show a deck on the waterside of the dwelling. If the applicant intends to construct a deck in the future, the deck should be included as part of the current variance request.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 14-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 12, 2005

Mr. Stan Hearne
Town Administrator
Town of Charlestown
P.O. Box 154
Charlestown, Maryland 21904

Re: Rezoning of Wellwood Yacht Club, Inc.
(Tax Map 50, Parcel 154)

Dear Mr. Hearne:

This letter is in response to information provided by Mary Ann Skilling regarding the proposed rezoning of the Wellwood Yacht Club, Inc. property. The Wellwood Yacht Club, Inc. property is designated an Intensely Developed Area (IDA) under the Town's Critical Area Program. We understand that the applicant has requested rezoning from R-3 to C-1 because the property has been in commercial use since the Town's Zoning Laws were enacted in 1975. This office concurs with Ms. Skilling's determination that the C-1 zoning designation is consistent with the permitted uses within an IDA.

Please contact me at (410) 260-3475 if you have any questions about our comments.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Mary Ann Skilling (Department of Planning)

CL 24-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 12, 2005

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

Re: Variance 2004-0539-V Jeffrey McElroy

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 addition) with less setbacks than required and with greater impervious surface coverage than permitted. The property is designated a Limited Development Area (LDA) and is developed with a single-family dwelling and a detached garage. As reported in the variance application, we understand that construction of the garage addition has been completed.

This office has no comment on the setback variance. Based on the information provided, we have the following comments regarding the impervious surface variance.

- 1) As reported by the applicant, the property previously had 1,699 square feet of impervious surface coverage and, following construction of the garage addition, currently has 2,120 square feet of impervious surface coverage. As measured from the site plan, I estimate that the property previously had 2,144 square feet of impervious surface coverage (house, drive, garage) and, following construction of the garage addition (plus 432 square feet), currently has 2,576 square feet of impervious surface coverage. We recommend that the applicant clarify the impervious surface calculations reported as part of the variance application.
- 2) Within an LDA, a lot of 5,000 square feet or less is permitted a maximum impervious surface coverage of 25 percent plus 500 square feet (Anne Arundel County Zoning Ordinance Article 28, §1A-105). For this property, the maximum impervious surface coverage is 1,750 square feet. Based on my calculations, it appears that this property may have been non-conforming with respect to impervious surface coverage prior to construction of the garage addition.


With respect to the County's variance standards, this office believes that the applicant has not met the standard of "unwarranted hardship" (the applicant would be denied reasonable and significant use of the entire parcel or lot) since the applicant already enjoys use of a detached garage and a dwelling. The applicant has reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. Because the impervious surface limits apply to all properties designated a Limited Development Area under the Anne Arundel County Critical Area Program, the granting of the 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.

Furthermore, this office believes that the applicant has not met the standard of "self-created hardship" given that the variance request is based upon conditions or circumstances, which are the result of the actions by the applicant in constructing the garage without the necessary authorizations. Under the circumstances, this office recommends that the applicant exhaust all potential options to offset the increase in impervious surface coverage from the garage addition by removing an equivalent area of impervious surface on the site.

For these reasons, this office does not support a variance to exceed, or to further exceed, the impervious surface limits.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 952-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 12, 2005

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

Re: Variance 2004-0565-V Barbara Mullins

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

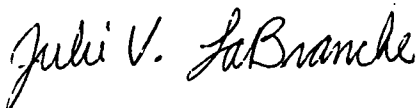
Based on the information provided, we have the following comments regarding the development proposal and Buffer variance.

- 1) As shown on the site plan, the existing dwelling is located 59 feet from mean high water (bulkhead). The proposed deck area will be 270 square feet and will be located 51 feet from mean high water (bulkhead).
- 2) The deck should be constructed to be pervious, with a gravel or vegetated substrate and vegetative stabilization on the down-slope end.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings could be accommodated within the Buffer between the dwelling and the bulkhead.

Ramona Plociennik
Variance 2004-0565-V Barbara Mullins
January 12, 2005
Page 2

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 19-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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January 11, 2005

Heather Erickson
Town of Perryville
P.O. Box 773
Perryville, Maryland 21903

Re: Richmond Hills subdivision
(Tax Map 800, Parcels 634, 696, 732, 805 and Lot 2B)

Dear Ms. Erickson:

On December 6, 2005, Mary Ann Skilling provided this office with a Water Quality Report, a subdivision plat, and revised storm water management plans for the Richmond Hills subdivision. Approximately 2.45 acres of the property is located within the Critical Area and is designated an Intensely Developed Area (IDA). Based on the information provided, we have the following comments regarding this project.

- 1) The 10% Rule calculations provided by the applicant's consultant are correct and the project is in compliance with the requirements for pollutant reduction for new development in an IDA. Storm water from both within the Critical Area and outside the Critical Area will be treated using multiple pond systems on the site.
- 2) This office recommends that the Tax Map, Parcel numbers, Critical Area Designation and the Critical Area boundary be clearly noted on the final subdivision plat (plat dated 11/28/04 referenced).

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Mary Ann Skilling (Department of Planning)

PE 93-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 11, 2005

Ms. Patricia Garrett
Town Administrator
Chesapeake City
P.O. Box 205
Chesapeake City, Maryland 21915

Re: Chesapeake Village Subdivision

Dear Ms. Garrett:

This letter is in response to information provided to the Commission by Mary Ann Skilling for review and comment regarding the Chesapeake Village subdivision. The property is 29.62 acres, of which 20.8 acres is located within the Critical Area and is designated an Intensely Developed Area (IDA). The applicant proposes to create 59 lots with associated facilities within the Critical Area portion of the site.

Based on the information provided, this office has the following comments regarding the revised subdivision proposal.

- 1) As shown on the revised preliminary plat, a stream and nontidal wetland system bisects the property from north to south and borders the northern boundary. A 100-foot stream Buffer has been properly identified on the site.
- 2) As shown on the revised preliminary plat, a portion of Lot 25 (including a portion of the driveway) and a section of the public alleyway are located within the 100-foot Buffer. It appears that the area of Buffer disturbance associated with Lot 25 and the public alleyway have not been included in the overall calculations of Buffer disturbance and the mitigation requirement for the project. The applicant should clarify whether the calculations provided include this area of Buffer disturbance.
- 3) Although public roads are permitted within the Buffer without a variance, new development activities associated with a non-grandfathered lot are not permitted within the Buffer (Chesapeake City Zoning Ordinance Article IX, Part IV, Sections 135 and 139). To permit new development within the Buffer on Lot 25, the local Board of Appeals must grant the

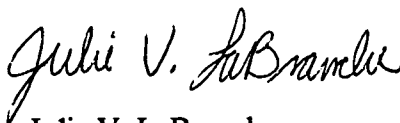
Ms. Patricia Garrett
Chesapeake Village Subdivision
January 11, 2005
Page 2

applicant a variance. It appears that a variance could be avoided if Lot 25 were reconfigured or eliminated from the proposal, which could also reduce the overall Buffer disturbance by allowing the public alleyway to be relocated outside the Buffer. This office believes that the applicant has not met the standard of "unwarranted hardship" (the applicant would be denied reasonable and significant use of the entire parcel or lot) or the standard of "self-created hardship" since the variance is associated with new development on a non-grandfathered lot within the Critical Area. For these reasons, this office would not support a variance to permit disturbance within the Buffer on Lot 25.

- 3) As reported in the environmental assessment, the proposed subdivision access roads from Second Avenue and Saint Augustine Road will result in 20,134 square feet of impact to the 100-foot Buffer. Mitigation, at a ratio of 3:1, will be provided on the project site consisting of 58,663 square feet of afforestation within the Buffer and 4,898 square feet of afforestation adjacent to the Buffer.
- 2) As reported in Appendix A of the Environmental Assessment (CNA), the project complies with the 10% Rule requirements for new development within an IDA. A combination of four best management practices will be implemented to meet the pollutant reduction requirement on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Mary Ann Skilling (Department of Planning)

CY 142-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 11, 2005

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

Re: Variance 2004-0548-V Dean Slaughter
(Tax Map 57, Parcel 29, Lot 21)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This property was the subject a previous variance, Case No. 2003-0283-V David Kerr Trustee (and Sean O-Connor, Contract Purchases).

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

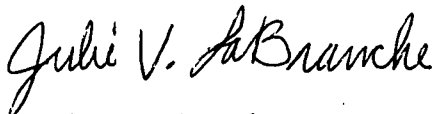
- 1) As shown on the site plan, the property consists of extensive steep slopes contiguous with the 100-foot Buffer. With expansion of the Buffer for steep slopes, the entire property is within the expanded Buffer.
- 2) Based on the current site plan provided, it appears that the applicant has attempted to minimize disturbance to the Buffer by reconfiguring the footprint of the dwelling and reducing the limits of disturbance from 7,546 square feet (as reported on the site plans dated July 15 2003 for Case No. 2003-0283-V) to 6,979 square feet. As a condition of the previously granted variance, the Hearing Officer required that the length of the dwelling be reduced to 60 feet. As measured from the current site plan, the proposed dwelling is 55 feet in length at its longest point. The total proposed impervious surface coverage of 3,656 square feet (25 percent) is the same coverage granted in the previous variance case. We note that the

area of forest clearing has increased from 6,509 square feet to 6,979 square feet (as reported on the site plans dated July 15 2003 for Case No. 2003-0283-V).

- 3) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer (and for clearing greater than 6,535 square feet), should be required. Since the property is heavily forested, mitigation alternatives will need to be addressed. We recommend that areas disturbed during construction be reforested to the extent possible. As noted on the site plan, a mulch access path from the dwelling to the shoreline is proposed within the expanded Buffer. Mitigation should be required at a ratio of 3:1 for disturbance of natural vegetation or impervious surface associated with the path.
- 4) Storm water runoff should be directed away from steep slopes to stable vegetated outfalls or best management practice to provide water quality benefits on the property. The current site plans do not include information regarding storm water management on the site. Due to the presence of steep slopes over most of the property, a best management practice may provide additional protection against erosion and enhance water quality benefits.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 525-03 second variance

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

January 11, 2005

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

Re: South Stream - Phase I
(Tax Map 310, Parcels 2405 and 2406)

Dear Ms. Minner:

This letter is in response to the revised subdivision plat provided to this office on January 5, 2005 for the South Stream subdivision. As a follow-up to my letter December 17, 2004 and based on the revised information provided, I have the following comments regarding the current subdivision proposal.

- 1) On Sheet 2 of 2 of the Final Subdivision Plat, the Critical Area boundary is identified across the entire area of the subdivision, including the Critical Area Retention Area.
- 2) The applicant provided revised impervious surface coverage calculations on Sheet 1 of 2 of the revised subdivision plat, which include calculations for the proposed lots, impervious infrastructure and total coverage for the subdivision. Based on these calculations, Phase I of South Stream - Phase I complies with the 15 percent limit on impervious surface coverage.
- 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) A note was added to Sheet 2 of 2 of the final subdivision plat referencing the recorded easement for the Critical Area Reforestation/Retention Area.

TTY For the Deaf

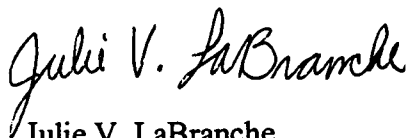
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Jeanne Minner
South Stream Subdivision
January 11, 2005
Page 2

- 5) The following note was added to Sheet 1 of 2 of the final subdivision plat, which states
“Lands within the 100-foot tributary stream Buffer on Lot 16 and Lot 17 shall not be
disturbed and removal of natural vegetation or forest is not permitted.”

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Ben Brockway (Biota)

EL 691-03 final preliminary

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 11, 2005

Jeanne D. Minner
Director of Planning
Elkton Municipal Building
100 Railroad Avenue
Elkton, MD 21922-0157

Re: Union Hospital Expansion

Dear Ms. Minner:

Thank you for providing information on the above referenced development project. The applicant proposes to construct a three-story addition to the existing hospital. The property is designated an Intensely Developed Area (IDA).

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

- 1) The applicant must provide calculations and worksheets demonstrating that the project complies with the 10% Rule requirements for development in an IDA. As noted on the site plan provided, a sand filter (partially within the Critical Area) is proposed beneath the parking lot to provide water quality improvement on the site.
- 2) The Commission recommends the use of native plants within the Critical Area for any local landscaping requirements for the project.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

EL 964-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 11, 2005

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.

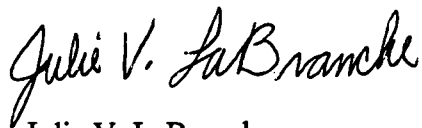
This office received revised site plans and project information on January 5, 2005. Based on the additional information provided, we have the following comments regarding the development proposal.

- 1) The applicant provided calculations and worksheets for the 10% Rule requirement for development in an IDA. We note that the calculations reported for I_{pre} and I_{post} must be multiplied by 100 and reported as a percentage. When the correct calculations are substituted ($I_{pre} = 59\%$ and $I_{post} = 68\%$), the pollutant removal requirement of 0.43 pounds/year of total phosphorus is met and the project is in compliance with the 10% Rule (refer to notations on the attached copy of worksheet A). As noted on the stormwater management plan (Sheet 3 of 4), sand filters are proposed on the northern side of the site to achieve the required reduction in pollutants from runoff.
- 2) The non-native plantings proposed originally have been eliminated from the revised landscaping plan for the site.

Jeanne D. Minner
First National Bank of North East
January 11, 2005
Page 2

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

EL 564-04 supplemental

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 10, 2005

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

Re: Variance 2004-0461-V Terrence Marshall

Dear Ms. West:

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 and 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 no comment on the setback variance.

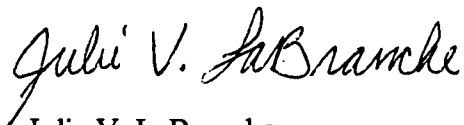
Based on the information provided, this office does not oppose the variance to disturb steep slopes. As shown on the site plan, redevelopment of the property is constrained by the area required for the septic tank and septic reserve area and the necessary setbacks. The applicant proposes to remove the existing dwelling to construct a new dwelling and a swimming pool, and to install a new septic system. The new dwelling is proposed within a 15-foot wide band of isolated steep slopes at the rear of the lot, resulting in approximately 600 square feet of disturbance to steep slopes. 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, particularly to stabilize steep slopes disturbed during construction.
- 2) Storm water should be directed to a best management practice or stable vegetated outfall to provide water quality benefits on the site.

Liz West
Variance 2004-0461-V Terrence Marshall
January 10, 2005
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 787-04 revised

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 10, 2005

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

Re: Variance 2004-0459-V Huffard and Citrano

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 currently undeveloped, and has a split designation of Resource Conservation Area (RCA) and Limited Development Area (LDA). This office received a revised plan on January 7, 2005 for review and comment

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 additional information provided, we have the following comments regarding the revised 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) As shown on the site plan, septic drain fields are proposed in the northeast corner 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 reported on the site plan, the revised development proposal includes a reduction in proposed impervious surface coverage of 135 square feet and a reduction in the total area of disturbance of 6,535 square feet. In addition, the proposed dwelling has been reconfigured and relocated to the northwest to reduce overall impacts to steep slopes on the site. In addition, grading of steep slopes on the south side of the dwelling has been eliminated from the development proposal.

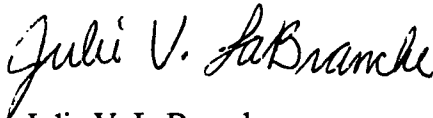


Liz West
Variance 2004-0459-V Huffard and Citrano
January 10, 2005
Page 2

- 3) 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.
- 4) 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
Natural Resource Planner

cc: Timothy Brenza (Messick Group, Inc.)

AA 785-04 revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 10, 2005

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

Re: Variance 2004-0544-S Harry Charles Paesch

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit the expansion of a legal non-conforming use. The property is designated a Limited Development Area (LDA) and is developed with a single-family dwelling and a structure used for commercial purposes (tavern).

Based on the information provided, this office has no objection to the request for a special exception. The applicant proposes to enclose an existing covered porch, which does not increase the existing impervious surface coverage or require clearing 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 956-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 10, 2005

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. This office received a revised site plan and variance information on January 5, 2005.

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

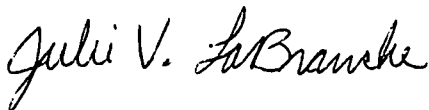
- 1) The applicant proposes to remove the existing dwelling and construct a new dwelling on the site. The proposed impervious surface coverage is 2,750 square feet. The proposal has been revised to reduce the amount of forest clearing from 2,641 square feet to 1,560 square feet and the amount of total disturbance from 6,049 square feet to 4,933 square feet.
- 2) As shown on the site plan, three retaining walls are proposed in the southwest corner of the property. The applicant reports that the retaining walls are necessary to allow safe access to the dwelling and to provide adequate space for off-street parking area. Considering the topography of this site, it appears that the use of retaining walls would result in less disturbance than grading on steep slopes to construct the driveway.

Ramona Plociennik
Variance 2004-0476-V Arthur and Elizabeth Chotin
January 10, 2005
Page 2

- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Mitigation plantings should be accommodated on the site to the extent possible, particularly on steep slopes adjacent to the driveway.
- 4) Storm water should be directed to stable and densely vegetated outfalls to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

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

AA 842-04 revised plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 7, 2005

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

Re: Chesapeake Village Final Subdivision Plat
(Tax Map 105, Parcel 12 and Parcel 16)

Dear Mr. Watson:

Thank you for providing information on the proposed Chesapeake Village subdivision. The applicant proposes to subdivide Parcel 12 and Parcel 16 to create 221 lots outside the Critical Area, to construct a subdivision access road within the Critical Area, and to widen a section of MD 261 (within the State Highway Administration right-of-way) within the Critical Area. The property consists of 173.11 acres, of which 42 acres are located within the Critical Area. The Critical Area portion of the property is designated a Resource Conservation Area (RCA) and is currently undeveloped, with the exception of an existing access road on the west side of MD 261.

This office received a final plat for this subdivision on January 3, 2005 for review comment before the January 11, 2005 meeting of the Chesapeake Beach Planning Commission. Our review of the project for compliance with COMAR and the Chesapeake Beach Critical Area regulations (Zoning Ordinance Article IV, section 409 and Critical Area Program) revealed the following outstanding issues.

- 1) According to information provided by the Department of Natural Resources, the project site contains two State threatened species, a federally listed species, a Natural Heritage Area, a Wetland of Special State Concern, and Forest Interior Dwelling Bird Habitat (FID Habitat) (refer to attached document for the Randle Cliff Natural Heritage Area). As part of the subdivision approval process, the applicant must address the recommendations from the Department of Natural Resources for protection and conservation of these sensitive resources.

- 2) It is our understanding that two components of the proposed subdivision - widening of MD 261 and construction of the subdivision access road - could result in impacts to one of more of the resources described in #1 within the Critical Area. As you reported in our telephone conversation of January 4, 2005, the applicant has developed detailed site plans for the proposed improvements to MD 261 and construction of the subdivision access road; however the applicant has not provided detailed information or site plans to the Department of Natural Resources (DNR) or the Commission for these components of the subdivision. Because the area of disturbance east of MD 261 is within FID Habitat and a Natural Heritage Area, the applicant should coordinate a review of the detailed site plans with DNR staff and Commission staff as part of the Critical Area review of the project, separate from the State and federal permit review process described in #3 below.
- 3) Based on my conversation of January 6, 2005 with Robert Cooper (MDE), the applicant has not provided all of the information necessary to complete their submittal for the MDE and U.S. Army Corps of Engineers joint permit application for the proposed impacts to nontidal wetlands/Water of the U.S. associated with the proposed subdivision, including the final subdivision plat and the detailed site plans for the proposed improvements to MD 261 and construction of the subdivision access road.
- 4) Because the proposed widening of the east side of MD 261 is located within the State Highway Administration right-of-way, has the applicant coordinated with the State Highway Administration to determine whether any State jurisdictional or mitigation requirements apply to this portion of the project?
- 5) As stated in the Critical Area Notes on Sheet 1 of 15 of the subdivision plat, the applicant proposes 3.82 acres of disturbance within the Critical Area for road construction (3.36 acres west of MD 261 and 0.46 acres east of MD 261). Mitigation must be provided for forest clearing within the Critical Area. As indicated on the revised subdivision plat, it appears that a portion of the improved access road is within the expanded Critical Area Buffer. Mitigation should be provided at a ratio of 3:1 for disturbance within the expanded Buffer and 1:1 for disturbance outside the Critical Area Buffer. Because the proposed forest clearing on the east side of MD 261 is within FID Habitat, the applicant should consult the Commission's document *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area* to determine the mitigation requirement associated with this portion of this project.
- 6) As stated in the Memorandum of Understanding between Chesapeake Beach and the Commission, no final approvals shall be given by the Town or the Commission for any development project in the Town that has not satisfied all mitigation requirements for impacts within the Critical Area, until the final Forest and Developed Woodland Master Plan and the required Town Critical Area Program changes are approved by the Commission. At this time, the applicant has not provided a mitigation plan for impacts associated with the proposed subdivision for review by the Town or the Commission.

William R. Watson
Chesapeake Village Final Subdivision Plat
January 7, 2005
Page 2

Due to the ongoing review of the subdivision proposal, this office recommends that the applicant continue to coordinate with the Town, the Critical Area Commission, and the reviewing agencies to ensure compliance with State and local regulations, and to secure the required State and Federal authorizations before the final subdivision plat is approved.

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

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: Katharine McCarthy (Department of Natural Resources)
Robert Cooper (Department of the Environment)
Kathy Anderson (U.S. Army Corps of Engineers)

CB 854-03 revised plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 5, 2005

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

Re: Variance 2004-0531-V Gary Gosnell

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. Based on the information provided, this office has the following comments regarding the development proposal.

- 1) As shown on the site plan, the existing dwelling is located within the 100-foot Buffer. The applicant proposes to remove the existing dwelling, which was severely damaged by hurricane Isabel. A new dwelling is proposed within the footprint of the existing dwelling and no further waterward than the existing dwelling. The existing garage will also be reconstructed on the existing footprint outside the Buffer.
- 2) The property has 2,616 square feet of impervious surface coverage, which exceeds the maximum limit of 2,062.5 square feet (25 percent plus 500 square feet) for a lot of less than 8,000 square feet (Anne Arundel County Zoning Ordinance Article 28, §1A-109). The current proposal will result in a 102 square foot reduction in impervious surface coverage.
- 3) As stated in the variance application, the property currently has no forest cover, and therefore 937.5 square feet or 15 percent forest cover will be provided on the site (Anne Arundel County Zoning Ordinance Article 28, §1A-105). We recommend that a mix of native trees and shrubs be used for afforestation purposes.

Ramona Plociennik
Variance 2004-0531-V Gary Gosnell
January 5, 2005
Page 2

- 4) Storm water should be directed to stable and densely vegetated outfalls to provide water quality benefits.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 950-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 5, 2005

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

Re: Variance 2004-0542-V Heron Investments LLC

Dear Ms. Plociennik:

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

This office has no comment on the setback variance.

Providing this lot is properly grandfathered, this office does not oppose a variance to permit construction of 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 Buffer variance.

- 1) As shown on the site plan, most of the lot is constrained by non-tidal wetlands and the 25-foot non-tidal wetland buffer and therefore we recognize that a variance is necessary to permit development of the property.
- 2) The applicant proposes to construct a dwelling with an attached garage a well, and a grinder pump to connect to the public sewer service. To minimize direct impacts to nontidal wetlands, has the applicant considered alternative configurations that would maximize the use of uplands within the 25-foot wetland buffer? For example, is it possible to reconfigure the dwelling and garage within the contour of the nontidal wetlands? Could the well be placed closer to the 20 foot building restriction line adjacent to Beach Drive? Attached are copies of the site plan showing how a comparable dwelling and garage could be

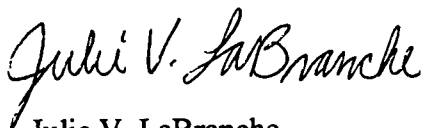
accommodated on the site while minimizing the extent of the buffer variance; however, a setback variance would be necessary for both of options.

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

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the buffer, should be required. Mitigation plantings should be accommodated on the site to the extent possible and should be comparable to the existing native vegetation in the nontidal wetland buffer.
- 2) Storm water should be directed away from the nontidal wetlands and outfall to a densely vegetated area on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Gillespie (Bay Engineering, Inc.)

AA 954-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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January 4, 2005

Theresa C. Thomas
Planning Department
Town of Elkton
P.O. Box 157
Elkton, Maryland 21922-0157

Re: Peoples Bank of Elkton

Dear Ms. Thomas:

Thank you for providing information about the Peoples Bank of Elkton redevelopment project. In addition to redevelopment of the site, Parcels 958, 1179, 1335, 1336, 1337, 1464, 1571, 1857, consisting of 1.296 acres will be consolidated through the resubdivision process.

Based on the information provided, this office has the following comments regarding the development proposal. The applicant's consultant used the old version of the 10% Rule worksheets to calculate the pollutant removal requirement for the Critical Area portion of the site. In substituting the revised runoff coefficients from the Commission's revised 10% Rule manual, the removal requirement for the site remains a negative number, and therefore the project complies with the 10% Rule requirement. Also, we recommend that native species be used for plantings within the Critical Area portion of the site.

As you know, the Commission made significant changes to and consolidated our three 10% Rule guidance manuals in 2004. The new 10% Rule guidance manual and 10% Rule worksheets are available to the public and can be downloaded from our website at www.dnr.state.md.us/criticalarea/.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

EL 972-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 4, 2005

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. This office received correspondence and a revised site plan from the applicant's consultant on December 29, 2004.

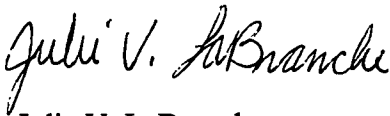
Providing this lot is properly grandfathered, this office does not oppose a variance to construct a dwelling on it; however, impacts must be minimized and the variance the minimum necessary. Based on the revised information provided, we have the following comments regarding the development proposal and 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) The original design for the proposed dwelling did not include a deck. As reported in the letter from the applicant's consultant (refer to attachment), the property owner does not intend to construct a deck in the future.
- 4) As reported in the letter from the applicant's consultant, the revised proposal will incorporate storm water management on the site using "vegetative means" in the form of berms as shown on the site plan along the north and south sides of the dwelling. This office recommends that the areas behind the berms should be densely vegetated to promote infiltration and provide treatment of runoff. In addition, the revised site plan includes several drywells to treat runoff from the site and which are accommodated within the limits of disturbance on the east side of the dwelling.
- 5) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Mitigation plantings 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
Natural Resource Planner

AA 871-04 revised plan

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 4, 2005

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

Re: Variance 2004-0549-V Gordon and Lori Mayers

Dear Ms. Plociennik:

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

This office has no comment on the setback variance. Based on the information provided, this office has the following comments regarding the development proposal and variance request.

- 1) As stated in the variance application and shown on the site plan, the lot is constrained by steep slopes, which cover nearly the entire site. We recognize that a variance is necessary to permit any expansion of the existing dwelling.
- 2) The applicant proposes to construct a dwelling addition with a lower level garage and a new driveway. As indicated on the site plan, a portion of one of the existing gravel parking areas adjacent to the common access easement for the community will be removed. Given the size of the new driveway, has the applicant considered removing more of the existing gravel parking areas to reduce the overall impervious surface coverage on the site?

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 provided. Mitigation plantings should be used to reforest areas of the site where existing impervious surface will be removed and accommodated elsewhere on the site to the extent possible.




Ramona Plociennik
Variance 2004-0549-V Gordon and Lori Mayers
January 4, 2005
Page 2

- 2) Due to the extent of steep slopes on this site, storm water should be directed to a best management practice or stable and densely vegetated outfalls to provide water quality benefits. Use of the existing swale for storm water conveyance is appropriate providing that runoff is discharged in a manner that will not cause erosion in the swale or on steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

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

AA 961-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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January 4, 2005

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

Re: Variance 2004-0541-V Richard Cushing

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 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) As reported in the variance application, the applicant will provide 15 percent afforestation on the site. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. In addition to afforestation, mitigation plantings should be accommodated on the site to the extent possible, however due to the size of the lot, mitigation alternatives may need to be addressed.
- 2) Storm water 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 953-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Lt. Governor

Ren Serey
Executive Director

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January 4, 2005

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

Re: Variance 2004-0537-V Anthony and Jessica Difatta

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (detached garage) with less setbacks than required. The property is designated a Limited Development Area (LDA) and is developed with a single-family dwelling. Based on our records, this property was the subject of a previous variance, Case No. 2003-0315-V, in which a variance was granted to permit construction of a dwelling addition (attached garage) with less setbacks than required.

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 mitigation plantings can be accommodated on the site.
- 2) Storm water from the garage should be directed to a stable and densely 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,

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

Julie V. LaBranche
Natural Resource Planner

AA 542-03 revised variance

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 4, 2005

Theresa C. Thomas
Planning Department
Town of Elkton
P.O. Box 157
Elkton, Maryland 21922-0157

Re: Peoples Bank of Elkton

Dear Ms. Thomas:

Thank you for providing information about the Peoples Bank of Elkton redevelopment project. In addition to redevelopment of the site, Parcels 958, 1179, 1335, 1336, 1337, 1464, 1571, 1857, consisting of 1.296 acres will be consolidated through the resubdivision process.

Based on the information provided, this office has the following comments regarding the development proposal. As shown on the site plan, a portion of the site is located within the Critical Area and is designated an Intensely Developed Area (IDA). For redevelopment within an IDA, projects must comply with the 10% Rule requirements for reduction in pollutants from storm water runoff (Town of Elkton Zoning Ordinance Article IX, Part IV, Section 149). In order to complete our review of this project, the applicant must provide 10% Rule calculations and worksheets for review and comment. If additional information is received, this office may have additional comments about the project.

In 2004, the Commission made significant changes to and consolidated our three 10% Rule guidance manuals. The new 10% Rule guidance manual and 10% Rule worksheets can be downloaded from our website at www.dnr.state.md.us/criticalarea/. If the Town has not received a printed copy of the new manual, please let me know and I will send a copy. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

EL 972-04



Mary - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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April 29, 2005

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:

I am writing to follow up on our recent conversations and e-mails regarding the referenced project. As you know, I have been working with Tommy Wright over the last several months on the stormwater requirements in addition to working with you on the impacts to the 100-foot Buffer.

At this time, the impacts to the 100-foot Buffer have been calculated to be 2,300 square feet. For this project, three-to-one mitigation or 6,900 square feet, in the form of plantings will be installed on or near the project site. Canopy trees receive a mitigation credit of 100 square feet. Large shrubs that reach a mature size greater than three feet receive a mitigation credit of 50 square feet, and small shrubs that reach a mature size of three feet or less receive a mitigation credit of 25 square feet. Trees proposed to satisfy the mitigation requirement should be balled and burlapped nursery stock, at least five feet tall. Shrubs should be three-gallon container stock, but one-gallon stock may be used if the species are not readily available in the larger size. It is my understanding that you will be submitting a landscape plan in the next several weeks showing the location and species of the proposed planting.

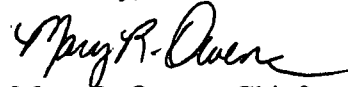
My review of the stormwater quality management design and compliance with the 10% pollutant reduction requirement has also been completed. The project includes four on-site stormwater practices: an infiltration trench, a sand filter, a dry swale, and a wet swale. It also includes the treatment of a nearby 3.39-acre off-site area with a dry swale. The balance of the required pollutant removal requirement is being satisfied through an offset. Credit for water quality improvement is being given for the West Cuddihy Steam Stabilization and Restoration Project, which includes stream channel stabilization, bank restoration, and riparian habitat creation.



Ms. Gray
April 29, 2005
Page 2

Thank you for the opportunity to comment on the project. I look forward to reviewing the landscape plan when it is completed. If you have any questions, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Tommy Wright

May - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 25, 2005

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

**RE: Gootee's Marina – Growth Allocation
Local Case # 304-9-2004**

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, Chief
Program Implementation Division



Mary - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

MEMORANDUM

DATE: April 25, 2005
TO: Ray Dintaman, Jr., Environmental Review Unit
FROM: *mo* Mary Owens, Critical Area Commission
SUBJECT: Maryland Heritage Interpretive Center, St. Mary's City
State Clearinghouse MD20050328-0194

Thank you for providing information on the proposed Maryland Heritage Interpretive Center Project, which involves the demolition of several buildings and parking areas and the construction of new buildings and parking areas. The following general comments are not the result of a detailed analysis of the site and the project because detailed plans have not been prepared; however, they are intended to outline some of the significant issues that will affect the design and development of the project. Based on my review of the information submitted, have the following general comments:

Critical Area – General Requirements

Portions of this property are located within the Critical Area; therefore compliance with the Critical Area regulations as set forth in the Annotated Code of Maryland, Natural Resources Article 8-1801 et seq. and COMAR 27.02.01 through 27.02.06 will be required. Although the Critical Area boundary is not included on the drawings in this submittal, it appears that the entire project site is within the Critical Area. The project will require approval by the Critical Area Commission. Plans for the project should be submitted to the Critical Area Commission staff for review during the design phase. For purposes of project evaluation, St. Mary's College, including the area proposed for redevelopment, is considered an area of intense development.

Habitat Protection Areas

Within the Critical Area, State agencies are required to protect and conserve designated Habitat Protection Areas as defined in COMAR Section 27.02.05.09 through 27.02.05.13. These areas include the 100-foot Buffer (from tidal waters, tidal wetlands, and tributary streams), the habitats of threatened or endangered species or species in need of conservation, colonial water bird



nesting sites, historic waterfowl staging and concentration areas; Forest Interior Dwelling Species (FIDS) habitat, designated Natural Heritage Areas, other locally significant plant or wildlife habitats, and anadromous fish propagation waters. The staff of Historic St. Mary's City (HSMC) will need to coordinate with both the Commission and the Heritage Division of the Department of Natural Resources regarding this project in order to ensure that these areas are protected as required by the Critical Area regulations.

100-foot Buffer

It is not clear if the project will involve any impacts to the 100-foot Buffer. Generally the 100-foot Buffer is delineated 100 feet landward from tidal waters and the edge of tidal wetlands and tributary streams. In some cases, the Buffer must be expanded beyond 100-foot because of contiguous steep slopes or other sensitive areas.

The information provided mentions a topographic depression with a fresh water spring on the eastern portion of the site next to Route 5. It is possible that this watercourse may be a tributary stream. Within the Critical Area, a 100-foot Buffer is required to be established on each side of tributary streams. In general, on State lands, new development activities (that are not water-dependent) are prohibited in the Buffer, unless the applicant meets the standards in COMAR Section 27.02.06, and receives conditional approval from the Critical Area Commission. It is strongly recommended that the applicant have the Buffer delineated as part of the preliminary design of this project.

Forest Resources

The Critical area Commission, St. Mary's College, and the Department of Natural Resources Forest Service are in the process of developing a Memorandum of Understanding regarding the conservation and protection of forest and developed woodland resources at St. Mary's College. These agencies have been operating under the provisions of the MOU for several years; however, the agreement had not been formalized. The purpose of the MOU is to outline a strategy for the College to comply with the Critical Area Act and Forest Conservation Act while accommodating the intensity and phased nature of development on campus. Generally, the MOU requires the replacement of any forest or developed woodland resources removed, planted mitigation at three-to-one for impacts to the 100-foot Buffer, or the establishment of minimum of 15% forest or developed woodland cover on the project site, whichever is greater. To meet these requirements, the use of native plant species is recommended to the extent practicable. Generally, these requirements are met on the project site by providing landscaping and developed woodland plantings with native species. A landscape plan must be prepared as part of the design of the project.

Water-dependent Facilities

It is my understanding that no water-dependent facilities are proposed as part of this project.

Stormwater Management

The project site is located on approximately two acres of the St. Mary's College campus in an area identified as the "Historic Triangle." St. Mary's College is considered an area of intense development; therefore, stormwater quality management that provides a 10% reduction in pollutant loadings over pre-development levels is required. It is likely that stormwater treatment practices will be required. Because of archaeological resources in the area, special consideration must be given to the type, size, and location of these practices.

Compliance with the 10% pollutant reduction requirement is established from calculations based on impervious surface cover. Opportunities to use pervious or partially pervious construction materials, such as pervious pavers and green roofs, should be evaluated as part of the project design. Information about the 10% pollutant reduction requirement is available on the Commission's website at www.dnr.state.md.us/criticalarea.

Mary Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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April 14, 2005

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

**RE: DC 219-05 Florencio Garcia
Dorchester County Application # 2248**

Dear Mr. Dodd:

Thank you for providing information about the referenced variance request. The applicant is requesting a variance from the Dorchester County zoning regulations that require 200 feet of shoreline for waterfront lots in order to allow the reconfiguration of two existing lots. Currently Lot 1 has approximately 93 feet of shoreline and Lot 21 has approximately 31 feet of shoreline. The reconfiguration will result in each lot having approximately 62 feet of shoreline.

The Commission does not oppose the proposed reconfiguration as long as the reduction in size of Lot 1 will not create or increase any nonconforming situation on the lot with regard to impervious surface coverage. No information was provided about the existing impervious surface cover on Lot 1. Based on the lot's size and the size of the dwelling shown on the plat, it does not appear that the reconfiguration will create a problem; however, this should be verified.

If the Board of Appeals approves this variance request, the Commission recommends that mitigation be provided in accordance with the Dorchester County Critical Area Program in order to offset any adverse impacts to habitat and water quality that may result from increased human activities at the shoreline. Thank you for the opportunity to provide comments on this variance request. Please provide a copy of the Board of Appeals decision to the Commission. If you would like to discuss this application, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division



Mary - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 14, 2005

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 232-05 Miller Subdivision, Lots 1 – 3 (Frank Galioto)
Local Project Number 05-142-006**

Dear Mr. Kalmus:

Thank you for providing information on the referenced Miller Subdivision Confirmatory Plat. It is my understanding that the applicant is proposing to combine Lots 1 and 2 into a single lot, Lot 500-1, and to leave Lot 3 as a separate grandfathered lot. The resulting combined lot is developed with one dwelling, and no rights for an additional dwelling will be retained. I have reviewed the plat, and I have the following comments.

1. The plat does not show the location of the sewage reserve areas for both lots. This information should be shown on the plats. If the sewage reserve area for Lot 3 is proposed to be located within the 100-foot Buffer on Lot 3, then a variance will be required. It appears that Lot 3 is of sufficient size that all development activity can be located outside the 100-foot Buffer.
2. The plat does not include topographic information for Lot 3. Within the Critical Area on land designated LDA, development activities are not permitted on slopes greater than 15 percent, and when these slopes are contiguous with the Buffer, the Buffer shall be expanded. This information must be shown on the plat.
3. It is my understanding that the applicant is also applying for a variance to construct an addition to the existing dwelling on proposed Lot 500-1. If the variance request is approved, any mitigation (plantings, stormwater treatment practices, etc.) associated with the variance decision should be included on the plat and identified as variance mitigation measures that cannot be relocated,

Mr. Kalmus
April 14, 2005
Page 2

removed, or altered without authorization from the St. Mary's County Department of Land Use and Growth Management.

4. There is a drilled well shown on Lot 3. It is not clear if this well serves proposed Lot 500-1. If it does serve Lot 500-1, then it appears that a new well will be needed if Lot 3 is proposed to remain as a separate lot with the option of being conveyed separately from Lot 500-1.
5. The Critical Area Notes have been prepared for Lot 500-1 and Lot 3 as if they are a single lot; however, it is my understanding that this plat is being recorded so that Lot 3 could be conveyed separately from Lot 500-1 at a later date. If this is the owner's intention then separate Critical Area notes regarding lot size, forest cover, impervious surface area, and Buffer disturbance must be included for Lot 500-1 and for Lot 3.

Thank you for the opportunity to comment on this project. If you need additional information, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Mary-Read

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

April 13, 2005

Ms. Heather Erickson
Town Commissioners of Perryville
P. O. Box 773
Perryville, Maryland 21903-0773

RE: Town of Perryville Zoning Ordinance

Dear Ms. Erickson:

Thank you for forwarding the Town of Perryville Zoning Ordinance, which includes the updated Critical Area section. Your letter indicates that the Mayor and Commissioners approved the Critical Area Section (Part V of Article IX) as part of a comprehensive update of the Town's entire zoning ordinance. It is the Town's intention that the revised Critical Area Section is sufficiently comprehensive that a separate program document is no longer necessary to implement the Town's Critical Area Program. It is my understanding that the Town also approved new Critical Area Maps, new Habitat Protection Area Maps, and a new Special Buffer Area.

The Commission staff has accepted the materials forwarded by the Town 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



M. Ryan - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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April 11, 2005

The Honorable Edward W. Rice
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

**RE: River Watch at Indian Head Growth Allocation Request (IH 245-03)
Buffer Management Plan**

Dear Mayor Rice:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Town's request for an extension of time to complete the Buffer Management Plans required as a condition of approval of the use of growth allocation for the River Watch Subdivision. On April 6, 2005, the Commission voted to approve the Town's request for an extension to submit the required plans. They extended the deadline for submittal through June 1, 2005, so that if necessary, the Plan could be considered by the Commission at the June Commission meeting.

As outlined in your letter and discussed with the Commission, the Town has been working cooperatively with State and federal agencies to comply with the Army Corps of Engineers restoration activity notice, dated November 7, 2001. As described to the Commission this effort involves the removal of a large berm, a roadway, and a culvert and also the relocation of the stream channel itself.

It is the Commission's understanding that the Town now has an alignment of the stream channel to work from, so the 100-foot Buffer can be delineated, and Buffer Management Plans can be developed. If the location of the stream channel changes during construction, appropriate modifications to the Buffer Management Plans will need to be made. If the Town completes the development of the Buffer Management Plans earlier than anticipated and would like Commission review of the Buffer Management Plans at the Commission meeting on May 4, 2005, the Plans must be received by Commission staff no later than April 20, 2005.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division

Mary Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

April 7, 2005

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

**RE: DC 203-05 Sunnyside Landing Subdivision
Dorchester County Plan # 1082**

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. 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.
2. The applicant has not provided any information about threatened and endangered species on the site or correspondence with the Heritage Division of the Department of Natural Resources (DNR). The Heritage Division also screens for threatened and endangered species and evaluates potential impacts to other Habitat Protection Areas including Natural Heritage Areas, colonial water bird nesting sites, and Forest Interior Dwelling Species (FIDS) habitat. The applicant must provide a copy of current correspondence from DNR.
3. It appears that there may be areas of tidal wetlands along the southern and western boundaries of the project site. 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. It appears that Lots 7 through 20 may be adjacent to or 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. Documentation regarding the identification of State and private tidal wetlands must be provided if areas of tidal wetlands are included within the lot boundaries. As we have discussed, the Critical Area Commission is currently working with the Maryland Department of the Environment and the Board of Public Works' Wetlands Administrator to analyze this issue and cooperatively identify a strategy that will best provide for the protection and conservation of the State's wetland resources. In the interim, the Commission will be requesting that if applicants are including areas of private tidal wetlands within lot boundaries, they must provide a description and field data information outlining how the wetland delineation and State and private wetland acreage determination were performed. Hopefully, this interim measure will ensure that State wetlands are not illegally used to generate density and may provide insight as to the most efficient and appropriate methodology for delineating and identifying State and private tidal wetlands.
5. The 100-foot Buffer is not shown on the plans. The 100-foot Buffer shall be established from the mean high water line of tidal waters and from the edge of tidal wetlands and the edge of tributary streams. In accordance with the Critical Area Criteria, the Buffer may need to be expanded for contiguous sensitive areas. This information should be addressed in the environmental report.
6. The submittal does not include information about soils. This information is necessary to determine if there may be any nontidal wetlands on the site and if any expansion of the 100-foot Buffer is necessary.
7. A pond is shown on the northwestern portion of the site; however, it is not clear if this pond is a former agricultural pond or if it is natural pond. It is also not clear if the pond has any connection to tidal waters. Please provide additional information about the pond.
8. 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 is required to be planted or allowed to naturally regenerate and a Buffer Management Plan should be developed to address this requirement. 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.
9. The plans do not include information about forest cover or clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest establishment and replacement requirements are set forth in § 155-38.G of the Dorchester County Code. These requirements must be addressed on the plat.
10. The plans do not include any Critical Area Notes. Please provide appropriate notes to address the conservation and development standards in the County's Critical Area Program.
11. The plans show a "Community Dock Access," but do not show a community pier. If a community pier is proposed as part of this project, then it should be shown on the plans. The

Mr. Dodd
April 7, 2005
Page 3

number of slips allowed for a community pier shall be as specified in §8-1808.5 of the Natural Resources Article of the Annotated Code of Maryland.

12. There is an existing pier on Lot 22. Is this pier proposed to be removed when the community pier is constructed? Generally, individual private piers are not permitted when a subdivision includes a community pier. If the pier is a legally permitted pier, it may remain; however, Lot 22 would not be considered a lot for purposes of calculating the allowable slips on the community pier.
13. There is a strip of land that wraps around the eastern and southern boundaries and portions of the western boundary of the property. What is the purpose of this strip of land?

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information requested. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,



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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April 1, 2005

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

**RE: DC 135-05 Bryan Kelly Subdivision
Dorchester County Plan # 1062**

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 (DNR). 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. The applicant must provide a copy of current correspondence from DNR.
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. The plans indicate that portions of Lots 4, 5, 6 and 7 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. Documentation regarding the identification of State and private tidal wetlands must be provided if areas of tidal wetlands are included within the lot boundaries. As we have



Mr. Dodd
April 1, 2005
P

discussed, the Critical Area Commission is currently working with the Maryland Department of the Environment and the Board of Public Works' Wetlands Administrator to analyze this issue and cooperatively identify a strategy that will best provide for the protection and conservation of the State's wetland resources. In the interim, the Commission will be requesting that if applicants are including areas of private tidal wetlands within lot boundaries, they must provide a description and field data information outlining how the wetland delineation and State and private wetland acreage determination were performed. Hopefully, this interim measure will ensure that State wetlands are not illegally used to generate density and may provide insight as to the most efficient and appropriate methodology for delineating and identifying State and private tidal wetlands.

5. It appears that the 100-foot Buffer has been correctly delineated from the edge of tidal wetlands and has been expanded for contiguous nontidal wetlands. Soils information was not shown on the plat, so it is not clear whether expansion of the Buffer for contiguous hydric soils was considered. Soils information and Buffer expansion should be addressed in the environmental report for the project.
6. 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 Lots 4, 5, 6, 7, 8, and 9 is required to be planted or allowed to naturally regenerate and a Buffer Management Plan should be developed to address this requirement. 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. The Buffer Management Plan should specifically address the protection and management of the nontidal wetlands on Lots 4, 5, 6, and 7.
7. The plans do not include information about forest cover or clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest establishment and replacement requirements are set forth in § 155-38.G.8 of the Dorchester County Code. These requirements must be addressed on the plat.
8. In the table labeled "Critical Area Impervious Surface Allowance," it appears that areas of State tidal wetlands are being included in the lot areas. This is not permitted. It is also not clear how the acreages of State tidal wetlands included in the table were calculated. Note 4 outlines the supporting documentation necessary to identify private wetlands and include them within individual lots

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information requested. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

May Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 30, 2005

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 correspondence from Ronald Young, Town Manager, dated March 23, 2005. The letter summarizes the Town's efforts to comply with the Critical Area Commission's conditions of approval, includes the U.S. Army Corps of Engineers' letter authorizing the stream restoration work, indicates the Town's intent to develop the required Buffer Management Plan based on the new alignment of the stream, and requests a 60 day extension to complete the Buffer Management Plan.

We have discussed the Town's request with Chairman Madden and described the Town's efforts to comply with the conditions of the Commission's approval. The issue has been placed on the Commission's agenda for a vote at the meeting scheduled for April 6, 2005. At that time, the Town's representatives should be prepared to brief the Commission on the progress that they have made.

In separate correspondence via e-mail from Francis Silberholz of Centex Homes, it is my understanding that the Town would also like to be able to issue building permits immediately for Lots 3B, 4B, and 5B. As you are aware, the restoration of the stream and wetland system will result in the reconfiguration of the stream, with the channel itself moving northward 20 to 40 feet. This reconfiguration affects the delineation of the 100-foot Buffer; therefore, Centex's consultants have revised the Buffer delineation based on the new location of the stream channel. In December, Mr. Silberholz and the Town made a similar request regarding Lots 1B and 2B, and site plans for Lot 1B and Lot 2B showing the 100-foot Buffer from the stream were provided to the Commission. The Commission did not oppose Centex resuming construction on those lots. At that time, the Commission indicated that further activity on Lots 3 through 14 should not be



Mayor Edward W. Rice
March 30, 2005
Page 2

initiated until the stream and wetland restoration design was completed, and the 100-foot Buffer could be accurately delineated.

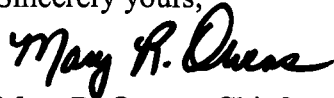
At this time, the design for the stream restoration has been completed; however, the design for the wetland restoration has not. The Buffer Management Plans, which were to be submitted for review and approval by the Commission by February 18, 2005, have also not been completed. We have discussed your request with Chairman Madden and the Commission's counsel, Ms. Marianne Mason. They believe that because the design of the stream restoration clearly indicates the extent of the Buffer on Lots 3B, 4B, and 5B as demonstrated on site plans prepared by ATCS and edited by Centex Homes (received by the Commission on March 17, 2005) and the Town has agreed to request an extension of the submittal of the required Buffer Management Plans that the three permits requested may be issued.

Please be advised that although the requested building permit may be issued, the Town must still comply with the Commission's conditions of approval. These conditions specify that, "Revised plats showing the 100-foot stream Buffer and including appropriate protective notes shall be recorded to replace those currently recorded prior to the sale of any affected lots. A copy of the revised, recorded plats shall be provided to the Commission." At this time, revised recorded plats have not been received by the Commission, so it is my understanding that none of the lots have been sold. The conditions also specify that, "Buffer Management Plans for the individual lots (Lots 1 through 14 on River's Edge Terrace) and for the community-owned and Town-owned open space shall be submitted for review and approval by Commission staff, and if appropriate, the full Commission. The Buffer Management Plans shall be implemented within two years or prior to the issuance of Certificates of Occupancy for each lot, whichever comes first." The Town will not be able to issue certificates of occupancy for these lots until the Buffer Management Plans are completed and approved.

As a follow up to our discussion about the delineation of the Buffer on the remaining lots, Lots 6B through 14B, I do not believe that the Buffer can be accurately delineated on all of these lots until the design for the restoration of the tidal wetlands is completed. On Lots 9B through 14B, because the Buffer must be delineated from the edge of tidal wetlands, and the tributary stream channel is proposed to tie into the tidal wetlands in the vicinity of Lot 9B, the Buffer on these lots will be affected by the tidal wetland restoration activity.

If you have any questions, please contact me at (410) 260-3480.

Sincerely yours,

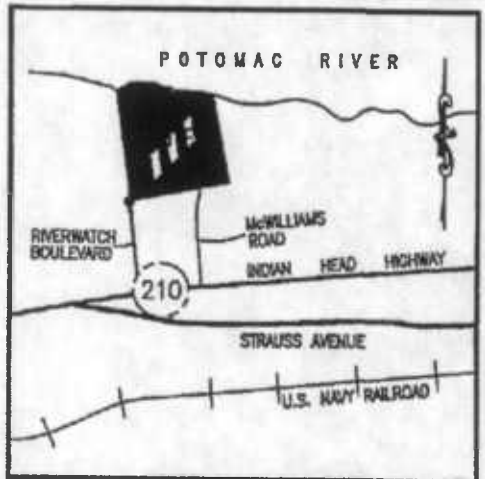


Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Francis Silberholz, Centex Homes

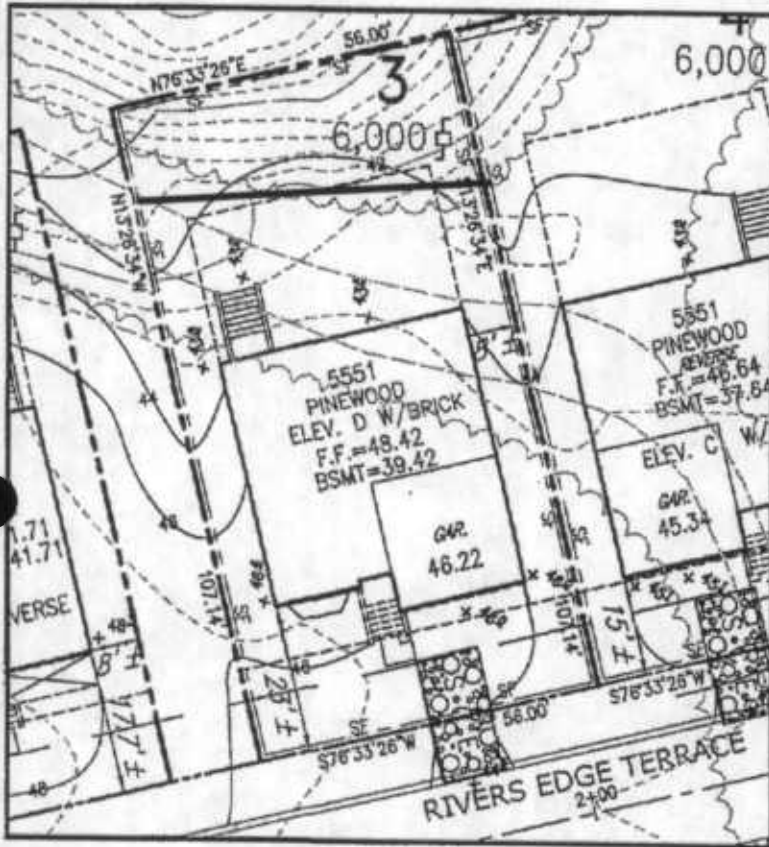
LOT DATA

LOT AREA = 6,000 SF.
 DISTURBED AREA = 6,000 SF.
 IMPERVIOUS AREA = 2,326 SF.
 WOODLAND = ∅
 WOODLAND DISTURBED = ∅
 TAX ACCOUNT # 07-077149
 ZONED R-1
 ENG. PLAN PGM No. N/A - TOWN OF INDIAN HEAD
 FEMA PANEL No. 490091-0001B (REV-15OCT1985)
 DEED PAGE No. L4033 F.178
 PLAT REF. PB 54 P.No.469
 SAME OWNER FOR SURROUNDING LOTS



VICINITY MAP
 SCALE: 1"=2000'

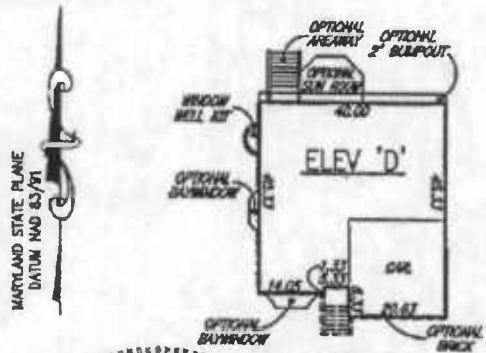
FOLLOWING THE INITIAL SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDER DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1) AND FOURTEEN (14) DAYS TO ALL OTHER DISTURBED AREAS ON THE PROJECT SITE.



PLAN VIEW
 1" = 30'

PREMISES ADDRESS
 6 RIVERS EDGE TERRACE
 INDIAN HEAD, MARYLAND

OWNER/APPLICANT:
 CENTEX HOMES
 9108 GAITHER ROAD
 GAITHERSBURG, MARYLAND 20877
 ATTN: KEITH B. TUNELL



5551-D
 ALL OPTIONS NOT TO SCALE



RECEIVED

MAR 17 2005

CHESAPEAKE BAY
 CRITICAL AREA COMMISSION

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 3 B

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.

DESIGN BY:
 SDS

DRAWN BY:
 SDS

DATE:
 30AUG.2004

SCALE:
 AS SHOWN

CHECKED BY:
 RDF

CHECKED BY:
 RDF

SHEET:
 1 OF 1

LOT DATA
 LOT AREA = 6,000 SF.
 DISTURBED AREA = 6,000 SF.
 IMPERVIOUS AREA = 2,300 SF.
 WOODLAND = 0
 WOODLAND DISTURBED = 0
 TAX ACCOUNT # 07-077157
 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

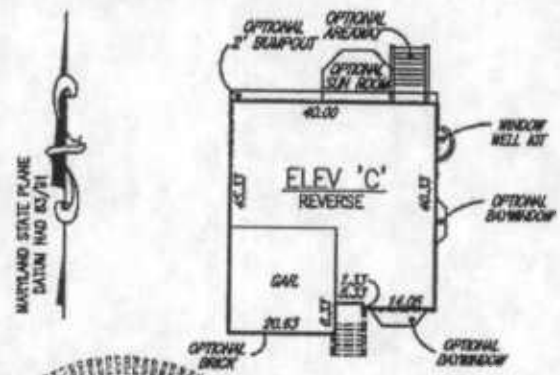


VICINITY MAP
 SCALE: 1"=2000'



PLAN VIEW
 1" = 30'

FOLLOWING THE INITIAL SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDER DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1) AND FOURTEEN (14) DAYS TO ALL OTHER DISTURBED AREAS ON THE PROJECT SITE.



PREMISES ADDRESS
 8 RIVERS EDGE TERRACE
 INDIAN HEAD, MARYLAND

OWNER/APPLICANT:
 CENTEX HOMES
 9108 GAITHER ROAD
 GAITHERSBURG, MARYLAND 20877
 ATTN: KEITH B. TUNELL

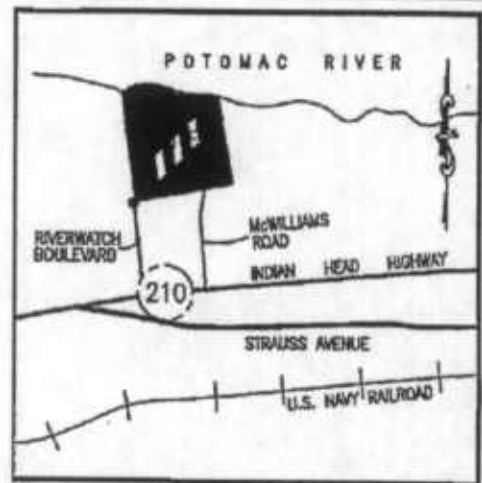
5551-C
 ALL OPTIONS
 NOT TO SCALE
RECEIVED

MAR 17 2005

CHESAPEAKE BAY

<h1>ATCS, P.L.C.</h1> <p>ENGINEERING • PLANNING • SURVEYING</p> <p>49 OLD SOLOMONS ISLAND ROAD, SUITE 204 ANNAPOLIS, MARYLAND 21401 PHONE: (410) 224-7497 • FAX: (410) 224-7498</p> <p>CULPEPER, VA. • DULLES, VA. • WALDORF, MD.</p>	SITE & SEDIMENT CONTROL PLAN LOT 4 B 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: RDF
			DRAWN BY: SDS	CHECKED BY: RDF
			DATE: 30AUG.2004	SHBET: 1 OF 1

LOT DATA
 LOT AREA = 6,000 SF.
 DISTURBED AREA = 6,000 SF.
 IMPERVIOUS AREA = 2,3230SF.
 WOODLAND = 0
 WOODLAND DISTURBED = 0
 TAX ACCOUNT # 07-077165
 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



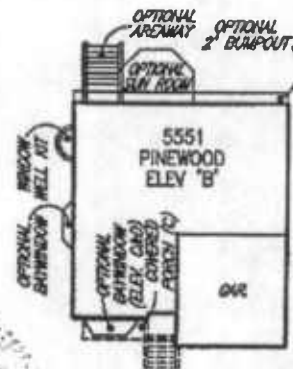
VICINITY MAP
 SCALE: 1"=2000'



PLAN VIEW
 1" = 30'

FOLLOWING THE INITIAL SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDER DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1) AND FOURTEEN (14) DAYS TO ALL OTHER DISTURBED AREAS ON THE PROJECT SITE.

MARYLAND STATE PLANE
 DATUM 1885/81



PREMISES ADDRESS
 10 RIVERS EDGE TERRACE
 INDIAN HEAD, MARYLAND

OWNER/APPLICANT:
 CENTEX HOMES
 9108 GAITHER ROAD
 GAITHERSBURG, MARYLAND 20877
 ATTN: KEITH B. TUNELL

Handwritten signature

5551-B RECEIVED
 ALL OPTIONS NOT TO SCALE

MAR 17 2005

CHESAPEAKE BAY

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 CULPEPER, VA. • DULLES, VA. • WALDORF, MD.

SITE & SEDIMENT CONTROL PLAN
 LOT 5 B
 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.
DESIGN BY:
 SDS
DRAWN BY:
 SDS
DATE:
 30AUG.2004

SCALE:
 AS SHOWN
CHECKED BY:
 RDF
CHECKED BY:
 RDF
SHEET:
 1 OF 1

Mary-Reader

Robert L. Ehrlich, Jr.
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STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 23, 2005

Mr. Dennis Canavan
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

RE: Hatton's Rest Subdivision: Investigation of Potential Violations of RCA Density

Dear Mr. Canavan:

Last February, in response to citizen inquiries and correspondence, Commission staff met with Sue Veith and visited the site of the Hatton's Rest Subdivision in Park Hall. As a result of observations in the field and our review of data in the County's files, we identified several concerns about the project and the way that it has been developed. Our concerns and questions relate to the number of dwelling units in the RCA portion of the subdivision. Because it appeared that the subdivision had reached, and possibly exceeded, its available density in the RCA (one dwelling unit per 20 acres), we wrote to the County about six specific issues associated with this development. (See letter of February 18, 2004, copy attached). The County has not responded to this letter. When I recently discussed this matter with Sue Veith, she requested that I inform you directly about our concerns before Commission staff recommends initiating further action on the Commission's part. The following are the issues raised in our letter last year:

1. The number of RCA density rights available to the parent parcel and number of RCA density rights used must be verified. The plat recorded for the subdivision shows the Critical Area boundary in a location that differs from the County's official Critical Area boundary map. It is not clear if the map has changed from the time the plat was recorded. This discrepancy could alter the number of allowable RCA density rights. It is also not clear whether the developer included State tidal wetlands in the acreage calculations. As you know, State tidal wetlands may not be used as part of the acreage available to generate density. Only private tidal wetlands can be used to calculate density.
2. A possible second dwelling on Lot 3 may exist in the form of a boathouse that was remodeled into a storage area for one boat, as well as a two-story, two-room guest quarters. A bathroom exists on the first floor; its sewage drainpipe appears to enter the




ground beneath the structure. A building permit, posted near the entrance onto the lot, indicated approval had been granted for replacement of a structure with addition. While we observed a well on the property, we were unable to determine the location of a septic system for the guesthouse. Please determine if there is a separate septic system for this structure, and whether it has been converted, or is proposed to be converted, into a dwelling unit. If it has a separate septic system or is proposed to be converted into a dwelling unit, growth allocation will be required.

3. The addition to the boathouse appears to lie within the 100-foot Critical Area Buffer. As you know, new development activities are generally prohibited in the Buffer. Please advise us whether the County required a variance for this work, and, if so, please send us a copy of the variance decision.
4. In an area labeled as the Farmstead, we observed a small cottage that appears to be in use as a residence. When did this structure become a residence? Why was it not shown on the original plat? Where is the septic system that serves this cottage?
5. As noted above, it appears this subdivision has reached or exceeded its available RCA density. Growth allocation must be used if the number of RCA density rights has been exceeded.
6. No additional building permits may be issued for this subdivision until the RCA density issue has been resolved.

In its 2004 session, the General Assembly passed legislation defining the term "dwelling unit" in the Critical Area Resource Conservation Area. This new law resulted in part from concerns about violations to the density provisions in the RCA. As you know, the Critical Area law and the County's Critical Area Program limit residential density in the RCA to one dwelling unit per 20 acres. Violations to these provisions are serious, and appropriate remediation such as the use of growth allocation or the removal of accessory dwelling units may be necessary. The Commission intends to ensure that this issue is resolved expeditiously, so please contact me at 410-260-3480 to discuss the County's planned course of action. .

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

MRO/smb

Mary Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 21, 2005

Mr. Dan Branigan
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

**RE: St. Mary's College Campus Reforestation Plan
SMC 16-05**

Dear Mr. Branigan:

I have reviewed the Campus Reforestation Plan submitted for review by the Critical Area Commission, and I have the following comments:

Site Planting & Reforestation General Notes

1. In note 2, please clarify how this note should be interpreted with respect to the spacing shown on the drawing.
2. In note 4, is the referenced document one that the College has used before and is it consistent with the species, planting methods, and natural regeneration strategy proposed of this site?

Site Inspections, Sequence of Construction, and Specific Reforestation Planting Specifications – Inspection

1. In note A, are four inspections necessary for this site? The Critical Area regulations do not require a certain number of inspections. The DNR Forest Service is not the appropriate agency to conduct site inspections for this project. Generally, the Critical Area Commission would conduct two site inspections, one following the completion of the planting, and a second inspection after two years. Will MDE need to conduct an inspection of this site since there is no construction activity involved?



Mr. Branigan
March 21, 2005
Page 2

2. In note D, it should be added that the purpose of the two-year inspection is to also determine if sufficient natural regeneration is occurring to ensure that the area will be established as "forest" consisting of 300 to 400 stems per acre.

Site Inspections, Sequence of Construction, and Specific Reforestation Planting Specifications –
Sequence of Construction

1. In note 2, note 8, and note 13, verify the appropriate agencies needed to perform inspections and the timing of the inspections.
2. In note 14, it should be added that it should also be determined that sufficient natural regeneration is occurring to ensure that the area will be established as "forest" consisting of 300 to 400 stems per acre.

Site Preparation and Planting Specifications

1. In note 1.A., change the fourth sentence to read, "The use of chemical weed controls will be limited to extreme cases and only after consultation with CAC staff."
2. In note 4.C., the first sentence is unclear.

Drawing - Planting Limits

1. Revise the drawing to show that the area to be planted and allowed to naturally regenerate has been increased to 1.4 acres.

Table – Proposed Reforestation Plant Materials

1. Revise the quantities to reflect what is shown on the drawing.

Thank you for the opportunity to provide comments on the plan. It is my understanding that this plan will be an exhibit for the Memorandum of Understanding currently being reviewed and revised by St. Mary's College, the Commission, and the DNR Forest Service. If you have any questions, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Mary - Redder File

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Governor



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Ren Serey
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March 21, 2005

Mr. Chip Jackson
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

**RE: St. Mary's College Campus Reforestation Plan
SMC 16-05**

Dear Mr. Jackson:

The purpose of this letter is to inform you of the Critical Area Commission's action on the referenced project. On March 2, 2005, the Critical Area Commission voted to approve the Campus Reforestation Plan with the following condition:

Any changes to the reforestation plan or the Memorandum of Understanding required as a result of the Department of Natural Resources and St. Mary's College's review shall be submitted to Commission staff, or if substantive, to the Commission for review.

Based on my recent conversations with Dan Branigan of your staff, it is my understanding that the area of the Campus Reforestation Project will be increased to accommodate the additional planting required for the Student Services Building. In addition, there are a few revisions that are needed to correct some of the notes on the plan. I will be providing those to Mr. Branigan next week. A copy of the draft Memorandum of Understanding has been sent to Mr. Branigan, and he is working with other staff to finalize the College's revisions. Hopefully we will be able to have a complete package together by early April.

I want to thank you and your staff for the assistance provided in preparing materials for review by the Commission. If you have any questions about this approval or the Memorandum of Understanding, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Dan Branigan



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March 18, 2005

Ms. Megan Owen
Department of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Policy Determination: Semi-Pervious Pavers

Dear Ms. Owen:

Thank you for providing a copy of the City of Annapolis Policy Determination regarding Semi-Pervious Pavers. It is my understanding that the purpose of the policy is to provide an impervious surface coverage reduction (or bonus) when semi-pervious pavers are used for certain projects. The City intends to allow pavers to be considered as much as 40% pervious (depending on the manufacturer's specifications) on certain types of small multi-family and commercial projects for the purpose of compliance with impervious surface limits only. For stormwater calculations, the area of the pavers would be considered 100% impervious.

As you know, at this time, the Critical Area Commission only supports the impervious surface coverage reduction associated with the use of pavers for single-family residential projects. However, the Commission explicitly encourages local governments to establish their own guidelines, policies, and regulations regarding impervious surface determinations for various materials and construction methods associated with different types of development projects.

In summary, it appears that the City has properly documented the conditions under which the policy would be applied and has clearly specified how it is to be implemented; therefore, the Commission does not oppose the proposed policy determination.

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

cc: Dawnn McCleary
Regina Esslinger



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March 17, 2005

Ms. Christine Allred
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

**RE: SM 903-04 John Edwards Site Plan
St. Mary's County Project # 04-131-043**

Dear Ms. Allred:

As we discussed, I met with Mr. Edwards on February 28, 2005, and he provided me with a copy of a recorded plat that provided more detailed information about the existing impervious surface area on Parcel 60. I believe that this plat was recorded at the time that the Edwards/Harris Subdivision was being reviewed in 2002. The purpose of that subdivision was to correct a parcel of record problem resulting from a subdivision by deed that took place in 1982. For Critical Area purposes, the County considered Parcel 60 (the Edwards site) to be a grandfathered lot.

Based on the information shown on the plat and the additional information that you obtained from Nokleby Surveying, I have revised the inventory of existing impervious surface area on the site.

List of Structures and Impervious Surfaces

Pole Building	631 SF
Trailer	1,536 SF
Shed	121 SF
Road	4,124 SF
Car Storage (75% of 14,156 SF)	10,617 SF
TOTAL	17,209 SF

Although the car storage area was shown on the recorded plat, it was not included in the impervious surface calculations because it is my understanding that the area was not an actual parking lot. However, because the plat indicates that cars were stored in the area, the area of impervious surface was estimated based on the coverage created by storing cars in an area of that size.

This development equates to 22.7% impervious surface area on a site designated Limited Development Area (LDA). Through a literal interpretation of the regulations, this property would be generally restricted to 15% impervious surface coverage. It is my understanding that this development on Parcel 60 has

Ms. Allred
March 17, 2005
Page 2

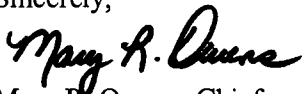
existed for many years, pre-dated the adoption of the St. Mary's County Critical Area Program, and is considered "grandfathered."

As previously stated, the Critical Area Commission does not oppose a reconfiguration of the existing impervious area as long as the existing impervious surface area is not increased above 22.7% of the site, and the proposed planted mitigation measures and stormwater treatment measures are implemented.

I believe that every effort has been made to fairly assess existing levels of impervious surface area associated with this use, especially in consideration of the correction of the parcel of record problem, the nature of the existing non-conforming use, and the transfer of a significant portion of the original site of the non-conforming use to a different owner. If the applicant wishes to exceed the existing level of impervious surface coverage on the site, then the applicant will need to request a variance or apply for growth allocation to change the Critical Area designation of the property to Intensely Developed Area (IDA).

Thank you for the opportunity to provide additional comments on the impervious surface area issue. Please see my letter dated January 5, 2005 for additional comments on the project. Please provide a copy of the revised plan that addresses these comments to the Commission. If you have any questions, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Mary-Reader

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March 16, 2005

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Dorchester County Bill No. 2004-28

Dear Ms. Houtman:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on Dorchester County Council Bill No. 2004-28 involving the procedures and processes for municipal and non-municipal requests to use growth allocation and defining related terms. On March 2, 2005 the Critical Area Commission concurred with the Chairman's determination to approve this Bill as a refinement 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. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

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

Mary R. Owens, Chief
Program Implementation Division

TTY For the Deaf

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

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March 15, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 138-05 Satterthwaite Property, 17448 Poplar Street
St. Mary's County Project 04-3129**

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to construct an 80 square foot shed within the 100-foot Buffer. The shed will be constructed as an addition to an attached deck that is connected to the dwelling on the property. The lot is 0.18 acres in size, and it is entirely constrained by the 100-foot Buffer. The property is an existing grandfathered lot.

The Commission does not oppose the requested variance to construct an attached shed because the shed is small and will be attached to the existing dwelling by the existing deck. If the variance request is approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the St. Mary's County 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, Chief
Program Implementation Divisions



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March 14, 2005

Mr. Chip Jackson
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

**RE: St. Mary's College Student Services Building
SMC 12-05**

Dear Mr. Jackson:

The purpose of this letter is to inform you of the Critical Area Commission's action on the referenced project. On March 2, 2005, the Critical Area Commission voted to approve the Student Services Building Project with the following conditions:

1. Any changes to the project required as a result of MDE's review of the stormwater management design shall be submitted to Commission staff, or if the changes are substantive, to the full Commission for review; and
2. The landscape plan shall be revised to meet the 19,602 square foot planting requirement by providing additional plantings or using more trees and large shrubs rather than small shrubs. All species used to meet the Critical Area planting requirement shall be native species unless the applicant provides appropriate justification to Commission staff. The revised Plan shall be submitted to Commission staff for approval.

It is my understanding that the College intends to comply with the second condition by increasing the afforestation area of the Campus Reforestation Project by 0.08 acres from 1.32 acres to 1.4 acres. The plan and the Memorandum of Understanding will reflect this amount.

I want to thank you and your staff for the assistance provided in preparing materials for review by the Commission. If you have any questions about this approval, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Dan Branigan

Mary-Reader

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March 8, 2005

Mr. Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: **Bryan Nix 200560965/05 -WL- 0742**
Jack Daly Jr and Linda Barko 200561860/05 – WL - 1055

Dear Mr. Tabisz:

I have reviewed the Joint Public Notice that includes information about the referenced projects, and I have the following comments:

Bryan Nix 200560965/05 -WL- 0742

1. The applicant is proposing to install 100 linear feet of stone breakwater and 100 linear feet of revetment along the shoreline of the Chesapeake Bay. It appears that the applicant is proposing two erosion control measures, with one located in front of the other. It is not clear why this is necessary.
2. It appears that the applicant is proposing a stockpile area and some disturbance within the 100-foot Buffer. St. Mary's County must review and approve all development activities, including the construction of shore erosion control measures. The County may require that the applicant obtain a variance, develop a Buffer Management Plan, and/or provide planted mitigation for impacts to the Buffer. The applicant should contact Ms. April Bahner at the St. Mary's County Department of Planning and Growth Management at (301) 475-4200 (x1525).

Jack Daly Jr and Linda Barko 200561860/05 – WL - 1055

3. It is not clear if the applicant is proposing disturbance within the 100-foot Buffer because the drawings do not indicate whether any grading or backfilling of the bank will be necessary. St. Mary's County must review and approve all development activities, including grading and the construction of shore erosion control measures. The County



Mr. Tabisz
March 8, 2005
Page 2

may require that the applicant obtain a variance, develop a Buffer Management Plan, and/or provide planted mitigation for impacts to the Buffer. The applicant should contact Ms. April Bahner at the St. Mary's County Department of Planning and Growth Management at (301) 475-4200 (x1525).

Thank-you for the opportunity to provide comments on these applications. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. April Bahner, St. Mary's County

Robert L. Ehrlich, Jr.
Governor



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MEMORANDUM

DATE: February 28, 2005

TO: Matt Bucchin, Resource Planning, E-4

FROM: *mo* Mary Owens, Critical Area Commission

SUBJECT: 2005DNR064: Lighthouse Rebuilding at St. Clement's Island
11-05 DNR

Thank you for providing preliminary information on the referenced project on St. Clement's Island in St. Mary's County. It is my understanding that this project involves the reconstruction of the St. Clement's Island Lighthouse, which was demolished by a fire in 1956. The purpose of the project is to operate the reconstructed lighthouse as an educational center, which would allow expansion of the ongoing programs of the St. Clement's Island and Potomac River Museum. The reconstructed lighthouse is proposed to be located within the 100-foot Buffer in the same general location as the original structure. Additional amenities to enhance public access are proposed as later phases of the project. I have reviewed the information, and I have the following preliminary comments:

1. It appears that the reconstructed lighthouse will be located entirely within the 100-foot Critical Area Buffer. In general new development activities are not permitted within the Buffer; however, the historicity and educational significance of the proposed site may warrant a conditional approval of the project by the Critical Area Commission.
2. Based on the information submitted, this project will require review and conditional approval by the Critical Area Commission in accordance with COMAR Section 27.02.06. In order for the Commission to review the project, the applicants will need to provide information about the characteristics of the project that warrant a conditional approval, a discussion of how the project conforms insofar as possible with the Critical Area Program, and what measures are proposed to mitigate for any adverse effects caused by the project.
3. The Commission meets the first Wednesday of every month. Application materials need to be submitted to the Commission one month prior to the meeting date. A site plan,



drawn to scale, and depicting the applicable information set forth in the attached "Critical Area Commission Project Application Checklist" will be required.

4. Impacts to the Buffer associated with the delivery of supplies and materials should be avoided and if unavoidable, should be minimized.
5. It is not clear from the information submitted what additional development activities may be proposed on the property. Any development activities that are not water-dependent should be located outside of the Buffer. Picnic pavilions, restrooms, boat storage buildings, etc. are not considered water dependent facilities. The proposed boardwalk to the location of the old lighthouse ruins should be designed and constructed to minimize impacts to the Buffer.
6. Mitigation will be required at three-to-one for all disturbance in the 100-foot Buffer and expanded Buffer.

Mary-Reader

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February 25, 2005

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 650-04 Greens Rest Farm Subdivision, Lots 8 and 9, Agricultural Parcel A and Outparcel A
St. Mary's County Project 04-120-031**

Dear Mr. Kalmus:

I have reviewed the plat for the referenced Major Subdivision, located on the St. Mary's River and designated RCA. The subdivision involves the creation of Lots 8 and 9, and the creation of an Agricultural Parcel and an Outparcel. The Agricultural Parcel is identified as Agricultural Parcel A and is located on a Portion of Lot 500-2. The Outparcel is identified as Outparcel A. Lots 8 and 9 are proposed for residential development. I have reviewed the information submitted and met with Mr. Bill Higgs of LSR, Inc., and I have the following comments:

1. The proposed parcels are being created from the remaining lands in the Critical Area associated with a grandfathered subdivision that was reconfigured and recorded in 1997. The remaining lands total 50.48 acres; therefore, there is sufficient density to allow the creation of two buildable lots, Lot 8 and Lot 9.
2. It is my understanding that a wetland delineation was performed for parts of Outparcel A and that Mr. Higgs believes that the boundaries between tidal and nontidal wetlands are accurately depicted. The areas indicated as nontidal wetlands are forested. The wetland delineation was not available for review; however, it does not appear that any variation in the boundary between tidal and nontidal wetlands would affect the density calculations for the site. I do not believe that further field analysis is necessary at this time.
3. Portions of Agricultural Parcel A and Outparcel A include FIDS habitat. FIDS mitigation will be required for any clearing on these properties. For additional information about the conservation of FIDS habitat, the applicant should refer to the Critical Area Commission's guidance entitled *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area* dated June 2000. Appropriate notes should be included on the plat regarding the FIDS habitat on these parcels.



Mr. Kalmus
February 25, 2005
Page 2

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,



Mary R. Owens, Chief
Program Implementation Division

cc: Bill Higgs, LSR, Inc.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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March 7, 2005

Mr. Chip Jackson
St. Mary's College
Office of Facilities
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

**RE: St. Mary's College New Academic Building
SMC 8-05**

Dear Mr. Jackson:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the New Academic Building Project. On March 2, 2005, the Critical Area Commission voted to approve the project. The plans for the project include a landscape plan dated January 5, 2005, and the plan indicates that approximately 23,500 square feet of planting with native species is proposed on the project site. This planting will satisfy the Critical Area and Forest Conservation Act planting requirements for the project. If any changes are proposed to the landscape plan, additional planting may be required. Please notify the Commission if any changes are proposed. 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,

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

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Dan Branigan, St. Mary's College

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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February 11, 2005

Ms. Anne Roane
City of Cambridge
Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: Blackwater Crossing Growth Allocation

Dear Ms. Roane:

Thank you for providing information on the referenced growth allocation request for the Blackwater Crossing Project. The City has approved the use of 25.74 acres of growth allocation to change the Critical Area designation of the project site from Resource Conservation Area (RCA) to Limited Development Area (LDA). The parcel is located at the corner of Maple Dam Road and Southside Avenue. In order for the growth allocation request to be reviewed, additional information is needed in order for the submittal to be determined to be complete. The following additional information, which was identified in my letter dated January 4, 2005, is still needed:

1. The submittal did not include an environmental report. All projects of this scale involving growth allocation should provide an environmental report.
2. The environmental report should address existing forest resources and proposed clearing, reforestation, afforestation, and landscaping. It should also include information about soils.
3. The plans submitted by the applicant's consultant are dated October 7, 2003 with a revision date of December 9, 2004. If these are not the current plans, please provide one set of the current plans for review.
4. During the Program Subcommittee's preliminary evaluation of the project on February 2, 2005, many questions were raised about the establishment of the 100-foot Buffer along the stream on the property. These questions pertained to the trails through the Buffer, the stream crossings, recreational use of the area, and proposed planting of the area. There were also concerns about the stream restoration and how

Ms. Roane

February 11, 2005

Page 2

the Buffer would be delineated from the "new edge of stream." Additional information and/or a Buffer Management Plan will be needed so the Commission can evaluate the impacts of the growth allocation to this Habitat Protection Area. The Plan should include how the Buffer is to be maintained in the short term (i.e. until the plantings are established) and in the long term (i.e. after the developer has completed the project).

5. The submittal did not include a letter from the Department of Natural Resources Heritage Division indicating whether the project will impact any threatened or endangered species or other Habitat Protection Areas on the site. Please provide information from the Heritage Division regarding the proposed development.
6. No details were provided on the proposed stormwater management. Please provide a stormwater management report and appropriate drawings. The Commission needs sufficient information to determine that impacts to the Buffer associated with stormwater outfalls have been minimized, and that the proposed stormwater treatment measures will comply with the 10% pollutant reduction requirement.

Upon receipt of this additional information, the Critical Area Commission will notify you that the submittal is complete and is accepted of processing. The Chairman will make an amendment or refinement determination within 30 days of the date the submittal is accepted for processing. Commission staff will then notify you of his determination and the procedures for review by the Critical Area Commission.

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

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Mary Reado

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 11, 2005

Mr. Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: Rosemary Enright 200560386/05 -WL- 0565
Richard and Edith Chesser 200561040/05 - WL - 0770

Dear Mr. ~~Tabisz~~ *Bob*:

I have reviewed the Joint Public Notice that includes information about the referenced projects, and I have the following comments:

Rosemary Enright 200560386/05 -WL- 0565

1. The applicant is proposing to install 100 linear feet of stone breakwater and 100 linear feet of revetment along the shoreline of the Chesapeake Bay. It appears that the applicant is proposing two erosion control measures, with one located in front of the other. It is not clear why this is necessary.
2. The landward measure is proposed to be located above mean high water in the 100-foot Buffer. It is not clear why this structure is needed for shore erosion control when the applicant is also proposing to construct a breakwater. If the structure is not a shore erosion control measure, then it is likely that the St. Mary's County Department of Land Use and Growth Management will require the applicant to obtain a variance.
3. It appears that the applicant is proposing grading and disturbance within the 100-foot Buffer. St. Mary's County must review and approve all development activities, including grading and the construction of shore erosion control measures. The County may require that the applicant obtain a variance, develop a Buffer Management Plan, and/or provide planted mitigation for impacts to the Buffer. The applicant should contact Ms. April Bahner at the St. Mary's County Department of Planning and Growth Management at (301) 475-4200 (x1525).



Mr. Tabisz
February 11, 2005
Page 2

Richard and Edith Chesser 200561040/05 – WL - 0770

4. It is not clear if the applicant is proposing disturbance within the 100-foot Buffer because the drawings do not show construction access to the shoreline or stockpile areas. St. Mary's County must review and approve all development activities, including grading and the construction of shore erosion control measures. The County may require that the applicant obtain a variance, develop a Buffer Management Plan, and/or provide planted mitigation for impacts to the Buffer. The applicant should contact Ms. April Bahner at the St. Mary's County Department of Planning and Growth Management at (301) 475-4200 (x1525).

Thank-you for the opportunity to provide comments on these applications. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. April Bahner, St. Mary's County

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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February 8, 2005

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

RE: Dorchester County Bill No. 2004-28

Dear Ms. ~~Houtman~~ ^{Kieren}:

Thank you for forwarding the above-referenced bill that involves changes to Chapter 155, Section 155-38.N of the Dorchester County Code. The legislation clarifies the procedures and processes for municipal and non-municipal requests to use growth allocation and defines related terms. 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

Mary-Rodger

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Governor



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February 7, 2005

Mr. Duncan Stuart
City of Baltimore
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3433

RE: Offset Fee Project Requests

Dear Mr. Stuart:

I am writing in response to your letter dated January 7, 2005 regarding the use of the City's Stormwater Offset Fund to fund two projects, the Key Highway Beautification Project and the Graceland/O'Donnell Elementary School (Re-greening) Project. Thank you for providing information describing the projects and for providing calculations documenting the estimated reduction in phosphorus loading resulting from the removal of impervious surface area. It is my understanding that the City is currently collecting \$35,000 per pound of phosphorus when the pollutant reduction requirement is satisfied by payments of fees-in-lieu into the City's Stormwater Offset Fund.

Based on the information provided, the Commission supports the use of \$26,250 of Stormwater Offset Fees for the Key Highway Beautification Project and the use of \$53,900 for the Graceland/O'Donnell Elementary School Project. Thank you for the opportunity to comment on these projects, and we look forward to seeing them completed.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Gary Letteron, Baltimore City DOP
Ms. Dawnn McCleary, CAC



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February 7, 2005

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~~: *Steve*

Thank you for providing a revised plat and a letter addressing my prior comments. I have reviewed the plan submitted, and I believe that most of my comments have been satisfactorily addressed; however I do have some concerns about the Critical Area Buffer Planting Plan.

In general, the Commission does not recommend that local governments give "planting credit" associated with establishing the Buffer for herbaceous plants and grasses. This is because these plants are not considered to have a significant water quality or habitat benefit when compared to the benefits provided by trees and woody shrub/scrub type vegetation. Of course, in some areas, trees and woody shrub/scrub vegetation may not be appropriate because of soil conditions or irregular tidal influence. In these cases, salt tolerant grasses and shrubs may be an alternative. In these special situations, it is recommended that herbaceous plants should receive credit based on the area planted, not at a rate of 25 square feet per plant.

For the Twin Coves Farm Buffer Planting Plan, it is strongly recommended that the number of canopy trees that are being used to delineate the Buffer be increased so that at least one tree is planted for every 35 linear feet. Without this level of planting, I believe that it will be difficult to determine the extent of the Buffer, and encroachment and mowing will likely occur.

In addition, as we discussed recently, I also have concerns about the methodology used to delineate tidal wetlands and to differentiate between State and private tidal wetlands. For the Twin Coves Farm Subdivision, the acreage of private tidal wetlands was estimated based on vegetative information taken from the 1972 State Tidal Wetlands maps and verified in the field by a site visit. Because this project involves the creation of three lots on a property with 74.307 acres in the Critical Area, the acreage of private tidal wetlands included in the property and considered privately owned is not significant from a density standpoint. However, this may not

Mr. Dodd

February 7, 2005

Page 2

always be the case. As you know State tidal wetlands are considered to be owned by the State and cannot be used for density calculations nor to comply with impervious surface, forest cover, or stormwater management requirements.

The Critical Area Commission is currently working with the Maryland Department of the Environment and the Board of Public Works' Wetlands Administrator to analyze this issue and cooperatively identify a strategy that will best provide for the protection and conservation of the State's wetland resources. In the interim, the Commission will be requesting that if applicants are including areas of private tidal wetlands within lot boundaries, they provide a description and field data information outlining how the wetland delineation and State and private wetland acreage determination were performed. Hopefully, this interim measure will ensure that State wetlands are not illegally used to generate density and may provide insight as to the most efficient and appropriate methodology for delineating and identifying State and private tidal wetlands.

With this letter, I have included a hand-out prepared by Commission staff that describes the issue and explains the various methodologies that can be used to identify State and private tidal wetlands. Please feel free to make copies and distribute them to consultants and property owners that may be dealing with this issue. 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,



Mary R. Owens, Chief
Program Implementation Division

4 May Reader

Robert L. Ehrlich, Jr.
Governor



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Lt. Governor

Ren Serey
Executive Director

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February 7, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 54-05 Lot 554, Golden Beach
St. Mary's County Project 04-3031**

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 developed woodland cover on Lot 554 in Golden Beach. In accordance with Section 72.3.1.c(2) of the St. Mary's County Comprehensive Zoning Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit, because the lot is small and completely forested. It does appear that the clearing could be further minimized by constructing the initial mound system closer to the proposed dwelling (in the location identified as "Replacement Mound") rather than at the rear of the lot. If the variance request is approved, the Commission recommends that mitigation be provided for the variance at three-to-one in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. The Reforestation Plan notes indicate that the proposed reforestation ratio would only be at one-to-one, so these notes should be amended.

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, Chief
Program Implementation Division



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February 7, 2005

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 269-02 Stephanie Cooney
Dorchester County Application # 2098**

Dear Ms. ~~Houtman~~: *Karen*

Thank you for providing information about the applicant's proposed revisions to the variance approval she obtained in the summer of 2002. The applicant is requesting a modification to this approval for a shed and porch addition within the 100-foot Buffer in order to expand the porch slightly and add stairs to a second level sundeck. The modifications to the prior variance application will increase the impacts to the Buffer by approximately 120 square feet.

The Commission does not oppose the proposed modification to increase the impacts to the Buffer because the existing dwelling is located within the Buffer, and the modification involves a reasonable expansion of living space.

If the Board of Appeals approves this modification to the prior approval, the Commission recommends that mitigation amount be adjusted in accordance with the Dorchester County Critical Area Program. Thank you for the opportunity to provide comments on this variance request. Please provide a copy of the amended Board of Appeals decision to the Commission. If you would like to discuss this application, please call me at (410) 260-3480.

Sincerely,
Mary R. Owens
Mary R. Owens, Chief
Program Implementation Division



May-Reader

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February 7, 2005

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P. O. Box 107
Cambridge, Maryland 21613

Ms. Anne Roane
City of Cambridge
Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: Waterford Subdivision – Growth Allocation

Dear Ms. Houtman and Ms. Roane:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On February 2, 2005, the Critical Area Commission voted to approve with conditions the use of 98.00 acres of growth allocation to change the Critical Area designation of Parcels 166, 167, and 168 on Tax Map 30 from a Limited Development Area to an Intensely Developed Area. The project site is within the City of Cambridge; however, Dorchester County approved the use of growth allocation. The City of Cambridge will be responsible for ensuring that the following conditions of approval are satisfied:

1. The applicant shall provide a final stormwater management plan to Commission staff, and if necessary to the full Commission, for approval.
2. The applicant shall provide a final Buffer Management Plan to Commission staff, and if necessary to the full Commission, for approval.
3. The applicant shall prepare the deed restrictions, plat notes, and any other protection measures necessary to ensure that the Buffer is maintained in accordance with the standards in the City of Cambridge Critical Area Program. The restrictions, notes, and any other measures shall be submitted to Commission staff, and if necessary to the full Commission, for approval.



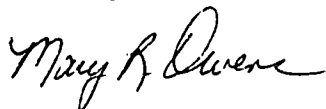
Ms. Houtman and Ms. Roane

February 7, 2005

Page 2

This change shall be officially incorporated into the City's and the County's Critical Area Programs 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 necessary materials when they are completed. 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, Chief
Program Implementation Division

cc: Mr. Roby Hurley (Maryland Department of Planning)

May - Reader

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February 1, 2005

Mr. Stan Causey
Wetlands and Waterways Program
Maryland Department of the Environment
407 Race Street
Cambridge, Maryland 21613

RE: Alexander Metcalf 200465427/05-WL-0337

Dear Mr. Causey:

I have reviewed the Joint Public Notice that includes information about the referenced project, and I have the following comments:

1. The applicant is proposing to install 635 linear feet of timber bulkhead. It is not clear if the proposed bulkhead will replace an existing bulkhead or if it is a new structure. If it is not a replacement bulkhead, it is strongly recommended that the applicant explore other erosion control options. COMAR Section 27.01.04.03 states that structural control measures should only be used where nonstructural measures would be impractical or ineffective. This section also states that where structural erosion control is required, the measure that best provides for conservation of fish and plant habitat, and which is practical and effective shall be used. The proposed bulkhead would appear to have significantly greater habitat impacts than a sill, breakwater, or revetment.
2. The applicant is proposing grading and disturbance within the 100-foot Buffer. It is not clear how much disturbance is proposed because the drawings do not show construction access to the shoreline or stockpile areas. Dorchester County must review and approve all development activities, including grading and the construction of shore erosion control measures. The County may require that the applicant obtain a variance, develop a Buffer Management Plan, and/or provide planted mitigation for impacts to the Buffer. The applicant should contact Ms. Karen Houtman at the Dorchester County Planning and Zoning Office at (410) 228-3234.
3. The application does not include detailed information about water depths; however, the size of the proposed boat ramp seems excessive. The application includes a 150' pier as well as the boat ramp, and it appears that impacts to the Buffer associated with access to

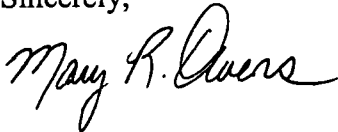


Mr. Causey
February 1, 2005
Page 2

the water could be further minimized. The ramp and the pier could be located closer to each other so that they could share a common access through the Buffer, and the ramp could be narrower and shorter.

Thank-you for the opportunity to provide comments on this application. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

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

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor



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February 1, 2005

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

Dear Mr. Kalmus:

**RE: SM 48-04 Town Creek Marina (Burkhardt)
St. Mary's County Project # 05-132-004**

Thank you for providing information on the referenced project. I have reviewed the plan and environmental report submitted, and I have the following comments:

1. The applicant has requested information from the Heritage Division of the Department of Natural Resources regarding rare, threatened and endangered species on the site and Habitat Protection Areas. Comments from Heritage have not yet been received, so there may be additional comments when this correspondence from DNR is received.
2. The plans indicate that a 5,000 square foot commercial assembly building is proposed to be constructed to replace the existing 5,750 square foot building; however, the environmental report describes a 6,000 square foot building. Please clarify.
3. This project site involves two parcels, and both properties are designated Limited Development Area (LDA). Within this Critical Area classification, impervious surfaces are limited to 15 % of the parcel or lot. The environmental report states that estimated impervious surface cover is 57%; however, no details are provided. Impervious surface cover information should be provided for each lot and should include specific square footages for roads, parking lots, driveways, sidewalks, buildings, decks, pools/ponds and other. Are existing levels of impervious surface area proposed to increase? If so, a variance or growth allocation may be required. Please provide additional information.

Mr. Kalmus
February 1, 2005
Page 2

4. The environmental report and site plans indicate that the project site is within the County's Buffer Management Overlay area; however, the requirements for redevelopment in this area as set forth in Chapter 41.7 of the St. Mary's County Comprehensive Zoning Ordinance have not been addressed. Because the proposed redevelopment is extensive, mitigation requirements are significant and should be addressed. It is recommended that a mitigation plan (landscape plan) be required as part of this project.
5. The environmental report briefly discusses stormwater management; however, no Best Management Practices (BMPs) are shown on the site plan and no specific stormwater management strategy or BMPs are discussed in the report. Because this project exceeds the impervious surface limit in LDA and involves significant impacts to the 100-foot Buffer, detailed stormwater management information will be required.
6. The project appears to involve the expansion of an existing marina use; however, this use and the requirements of Chapter 41.8 of the St. Mary's County Comprehensive Zoning Ordinance have not been addressed. Additional information is needed.

Thank you for the opportunity to provide comments on this site plan. Please provide the additional information requested. It is likely that additional comments and recommendations will be submitted 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, Chief
Program Implementation Division

Mary - Reader

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February 1, 2005

Ms. Megan Owen
Department of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

**RE: Proposed Amendments to Title 20 and Title 21 of the Annapolis City Code
Density Restrictions Affecting Land Designated Resource Conservation Area (RCA)**

Mega
Dear Ms. Owen:

Thank you for providing draft information about the proposed changes to Title 20 and Title 21 of the Annapolis City Code. It is my understanding that these changes will revise the way the City determines the allowable density of parcels or portions of parcels within the Critical Area and designated Resource Conservation Area (RCA).

As we have discussed, I have talked about the proposed language with Assistant Attorney General, Marianne Mason, and we have some concerns about the proposed language. It appears that in some instances, the City's proposal may be inconsistent with the grandfathering provisions in the Critical Area law. Specifically the City's proposed Section 20.24.130.G states, that "... if the property has less than 20 acres in the Resource Conservation Area, no dwelling units are allowed, unless there is an existing lot of record in which case development may be in accordance with the grandfathering provisions of Section 21.67.140."

Section 27.01.02.07.B of the Critical Area Criteria states that, "A local jurisdiction shall permit a single lot or parcel of land that was legally of record on the date of program approval to be developed with a single family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provision of the approved local program." The intent of Section 27.01.02.07.B of the Critical Area Criteria is to allow any legally buildable parcel of land, regardless of size, to be developed with at least one single family dwelling. It is not clear exactly how the City's provisions would be implemented; however, it appears that it would not allow parcels with less than 20 acres in the RCA to be developed.

Ms. Owen
February 1, 2005
Page 2

The potential conflict that appears to exist with the proposed changes would affect two types of parcels: those designated RCA and less than 20 acres in size, and those with land both inside and outside the Critical Area, but with less than 20 acres in the Critical Area and all of it designated RCA. As I interpret the proposed provisions in these instances, these properties could not be developed at all or could not be developed within the Critical Area.

In summary, I believe that the proposed amendment to the City's Code would be inconsistent with the Critical Area law and Criteria and could make the City vulnerable to "takings" litigation. I believe that this inconsistency could be easily corrected by revising the proposed language as follows:

"... if the property has less than 20 acres in the Resource Conservation Area, ~~no~~ ONE dwelling units ~~are~~ IS allowed, unless there ARE OTHER PORTIONS OF THE PROPERTY DESIGNATED LDA OR IDA IN WHICH CASE DEVELOPMENT IN THE RCA PORTION OF THE PROPERTY IS NOT PERMITTED OR THERE is an existing lot of record in which case development may be in accordance with the grandfathering provisions of Section 21.67.140."

Thank you for the opportunity to comment on the proposed legislation. If you would like to discuss the legal ramifications in more detail, please feel free to contact Marianne Mason at (410) 260-8351.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Mary Reader

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January 31, 2005

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:

Thank you for providing revised information on the referenced project. I have reviewed the information submitted, and it is my understanding that the applicant is no longer requesting a variance from the 100-foot Buffer provisions of the St. Mary's County Comprehensive Zoning Ordinance because the revised plan complies with the impervious surface trading provisions in Chapter 41.5.3.i(3). However, the applicant is still requesting a variance to clear more than 30% of the existing forest on the site. 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% of any forest or developed woodland is prohibited without a variance.

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, and a mound sewage disposal system. Portions of the house, circular driveway, and utility building are located within forested portions of the project site. It appears that the applicant's efforts to minimize impacts to the Buffer are contributing to the impacts to forested areas of the site because much of the existing cleared areas on the site are within the 100-foot Buffer.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit because the forested areas of the property are being impacted in order to avoid disturbance to the 100-foot Buffer. It appears that the necessary clearing on the property could be further minimized by bringing the limits of disturbance closer to the driveway and by locating the stockpile area on a portion of the property that is not forested.

Ms. Bahner
January 31, 2005
Page 2

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 St. Mary's County's Comprehensive Zoning Ordinance. This mitigation should be in addition to the mitigation required by the impervious surface trading provisions. It appears that there is ample area to perform all mitigation on-site, and it is recommended that mitigation planting be located in the 100-foot Buffer.

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, Chief
Program Implementation Division

My - Reader

Robert L. Ehrlich, Jr.
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January 31, 2005

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 25-05 Scotch Point, Lot 500-02 and Outparcel AA
Local Project Number 05-141-003**

Dear Mr. Kalmus:

Thank you for providing information on the referenced Boundary Line Adjustment Plat. It is my understanding that the applicant obtained an administrative variance to construct a dwelling and locate a sewage disposal area within the 100-foot Buffer, expanded for steep slopes, on the property. The variance was necessary because extensive areas of the property were constrained by the expanded Buffer. The purpose of the Boundary Line Adjustment Plat is to record the combination of Lot 500-02 and Outlot AA, so that the sewage reserve area is located on the same lot as the dwelling. The resulting combined lot will be developed with one dwelling. I have reviewed the plat, and I have the following comments.

1. Within the Critical Area on land designated LDA, development activities are not permitted on slopes greater than 15 percent, and when these slopes are contiguous with the Buffer, the Buffer shall be expanded. Based on information submitted with the prior variance application, almost the entire property is constrained by the 100-foot Buffer as expanded for steep slopes. The Buffer is incorrectly shown on the plat and should be revised to accurately reflect the expansion for steep slopes.
2. Mitigation associated with the variance decision dated September 24, 2004 for the construction of the dwelling and septic system within the expanded Buffer is required. This mitigation includes extensive areas of planting and Best Management Practices (BMPs) for managing stormwater run-off. If these requirements are to be addressed at the building permit stage, notes should be

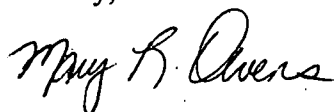


Mr. Kalmus
January 31, 2005
Page 2

included on the plat indicating the amount of mitigation required and the location and type of BMPs necessary to comply with the conditions of the variance.

Thank you for the opportunity to comment on this project. If you need additional information, please contact me at (410) 260-3480.

Sincerely,

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

Mary R. Owens, Chief
Program Implementation Division

Mary-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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January 31, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 2-05 Dean Property Variance
St. Mary's County Project # 04-2891**

Dear Ms. Bahner:

Thank you for providing revised information on the referenced project. Unfortunately, the applicant's site plan is not drawn to scale, does not include topography, and is difficult to read, so it is difficult to determine exactly what the applicant is proposing. I have reviewed the information submitted to the best of my ability, and it is my understanding that the applicant is requesting a variance to allow construction within the 100-foot Buffer and expanded 100-foot Buffer. It is my understanding that the entire property is located within the Buffer because of the tidal shoreline of Mill Creek, the tributary streams on the east and west sides of the property, and the adjacent steep slopes.

Specifically, the applicant is proposing to add a deck, porch, and covered walkway to the existing house, to construct a semi-detached garage, to relocate an existing driveway and extend it to provide access to a shed, and to construct a swimming pool. It is not clear from the information submitted why the applicant is proposing to relocate the driveway or why the driveway needs to be extended to the shed as the applicant is proposing to construct a three-car garage adjacent to the dwelling.

The project notification form indicates that 17,600 square feet of disturbance to the Buffer is proposed. The Commission does not oppose the variance request for the deck, porch, covered walkway, and garage addition to the dwelling. The existing dwelling is located within the Buffer and the proposed additions appear to be a reasonable expansion of living space. It is not possible to determine the size of the garage from the information submitted, but every effort should be made to ensure that the size is the minimum necessary to accommodate reasonable use of the property.



The Commission opposes the requested variance for the relocation of the driveway, because there is not sufficient information to determine if the proposed disturbance meets the standards for granting a variance. It seems that there may be other options for the applicant that do not require disturbance to the Buffer. The Commission also opposes the variance for the pool because pools are accessory structures, which cannot generally meet the standards for granting a variance.

As you are aware, in the spring of 2004, the Maryland General Assembly strengthened the Critical Area law. These amendments clarified the variance provisions in the Critical Area law and included a definition of "unwarranted hardship." In reviewing variance applications, local governments are required to make written findings, based on competent evidence, that each one of the variance standards have been met. The law provides that the applicant bears the burden of production and the burden of proof on each one of the standards, and that the applicant must demonstrate that he has overcome the statutory presumption that the proposed project does not conform to the county's Critical Area program. In particular, the local jurisdiction must make a finding that denial of the variance would result in an "unwarranted hardship". The General Assembly defined unwarranted hardship to mean that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. Based on the information provided to us in this case, this office believes that the standard of unwarranted hardship, as well as the other variance standards as outlined below, cannot be 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 applicant's property can be accessed with the existing driveway, and it is not clear why the driveway is proposed to be relocated or why it is necessary that the driveway be extended to provide access to a shed. The applicant is proposing to construct a garage addition on the property that can be accessed by the existing driveway. To my knowledge, there are no special conditions or circumstances that are peculiar to the property and would require that the applicant have a driveway to access the shed.

With regard to the proposed pool, denial of a variance to construct a recreational accessory structure will not result in an unwarranted hardship. The property is developed with a dwelling, driveway, large shed, and a pier, and the dwelling is proposed to be expanded with a deck, porch, and garage. The applicant has reasonable use of the property. It appears that the applicant would not be denied reasonable and significant use of the entire property if the County denies the variance to impact the 100-foot Buffer for the relocated and expanded driveway and the pool.

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. As the General Assembly specified in amendments to the Critical Area law in 2002, 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 relocate and expand driveways or construct swimming pools within the 100-foot Buffer, potentially doubling current impacts to the Buffer, when reasonable access to, and use of, the property is available without additional Buffer impacts.

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 design the project site to avoid unnecessary impacts to the expanded Buffer. In general, impacts associated with the construction of, and access to, accessory structures on a property are not considered necessary for an applicant to have reasonable use of the property.

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.*

It is not clear if the variance request for the relocation and expansion of the driveway is based on circumstances resulting from actions by the applicant. The shed on the property has been expanded in the last year, and it is not clear if the expansion has precipitated the applicant's desire for a driveway to access the shed.

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 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, potentially increasing the velocity of, and levels of pollutants in, water draining into the streams and into Mill Creek. 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 the applicant's request for the variance to construct a pool and to relocate and extend the driveway to the shed. If the variance request to add a deck, porch, and covered walkway to the existing house, and to construct a semi-detached garage is approved, it is recommended that the size

Ms. Bahner
January 31, 2005
Page 4

of the garage be minimized, mitigation plantings be provided in accordance with the St. Mary's County Comprehensive Zoning Ordinance, and stormwater management practices be provided to ensure that stormwater is not discharged onto the steep slopes adjacent to the streams on the property.

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, Chief
Program Implementation Division

Mary - Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 25, 2005

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 3-05 Collins Subdivision on Hatchet Thicket
St. Mary's County Project # 05-110-003

Thank you for providing information on the referenced project. I have reviewed the plan submitted, and I have the following comments:

1. The applicant has not provided correspondence with the Heritage Division of the Department of Natural Resources regarding rare, threatened and endangered species on the site. 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. The Commission did not receive a copy of the environmental report for this project. Additional information is needed regarding the environmental features of the site.
3. It appears that there may be nontidal wetlands and a tributary stream within the Critical Area portion of the property. Although this area is not proposed for development at this time, these features should be identified because they affect the development potential of Outparcel B.
4. In accordance with Chapter 71.4.2 of the St. Mary's County Comprehensive Zoning Ordinance, a 100-foot Buffer shall be established from the edge of tributary streams within the Critical Area. The stream Buffer must be shown on the plans.
5. In accordance with Section 71.8.3.a(1) of the St. Mary's County Comprehensive Zoning Ordinance, the Buffer shall be expanded to include contiguous sensitive areas such as nontidal wetlands and areas of hydric soils.

Mr. Kalmus

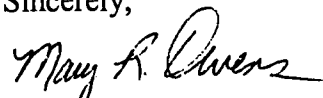
January 25, 2005

Page 2

6. Although the applicant is not proposing development within the Critical Area portion of Outparcel B, that part of the site is designated RCA. The Critical Area Notes should address the grandfathered status of the parent parcel and whether the Critical Area portion of Outparcel B has a development right.

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, 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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January 25, 2005

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

**RE: DC 817-04 Gootee's Marine
Dorchester County Plan # 1059**

Dear Mr. Dodd:

Thank you for providing a revised plat and the environmental report for the referenced project. I have reviewed the information submitted, and I have the following comments:

1. The property is proposed to be converted to IDA through the use of growth allocation. If the use of growth allocation is approved, the entire property will be converted to IDA. This will allow expansion of the marina use to encompass undeveloped portions of the property. When property is converted to another use, the 100-foot Buffer must be established in natural vegetation. The environmental report does not address how this will be accomplished.
2. 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 the establishment and long-term protection of the 100-foot Buffer will be considered by the Critical Area Commission during their review of the growth allocation request. The environmental report does not address establishment and protection of the 100-foot Buffer.
3. It is my understanding that the applicant has requested comments from the Heritage Division of the Department of Natural Resources regarding the presence of rare, threatened and endangered species on the site and potential impacts to other Habitat Protection Areas. Please provide copies of the response from the Heritage Division when it is received.

Mr. Dodd
January 25, 2005
Page 2

4. Preliminary information and calculations regarding compliance with the 10% pollutant reduction requirement should be included with the project submittal requesting growth allocation.
5. When the County reviews the growth allocation and submits a request for approval to the Commission, the adjacency and location guidelines in §8-1808.1(c) of the Natural Resources Article of the Annotated Code of Maryland and COMAR 27.01.02.06 should be addressed. These provisions include the 300-foot setback guideline, which will likely be specifically evaluated by the Commission when the growth allocation is submitted.

The preceding comments represent the Commission staff's review and evaluation of the information submitted by the applicant. 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 comment on this proposal during the design process. Please contact me at (410) 260-3480 if you have any questions.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Mary Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 24, 2005

Mr. Mark Kalmus
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtwn, Maryland 20650-0653

**RE: SM 26-05 BLAP for Lots 500-1 and 500-3 Warren Tolsen Subdivision
Local Project Number 05-141-006**

Dear Mr. Kalmus:

Thank you for providing information on the referenced project plan for Lots 500-1 and 500-3 in the Warren Tolsen Subdivision. It is my understanding that the purpose of the Boundary Line Adjustment Plat is to increase the size of the lots by eliminating Lot 2 and to adjust the lot boundaries to address a right-of-way shift on Lighthouse Road. There are existing dwellings on both lots, and no further development is proposed at this time. The proposed boundary line adjustment will result in two lots, and no rights for an additional dwelling on the former Lot 2 will be retained.

These lots are located within the IDA; therefore, new development activities must provide stormwater quality management in accordance with the County's Critical Area regulations. Note 7 of the Critical Area Notes should be amended to include stormwater quality management.

If you have any questions, please contact me at (410) 260-3480.

Sincerely,

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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January 19, 2005

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

**RE: DC 937-04 Dogwood Bracts Subdivision
Dorchester County Plan # 1072**

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. 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 including soil types, topography, the presence of streams, and existing vegetation.
2. The applicant has not provided information regarding threatened and endangered species on the site and potential impacts to Habitat Protection Areas. The applicant must contact the Heritage Division of the Department of Natural Resources and request an environmental review of the proposed subdivision. Staff of the Heritage Division will provide written comments, which may need affect the design of the project. This information must be evaluated before the subdivision is approved.
3. The applicant has not provided sufficient information about the Critical Area acreage, subdivision history, and density to determine if density reservation parcels must be platted. Because the Critical Area portions of the property are designated as Resource Conservation Areas (RCA), this information is necessary to ensure that the proposed project and any future development does not exceed the maximum density permitted.
4. The plans indicate that stormwater management ponds treating stormwater from development located outside the Critical Area are proposed to be located within the RCA. Private utilities, such as stormwater treatment practices serving development outside the RCA, are not permitted uses within the RCA. Permitted uses within the RCA are limited to

resource utilization activities, such as agriculture and forestry, and residential development at one unit per 20 acres.

5. The subdivision plan indicates areas of wetlands on the site; however, it is not clear if the wetlands are tidal or nontidal. It is also not clear how the wetlands were identified and delineated. For Critical Area purposes, field verification should be used to identify tidal and nontidal wetlands. A field delineation may also be required to determine the exact boundaries of wetlands and to distinguish between State and private tidal wetlands. Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary and to determine if the wetlands are State or private. State tidal wetlands cannot 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.

Thank you for the opportunity to provide comments on this proposed subdivision. Please provide revised plats when these comments have been addressed. Because these comments are substantive, it is likely that there will be additional comments when the requested additional information is received. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

May leader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 19, 2005

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

**RE: DC 5-05 Michael Burnett
Dorchester County Plan # 2231**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to impact the expanded 100-foot Buffer (for contiguous nontidal wetlands) in order to construct a single-family dwelling and driveway.

The Commission does not oppose the proposed variance to impact the expanded Buffer for the dwelling itself. It appears that efforts have been made to locate the dwelling so that impacts to the expanded Buffer are minimized.

The Commission does oppose the variance for the driveway. It is our understanding that in 2002, the County approved a variance to impact the expanded Buffer, and the Maryland Department of the Environment issued a permit to impact nontidal wetlands to the owner of the adjacent property with the condition that the Burnett Property and the adjacent lot would have a shared driveway. The County stated that Mr. Burnett was advised of this situation when he acquired the property.

As you are aware, in the spring of 2004, the Maryland General Assembly strengthened the Critical Area law. These amendments clarified the variance provisions in the Critical Area law and included a definition of "unwarranted hardship." In reviewing variance applications, local governments are required to make written findings, based on competent evidence, that each one of the variance standards have been met. The law provides that the applicant bears the burden of production and the burden of proof on each one of the standards, and that the applicant must demonstrate that he has overcome the statutory presumption that the proposed project does not conform to the county's Critical Area program. In particular, the local jurisdiction must make a



finding, that denial of the variance would result in an "unwarranted hardship". The General Assembly defined unwarranted hardship to mean that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. Based on the information provided to us in this case, this office believes that the standard of unwarranted hardship, as well as the other variance standards as outlined below, cannot be 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 applicant's property can be accessed with the shared driveway previously approved by variance from the Board of Appeals. There are no special conditions or circumstances that are peculiar to the property, and would require that the applicant have a separate driveway. It appears that the applicant would not be denied reasonable and significant use of the entire property if the County denies the variance to impact the expanded 100-foot Buffer for a separate private driveway.

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. As the General Assembly specified in amendments to the Critical Area law in 2002, 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 driveways within the expanded 100-foot Buffer potentially doubling current impacts to the Buffer when reasonable access to the property is available without additional Buffer and wetland impacts.

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 design the project site to avoid unnecessary impacts to the expanded Buffer.

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.*

Mr. Dodd
January 19, 2005
Page 3

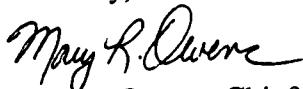
This variance request is based on circumstances resulting from actions by the applicant, specifically his desire to abandon the agreement between the County and previous property owner regarding shared access to the property.

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 expanded Buffer and nontidal wetlands 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 the applicant's request for a variance to construct a separate driveway. 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, Chief
Program Implementation Division

Mary-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 19, 2005

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

**RE: DC 937-04 Dogwood Bracts Subdivision
Dorchester County Plan # 1072**

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. 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 including soil types, topography, the presence of streams, and existing vegetation.
2. The applicant has not provided information regarding threatened and endangered species on the site and potential impacts to Habitat Protection Areas. The applicant must contact the Heritage Division of the Department of Natural Resources and request an environmental review of the proposed subdivision. Staff of the Heritage Division will provide written comments, which may need affect the design of the project. This information must be evaluated before the subdivision is approved.
3. The applicant has not provided sufficient information about the Critical Area acreage, subdivision history, and density to determine if density reservation parcels must be platted. Because the Critical Area portions of the property are designated as Resource Conservation Areas (RCA), this information is necessary to ensure that the proposed project and any future development does not exceed the maximum density permitted.
4. The plans indicate that stormwater management ponds treating stormwater from development located outside the Critical Area are proposed to be located within the RCA. Private utilities, such as stormwater treatment practices serving development outside the RCA, are not permitted uses within the RCA. Permitted uses within the RCA are limited to



Mr. Dodd

January 19, 2005

Page 2

resource utilization activities, such as agriculture and forestry, and residential development at one unit per 20 acres.

5. The subdivision plan indicates areas of wetlands on the site; however, it is not clear if the wetlands are tidal or nontidal. It is also not clear how the wetlands were identified and delineated. For Critical Area purposes, field verification should be used to identify tidal and nontidal wetlands. A field delineation may also be required to determine the exact boundaries of wetlands and to distinguish between State and private tidal wetlands. Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary and to determine if the wetlands are State or private. State tidal wetlands cannot 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.

Thank you for the opportunity to provide comments on this proposed subdivision. Please provide revised plats when these comments have been addressed. Because these comments are substantive, it is likely that there will be additional comments when the requested additional information is received. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

MO-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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January 19, 2005

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

RE: Town of Secretary Boat Ramp Renovation

Dear Ms. Gordy:

Thank you for providing information on the referenced project. I have reviewed the information submitted, and the additional information you provided recently. This project involves the replacement of an existing timber boat ramp with a new 32' wide by 79' long concrete boat ramp. The project site is a property that is designated IDA, and it is located in a Buffer Exemption Area. The property is almost entirely impervious, and no natural vegetation will be removed.

As we discussed, the new boat ramp is considered a water-dependent facility and therefore is permitted in the Buffer; however, stormwater management should be addressed. Because the new facility replaces an existing facility, and the site is small and cannot accommodate a stormwater treatment practice on site, we agreed that an appropriate alternative would be to provide planting of an area equivalent to the expansion of the boat ramp at an off-site location. It is proposed that the Town of Secretary will provide 900 square feet of planting (nine trees or 27 shrubs or some combination) at an off-site location, probably on another Town-owned property. We agreed that this alternative addresses the water quality goals of the Town's Critical Area provisions.

Thank you for providing information about this project. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Mary Reader

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 19, 2005

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

**RE: DC 969-04 Minneman/Bernstein Variance
Dorchester County Plan # 2233**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant has recently submitted a revised plan, which was received yesterday, and my comments pertain to that plan. The applicant is requesting approval of a variance to impact the 100-foot Buffer in order to construct a dwelling, attached deck, and parking area. The property is an existing grandfathered lot that was developed with a dwelling and several outbuildings that were destroyed during Hurricane Isabel. Most of these structures were located within the 100-foot Buffer and according to the applicant's representative, David Jameson, several outbuildings were close to the water's edge.

The Commission does not oppose the proposed variance to impact the Buffer for the new dwelling and attached deck; however, the proposed parking area is substantial. It appears that the size of the parking area could be reduced to eliminate those Buffer impacts and still provide reasonable use. Although it is difficult to determine from the drawing submitted, it should be clarified that it is my understanding that the pool and its associate equipment room will be set back from the Buffer, so that there will be no disturbance in the Buffer associated with the above-ground pool.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with the provisions of the Dorchester County Critical Area Program. 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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 18, 2005

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

**RE: DC 6-05 George Radcliffe
Dorchester County Plan # 2228**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to impact the 100-foot Buffer in order to demolish portions of an existing dwelling, rebuild portions of the dwelling on an existing footprint, and add an attached garage and a 46' long porch that varies in width from 8' to 12'. The property is an existing grandfathered parcel, and the existing dwelling is located almost entirely within the 100-foot Buffer.

The Commission does not oppose the proposed variance to impact the Buffer, as the construction is proposed in approximately the same location as the current Buffer disturbance; however, the deck is substantial. It appears that the size of the deck could be reduced to minimize Buffer impacts and still provide reasonable use. This office supports the County staff recommendation that the applicants be required to agree to maintain the deck in a pervious condition. (The deck could not be enclosed or put under roof.)

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with the provisions of the Dorchester County Critical Area Program. 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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

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Lt. Governor

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Executive Director

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January 11, 2005

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 319-04 Tennyson's Waverly - Lot 3 (formerly Lot 2)
St. Mary's County Project # 03-110-027**

Dear Mr. Kalmus:

I have received a copy of the final plan for the referenced project, and I have discussed the comments previously provided by Wanda Cole with Jerry Soderberg of D.H. Steffens, Inc.. I have also received correspondence from the Heritage Division of the Department of Natural Resources dated January 4, 2005. It appears that all of our comments have been addressed.

If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division



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Chairman

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Lt. Governor

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Executive Director

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January 10, 2005

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 963-04 David Faunce
St. Mary's County Project # 04-140-066**

Dear Mr. Kalmus:

Thank you for providing information on the referenced minor subdivision located in Abell. I have reviewed the plan submitted, and I have the following comments:

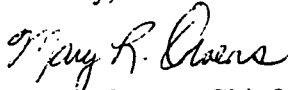
1. It is my understanding that the purpose of this subdivision is to correct a parcel of record problem involving the creation of a lot by deed rather than through the subdivision process. It is not clear from the information submitted when this lot was created. The date the lot was created is significant because the property and the parent parcel are designated RCA. If the lot created by deed is not considered "grandfathered" with respect to the County's Critical Area Program, then growth allocation will be required for the lot and the parent parcel.
2. The notes on the plat do not indicate that the property is located within the RCA Critical Area overlay. This note should be added, and it may be appropriate to also state 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.
3. It is my understanding that no development is proposed on Lot 1 at this time. If additional development on this lot is proposed, additional information about environmental features on the site will be required.
4. If additional development on this lot or the parent parcel is proposed, the applicant may be required to contact the Heritage Division regarding the possible

Mr. Kalmus
January 10, 2005
Page 2

presence of Natural Heritage Areas, habitats of threatened or endangered species,
and habitats of significant plants or wildlife on the properties.

If you have any questions or would like to discuss these comments, please contact me at
(410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

Ms. Christine Holmberg
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650-0653

**RE: SM 903-04 John Edwards Site Plan
St. Mary's County Project # 04-131-043**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project plan for John Edwards. It is my understanding that the applicant is proposing to replace existing outdoor storage lots with an enclosed facility as part of an overall site development plan. I have reviewed the plan and compared it to the previous plans reviewed through the Harris/Edwards Subdivision (SM341-02 and St. Mary's County Project # 01-100-063).

It is my understanding that the Edwards/Harris Subdivision, reviewed in 2002, involved a subdivision to correct a parcel of record problem resulting from a subdivision by deed that took place in 1982. For Critical Area purposes, the County considered Parcel 60 (the Edwards site) to be a grandfathered lot.

Based on information in our files, some of which I believe may have been provided by Mr. Edwards, I have developed the following inventory of existing impervious surface area on the site.

List of Structures and Impervious Surfaces

Barn	1,464 SF
Car Storage Lot	7,500 SF
Driveway (wo/structures)	1,764 SF
House	1,680 SF
Parking Area	3,480 SF
Shed 1 (8' x 16')	128 SF
Shed 2 (14' x 18')	252 SF
Rear Entrance Concrete Pad	36 SF
TOTAL	16,304 SF

This development equates to 21.7% impervious surface area on a site designated Limited Development Area. Through a literal interpretation of the regulations, this property would be generally restricted to 15% impervious surface coverage. It is my understanding that this development on Parcel 60 has existed

Ms. Holmberg
January 5, 2005
Page 2

for many years, pre-dated the adoption of the St. Mary's County Critical Area Program, and is considered "grandfathered."

Based on this information, the Critical Area Commission does not oppose a reconfiguration of the existing impervious area on the site to provide enclosed storage and improved site access as long as the existing impervious surface area is not increased above 21.7%, and the proposed planted mitigation measures are implemented. If the applicant wishes to exceed the existing level of impervious surface coverage on the site, then the applicant will need to request a variance or apply for growth allocation to change the Critical Area designation of the property to IDA.

It is my understanding that the St. Mary's County Department of Public Works has recommended that the applicant provide appropriate stormwater treatment practices on the site as required by the County's stormwater regulations. The Commission strongly supports this recommendation because of the impervious surface coverage on the property, the nature of the existing use, and the proximity of the site to tidal waters and wetlands.

In order to ensure that the proposed site plan is properly implemented, the following comments should be addressed:

1. All impervious surfaces including roads and driveways must be shown on the plans and included in the impervious surface calculations. It is not clear how the proposed road leading from the paved parking area will provide access to the open-faced storage area.
2. The plan must indicate if the trailer is to be removed or relocated, and if it is to remain on the site, it must be included in the impervious surface calculations.
3. It is not clear where on the site forest clearing is proposed to take place. This should be shown on the plan. The proposed forest clearing totals 29.7% of the existing forest; therefore forest replacement would be required at 1.5 to 1 or 17,003 square feet. It is strongly recommended that the clearing be reduced to below 20%, so that the required planting can be accommodated on the project site.
4. A landscape plan should be included with the site plan to indicate the species, number, size and location of the required planting.
5. The stormwater management design should be part of the site plan approved by the County.

Thank you for the opportunity to comment on this project. Please provide a copy of the revised plan that addresses these comments to the Commission. If you have any questions, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Mary Reader

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Governor



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Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 941-04 Lot 210 Golden Beach
St. Mary's County Project 04-0739**

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 developed woodland cover on Lot 210 in Section 1 of 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.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit, because the lot is small and the location of the existing trees makes it difficult to avoid them. 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,

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

Mary R. Owens, Chief
Program Implementation Divisions

Mary-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

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Executive Director

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January 5, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 940-04 Riverwood Farms – Lot 32, Cat Creek Road
St. Mary's County Project 04-0877**

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to impact the expanded Buffer in order to construct a single-family dwelling and septic system on Lot 32 in Riverwood Farms. In accordance with Section 71.8.3.b 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 0.954 acre, grandfathered lot, and it is completely forested.

The Commission does not oppose the proposed variance, because the property is severely constrained by the expanded Buffer. It appears that the dwelling and septic system have been located as far as possible from Cat Creek in order to minimize impacts to the expanded Buffer. There are no alternative locations for the development outside the 100-foot Buffer.

In reviewing the site plan, it appears that the applicant is proposing to direct stormwater from the dwelling to two drywells located on the north side of the dwelling. The Commission strongly supports the use of the drywells to treat and control stormwater on this site in order to protect erodible soils on the slope from impacts created by uncontrolled run-off.

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 yours,

Mary R. Owens, Chief
Program Implementation Division

May-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

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 2-05; Lot 500-2 St. George's Peninsulas
St. Mary's County Project # 03-120-027**

Dear Mr. Kalmus:

Thank you for providing information on the referenced boundary line adjustment plat which affects Lot 500-2 of St. George's Peninsulas on Tax Map 61, Grid 17, Parcel 80. I have reviewed the plat and I have the following comments:

1. It is my understanding that the purpose of the boundary line adjustment is to revise the boundary lines of an existing lot for purposes of expanding the size of the lot. The adjustment will not result in additional building density or intensity beyond the current use.
2. Critical Area Notes are provided on the plat, and it is my understanding that no development activities are proposed at this time. If development activities are proposed in the future, additional information about existing impervious surface cover, forest cover, topography and soils may be required. Updated information from the Heritage Division of the Department of Natural Resources regarding Habitat Protection Areas may also be required.
3. Critical Area Note 1 states that 69.6793 acres of the site lie within the Critical Area. The General Notes state that the site area is 60.3763 acres. These notes appear to be inaccurate or need additional clarification. The lot that is being adjusted was originally recorded as part of a five lot subdivision that required the establishment of a "density reservation parcel." The original subdivision and the density reservation parcel had to total at least 100 acres in the Critical Area in order to comply with the one unit per 20-acre density requirements. The notes must indicate the original acreage tabulations and how they have been adjusted to increase the size of Lot 500-02 and reduce the size of the "density reservation parcel."

Mr. Kalmus
January 5, 2005
Page 2

4. General Note 7 states that, "Development of Adjusted Lot 2 may require afforestation of the entire lot to meet the 15% forest cover requirement." This is incorrect, afforestation of 15% of the entire area of adjusted Lot 2, or 1.67 acres, **is required**.
5. Critical Area Note 2 should be revised to read, "The 100-foot Critical Area Buffer **shall be established and** must remain in natural vegetation and may not be disturbed except as provided under Chapter 41 of the St. Mary's County Critical Area Ordinance (Chesapeake Bay Critical Area Program.)" If the Buffer is not vegetated, establishment through planting or natural regeneration, is required.

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, Chief
Program Implementation Division

Mary-Reader

Robert L. Ehrlich, Jr.
Governor



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Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 5, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 939-04 Queentree Road – Farmstead 5
VAR # 04-2978

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 (for steep slopes) in order to construct a single-family dwelling on Farmstead 5 of Parcel 101 on Queentree Road. In accordance with Section 71.8.3.b of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, disturbance and development on steep slopes or within the expanded Critical Area Buffer is prohibited without a variance. The property is an existing 15.35 acre, grandfathered lot, and the property is severely constrained by wetlands, and the expanded Buffer for steep slopes.

The Commission does not oppose the proposed variance to impact the expanded Buffer as it appears that efforts have been made to locate the dwelling and sewage reserve area so that impacts to the expanded Buffer are minimized.

In reviewing the site plan, it appears that the applicant is proposing to treat stormwater using a drywell. The Commission strongly supports the use of a drywell to treat and control stormwater on this site to in order to protect erodible soils on the slope from impacts created by uncontrolled run-off.

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



Mary-Keada

Robert L. Ehrlich, Jr.
Governor



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Michael S. Steele
Lt. Governor

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Executive Director

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January 5, 2005

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 a revised plat for the referenced project. I have reviewed the plan submitted, and I have the following comments:

1. The Commission has not received a copy of correspondence from the Heritage Division of the Department of Natural Resources. The Heritage Division screens for the presence of threatened and endangered species and 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. The plan indicates areas of tidal wetlands; however it is not clear how they were delineated. Field delineation should be used to determine the exact boundary of tidal wetlands and to distinguish between State and private tidal wetlands. Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary and to determine if the wetlands are State or private. State tidal wetlands cannot 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.
4. It appears that the 100-foot Buffer has been revised and was delineated from the edge of State and private tidal wetlands. If the wetland delineation is determined to be accurate;

Mr. Dodd
January 5, 2005
Page 2

then it appears that the Buffer has been correctly delineated and will not affect the location of the sewage reserve areas on Lots 1 and 3.

5. The plan has been revised to indicate that the 100-foot Buffer shall be afforested; however, a Buffer Management Plan or planting plan was not submitted. It is not clear who will be responsible for establishing the Buffer and when the planting will take place. This needs to be clarified, so that purchasers of the property are aware of the Buffer requirements. Appropriate notes must be placed on the plat indicating that clearing or removal of natural vegetation within the 100-foot Buffer is prohibited.

Thank you for the opportunity to provide comments on the revised plan. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

May-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 4, 2005

Ms. Anne D. Roane
City of Cambridge
Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: **Blackwater Crossing**
CM 942-04

Dear Ms. Roane: *Anne*

Thank you for providing information on the referenced subdivision. The proposal involves the use of growth allocation to change 25.02 acres of land within the Critical Area from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) for a mixed use residential and commercial subdivision. The entire property consists of 131.51 acres, and is proposed to be developed with 442 townhouses, 330 condominiums and apartments, 21 single-family residential lots and 139,400 square feet of commercial building area. I have reviewed the plat, and I have the following comments:

1. 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.
2. It is not clear from the plans if all of the existing forest cover is to remain or if some clearing is proposed. Please clarify the extent of existing and proposed forest cover within the Critical Area portion of the property. Although the property is proposed to be converted to IDA, and there are no specific standards for afforestation or reforestation within IDAs, applicants should address the provisions in the City's ordinance that relate to the enhancement of forest and woodland resources in the IDA. Recommendations include establishing permeable areas in vegetation, and designing and implementing projects to minimize destruction of forest and woodland vegetation
3. When a site is converted from agricultural use to residential use, the 100-foot Buffer must be established in natural vegetation. The planting shown adjacent to the stream on the Site Plan (Sheet 2 of 3) does not appear adequate to satisfy this requirement. Please provide additional detail as to how the Buffer is proposed to be established. It is likely that the Critical Area Commission may require the development of a Buffer Management Plan for the stream.
4. Because this property is proposed to be intensely developed, it is likely that all open space areas will be heavily used. The Critical Area Criteria state that new IDAs and LDAs should be located




Ms. Roane
January 4, 2005
Page 2

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 area is protected and appropriately maintained. Please provide additional information regarding how the newly planted Buffer is to be maintained in the short-term (i.e. until the plantings are established) and in the long term (i.e. after the developer has completed the project and sold all of the units).

5. Any new subdivision within the Critical Area must have a letter from the Department of Natural Resources Heritage Division indicating whether the project will impact any threatened or endangered species or other Habitat Protection Areas on site. The Department of Natural Resources MERLIN System indicates that the Critical Area portion of the site is a Sensitive Species Project Review Area; therefore, the Commission will be working with the Department of Natural Resources to obtain specific recommendations on the proposed project.
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 use of growth allocation is approved. Please contact me if you have any questions at (410) 260-3480.

Sincerely,


Mary R. Owens, Chief
Program Implementation Division

cc: Karen Houtman, Dorchester County
Roby Hurley, MDP

MO-Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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January 4, 2005

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 904-04 Mattingly Farm Lot 500-4 and Parcel 711
St. Mary's County Project # 04-141-062**

Dear Mr. Kalmus:

Thank you for providing information on the referenced boundary line adjustment plat which affects Lot 500-4 of Mattingly Farm and Parcel 711 on Tax Map 27 Block 9. I have reviewed the plat and I have the following comments:

1. It is my understanding that the purpose of the boundary line adjustment is to revise the boundary lines of existing parcels of record for purposes of clarifying ownership of an entrance drive. The adjustment will not result in additional building density or intensity beyond the current use.
2. Critical Area Notes are provided on the plat, and it is my understanding that no development activities are proposed at this time. If development activities are proposed in the future, additional information about existing impervious surface cover, forest cover, topography and soils may be required. Updated information from the Heritage Division of the Department of Natural Resources regarding Habitat Protection Areas may also be required.

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, Chief
Program Implementation Division

TTY For the Deaf

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

