

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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Chairman

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Executive Director

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

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

July 29, 2005

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

RE: Culver Mini-Storage

Dear Ms. Weisner:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a mini-storage facility on a 1.57-acre IDA parcel in the Chesapeake Bay Critical Area outside the Town of Snow Hill. Commission staff reviewed the information provided and we have the following comments:

1. The 10% calculations are incorrect. It is not possible to provide treatment to 180% of the site (% of site served should generally add up to 100 for all of the BMPs provided). Additionally, the wet swale is actually a ditch, a means of getting the runoff to the stormwater pond and not a BMP in itself. If credit is sought for the ditch, it must be constructed in accordance with all specifications of the MDE stormwater manual.
2. If credit is sought for the ditch and the pond on site, in addition to the above, the calculations should be provided for a BMP in a series in accordance with the Commission's 10% guidance manual.
3. As currently proposed, there is a deficit in the stormwater management being provided. Offsets must be identified.
4. Due to the expanded Buffer for the non-tidal wetlands that are contiguous to the Pocomoke River, it appears this proposal requires a variance. Please forward the variance information when it is submitted. It appears that Buffer impacts could be avoided.

Ms. Stacey Weisner
July 29, 2005
Page 2 of 2

5. The MDE permit will need to be amended if there are impacts to the buffer to the wetlands in the southern corner 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,



LeeAnne Chandler
Science Advisor

Cc: WO456-05

Robert L. Ehrlich, Jr.

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July 29, 2005

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

VIA FACSIMILE

RE: Site Plan – Bradley Rozanski, 303 Old Landing Road, File #10196

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes construct a single-family dwelling on an existing waterfront lot. The property is 5226 square feet in size with a 15-foot waterfront setback.

It appears that the 10% pollutant reduction requirement will be adequately addressed by the proposed rain gardens and swales. Also, it appears that Buffer mitigation will be accomplished primarily on site with the remaining requirement being addressed through a fee-in-lieu. Provided that the proposed deck is built to Critical Area standards, it appears the proposal is 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.

Sincerely,

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

LeeAnne Chandler

Natural Resources Planner

cc: OC506-05

TTY for the Deaf

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

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July 29, 2005

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

VIA FACSIMILE

RE: Parrott Lagoon Condominium, 406 St. Louis Ave., File #05-18100022

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down a number of existing apartment buildings and redevelop the site with a 23-unit condominium and associated parking. The site is 20,000 square feet in size and is not waterfront. Critical Area requirements for this project include the 10% pollutant reduction and the 15% afforestation requirements. Commission staff has reviewed the information provided and we have the following comments:

1. The labels have been reversed on the existing conditions and proposed site plans.
2. Provided that a full 60% of the site's drainage reaches the trenches beneath the pervious pavers, it appears that the 10% requirement will be addressed on site. However, information on soil permeability and depth to water table must support the full efficiency rating for the infiltration trench.
3. The location of downspouts and drainage direction should be provided on the stormwater plans.
4. Additional information, including a symbol legend, plant species list and plant quantities should be provided on the landscape plan.

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

Robert L. Ehrlich, Jr.
Governor

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July 29, 2005

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

VIA FACSIMILE

RE: Parrott Lagoon Hotel, 413 Philadelphia Ave., File #05-18100023

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to tear down a number of existing apartment buildings and redevelop the site with a 65-room hotel with a restaurant, and associated parking. The site is 35,000 square feet in size and is not waterfront. Critical Area requirements for this project include the 10% pollutant reduction and the 15% afforestation requirements. Commission staff has reviewed the information provided and we have the following comments:

1. The labels have been reversed on the existing conditions and proposed site plans.
2. Provided that a full 80% of the site's drainage reaches the trenches beneath the pervious pavers, it appears that the 10% requirement will be addressed on site. However, information on soil permeability and depth to water table must support the full efficiency rating for the infiltration trench.
3. The location of downspouts and drainage direction should be provided on the stormwater plans.
4. Please note that the impervious data listed on sheet C104 does not match the information used in the 10% calculations. This should be reviewed and corrected as necessary.
5. Based on the impervious data on sheet C104, 15% of the site is not plantable. This is not consistent with the Town's Critical Area Program.

Mr. Blaine Smith
July 29, 2005
Page 2 of 2

6. Additional information, including a symbol legend and plant quantities should be provided on the landscape plan. Please note that Crepe Myrtles and Arborvitaes are not considered large trees. Additional plantings may be necessary.

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: OC485-05

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July 29, 2005

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

RE: Major Site Plan, Kent Narrows Properties, LLC
MASP#05-05-05-0006c, Revision #1

Dear Ms. Spinelli:

Thank you for providing information on the above referenced major site plan. The applicant proposes to construct eight townhouses and re-construct an existing marina on a 1.2 acre property designated IDA, Buffer-Exempt. Staff reviewed the revised information provided and we have the following comments:

1. Again, the statistics remain confusing due to the combination of this site with the Hilton Hotel site. It is further complicated due to the fact that the retail and pool component was formerly part of Phase I and is now part of Phase II. It is my recollection that stormwater management and Buffer mitigation calculations for Phase I included the retail/pool site. It seems that shifting this portion of the overall project to Phase II necessitates re-doing the calculations for Phase I. How will this be addressed? Does this create an inconsistency with the approved site plans for Phase I? The applicant should clearly demonstrate the entire project's consistency with all aspects of the County's Critical Area Program.
2. Please provide a copy of the permit drawings for the "reconfiguration" of the existing marina.
3. We continue to believe that there are a number of steps that could be taken to reduce intrusion into the Buffer and reduce overall impacts to the site. Redevelopment of this property provides a great opportunity to fix existing stormwater management problems in Kent Narrows. If other redevelopment projects under consideration require stormwater offsets, retrofitting this site may be an option.

Ms. Helen Spinelli
July 29, 2005
Page 2 of 2

4. Experience in other jurisdictions with the use of pervious paving materials has indicated that subsurface materials and preparation are the most important details when proposing a pervious walkway. Compacted fill and compacted CR-6 are inconsistent with considering the surface as pervious. Clean gravel with a minimum 40% void ratio provide a basis for perviousness. Otherwise the boardwalk should be considered impervious.
5. The large majority of the herbaceous materials proposed for Buffer mitigation are not native.

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: QC 351-05

Robert L. Ehrlich, Jr.

Governor

Michael S. Steele

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July 29, 2005

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

RE: Minor Site Plan, Maryland General Land Co., LLC
MISP# 04-05-07-0014-C

Dear Ms. Krista-Meanhardt:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to construct two retail buildings and associated parking on a parcel partially within the Critical Area. Some of the site is IDA (after receiving growth allocation) and some is LDA. The site is not waterfront and there are no Buffer issues. Commission staff has reviewed the information provided and we have the following comments:

1. Commission staff is concerned about the piecemeal approach to development of this site. As you are aware, a small portion of this commercial subdivision received growth allocation several years ago. It was understood at that time, that as additional development within the subdivision was proposed, additional growth allocation would be requested. To date, only Lot 7 and the stormwater facility received growth allocation.
2. The piecemeal approach also makes it difficult to review for consistency with all Critical Area development standards (such as the 15% afforestation requirement). Given that virtually any additional impervious cover in the Critical Area will necessitate growth allocation, review under the IDA standards may be appropriate as well.
3. A grading plan for a "temporary access road" was reviewed a number of months ago, without an attached site plan. This presently existing access road should be shown as proposed rather than existing in the site statistics on sheet C-1. (Otherwise, it seems to give the impression that the proposal is just a minor change to what was previously planned and approved to be on site (especially in the Critical Area) when this is not the case.)

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Ms. Tanya Krista-Maenhardt

July 29, 2005

Page 2 of 2

4. Why does the entrance road narrow to one lane near Shamrock Road? Is this consistent with road standards?
5. The IDA/LDA line is incorrect on sheet C-2. Only Lot 7 and a "stem" to the stormwater facility received growth allocation. The site statistics may require revision.
6. The stormwater report appears to ignore treatment of runoff from the access road. How will this be addressed?

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: QC 498-05

Robert L. Ehrlich, Jr.
Governor

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July 29, 2005

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

RE: Concept Plan, Bay East Development Corporation
CP# 04-05-07-0005©

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above concept plan. The applicant proposes to construct 49 townhouse-type condominium units on a 7.912-acre parcel. The site is designated IDA and is Buffer Exempt. Commission staff has reviewed the information provided and we have the following comments:

1. Existing gravel along the bulkhead is not an appropriate "structure" to utilize as a means to establish a setback line. Title 14, Section 153- ??? clearly states, "existing structure" To my knowledge, the County does not consider gravel a structure.
2. All IDA development requirements must be addressed. Due to the proposed anticipated level of impervious cover, the 10% requirement may be difficult to address fully on site.
3. A 50-foot shore buffer will be required. No disturbance of any kind will be permissible within 50 feet of the water. Further discussion is needed in regard to the proposed walkway. Significant on-site mitigation will also be required.
4. It appears that a portion of the property is open water. The applicant should demonstrate ownership over these areas.

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: QC 471-05

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July 29, 2005

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

RE: Minor Site Plan, Magothy Auto
MISP#04-05-07-0015-C

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 0.936-acre parcel. A total of 0.464 acres are within the Critical Area with an IDA designation.

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

1. The 10% requirement is the primary Critical Area concern for this project. We do not oppose the use of additional shrubs and trees to make up for the small deficit in pollution removal.
2. The landscape plan should clearly indicate what plantings are additional for the 10% requirement and also what plantings are meant to replace the trees removed on the property.

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: QC 516-05

Robert L. Ehrlich, Jr.
Governor

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July 29, 2005

Mr. Steve Cohoon
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: Concept Plan, Annie's Paramount Steakhouse


Dear Mr. Cohoon:

Thank you for providing information on the above concept plan. The applicant proposes to construct a restaurant and associated parking on a 3.988-acre parcel designated IDA. The parcel is nearly half tidal wetlands and is also designated Buffer Exempt. Commission staff has reviewed the information provided and we have the following comments:

1. All IDA development requirements must be addressed. Due to the proposed anticipated level of impervious cover, the 10% requirement may be difficult to address fully on site.
2. A 50-foot shore buffer will be required. No disturbance of any kind will be permissible within 50 feet of the tidal wetlands. Significant on-site mitigation will also be required.
3. Additional information will be needed on the tidal wetlands. To my recollection, the tidal wetlands were actually created as mitigation for another project. The applicant should provide information demonstrating ownership of the wetlands (indicating they are private).

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: QC 440-00

Robert L. Ehrlich, Jr.
Governor

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July 26, 2005

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

RE: Variance Case #90934, Kryzwicki, TM 10, Parcel 177, Lot 80

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit clearing over 30% of existing woodlands on a lot for construction of a dwelling. The property is designated LDA and is in BMA Group A. The property is 18,974 square feet in size and is currently vacant.

Provided this lot is properly grandfathered, this office does not oppose the siting of a dwelling on it. Impacts should be minimized and the variance request should be the minimum to provide relief. Given the need for an on-site septic system (which by itself requires nearly 30% clearing), it does not appear possible to develop the lot with a dwelling without a variance to the clearing limits. Mitigation for the clearing should be required in accordance with the County's Coastal Bays Critical Area ordinance.

Thank you for the opportunity to comment on this variance. 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,


LeeAnne Chandler
Natural Resources Planner

cc: WC451-05

Robert L. Ehrlich, Jr.
Governor

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Executive Director

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July 26, 2005

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

RE: Variance Case #V-070012, Carroll, 104 Birch Rd., Stevensville

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance application. The applicant is requesting a front yard setback variance to permit construction of a garage. The property is approximately ½ acre in size and is developed with a dwelling. It is designated LDA but is not waterfront.

Provided that the proposed development is consistent with all standards for development within the LDA, this office has no comment on this setback variance.

Thank you for the opportunity to review this application. Please include these comments in the record for this request and please notify us in writing of the decision made by the Board. 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: QC496-05

Robert L. Ehrlich, Jr.
Governor

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

July 25, 2005

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

RE: Variance Case #96114, Withers, TM 26, Parcel 444, Lot 16A
Comments on Revised Plans dated 7/21/2005

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling within the Critical Area 100-foot Buffer. The property is designated IDA and is not Buffer Exempt. The property is 26,764 square feet in size and is currently vacant.

Provided this lot is properly grandfathered, this office does not oppose the siting of a dwelling on it. However, impacts should be minimized and the variance request should be the minimum to provide relief. It appears that the applicant has attempted to utilize the area outside of the Buffer, though there are still significant impacts. If the deck were re-shaped to be located primarily on the northern side of the bump-out section of the house, the minimum distance to the water could be increased. (Please note that the site plan currently does not show any steps from the deck to ground level.) Regardless, the deck should be constructed to be pervious. We recommend that any disturbance within the Buffer be mitigated at a 3:1 ratio.

Thank you for the opportunity to comment on this variance. 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: WC416-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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July 19, 2005

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

RE: Conditional Use Case #CU-060016, Robert D. Pouliot

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting approval of a 300' pier as a conditional use. The site is designated LDA, is approximately 2.6 acres in size and is developed with a dwelling.

This office defers to the Maryland Department of the Environment on pier issues. We have no comment on this application.

Thank you for the opportunity to review this application. Please include these comments in the record for this request and please notify us in writing of the decision made by the Board. 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: QC470-05

Robert L. Ehrlich, Jr.
Governor

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July 19, 2005

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

RE: Administrative Subdivision, Orcan Yucel & Mervin Cohey
File #07-05-07-0002-C

Dear Ms. Spinelli:

Thank you for providing information on the above referenced administrative subdivision. The applicants propose to relocate an existing lot line to transfer 2.57 acres from one property to the other. The Critical Area portion of the property is designated LDA and it appears that there is an existing dwelling on one of the properties involved.

Provided all Critical Area development standards are addressed upon any further development of either property, this office has no Critical Area concerns on this subdivision.

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: QC474-05

Robert L. Ehrlich, Jr.
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July 19, 2005

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

RE: Administrative Subdivision, Benjamin Armiger
File #07-05-07-0003-C

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine two existing lots into one. The Critical Area portion of the property is designated RCA and it appears that there is an existing dwelling within the Critical Area portion of the property.

Provided all Critical Area development standards are addressed upon any further development of the property, this office has no Critical Area concerns on this subdivision.

Thank you for the opportunity to review 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: QC475-05

Robert L. Ehrlich, Jr.
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July 18, 2005

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

RE: Major Subdivision #04-02-03-0002©
Phase I - Final Subdivision

Dear Mr. Cohoon:

Commission staff has reviewed information provided for Phase I of the Four Seasons at Kent Island project. Listed below are first general comments and recommendations followed by specific comments on each of the documents.

General Comments

1. McCrone has indicated that they have modified the property line for the entire project to represent the field run elevation of mean high water for all tidal shorelines. Should the plat for the entire project be revised to reflect these new site statistics? It seems that this important information should be reflected accurately on the overall preliminary plat. Similarly, the discovery of a new Bald Eagle's nest on the property should be properly noted.
2. Also, additional detail is needed on the determination of mean high water for the areas along the Chester River and Cox Creek. Given the extensive rubble along the Chester River shoreline, biological indicators of mean high water are not readily available. A narrative description of survey methods and results would be useful.
3. Commission staff attended the site visit with MDE Tidal Wetlands Division staff in May. The focus at that time was determining the landward edge of tidal wetlands for the purpose of delineating the 300-foot Buffer. While this has been addressed on the Bell property, it has not been addressed (that we are aware of) on the Bittorf property in the vicinity of stormwater pond #1. The landward edge of tidal wetlands must be determined in the field for purposes of measuring the Buffer.

Mr. Steve Cohoon
July 18, 2005
Page 2

4. Please notify us of the status of the mass grading plans. We would appreciate the opportunity to review them if possible.

Plan Comments

Below, please find our comments on each specific set of plans. General comments will be listed first, followed by specific comments on certain sheets.

Final Subdivision Plat – Phase I

5. On Sheet 9, stormwater management easement #23 is not shown.
6. On Sheet 13, the Shore Buffer Forest calculations in the table at the top of the sheet are no longer applicable.

Contract Sediment Control, SWM, Grading and Storm Drainage for Phase One

7. These drawings will require revision to be consistent with the final plat in terms of measuring the 300-foot Buffer (ensuring all structures are outside of the Buffer) and the mean high water line.
8. Please indicate whether the footprints of the dwellings are definite or just an example.
9. On Sheet SP1-04 (and others), we strongly recommend that the 300-foot Buffer be protected by both silt fence as well as forest protective fencing such as that shown on the forest conservation plan (sheet 13 of the plat). Another possibility may be blaze orange safety fence.
10. On Sheet SP1-06, a retaining wall is shown in front of the condominium buildings. It refers to the landscape plans for detail but such detail could not be found.
11. On Sheet SP1-07, there are two areas labeled as being access to SWM pond #23. While the one closest to the pond (at the end of the parking lot between buildings 3 and 4) is acceptable, the other (between buildings 2 and 3) seems unnecessary. In addition, given that the 300-foot Buffer will be forested, a vehicle would have nowhere to go.
12. Sheet SWM1-01 shows SWM pond #1 adjacent to the 300-foot Buffer to Cox Creek. Comment #3 above needs to be addressed to ensure the pond does not impact the Buffer/RCA.
13. The path that travels from Macum Creek Drive to the County parking lot is shown as 5 feet wide on Sheet SP1-08 while it is shown as 6 feet wide on Sheet SWM1-07. Also, there is an extraneous label for a path on Sheet SWM1-07.

Mr. Steve Cohoon
July 18, 2005
Page 3

Stormwater Management Analysis – Phase 1 Final 10% Calculations (Sub-drainage Areas 1, 20-23)

14. The "Subcatchment Area Drainage Area Map" seems to show half the rooftops of the condominium buildings as being untreated (i.e., they are not within one of the subcatchment areas), yet the 10% calculations show that 100% of the drainage area as being treated. Please explain.

Landscaping of Stormwater Management Ponds – Plans by McCrone, Inc.

15. Plans for landscaping SWM pond #23 are now included in the plans by LandDesign. An appropriate label should be added to Sheet SWM-LS01.

Final Hardscape/Landscape – Phase I – Plans by LandDesign

16. On Sheet L-16 and L-17, there is a line labeled "Tidal Buffer." This appears to be the edge of tidal wetlands, rather than any buffer.
17. A detail for the retaining wall in front of the condominium units is needed.

Permit Drawings

18. We have received a copy of the wetland mitigation plan and the permit. However, we have not received a copy of the remaining wetland permit drawings for the community pier or all of the outfalls. Also, what is the status of that permit application?

Buffer Management Plan

19. Please let us know when we might expect the first bi-annual inspection report as called for by the approved Buffer Management Plan.

Thank you for the opportunity to comment on these plans. Please contact me at (410) 260-3477 if you have any questions or concerns.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC610-99

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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July 19, 2005

Mr. Jesse C. Houston, Director
Town of Ocean City, Planning & Community Development
PO Box 158
Ocean City, MD 21843-0158

RE: Ordinance 2005-18, Text Amendments to Chapter 30, "Activities not permitted"

Dear Mr. Houston:

This office has received the proposed text amendments to the Town's Critical Area Program. We are accepting the proposed changes as a complete submittal. Chairman Madden will make an amendment/refinement determination within thirty days of the date of this letter. Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

If you have any questions or concerns 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

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 18, 2005

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

**RE: Chester Station Joint Venture – Concept Plan – REVISION #1
File CP#04-04-11-0002(C)**

Dear Mr. Cohoon:

Thank you for providing the revised information on the above referenced concept plan. The applicant proposes to build 19 townhomes and associated amenities on a 10.847-acre parcel. The property is designated LDA and is waterfront. Commission staff has reviewed the information provided and we have the following comments:

1. What is the status of the jurisdictional determination? If a field visit with Corps or MDE personnel has not yet occurred, we request that we be notified of the date of the field visit. Regardless, Commission staff would appreciate the opportunity to visit the site with the applicant's consultant.
2. It does not appear that there has been a delineation between State and private wetlands. While this issue will not affect density for Critical Area purposes, it will affect parcel size and ultimately, the amount of impervious cover permitted on the property. Please note that the description of the fringing tidal wetlands includes terms such as "regularly flooded" seeming to indicate State wetlands. The mean high water line, i.e., the property boundary, may be incorrect. This issue needs to be addressed.
3. In addition, the description of the non-tidal wetlands actually appears to be a description of high tidal marsh or private tidal wetlands. Again, this illustrates the importance of a coordinated site visit with Corps and MDE personnel.
4. In regard to stormwater management and the response to how the runoff from the road and units to the east side will be conveyed to the pond located on the west side, the

Mr. Steve Cohoon
July 18, 2005
Page 2

applicant has indicated that a storm drainage system is proposed and the rear of the unit will be managed via credit. Please note that the Critical Area 100-foot Buffer cannot be used for stormwater credits. Adequate disconnection must occur before runoff enters the Buffer or non-tidal wetlands.

5. Please explain the differentiation between "area of woodland to be cleared" and "individual trees to be removed."
6. Note #3 beneath the resource protection table does not make sense. The 150-foot shore Buffer must be measured from the landward edge of the tidal wetlands.

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: QC810-00

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2005

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

VIA FACSIMILE

RE: Site Plan, Royal Beach Condominium, Ocean Dove LLC

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to demolish an existing motel and redevelop the site with a 32-unit condominium. The property is 0.73 acres in size and is not waterfront to the Coastal Bays.

Commission staff has reviewed the information provided. The 10% requirement is proposed to be addressed by an infiltration trench beneath pervious pavers. Information on the infiltration rate of the soils and depth to water table should be provided to ensure full credit can be granted for this best management practice. In regard to the 15% afforestation requirement, it appears that the proposed landscaping as shown on Sheet L100 will meet this requirement.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: OC448-05

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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July 8, 2005

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

VIA FACSIMILE

RE: Site Plan, Jacqueline Insley, 1409 Jacqueline Avenue

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a new terrace on an existing dwelling. The property is 14,190 square feet in size and is subject to a 15-foot waterfront setback.

Commission staff has reviewed the information provided. Given the proposed reduction in impervious surface, the 10% requirement is adequately addressed. Also, in regard to Buffer Mitigation, it appears that the proposed on-site landscaping will address this requirement. The plantings should be placed in the setback if possible.

Thank you for the opportunity to review this proposal. 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: OC335-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

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

VIA FACSIMILE

RE: Site Plan, 26th Street Condominiums, All Bright Rentals, LLC

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to redevelop a property into a 12-unit condominium. The property is 0.26 acres in size and is not waterfront to the Coastal Bays.

Commission staff has reviewed the information provided. The 10% requirement is proposed to be addressed with an infiltration trench beneath pervious pavers. While this is acceptable, it is not clear from the plans that 60% of the site area is reaching the trench. This should be clarified. The proposal does meet the 15% afforestation requirement.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: OC449-05

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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July 8, 2005

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

VIA FACSIMILE

RE: Site Plan, Lippenholz, 306 N. 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 6,000 square feet in size with a 15-foot waterfront setback.

Commission staff has reviewed the information provided. It appears that the 10% requirement is adequately addressed with the swales, raingarden and the fee-in-lieu. It also appears that the Buffer Mitigation is addressed on site. 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 regarding these comments, please contact me.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

OC452-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

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

VIA FACSIMILE

RE: Site Plan, Belmont Towers, 4 Dorchester Street

Dear Mr. Smith:

Thank you for providing information on the above referenced site plan. The applicant proposes to redevelop nearly an entire block of existing residential/commercial buildings into a condominium with retail along the boardwalk. The property is 1.03 acres in size and is not waterfront to the Coastal Bays.

Commission staff has reviewed the information provided. The 10% requirement is proposed to be addressed with some on-site stormwater management and some fees-in-lieu. The stormwater management devices appear to be something called an "infiltrator" and a "sidewinder." This office is unfamiliar with these devices. Please provide the manufacturers specifications for these products so that we may ensure that they are comparable to approved infiltration devices (though we do acknowledge that only half of the efficiency ratings are used in the calculations).

In regard to the 15% afforestation requirement, the applicant will owe a fee-in-lieu of \$10,020 to address the landscaping that is not being accommodated on site. This should be clearly stated in any approval documents.

Thank you for the opportunity to review this proposal. 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: Gail Blazer
OC454-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

Mr. Keith Lackie
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Growth Allocation, YMCA Facility

Dear Mr. Lackie:

At its meeting of July 6, 2005, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with the Chairman's determination of refinement for the award of 9.46 acres of growth allocation for the YMCA facility. They further recommended, and the Chairman agreed, that the approval of the request be made with conditions identical to the conditions placed on the approval by the County Commissioners. Specifically, the conditions are 1) the YMCA project shall demonstrate that it is substantially complete within 3 years and 2) the non-travel aisles of the parking facilities in the Critical Area will be constructed with pervious pavers or porous pavement.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the approved change on the County's Critical Area Maps within 120 days of receipt of this letter. A revised map should be provided to this office when it is available.

Thank you for your attendance at the Commission meeting and for your assistance in processing this request.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

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

RE: Conditional Use Case #CU-060015, Peter Ward

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting approval of a 150' pier extension as a conditional use. The site is designated RCA, is approximately 5 acres in size and is developed with a dwelling.

This office defers to the Maryland Department of the Environment on pier issues. We would, however, like to point out that the MDE approval is for a 290-foot pier rather than a 300-foot pier. (See the paragraph underlined on the copy of the license.) Also, a condition reiterating the time of year restriction to protect waterfowl should also be included by the County.

Thank you for the opportunity to review this application. Please include these comments in the record for this request and please notify us in writing of the decision made by the Board. 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: QC455-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

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

RE: Preliminary Plat - Bay Point Plantation – Comments for TRC, July 6, 2005

Dear Ms. Weisner:

Thank you for providing the revised preliminary plat 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. Commission staff has reviewed the information provided and we have the following comments:

1. There are still no Critical Area designations shown on the plat.
2. Under General Notes on Sheet 1 of 10 of the subdivision plat, Note 5 is not correct. The IDA on the property totals 38 acres, and RCA totals the remainder of the uplands. Tidal wetlands do not have a Critical Area designation.
3. Note 10 indicates that areas of tidal wetlands on the property will be conveyed to a conservation organization. Please explain how this will be accomplished without determining what areas are private wetlands and what areas are State wetlands.
4. Note 21 references the required conservation easement to be placed on the outparcels. However, the easement must also include the RCA lands within Outlot A.
5. Note 22 incorrectly states that 68 acres of growth allocation were granted to the project by the Critical Area Commission. First, the amount of growth allocation is 38 acres. Second, growth allocation is a County-controlled commodity so Worcester County should replace the State of Maryland in this statement.
6. Note 27 should reference the local ordinance that created Buffer Management Area E in the local Critical Area Program, rather than any reference to the Commission.

Ms. Stacey Weisner

July 8, 2005

Page 2 of 3

7. On Sheet 2, under the "Area Summary," the reference to "reserved lands of developer" should instead reference "lands to be conserved" or outparcels or something similar.
8. On Sheet 2A, the scale is incorrect. It appears to be 1" = 40' rather than 1" = 250'.
9. It would be helpful if the plat showed proposed paving width for each of the roads and also clearly distinguish between closed section and open section roadways. This is also true for the private drives. This would greatly help in reviewing Sheets 4 and 5 particularly because it is difficult to determine the proposed location of the paved portion of the drives.
10. On Sheet 5, the plat shows parking within the setback near the area of the community marina. As this is a new single-family residential development (and a subdivision within a BMA where the subdivision must demonstrate an environmental benefit), this impervious area within the setback should be relocated. Also, there is no reason to have the walkway parallel to the shoreline in this area. The path should travel perpendicular to the water through the setback to the pier. Additional slips parallel to this area will not be permitted.
11. In the set of Critical Area plans, the note on Sheet 2 describing redevelopment of existing impervious cover should be removed.
12. Also on Sheet 2, the line labeled as the limits of proposed development envelope should also be labeled as the RCA/IDA demarcation line.
13. On Sheet 4 (post-development FIDs plan), the legend should indicate the fields will be reforested via planting rather than natural regeneration.
14. The Critical Area report indicates that, "eroded areas along the waterfront will utilize rip rap for stabilization where warranted." It is not clear if this will be left up to each lot owner or if it will be done on an overall project basis. We recommend the latter. The wetlands permit application may need to be revised to reflect areas of proposed rip-rap along the shoreline.
15. The report states that the proposed initial clearing will be 2.6 acres while the FIDs plans show 5.72 acres of proposed clearing. Also, the report states that there is a 13.75-acre gain in forest interior while the plan shows an approximately 16 acre gain. This should be reviewed and corrected as necessary.
16. The last paragraph under "impact mitigation" should be corrected to include all areas outside of the development envelope under a conservation easement.

Ms. Stacey Weisner
July 8, 2005
Page 3 of 3

Thank you for the opportunity to comment on this plat. Given that these comments are late, please let me know if there is a need to meet with the applicant to review any of the issues raised. As always, if you have any 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

cc: WC766-03

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
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July 5, 2005

Ms. Karen Houtman
Municipal Building
P.O. Box 348
Snow Hill, Maryland 21863

RE: Town of Snow Hill – Market and Water Street Stormwater Improvements

Dear Ms. Houtman:

Thank you for providing a consistency report for the proposed improvements to the stormwater system on Market and Water Streets. I apologize for the long delay in responding – the consistency report was inadvertently misfiled and was found only today. Commission staff has reviewed the information provided and also spoken to Kim Mundorf at Davis, Bowen & Friedel, Inc. The only concern that arose upon review of the plans was the bermed sediment trap within the 100-foot Buffer. After speaking with Ms. Mundorf, it is now our understanding that the sediment trap has been eliminated from the plans after consultation with the County's sediment and erosion control reviewer. 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,

Handwritten signature of LeeAnne Chandler in cursive script.

LeeAnne Chandler
Natural Resources Planner

cc: Ms. Tracey Gordy, MDP
Ms. Kim Mundorf
SN697-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 5, 2005

VIA FACSIMILE

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

RE: Major Site Plan – Culver Mini-Storage

Dear Ms. Weisner:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct a storage facility on a parcel outside of Snow Hill. Based on the County's Critical Area maps, the site is designated IDA. Additional information is needed to ensure compliance with the County's Chesapeake Bay Critical Area Program. As a development within the IDA, the 10% pollutant reduction calculations are needed along with a Critical Area report and site plan. An existing conditions plan that shows any environmental features in the vicinity of the site such as wetlands or sensitive species habitats is also needed.

Please forward the above information for further review when it is submitted. We will provide further comments upon receipt of the necessary information. Thank you.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WO451-05

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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June 17, 2005

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

RE: Variance Case #96131, Anderson, TM 16, Parcel 36, Lot 3A

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling within the Critical Area 100-foot Buffer. The property is designated RCA and is not Buffer Exempt. The property is 2.33 acres in size and is current vacant.

This lot is not grandfathered under the County's Coastal Bays Critical Area Law. Specifically, it falls into a category of those lots created under an "interim" subdivision whereby the subdivision was in the County's review pipeline but did not get recorded until after the passage of the State Atlantic Coastal Bays Protection Act. The County's ordinance, in the table in §NR3-101(h) "Applicability to Pending Approvals", states that "All provisions except density limitations shall apply. Plat recorded within one year from the date of adoption of this law. Growth allocation is deducted where necessary." The plat for this subdivision was recorded on August 8, 2002. It did not include the required 100-foot Buffer from tidal wetlands. [Please note that growth allocation must be deducted from the County's reserve to account for this subdivision within the RCA.]

Notwithstanding the seriousness of the above issue, we have reviewed the variance request. While the proposed disturbance within the Buffer is relatively small, we recommend that the house be designed according to the development constraints on the lot. It appears that the house could be designed to avoid the Buffer. Alternatively, it appears that a side yard setback variance would provide additional opportunity to minimize disturbance to the Buffer and expanded Buffer.

Ms. Stacey Weisner
June 17, 2005
Page 2 of 2

Thank you for the opportunity to comment on this variance. 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". The signature is written in black ink and has a long, sweeping underline that extends to the right.

LeeAnne Chandler
Natural Resources Planner

cc: WC432-05

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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June 17, 2005

Mr. Steve Cohoon
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan, Kent Island Professional Center
MASP#04-05-06-0002c, Love Point Road, L.P.

Dear Mr. Cohoon,

Thank you for providing information on the above referenced major site plan. The applicant proposes to construct an office building on two parcels primarily within the Critical Area. The site is adjacent to the headwaters of Thompson Creek and is subject to the 100-foot Buffer. Commission staff has reviewed the information provided and we have the following comments:

1. The 100-foot Buffer to Thompson Creek should be measured from the bank of the stream.
2. Credit cannot be given for treatment of offsite runoff when it is already required by other existing laws and regulations. The offsite drainage area being used was developed recently. Management of its stormwater was required under the County's ordinance. Credit can only be given when the offsite runoff would otherwise go untreated. The 10% calculations will have to be re-done and additional on-site treatment will be necessary.
3. Only native species should be used in landscaping the site and especially the stormwater facility.

Thank you for the opportunity to review this submittal. 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 389-05

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**

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June 16, 2005

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

RE: Administrative Subdivision, Charles Reed
File 07-05-06-0009-C

Dear Ms. Spinelli:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine three lots into two. The lots are designated LDA and are not waterfront.

Provided that all LDA standards are met for any development on either of these lots, this office has no concerns regarding this subdivision.

Thank you for the opportunity to review this submittal. 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 430-05

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**

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June 16, 2005

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

RE: Administrative Subdivision, Genevieve Coyle
File 02-05-06-0008-C

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a lot line between two existing parcels. The property is designated LDA with one of the parcels being waterfront.

Provided that all LDA standards are met for any development on either of these lots, this office has no concerns regarding this subdivision.

Thank you for the opportunity to review this submittal. 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 428-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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June 16, 2005

Mr. Mark Keeley
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan, Prospect Bay Clubhouse
MASP#05-05-01-0002


Dear Mr. Keeley:

Thank you for providing information on the above referenced major site plan. The applicant proposes to renovate portions of an existing golf course that is partially in the Critical Area. The site is not waterfront and is designated LDA.

It is our understanding after speaking with Christina Clark of McCrone, Inc. that all clearing within the Critical Area portions of the site will be eliminated from the plans by modifying the proposed grading. Provided this occurs, we have no comment on the site plan. Otherwise, all clearing within the Critical Area portion of the property must be mitigated at a 1:1 ratio.

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

Sincerely,


Lee Anne Chandler
Natural Resources Planner

cc: QC 428-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2005

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

RE: Variance Case #96114, Withers, TM 26, Parcel 444, Lot 16A

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling within the Critical Area 100-foot Buffer. The property is designated IDA and is not Buffer Exempt. The property is 26,764 square feet in size and is current vacant.

Provided this lot is properly grandfathered, this office does not oppose the siting of a dwelling on it. However, impacts should be minimized and the variance request should be the minimum to provide relief. Variances should not be granted as a matter of preference or convenience. We recommend that the house be designed and sited to utilize the area of the lot outside of the 100-foot Buffer as much as possible. The house could be shifted slightly and moved towards the road. Also, the garage could be front entry or, at a minimum, the driveway could be redesigned to eliminate the large curve into the Buffer. The deck should be constructed to be pervious. Also, it seems that the limits of disturbance, especially along the water could be brought closer to the proposed structure. Any disturbance within the Buffer must be mitigated at a 3:1 ratio.

Thank you for the opportunity to comment on this variance. 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: WC416-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 10, 2005.

Mr. Steve Cohoon
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: Major Subdivision, Ellendale – Preliminary Plat
File #04-05-05-0008(c), Charles & Janet Breeding

Dear Mr. Cohoon:

Thank you for providing information on the above referenced subdivision. The applicants propose to subdivide a property and develop it with 106 single-family dwellings and 179 condominium units. The site is partially within the Critical Area. A portion of the Critical Area was awarded growth allocation in 2002. The Critical Area Commission approved the growth allocation with the condition that the Buffer Management Plan be reviewed and approved by Commission staff. Commission staff has reviewed the information provided and we have the following comments:

GENERAL

1. The Critical Area RCA and overall acreage does not match the information provided at the time of the growth allocation petition. Please explain the difference.
2. Please provide a copy of the jurisdictional determination. Also, in order to include any tidal wetlands within the property boundary, a private vs. state determination should be made. An updated environmental report (and an updated letter from the Department of Natural Resources) is also needed.
3. The Planning Commission meeting minutes from the growth allocation process were reviewed. At that time, the applicant's wetland consultant indicated that all the wetlands on site were tidal. Now the plans show extensive areas of non-tidal wetlands. Please explain and provide documentation as to the method of delineating between tidal and non-tidal areas.

4. Please provide the Critical Area line on all plans, including roads, utility and stormwater plans.

PRELIMINARY PLAT

5. The plat should indicate whether existing structures will remain or be removed. If any are to remain, their use should be determined.
6. According to the notes on Sheet 3, the property lines are taken from a previous plat recorded in 1994. Further, the 1994 plat indicates that the wetlands on the subject property "were scaled from the national wetlands inventory map #15 for Queen Anne's County." This is not a reliable means of determining the mean high water line (i.e., the property line). The property line along Thompson Creek should be based on the current mean high water line.
7. Portions of Lots 20 and 107 are within the 300-foot Shore Buffer and RCA. No development activity including grading or platting of lots can occur in this area.
8. The labels of tidal and non-tidal wetlands appear to be reversed on Sheet 6.
9. The line representing the 300-foot Shore Buffer is missing on Sheets 8 and 10-12.
10. The acreage for community parcel 4 is not consistent between sheets 6, 10 and 12.
11. Sheet 15 is not an adequate Buffer Management Plan. Section 14:1-54 of the County Code indicates that seedlings are not an acceptable alternative for planting in the Critical Area. Also, the proposed planting density does not sufficiently provide diverse forest planting that will provide the Buffer functions set forth in the County's Critical Area Program. The view corridor is extremely wide. Further detail on plant location is needed to ensure trees and shrubs are appropriately distributed. The Buffer Management Plan should also include details on any proposed trails, water access, and invasives management. The sports field must be removed from the 300-foot setback. Active recreation areas cannot be located in the RCA.

STORMWATER

12. Ten-percent pollutant reduction calculations were not part of the submittal. Please forward calculations demonstrating compliance with the 10% Rule for the IDA portion of the site.
13. The matchlines on many of the plans do not correspond correctly.

Mr. Steve Cohoon

June 10, 2005

Page 3 of 3

14. The large drainage swale coming from the future Thompson Creek Road Connector does not have a stormwater easement shown on the plat. It seems to be entering the community property at the location of the sports field. We recommend that stormwater management for the future road be reexamined.
15. The stormwater manual requires landscaping around and sometimes within stormwater facilities (especially bio-retention areas). Landscaping plans should be included with the stormwater plans. Plain turfgrass is not acceptable.
16. No grading may occur within the RCA/300-foot Shore Buffer. The water-side of the berm surrounding Pond #2 is within this area. (Only the grading for the outfall may be in this area.)

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC 160-00

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 10, 2005

Mr. Keith Lackie
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Growth Allocation, YMCA Facility

Dear Mr. Lackie:

Chairman Madden has determined that the proposed award of 9.46 acres of growth allocation for the YMCA facility can be handled as a refinement to the County's Coastal Bays Critical Area Program. The proposal will be presented to the full Commission for concurrence at their next meeting in accordance with the Annotated Code of Maryland, Natural Resources Article §8-1809(p). The meeting is scheduled for July 6, 2005 at the Department of Housing and Community Development at 100 Community Place in Crownsville, Maryland.

Commission staff will forward an agenda for the meeting as soon as it is available. If you have any questions or concerns, please contact me at (410) 260-3477 or Mary Owens at (410) 260-3480.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2005

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

RE: Major Site Plan, Kent Narrows Properties, LLC
MASP#05-05-05-0006c

Dear Ms. Spinelli:

Thank you for providing information on the above referenced major site plan. The applicant proposes to construct eight townhouses and re-construct an existing marina on a 1.2 acre property designated IDA, Buffer Exempt. Commission staff has reviewed the information provided and also visited the site with you and the applicant's representative. We have the following comments:

1. The site information provided on Sheet C-1 is confusing in that it combines information from the previously approved Hilton site plan with the newly proposed site plan. Given that this plan is clearly for Phase Two, information for things such as impervious surface in the BEA should be kept separate (as the stormwater calculations were). Given that the Hilton was reviewed as a stand-alone project, having to re-review the old file as well as the new information will slow the review process greatly.
2. Please provide information on the existing marina. As an expanded commercial marina, the project must be consistent with §14:1-34, §14:1-42 and §14:1-44. The reconfiguration of the marina must also be approved via the MDE permit process.
3. We recognize that the proposed reduction in impervious surface satisfies the 10% pollutant reduction requirement. However, the project must show that intrusion into the Buffer is the least intrusion necessary. It seems that there are a number of

Ms. Helen Spinelli

June 8, 2005


Page 2 of 2

measures that could further reduce impacts. These include moving the condos further from the water (especially the building to the west), providing stormwater quality measures (such as bio-retention areas surrounding the parking), and replacing some parking spaces with similar materials as the fire lane.

4. Native species should be used for the proposed mitigation.

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

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC 351-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2005

Mr. Steve Cohoon
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: Sketch Plan, Bay Forest
SSP#05-05-05-0007c, Walters Properties, LLC

Dear Mr. Cohoon:

Thank you for providing information on the above referenced sketch plan. The applicant proposes to subdivide an existing parcel into 138 single-family lots, 30 townhouse lots and one large lot. The site is partially within the Critical Area. Commission staff has reviewed the information provided and we have the following comments:

1. The Critical Area line does not match the line that appears on the County's map in our office.
2. Though the sketch plan and the cover letter seem to indicate that portions of the Critical Area are designated LDA, with the remainder being RCA, the maps in our office show the entire property's Critical Area as RCA. Growth allocation will be needed for this project as proposed.
3. Notwithstanding the above, all Critical Area lots, including the townhouse lots, are subject to a 25% impervious surface limit and the entire Critical Area on site is subject to a 15% impervious limit. The townhouse lots currently exceed the 25% limit. Again, growth allocation will be needed for this project as proposed.
4. It is extremely likely that the forest on this site is habitat for Forest Interior Dwelling birds (FIDs). Conservation of this habitat is required. Please submit a Habitat Protection Plan. The Commission issued a guidance paper for FIDs habitat conservation in June 2000. Habitat protection measures proposed on this site must either follow the guidelines or provide an equivalent level of conservation.

Mr. Steve Cohoon
June 8, 2005
Page 2 of 2

5. Please submit a copy of the response letter from the Department of Natural Resources when it is received. Also provide a copy of any correspondence from the US Fish and Wildlife Service related to the Delmarva Fox Squirrel survey.
6. Please provide a copy of the drawing referenced in the letter from the Corps of Engineers dated December 04, 2002. The JD is otherwise incomplete.

Commission staff would like to visit the site with County staff. Please contact me to arrange a site visit prior to the next submittal. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC 350-05

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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June 6, 2005

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

RE: Preliminary Plat - Bay Point Plantation – Comments for TRC, June 8, 2005

Dear Ms. Weisner:

Thank you for providing the preliminary plat 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. Commission staff has reviewed the information provided and we have the following comments:

1. The Buffer from the tidal gut near the entrance to the property is not shown properly. A 100-foot Buffer applies. This should be corrected.
2. Based on a review of the County's Critical Area Program as well as the subdivision regulations, the following information needs to be shown on the plat: 100-year floodplain; final grades; preliminary drainage plan; delineation between State tidal wetlands and private tidal wetlands; depiction of the proposed pier and walkway; and a delineation between the RCA and the IDA.
3. The general notes on Sheet 1 do not reflect the conditions imposed by both the County Commissioners (under Rezoning Case No. 372 and Zoning Reclassification Resolution #04-02), as well as the Critical Area Commission (for the growth allocation approval). Of particular concern is Note #21, which indicates that Outparcels I-V are designated as "Reserved Lands of the Developer." Besides the fact that it is unknown how much of these areas are privately owned, the entirety of Outparcel I and much of Outlot A are required to be placed under a conservation easement. The notes must be revised to reflect these conditions. For your information, enclosed please find a copy of the approval letters for both the growth allocation as well as the BMA designation.
4. The determination between State and private tidal wetlands can be made based on elevation as compared to a NOAA benchmark, vegetation type, or a combination of both. Unless the

Ms. Stacey Weisner
June 6, 2005
Page 2 of 2

property is under a valid land patent, areas of State tidal wetlands must be deducted from the gross site area. The metes and bounds of the property should reflect only those lands under private ownership.

5. A note pertaining to the removal of all existing piers and docks should be added to the plat.
6. The BMA setback for Lot 3 is 50 feet. It appears to be shown with a 50-foot setback on its west side and just 25 feet on its east side.
7. The existing entrance to the property from Gum Point Road is within the 100-foot Buffer to the tidal gut mentioned in Comment #1 above. The proposed entrance is also in the Buffer but is divided with a greater impact to the Buffer. Please explain and justify the design and location of the entrance. The detail of the entrance on Sheet 10 should show the 100-foot Buffer.
8. Impacts to the Buffer associated with the road in the RCA must be quantified. Mitigation for removal of this vegetation is required at a 2:1 ratio. See §NR 3-104(d)(1)(c).
9. The Critical Area Buffer must be expanded (beyond 100 feet) to include contiguous sensitive areas such as non-tidal wetlands. There are non-tidal wetland impacts associated with the road that extends up to Lots 23 to 27. If possible, we recommend that the road be modified (made a private drive if possible) to reduce impacts to the Buffer.
10. Additional detail is needed on the driveway that will serve Lots 5 to 7. New impervious surface is not permitted within the setback.
11. A detailed Critical Area site plan and report should accompany the plat in accordance with §NR 3-109. Preliminary stormwater information demonstrating compliance with the 10% Rule is also needed.

Thank you for the opportunity to comment on this plat. 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



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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June 6, 2005

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

RE: Site Plan, Shore Point Business Center

Dear Ms. Weisner:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct five commercial buildings on a 4.66-acre property. A portion of the site is within the Critical Area designated IDA. It is not waterfront so the main Critical Area requirements are 15% afforestation and the 10% pollutant reduction. Commission staff has reviewed the information provided and we have the following comments:

1. While stormwater plans were submitted, the 10% pollutant reduction calculations were not provided. It is not possible to assess compliance with the information received. Please forward 10% calculations.
2. It appears that the 15% afforestation requirement is addressed by the proposed landscaping.
3. For clarity, please have the applicant show the Critical Area line on all the plans.

Thank you for the opportunity to review and comment on this site 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: WC349-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 6, 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:

At its meeting of June 1, 2005, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the growth allocation and map redesignations associated with the Gibson's Grant project, otherwise known as Parcel 45 on Tax Map 57, with three conditions. Specifically, 3.92 acres will be changed from RCA to IDA through an award of growth allocation, 59.66 acres will be redesignated from LDA to IDA, and 11.16 acres will be redesignated from LDA to RCA in accordance with Exhibit 1 of the Growth Allocation petition.

The conditions of approval are as follows:

1. A Buffer Management Plan for the Chester River and Macum Creek shall be submitted to Commission staff, or if necessary, the full Commission for review and approval. It shall include provisions for establishing the areas in natural vegetation as well as details of proposed trails and access to the water.
2. A plan for the Conservation Area shall be submitted to Commission staff or, if necessary, the full Commission for review and approval. The plan shall include details on design, implementation and long term maintenance of the Conservation Area.
3. Stormwater requirements, including the 10% Rule and County stormwater standards, shall be addressed within the development envelope or outside of the Critical Area.

Mr. Steve Cohoon

June 6, 2005

Page 2 of 2

In addition, the Commission panel recommended that the developer explore options for non-structural shore erosion control measures wherever possible. They requested that the developer return to present further information on this issue once they reach that stage in the project design.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the approved change on the County's Critical Area Maps within 120 days of receipt of this letter. A revised map should be provided to this office when it is available.

Thank you for your help in processing this amendment. If you have any questions regarding this matter, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Mr. Joseph A. Stevens, Esq.
Mr. William Dodd
Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 31, 2005

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

RE: Concept Plan – RVG Management (David C. Bell Property)
File# GA 04-05-04-0013(c) – GROWTH ALLOCATION PETITION

Dear Mr. Keeley:

Thank you for providing information on the above referenced growth allocation petition. 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. The applicants are requesting 12.05 acres of growth allocation to change the site's Critical Area designation to IDA. Commission staff has reviewed the information provided and we have the following comments:

1. Two of the plan sheets are inconsistent in terms of total Critical Area acreage. These include Sheet GA01 under the column titled, "Total Lot 1 and 2 Critical Area" as well as note #2 under "Purpose and Intent" and Sheet GA02 under the column for Lot 1 Critical Area. These should be corrected.
2. If this growth allocation request is submitted to the Critical Area Commission as a formal map amendment, preliminary 10% pollutant reduction calculations will be required to show that the IDA development standards can be met by the project. In addition, findings regarding consistency with the County's Critical Area Program and in particular the requirements for the award of growth allocation will also be required.

Thank you for the opportunity to comment on this growth allocation petition. 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

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 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) – Preliminary Plat, Revision #1

Dear Mr. Cohoon:

Thank you for providing the revised 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. Woodland resources on the property should be evaluated on-site rather than depending upon aerial photographs. It may be appropriate to count the trees being removed rather than calculating clearing on an aerial basis.
2. Notwithstanding the above comment, if clearing exceeds 20% of the existing woodlands (up to 30%), replacement must occur at a 1.5 to 1 ratio for the entire area of clearing.
3. Reforestation for the proposed clearing should occur on-site, preferably within the Buffer (a designated Habitat Protection Area). See §14:1-38(D)(5) of the County Code.
4. The response letter from the Department of Natural Resources indicates that there is a Great Blue Heron colony nearby. The habitat protection recommendations include establishing concentric areas of protection around the colony up to a one-quarter mile radius. Please show the location of the protection zones on or near the site. The plat notes should contain appropriate protection measures (e.g., time of year restrictions on construction) if the zones affect the site.

Mr. Steve Cohoon
May 26, 2005
Page 2 of 2

5. The impervious surface calculations show development on some of the lots up to just one square foot below the 15% limit on imperviousness. The limit of disturbance plan shows several models of homes on the various sized lots, but the plan does not provide for sidewalks, back patios or decks, or any accessory structure of any kind. We strongly recommend that some amount of imperviousness be reserved for the future homeowner to use for future needs. It is a disservice to the future owner to create a situation where a variance would be needed to do virtually anything to their property. We suggest that a certain percentage of the imperviousness on each lot be "reserved for future use." If this does not occur, we recommend that the County require deed restrictions on each lot that clearly indicate that no accessory structures or impervious areas of any kind can be constructed.

Thank you for the opportunity to review this subdivision. A site visit would be helpful in our review of 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

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 18, 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) – REVISION #2

Dear Mr. Cohoon:

Thank you for providing Revision #2 of the Matapeake Middle School to our office for review. (Please note that we did receive a copy of Revision #1, although it was after the last STAC meeting.) Commission staff has reviewed the information provided. We have the following comments:

1. The acreage shown on the Critical Area afforestation plan (9.359 acres as net tract in CA) is not consistent with the acreage shown on the site plan (9.429). Also, the allowable impervious surface has been calculated based on 9.299 acres (Parcel 49 only). If these numbers are to remain inconsistent with each other, some type of explanatory note should be provided.
2. The calculations now show that the impervious coverage for the Critical Area portion of the site is within the 15% limit. If the plans are approved and the project moves forward, please notify us if there are any changes that affect the Critical Area on this site.

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,

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

cc: QC908-04



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

May 12, 2005

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

VIA FACSIMILE

RE: Site Plan, Joseph Vitt, 308 N. 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 6,000 square feet in size with a 15-foot waterfront setback.

Commission staff has reviewed the information provided. The site plan shows a first and third floor deck and then a second floor screened porch. It is not clear if all three of these structures are on top of each other. If this is the case, the entire structure would have to be moved back to meet the required setback of 15 feet. This should be clarified. If a porch is proposed within the setback, a variance is required. Similarly, the application states that impervious cover proposed is 2,736 square feet, yet the main body of the house plus the driveway equates to 2,980 square feet. This does not even account for the screen porch on the back of the house. Again, these numbers should be reviewed and corrected as necessary.

It appears that the 10% pollutant reduction requirement is adequately addressed by the proposed swales and raingardens (provided the impervious coverage is correct). In regard to Buffer mitigation, fees-in-lieu should be a last resort after all options to plant on site are exhausted. We recommend that additional planting be provided on site.

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

OC258-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2005

Mr. Keith Lackie
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Growth Allocation, YMCA Facility

Dear Mr. Lackie:

This office has received the request for Commission review and approval of the award of growth allocation for the proposed YMCA facility from the County Commissioners. We are accepting the map amendment request as a complete submittal. Chairman Madden will make an amendment/refinement determination within thirty days of the date of this letter. Commission staff will notify the County of his determination and the procedures for review by the Critical Area Commission.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2005

Mr. Keith Lackie
Worcester County Development Review & Permitting
One West Market St., Room 1201
Snow Hill, MD 21863

RE: Growth Allocation, YMCA Facility

Dear Mr. Lackie:

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Amendment File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 10, 2005

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

VIA FACSIMILE

RE: Variance Case #V-040002, Mark Cascia

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of an addition in the Critical Area Buffer. The site is designated RCA, is approximately 20.75 acres in size and is developed with an historic dwelling and several small outbuildings.

The original application for this case included a pool with a four-foot sidewalk around it to be constructed partially within the Critical Area Buffer. Commission staff visited the site with County inspectors and discussed the case with one of the property owners. We encouraged the applicant to redesign the proposal to move the pool outside of the Buffer. It is our understanding that they did in fact redesign to eliminate the pool's intrusion into the Buffer.

The remainder of the Critical Area variance request is for an addition within the Buffer. The existing historic dwelling has one corner located only approximately 24 feet from the shoreline. Given this existing location, it is not possible to reasonably expand the living space without some impacts to the Buffer. It appears that the entire addition will be located further from the water than the existing dwelling. Given the need for handicap accessibility, the proposal seems to be a reasonable expansion to the dwelling's narrow footprint. We do not oppose the variance requested for the addition provided that mitigation for disturbance within the Buffer is provided at a 3 to 1 ratio.

Thank you for the opportunity to review this application. Please include these comments in the record for this request and please notify us in writing of the decision made by the Board. 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: QC266-05



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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May 10, 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 – REVISION #1

Dear Ms. Spinelli:

Thank you for providing the revised drawings for 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. The revised site plan shows only landscaping within the Critical Area portion of the site. As such, there are no Critical Area concerns at this time.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC 101-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 9, 2005

Ms. Kelly Brewington, Town Manager
Municipal Building
P.O. Box 348
Snow Hill, Maryland 21863

RE: After-the-Fact Consistency Report – Byrd Park Driveway


Dear Ms. Brewington:

Thank you for providing a consistency report for the driveway recently constructed at Byrd Park. Based upon the report, we understand that the driveway totals 5,850 square feet in size. We further understand that the impervious surface limitations have not been exceeded. Since there were no impacts to any Habitat Protection Areas and afforestation is not necessary, it appears that the project is consistent with the Town's Program.

However, we would like to emphasize our continued concern over the lack of stormwater management at the Park. Since the driveway is over 5,000 square feet in size, stormwater management should have been provided and reviewed by the Worcester County stormwater reviewer. Additional impervious cover will only exacerbate existing drainage problems. We understand that the Town is under severe time constraints to prepare the park for the County Fair. We strongly recommend that stormwater management be the next priority in implementing the master plan for the park.

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: Karen Houtman, Town Planner
Tracey Gordy, Maryland Department of Planning
SN289-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 5, 2005

Ms. Kelly Brewington, Town Manager
Municipal Building
P.O. Box 348
Snow Hill, Maryland 21863

Post-It™ brand fax transmittal memo 7671		# of pages ▶ /	
To	Karen Houtman	From	Lee Anne
Co.	(original is in the mail)	Co.	
Dept.		Phone #	410 260 3477
Fax #		Fax #	

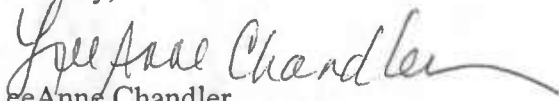
RE: Consistency Report – Byrd Park Drainage Issues

Dear Ms. Brewington:

Thank you for providing a consistency report for the proposed filling activities at Byrd Park. We understand that the Town has received permits from MDE and the Corps of Engineers to fill the non-tidal wetland areas of the park. We further understand that the Town is seeking to bring in fill material in order to immediately address the existing drainage problem, while seeking a long term solution for the stormwater issues for the entire area. Commission staff has reviewed the information provided. The site is designated RCA and is subject to 15% impervious surface limits, 15% afforestation, and protection of Habitat Protection Areas. Since no grading is proposed within the Buffer, no impervious surfaces are involved and no trees are proposed to be removed, 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,


Lee Anne Chandler
Natural Resources Planner

cc: Karen Houtman, Town Planner
Tracey Gordy, Maryland Department of Planning
SN289-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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May 3, 2005

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

VIA FACSIMILE

RE: Critical Area Plan/Preliminary Plat – Grand View Farm (Comments for TRC of 5/4/05)

Dear Ms. Weisner:

Thank you for providing the revised plans for the above referenced subdivision. The applicants 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. Information previously requested has been provided, including a table on the Critical Area Plan containing impervious calculations for the Critical Area lots. A copy of the full subdivision plat was not provided to us for review. All Critical Area information should be included on the subdivision plat in order to ensure all notes and restrictions are properly recorded. Please provide a copy of the complete plat if the project moves forward to the Planning Commission.
2. The environmental report discusses the waterway on the western boundary of the property on Page 3. The description draws certain conclusions from the letter MDE sent in response to the wetland permit application. It indicates that only the southern portion of this waterway is subject to regulation and that it is considered a non-tidal wetland and not a stream. However, on the plan showing limits of tidal wetlands, this waterway is labeled as "Waters of the U.S." up to a point just 100 feet from Route 365 labeled as "Limits of Waters of the U.S." Similarly, the permit drawings themselves call the waterway "waters of the state." The fact that MDE is regulating the waterway as a non-tidal wetland does not indicate that the waterway is a ditch rather than a stream. Many non-tidal wetlands contain stream channels. Based on our site visit to the area and first hand experience of site conditions; the natural topography of the site sloping gently from the road down to Pawpaw Creek and the USGS topographical map, this waterway is a stream and it should be labeled as such on the Critical Area plan along with its 100-foot Buffer.

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

3. The Buffer Management Plan as outlined in the environmental report indicates that planting will occur from March 15th to June 15th. Staff has consulted with the Department of Natural Resources' Forest Service regarding optimal planting dates. DNR indicated that they recommend planting earlier in the spring (ending by the beginning of May) and especially encouraged planting in the fall to allow root establishment prior to leafing out in warm temperatures.
4. 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.
5. Please keep us updated on any enforcement action the County has taken in regard to the unauthorized clearing we discovered when we were on the site.

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: WC660-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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May 2, 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 #3

Dear Ms. Spinelli:

Thank you for providing Revision #3 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 93 acres. The Critical Area portion of the property is proposed to be subdivided into four lots. After a visit to the site and a review of the latest information provided, we have no outstanding issues of concern regarding this subdivision. We have two minor recommendations. One, the table in the lower left corner of Sheet 3 regarding shore buffer afforestation should be removed (since Title 18 was amended). Two, we recommend that the Buffer plantings include some evergreen species, such as American Holly, Eastern Red Cedar and Loblolly Pine.

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,

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

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

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 2, 2005

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

RE: Conditional Use Case #CU-040008, Michael Demski

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting approval of a pier extension to 375 feet as a conditional use. The site is designated LDA and is developed with a single-family dwelling.

This office defers to the Maryland Department of the Environment on pier issues. Provided all conditions of the MDE permit are strictly followed, this office has 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: QC267-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2005

Ms. Liz West
Anne Arundel County
Dept. of Planning and Code Enforcement
2664 Riva Road
Annapolis, MD 21401

RE: Frederick Carter Variance
2005-189-V

Dear Ms. West: *Liz*:

Thank you for providing information on the referenced variance. The applicant is requesting an after-the-fact variance to place gravel in the 100-foot Buffer to repair an existing road. Based on our July 27, 2005 conversation, the county staff has been unable to verify that a road or any impervious surface previously existed in this location. Without this information, this office cannot support this variance. We recommend that the gravel be removed and the area restored, and 3:1 Buffer mitigation provided for the area disturbed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Please 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: AA382-05

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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July 27, 2005

Ms. Liz West
Anne Arundel County
Dept. of Planning and Code Enforcement
2664 Riva Road
Annapolis, MD 21401

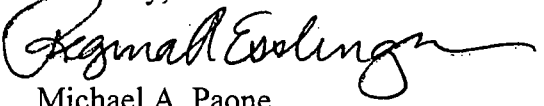
**RE: Stephen Redmiles Variance
2005-0202-V**

Thank you for providing information on the referenced. The applicant is requesting an after-the-fact variance to impact steep slopes for the placement of a shed and attached pervious deck. The structure is not within the 100-foot Buffer. The shed replaces a shed that was closer to the water and damaged by a storm.

The Commission does not oppose the requested variance. If the variance request is approved, the Commission recommends stormwater be directed to a best management practice away from steep slopes and that mitigation be provided in accordance with Anne Arundel County Critical Area requirements.

Thank you for the opportunity to review this application. If you have any questions feel free to contact me at (410) 260-3460.

Sincerely,


for Michael A. Paone
Program Planner

MAP/jjd

cc: AA423-05

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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July 27, 2005

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

RE: Case #27-05

Dear Ms. Bonnel: *Colleen:*

I have received the variance application for the Dorsey property to disturb the expanded Buffer for an addition to an existing dwelling. I have the following comments.

The expanded Buffer is shown correctly on the plat. We do not oppose this variance. If the variance is granted, we recommend that mitigation for all Buffer disturbance be provided at a 3:1 ratio, with native species. It appears there is room on site for the mitigation. Please note that this office recommends that when planting individual trees, 100 square feet of credit be given per tree. If three shrubs are planted with the tree, 400 square feet of credit may be given.

Based on the revised plans, it no longer appears that an impervious surface variance is necessary as impervious surfaces are being reduced from 6445 square feet to 6427 square feet.

Thank you for the opportunity to review this variance. Please submit our comments for 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: LE 199-05

R 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
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July 22, 2005

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

Re: Variance 2005-0177-V Suburban Builders and Realty

Dear Ms. Cotter: *Pam:*

We have received the revised plans, dated July 21, 2005, for the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We commented on the initial proposal on June 20, 2005. This office has no additional comments on the revision.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit 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 "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

AA 381-05 Suburban Builders

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 21, 2005

William R. Watson
Planning and Zoning Administrator
P O Box 400
Chesapeake Beach, Maryland 20732

Re: Chesapeake Village Mitigation Plan

Dear Mr. ~~Watson~~: *Bill*:

We have received the mitigation, grading, and revised subdivision plans for the Chesapeake Village subdivision. The applicant proposes to subdivide Parcel 12 and Parcel 16 to create 222 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. I have reviewed the plans and have the following comments.

1. The 6.8 acres of mitigation required for impacts within the Critical Area are fulfilled on site and are acceptable to the Commission. The applicant has provided a variety of reforestation areas both inside and outside the Critical Area, based on our recommendations.
2. Available RCA density on each of the parcels and residue areas needs to be clarified on the subdivision plat.
3. We recommend the applicant continue to coordinate with the Department of Natural Resources on minimizing potential impacts to the State threatened Glade fern from the proposed sediment and erosion control facilities behind Lots 162 and 163.
4. Impacts to the 100-foot buffer to the Wetland of Special State Concern for sediment and erosion control facilities, while out of the Critical Area, will require authorization from MDE.

Mr. Watson
July 21, 2005
Page Two

This office recommends that the applicant 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) 260-3479 if you have questions.

Sincerely, -



Regina A. Esslinger, Chief
Project Evaluation Division

cc: Robert Cooper, Department of the Environment
Kathy Anderson, U.S. Army Corps of Engineers
Dean Wilkinson, R.A. Barrett & Associates, Inc.
Katharine McCarthy, Department of Natural Resources
CB 854-03 revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 15, 2005

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

RE: Wilson BLAP
#05-141-045

Dear Mr. Kalmus:

I have reviewed the proposal to combine Parcel B with Parcel 1. Parcel 1 is developed with a driveway and septic reserve area in the Buffer and a dwelling and pool outside the Buffer. Parcel B appears to have 2 existing barns and a proposed dwelling, well, septic reserve area and driveway.

Conflicting information is provided: the notification sheet refers to Parcel 2 being combined with Parcel B to create 1 building lot, and the parcel number listed at the top of the sheet is 926, but the plat shows Parcel 1 and Parcel B. Two dwellings are shown on the proposed single building lot. The Maryland Department of Assessments and Taxations database refers to 44709 Three Coves Road (Parcel 1) as Parcel 470, containing 39,204 square feet. The site plan shows Parcel B as 0.8955 acres and the total combined acreage as 1.1055. If Parcel 1 is 39,204 square feet, the total acreage would be 1.7955. No impervious surface information is provided for either parcel.

Please clarify what is occurring on these parcels and we will provide additional comments. Thank you for the opportunity to review this proposal. 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: 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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July 8, 2005

Ms. Yvonne Chaillet
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: James Spindler Variance
#05-1042

Dear Ms. Chaillet:

I have reviewed the variance application to clear more than 30% on Lot 8 and to impact the 100-foot and expanded Buffer for a new dwelling, driveway, and septic reserve area. 39.7% clearing is proposed. The lot is grandfathered and the expanded Buffer covers a significant portion of the site.

This office does not oppose placement of a dwelling on this lot. However, it appears that impacts to the expanded Buffer could be minimized by replacing the circular driveway with a straight driveway and by moving the dwelling up to the 25-foot building reserve line along Cherry Lane. 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. Please include this letter in the file, and submit it as part of the record. Please notify the Commission in writing of the decision 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: SM443-05

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**

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July 8, 2005

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

RE: Route 343, LLC variance
#2257

Dear Mr. Dodd: *Steve*:

I have reviewed the variance application to exceed the impervious surface limit of 5445 square feet to allow construction of an addition to an existing store. The lot is grandfathered and currently developed with 7754 square feet of impervious surface (23.3%). The applicant is proposing to remove 712 square feet of impervious surface and add 560 square feet, bringing the overall impervious to 22.8%. This office does not oppose this variance.

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: DC437-05

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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July 8, 2005

Ms. Yvonne Chaillet
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtwn, Maryland 20650

RE: Robert Russell Variance
#05-1805

Dear Ms. Chaillet:

I have reviewed the variance application to clear more than 30% at 38185 Beach Road for a new home. The lot is mostly wooded; 36.4% clearing is proposed for a dwelling, driveway, well, and septic reserve area.

This office does not oppose the variance. If the variance request is approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

Thank you for the opportunity to comment. Please include this letter in the file, and submit it as part of the record. Please notify the Commission in writing of the decision 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: SM444-05

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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July 8, 2005

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

RE: Matthew Beck Variance
#2258

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

I have reviewed the variance application to build three additions onto an existing dwelling, a detached garage, and to realign a driveway in the 100-foot Buffer. The lot is grandfathered and currently developed with a house, three sheds, and an above ground pool. All three sheds will be removed, the driveway will be minimally adjusted, and what appears to be a small attached porch will be removed. While the site is 5.02 acres, there is a very small portion of the lot that is outside of the 100-foot Buffer. The site plan shows both tidal and nontidal wetlands on the property, but does not show the entire property nor whether the tidal wetlands are State or private.

I note that impervious surface information, both existing and proposed, is not provided. Areas of State tidal wetlands cannot be used to comply with impervious surface requirements. The County should verify that an impervious surface variance is not necessary.

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: DC458-05

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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July 8, 2005

Ms. Yvonne Chaillet
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: Buckler Variance
#05-0031

Dear Ms. Chaillet:

I have reviewed the variance application to clear more than 30% on Lot 91 in Golden Beach, the Buckler property. A dwelling, garage, driveway, and septic reserve area are proposed on this fully wooded site. The variance is to clear 63.5% of the forest.

This office does not oppose the variance. If the variance request is approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

Thank you for the opportunity to comment. Please include this letter in the file, and submit it as part of the record. 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: SM442-05

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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June 23, 2005

Ms. Sandra Carter
Department of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Grasonville Joint Venture
TDR# 05-04-06-0002

Dear Ms. Carter:

I have reviewed the revised transfer of development right proposal. Only one development right is now proposed to be lifted from a 75.885 acre parcel with a split RCA/LDA designation. The applicant is no longer proposing to lift a development right from tidal wetlands. 23.622 acres will be deed restricted. This office does not oppose the transfer.

However, I note that any future development of the site will need to address comment #1 from LeeAnne Chandler's enclosed June 16, 2004 letter regarding State tidal wetlands ownership.

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: LeeAnne Chandler
QC398-04

Enclosure

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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June 23, 2005

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

RE: Blackwater Estates Subdivision
1090

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

Thank you for providing information on the referenced project. I have reviewed the plan submitted, and I have the following comments:

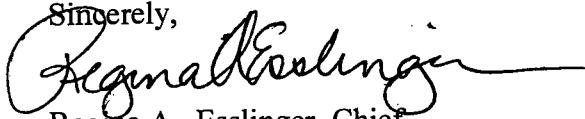
1. Please provide additional information regarding the environmental features of the site including soil types and streams. The site plan includes a note stating that the streams were taken from the NWI maps pending field investigation.
2. The plan should state whether clearing is proposed, particularly to access Lot 2, and show any planting areas on the plan. A planting plan should be provided.
3. As required by the Dorchester County Zoning Ordinance, Article VII, 155-38.J.18, the Buffer must be fully established when the use of the site changes from agriculture to residential. A Buffer Management Plan must be provided.
4. Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, and endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
5. The parcel information is confusing. The tax map refers to "Parcel 20" and the site plan refers to "Deed Parcels 1 and 2." Additional clarification is necessary.

6. The subdivision plan indicates areas of State and private tidal wetlands on the site based on the 1972 State Tidal Wetlands Maps. Because this project involves the creation of six lots on a property with 121.23 acres in the Critical Area, the acreage of private tidal wetlands included in the property and considered privately owned is significant from a density standpoint. 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. Therefore, field verification should be used 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. We recommend the applicant coordinate with the Maryland Department of the Environment on this verification.

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. We hope 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.

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) 260-3479.

Sincerely,



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

cc: Rick Ayella, MDE
Stan Causey, MDE
DC438-05

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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June 23, 2005

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

RE: Blackwater Estates Subdivision
1090

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

Thank you for providing information on the referenced project. I have reviewed the plan submitted, and I have the following comments:

1. Please provide additional information regarding the environmental features of the site including soil types and streams. The site plan includes a note stating that the streams were taken from the NWI maps pending field investigation.
2. The plan should state whether clearing is proposed, particularly to access Lot 2, and show any planting areas on the plan. A planting plan should be provided.
3. As required by the Dorchester County Zoning Ordinance, Article VII, 155-38.J.18, the Buffer must be fully established when the use of the site changes from agriculture to residential. A Buffer Management Plan must be provided.
4. Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, and endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
5. The parcel information is confusing. The tax map refers to "Parcel 20" and the site plan refers to "Deed Parcels 1 and 2." Additional clarification is necessary.

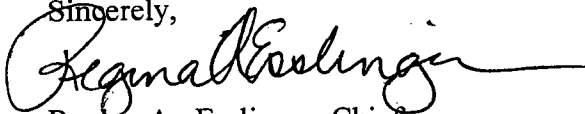
Mr. Dodd
June 23, 2005
Page 2

6. The subdivision plan indicates areas of State and private tidal wetlands on the site based on the 1972 State Tidal Wetlands Maps. Because this project involves the creation of six lots on a property with 121.23 acres in the Critical Area, the acreage of private tidal wetlands included in the property and considered privately owned is significant from a density standpoint. 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. Therefore, field verification should be used 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. We recommend the applicant coordinate with the Maryland Department of the Environment on this verification.

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. We hope 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.

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) 260-3479.

Sincerely,



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

cc: Rick Ayella, MDE
Stan Causey, MDE
DC438-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2005

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

RE: Oakley Chase Subdivision
#1039

Dear Mr. Dodd: *Steve*

Thank you for submitting the revised plans for the above referenced project, previously known as Patapsco Homes. The applicant is seeking approval for Phase I, an eight lot subdivision on Pig Neck Road. The property is designated LDA, and contains 52.72 acres in the Critical Area. I have the following comments:

1. The plan shows a chart that includes acreages for the lots and roads. Road 1 is shown as having 2.28 acres in the Critical Area, with 0.88 acres of impervious. Please clarify the difference in these two numbers. The right-of-way is fifty feet wide, but if this entire area will not be paved the plat should show the area to be paved or indicate the paved width.
2. The plat should include a note that states no development activity is permitted in the Buffer except for water-dependent facilities.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/JJD

cc: DC907-03

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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June 22, 2005

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

RE: Revised Harris Variance
Lot 4
#05-0968

Dear Ms. Bahner: *April:*

I have reviewed the revised variance application to clear more than 30% on Lot 4. This letter supercedes my June 14, 2005 letter. 9,548 square feet of clearing, or 42.6%, has already occurred. The applicants have agreed to a planting plan to address this violation. 31% clearing is proposed. From the site plan, it appears that the dwelling could be moved up to the 25-foot building restriction line, with the septic reserve area then also moved forward on the lot. This would reduce impacts and minimize the variance request.

If the variance request is approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

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 decisions 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: SM414-05

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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June 20, 2005

Mr. Mark Keeley
Department of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Washington Brick & Terra Cotta/Queenstown Harbor
#MISP 05-05-06-0012-C

Dear Mr. Keeley:

I have reviewed the minor site plan to construct a 900 square foot addition onto an existing equipment storage building at Queenstown Harbor Golf Course. The site is located in the RCA and there is no proposed clearing or impacts to HPAs. The original Critical Area Commission approval of Queenstown Harbor allowed equipment buildings in the RCA; therefore, at this golf course we do not oppose such an addition.

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: LeeAnne Chandler
QC431-05

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

June 20, 2005

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

RE: Nelson Variance
#05-1500

Dear Ms. Bahner: *April:*

I have reviewed the variance application to build a 390 square foot deck within the 100-foot Buffer. The site plan does not show the Buffer. This office does not oppose the variance. 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 cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM415-05

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/

June 20, 2005

Ms. Tanya Krista-Maenhardt
Department of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Island Flowers
#CP 04-05-06-0013

Dear Ms. Krista-Maenhardt:

Tanya:

I have reviewed the concept plan for the proposal to convert an existing dwelling into Island Flowers, a commercial business. A portion of the site is located in the IDA. Conflicting acreages are shown on sheet C-1 regarding the Critical Area acreage. The column labeled "Base Site Area - Upland Area" states there is 0.101 acres in the Critical Area, while the adjacent column, "Base Site Area - Critical Area - IDA" states there is 0.198 acres. In addition, no information is provided as to how the 10% pollutant reduction requirement will be met.

We will provide additional comments once we receive this information. 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: LeeAnne Chandler
QC434-05

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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June 20, 2005

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

RE: Case #27-05

Dear Ms. Bonnel: *Colleen*

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

The impervious surface limit for the portion of the property containing part of Lot 63 and all of Lots 64, 65, and 66 is shown as 31.25%. Because this area is 0.72 acres, the impervious surface limit is 5445 square feet. The existing development of 6184 square feet exceeds this limit, and the development proposal of 6427 square feet will increase it by an additional 243 square feet. An impervious surface variance will be necessary.

The expanded Buffer is now shown on the plat; however, it does not appear the Buffer was properly expanded. Enclosed is a drawing depicting the expanded Buffer according to my calculations. A portion of the proposed addition falls within this area; therefore, a Buffer variance is required.

In this revision the applicant has provided impervious surface information and the Buffer for Lots 67 and 68. This area is almost entirely encompassed by the Buffer. The existing impervious surfaces here total 32.7%.

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

RAE/jjd

Enclosure

cc: LE 199-05

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/

June 15, 2005

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

RE: Duane Dieter Special Exception
Case #2256

Dear Mr. Dodd: *Steve*:

I have reviewed the special exception application for a commercial firearm training range and a variance to the setback requirement for a commercial range. The site is 152 acres, zoned RC, and is also designated RCA. The application does not indicate whether the entire site is within the Critical Area. A stream is shown on the tax maps, but it appears it is beyond the area proposed for the range. It should be shown on the plan, with the appropriate buffers.

This office does not oppose the special exception if the parking lot and shed are outside the Critical Area. If the parking lot and shed are within the RCA, growth allocation will be necessary.

This office does not oppose the variance.

Thank you for the opportunity to comment. Please submit it as part of the record, and notify the Commission in writing of the decision made in these cases.

Sincerely,

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

RAE/jjd

cc: DC303-05

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**

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(410) 260-3460 Fax: (410) 974-5338
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June 14, 2005

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

RE: Suchinsky Variance
#05-1515

Dear Ms. Bahner: *April:*

I have reviewed the variance application to build a new dwelling partially within the 100-foot Buffer. The site plan does not show the Buffer; however, it appears there is a 100-foot Buffer from the tidal wetlands on the rear of the lot as well as a Buffer from the Potomac River. 5036 square feet of impervious surface are proposed, with 11,000 square feet of disturbance. The application does not distinguish how much of this is within the Buffer. This office does not oppose the variance. 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 cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM387-05

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

June 14, 2005

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

RE: Harris Variance
Lot 4
#05-0968

Dear Ms. Bahner: *April:*

I have reviewed the variance application to clear more than 30% on Lot 4, which is almost fully wooded. 34% clearing is proposed. From the site plan, it appears that the dwelling could be moved up to the 25-foot building restriction line, with the septic reserve area then also moved forward on the lot. This would reduce clearing and minimize the variance request.

If the variance request is approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

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 decisions 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: SM414-05

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/

June 14, 2005

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

RE: Boyle Variance
#05-1323

Dear Ms. Bahner: *April*

I have reviewed the variance application to build a replacement dwelling partially within the 100-foot Buffer in the same location as the existing dwelling. No trees will be removed. It appears the applicant will be using the existing septic reserve area. This office does not oppose the variance. 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 cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jd

cc: SM386-05

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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June 9, 2005

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

RE: Laredon Variances
Lots 5, 6, and 7
#05-0778, 05-0779, 05-0780

Dear Ms. Bahner:

I have reviewed the variance applications to clear more than 30% on Lots 5, 6, and 7 of the Laredon Subdivision. Each lot is fully wooded. The clearing proposed is 38.7% on Lot 5, 42.1% on Lot 6, and 34.4% on Lot 7. From the site plan, it appears that the septic reserve area on Lots 5 and 7 could be moved up to the 25-foot building restriction line, with the dwellings then also moved forward on the lots. This would reduce clearing on the rear of the lots and minimize the variance requests.

If the variance requests are approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM360-05
SM361-05
SM362-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2005

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

RE: Ide Variance
Lot 63, Leverings Subdivision
#05-0489

Dear Ms. Bahner: *April:*

I have reviewed the variance applications to clear more than 30% on Lot 63, the Ide property. 56% of the existing forest is proposed for removal under the redevelopment of the site for a replacement dwelling and septic system.

If the variance request is approved, the Commission recommends that mitigation be provided in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. It appears that there is room on site for some of the mitigation.

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: SM330-05

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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June 9, 2005

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

RE: Golden Beach BLAP
Lots 500-881, 500-882, Parcel 315
#05-141-040

Dear Mr. Kalmus:

I have reviewed the proposal to add 0.51 acres to Lot 500-881 from Lot 882 and 11.47 acres to Lot 500-882 from Parcel 315. Lot 500-881 will be 1.74 acres, Lot 500-882 will be 11.89 acres, and Parcel 315 will be 5.26 acres. Only a small portion of Lot 500-882 is in the Critical Area. 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: SM384-05

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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June 9, 2005

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

RE: Blackistone BLAP
#05-141-041

Dear Mr. Kalmus:

I have reviewed the proposal to combine parcels 98, 527, and 528 into two adjusted parcels, 527 and 98. The new parcel 527 contains a dwelling, garage, and two sheds; the new parcel 98 contains a dwelling, garage, and pool. The plat states that there is 13,357 square feet of impervious surface on site, but does not indicate how much impervious surface there is on each of the existing parcels and on the proposed parcels. This information should be provided on the plat. 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: SM385-05

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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June 3, 2005

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

RE: St. Georges Beach Subdivision BLAP
#05-141-038

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between thirty two 4000 square foot lots at St. George's Beach (Lots 7 and 9, Block 17; Lots 1-20, Block 18; and even Lots 2-20, Block 19) to create sixteen new 8000 square foot lots. 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: SM358-05

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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June 3, 2005

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

RE: Piney Point Shores BLAP
Lots 22-28, Block 14
#05-141-039

Dear Mr. Kalmus:

I have reviewed the proposal to combine Lots 22-28 and a portion of Oak Street into Lot 500-22. The new lot will be 0.43 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: SM359-05

Robert L. Ehrlich, Jr.
Governor

Chael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 2005

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

RE: Bay Front Group BLAP
Lots 42 and 43, Leverings Subdivision
#05-141-037

Dear Mr. Kalmus:

I have reviewed the proposal to combine Lots 42 and 43 into Lot 500-42. The site is developed with a dwelling, shed, and pier. The new lot will be 0.1608 acres. This office does not oppose the boundary line adjustment. However, we recommend that a note be included on the plat stating that the entire lot is within the 100-foot Buffer.

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: SM368-05

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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June 3, 2005

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

RE: Bay Front Group BLAP
Scotch Point Subdivision
#05-141-036

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between Lot 500-5 and Lot 500-6 in the Scotch Point Subdivision. Lot 500-5 will receive 109 square feet from Lot 500-6. 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: SM367-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 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 500-8 and 500-9
#05-141-035

Dear Mr. Kalmus:

I have reviewed the proposal to add 48.4 acres to Lot 500-8 and 20.57 acres to Lot 500-9; the additional acreage will come from Outparcel 500-A. Lot 500-8 will be 53.4 acres, Lot 500-9 will be 26.6 acres, and Outparcel 500-A will be 215.1847 acres. This office does not oppose the boundary line adjustment.

I

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Christine Allred
Mary Owens
SM266-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 31, 2005

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

RE: Garner Minor Subdivision
Lots 3 and 4
#05-110-038

Dear Mr. Kalmus:

I have reviewed the proposal to create Lots 3 and 4 from a 13.146 acre tract. The site is RCA and contains an existing dwelling, barn, shed, pier, and driveway. I have the following comments.

Subdivision of a 13-acre parcel in the RCA can only occur either through an intrafamily transfer or through growth allocation, as density in the RCA is limited to one unit per twenty acres. If this is a proposed to be an intrafamily transfer, the applicant should provide additional information regarding the transfer.

Existing and proposed impervious surface for each lot should be provided on the plat, with a note stating the maximum allowable on each lot. If existing structures are to be removed, they should be labeled as such on the plat.

It appears the 100-foot Buffer may need to be expanded for steep slopes in the area adjacent to the shed. Given the scale of the plan, it is difficult to discern the boundaries of the wetlands and the detail of the Buffer.

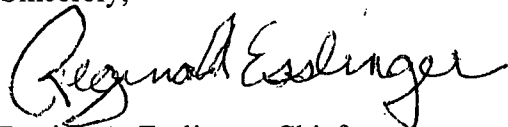
Critical Area Note #13 is incorrect. 0.38 acres of afforestation are required. The plat should state where that planting will occur.

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
May 31, 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,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM319-05

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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May 26, 2005

Mrs. Christine Allred
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 Mrs. Allred:

Christine

Thank you for meeting with Mary Owens and providing the additional information regarding previous subdivision activity at St. George's Peninsulas at Piney Point. Based on the information you provided, this office does not oppose the boundary line adjustment for Lot 500-1.

I
However, I note that the Density Reservation Parcel associated with Lots 1-5 was included to address the Critical Area density provisions, and therefore this parcel cannot now be used for other development purposes without growth allocation.

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: Mary Owens
Ren Serey
SM238-05

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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May 26, 2005

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

RE: Demarr Variance
#05-0936

Dear Ms. Bahner: *April:*

I have reviewed the after-the-fact variance application to clear more than 30% of Lot 296 at Golden Beach. The applicant cleared the entire lot; from the photographs submitted it appears they have recently planted Leyland Cypresses around the perimeter of the lot. In accordance with Section 72.3.1.c(2) of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, clearing in excess of 30 percent of any forest or developed woodland is prohibited without a variance. As specified in Section 72.3.3.a(3), clearing before permits have been obtained is subject to mitigation at a 3:1 ratio.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with Section 24.4.2.b of the County's comprehensive zoning ordinance. It appears possible to perform some of the mitigation on-site. The site plan shows that in addition to the Leyland Cypress, Norway Maples, an exotic invasive species, are proposed. We recommend that a greater variety of native species be used to revegetate the lot. Because the required mitigation may be significant, it may be reasonable for the applicant to pay fees-in-lieu of mitigation for part of this requirement.

Thank you for the opportunity to 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: SM327-05

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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May 19, 2005

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

RE: Bay Front Group BLAP
#05-141-034

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between Parcel 92, Outparcel B (Prospect Hill), and Residue Lot 10 (Squillantes Subdivision). Parcel 92 will receive 4602 square feet from Residue Lot 10 and 4392 square feet from Outparcel B. 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: SM320-05

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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May 19, 2005

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

RE: Peter and Karen Jensen BLAP
#05-141-032

Dear Mr. Kalmus:

I have reviewed the proposal to adjust the property lines between Parcel 48 and Parcel 46. Parcel 48 will receive 0.5 acres from Parcel 46. The site plan shows a ditch on the acreage to be transferred to Parcel 48; it is not clear as to whether this feature is a stream that would need a 100-foot Buffer. If it is a stream, a 100-foot Buffer should be shown on the site plan. 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: SM318-05

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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May 18, 2005

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

RE: Sharon Taylor variance
#2250


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

I have reviewed the variance application to build a 22'x 30' addition onto an existing 26'x 18' detached garage in the 100-foot Buffer. The lot is grandfathered and currently developed with a house, shed, barn, and garage. The site has tidal waters/wetlands on three sides, but the 100-foot Buffer is not shown. The addition will be used to store farm equipment.

From the site plan I am unable to determine if any alternative location outside the Buffer exists. The Board should consider whether there is such a location before considering impacts to the Buffer. If the Board determines there is no location outside the Buffer and the proposal is the minimum necessary, 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,


Regina A. Esslinger, Chief
Project Evaluation Division

cc: DC297-05

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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May 12, 2005

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

RE: Barton Hall Farm Confirmatory Plat
#05-142-008

Dear Mr. Kalmus:

I have reviewed the confirmatory plat application for Parcels 130 and 277 (lot 2). This office has no comments.

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: SM591-03

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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May 12, 2005

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

RE: Nacincik Variance
#053-1072

Dear Ms. Bahner: *April*

I have reviewed the variance application to build an addition and a porch onto an existing dwelling partially within the 100-foot Buffer. 960 square feet of impervious surface are proposed in the Buffer. No topography is provided on the site plan, so I am unable to determine whether the Buffer needs to be expanded. This office does not oppose the variance. 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 cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: SM305-05

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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May 11, 2005

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

RE: North Bay
Reconstruction of stairs on slope

Dear Mr. Piotrowski:

I have reviewed the Erickson Foundation's proposal to rebuild the stairway between the environmental education center and aquatic center. The reconstruction will entail razing the wall adjacent to the stairs and constructing timber stairs above the existing brick stairs; the brick stairs and wall foundation will not be removed. The purpose is to make the stairway safe for camp users. No clearing will occur and the only disturbance to the Buffer will be the concrete footings for the stairs.

This office has determined that this activity does not need formal Commission approval; we have no objections to the proposal. If the scope of the work changes, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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May 5, 2005

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

Gene:
Dear Mr. Piotrowski:

At the May 4, 2005 meeting, the Critical Area Commission approved the site plan modification to reconfigure the Park Manager's driveway and to add a 15'x15' raised timber platform for the zipline between the environmental education building and the pumping station at the North Bay camp at Elk Neck State Park. The Commission determined that the four conditions from the July 3, 2003 approval and April 7, 2004 approval were not affected by the site plan change.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

July 29, 2005

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

Re: Variance 05-3209 Baker

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the expanded Buffer, steep slope, and cliff setback requirements in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

During a recent site visit, it was noted that the cliff face on the property is currently experiencing significant erosion. Of particular concern, the northwestern portion of the property exhibits evidence of recent cliff sloughing, forming a deep v-shaped gully. In addition, it was noted that the topography of the surrounding neighborhood and subject lot appears to result in the direction of stormwater runoff towards this gully area. Based on these observations, this office has significant concerns regarding the impact of the applicant's development proposal on the stability of the eroding cliff face. Therefore, we provide the following comments:

1. Given the sensitive nature of an actively eroding cliff face, as well as the presence of expanded Buffer on the site, the size of the proposed dwelling footprint seems excessive. It appears that a smaller dwelling could be accommodated on the site which would still provide the applicant with adequate habitable space. This reduction in footprint would result in reduced impervious surface area on the site, and would allow the dwelling to be located farther back from the cliff face. We recommend that the Board require a revised site plan showing a smaller footprint.
2. It does not appear that any structural stormwater management structures are proposed as a component of the applicant's proposal. While there are three structures labeled as drywells on the site plan, it appears that these are actually components of the septic system, and serve no true stormwater management benefit. In addition, it appears as though the applicant is proposing to grade the site in order to elevate the dwelling. This grading appears to create a drainage pattern directly aimed towards the eroding gully. We strongly recommend that the


Board require the applicant to revise the grading plan and provide multiple structural stormwater management structures which intercept the flow of rooftop runoff and provide infiltration opportunities as far away from the cliff face as possible. It appears that a reduced dwelling footprint would allow the applicant more room to locate these structures.

3. While conducting a site visit, it was noted that there are multiple locations where shrub plantings exist which are not shown on the site plan. Please advise the applicant that all disturbance to the Buffer, including any movement of the earth and/or the removal of existing vegetation, requires mitigation at a 2:1 ratio. We recommend that the applicant utilize the required mitigation plantings to provide added filtration opportunities between the dwelling and the actively eroding cliff face and gully.

In considering this variance request, the applicant must overcome the burden to prove that each of the County's variance standards has been met. We do not believe that the applicant has overcome this burden, and therefore cannot support the applicant's variance request. Specifically, because a dwelling of a significantly smaller size than the one proposed could be constructed, it does not appear that the standard of unwarranted hardship has been met. In addition, the applicant must prove that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. Due to the lack of stormwater management structures, the grading as proposed, and the excessive disturbance and size of footprint proposed on the site, we believe that this standard has not been met. In contrast, it appears that great potential exists to create a situation similar to those seen in neighboring communities within the County where the integrity of eroding cliffs, as well as the safety and security of the property owners' dwellings, have been compromised in part due to overdevelopment and the mismanagement of stormwater runoff.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA404-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 28, 2005

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

Re: Variance 05-3207 Matyi

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the steep slope requirements and a variance to clear greater than 6,000 square feet of tree cover dwelling. The purpose of the variance request is to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

During a recent site visit, it was noted that there is an existing road (Catalpa Road) and right of way on the north side of the property. It is unclear why the applicant has not chosen to utilize this existing road in order to access the dwelling. By creating a driveway off of the existing Catalpa Road, the applicant could entirely avoid the need to disturb steep slopes and to clear within the Critical Area. In addition, it appears that this alternative design may also eliminate the need for a clearing variance. Given that it appears possible to construct a driveway in a manner that does not require disturbance to steep slopes, it is our belief that the applicant has not met the standard of unwarranted hardship. Based on this information, we oppose the applicant's request for a variance to the steep slope requirements. We recommend that the Board require the applicant to relocate the driveway in a manner that entirely avoids disturbance to the 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,

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

Kerrie L. Gallo
Natural Resource Planner
CA476-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 27, 2005

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

Re: Variance 05-3206 Barbara & Pitts

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the steep slope requirements in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.


Based on the site plan provided and a recent site visit, we have the following comments:

1. Given the proximity of the proposed dwelling directly adjacent to slopes 25% or greater in grade, we recommend that the applicant be required to provide a form of structural stormwater management such as a drywell. This structure should provide adequate capacity to intercept all rooftop runoff, directing the flow away from steep slopes.
2. While the deck is proposed to be constructed as pervious, there is no indication that plantings are proposed around the base of the deck. We recommend that the Board require the addition of foundation plantings as shown in the attached pervious construction design schematic. This feature is in accordance with the Commission's 10% Guidance Manual for residential water quality, and serves to enhance infiltration opportunities and provide additional filtering of stormwater runoff.
3. We recommend that the Board include a condition of approval stating that no clearing is to occur outside of the proposed earth berm. Based on the amount of clearing proposed, the Calvert County Zoning Ordinance requires mitigation at a 1:1 replacement ratio. Where possible, these planting should be conducted on-site and should be native to Maryland. Where on-site mitigation is not possible, payment of a fee-in-lieu may be applicable.

Roxana Whitt
Variance 05-3206
Jul6, 27, 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
CA405-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2005

Mr. Richard Parks
Senior Vice President
The Arro Group
4750 Delbrook Road, Suite 101
Mechanicsburg, PA 17050

Re: Town of Indian Head, Mattingly Park

Dear Mr. Parks:

Thank you for providing information on the above referenced project at Slavins-Mattingly Park in the Town of Indian Head. Based on an initial review of the Critical Area maps for the Town of Indian Head, it appears that the project site is partially designated as Resource Conservation Area (RCA), as well as partially designated as Limited Development Area (LDA), and Intensely Developed Area (IDA).

The intent of this letter is to clarify the Commission's review and approval process for this project, as well as request additional information relating to the site plan. Where the proposed development activities impact the 100-foot Buffer, formal Commission approval will be required. In accordance with COMAR 27.02.06, these impacts will require a conditional approval. For your reference, I am attaching a copy of the conditions which must be addressed in order to qualify for such an approval. These conditions will be presented to the full Commission at the time of the formal approval request. Where the proposed development activities lie outside of the Buffer, a consistency report must be submitted to Commission staff as detailed within COMAR 27.02.01. The request for consistency certification must come from the Town of Indian Head directly. As the review process progresses, I will be happy to further discuss the required review and approval processes with you in greater detail, or answer any questions you may have.

In order to move the project forward, additional information, and a revised site plan will be required, as we discussed earlier today. Specifically, please provide more detailed information regarding the following:

1. Please provide a site plan sheet detailing the tax map, parcel number, entire parcel boundaries, and parcel acreage for the proposed project site. This sheet should include the Critical Area designations as they appear on the Town of Indian Head's Critical Area maps.

Richard Parks
Slavins-Mattingly Park
July 26, 2005

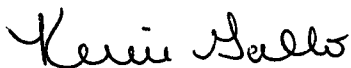
2. Please provide a detailed summary of all existing impervious surface areas within the Critical Area, as well as all proposed impervious surface areas. The summary should contain a break down of building versus driveway areas. Please note that the Commission considers gravel driveways and gravel parking areas to be impervious.
4. There is currently a label shown on the left hand side of the site plan stating, 100-foot Buffer. This label appears to be misplaced and should be amended or removed.
5. The non-tidal wetlands shown require a 25-foot Buffer. Please add this feature to the site plan.
6. There is currently no mitigation plan provided. For all new disturbances to the Buffer, mitigation will be required at a 3:1 ratio, measured by the areal extent of the disturbance. This includes all tree clearing and activities which physically disturb the land. For any tree clearing proposed outside of the Buffer, but within the Critical Area, mitigation will be required at a 1:1 ratio. All mitigation should be in the form of replacement plantings, and should be conducted on-site in so far as possible. Please provide information relating to the size and stock of plantings proposed, as well as demonstrate the proposed planting locations. I am including a copy of the Commission's guidance on calculating mitigation credits.
7. The site plan currently shows that 35,398 square feet of disturbance is proposed to the Buffer. As stated above, please ensure that this calculation includes both the proposed tree clearing and area of land disturbance within the Buffer. In addition, please provide a summary of the existing tree cover on the property, along with any tree clearing proposed outside of the Buffer, but within the Critical Area.
8. Where the Critical Area designation on the property is IDA, and where development activities are proposed within the IDA, compliance with the 10% pollution reduction requirement will be necessary. The 10% Rule Worksheet can be found on the Commission's website at: <http://www.dnr.state.md.us/criticalarea>.
9. An evaluation of the property must be obtained from the Department of Natural Resources (DNR) Wildlife and Habitat Division for the presence of rare, threatened, or endangered species. If present, any protection recommendations made by DNR must be addressed. Please provide a copy of this letter to Commission staff once received.
10. Prior to the Commission's acceptance of the project for formal approval, all required State Regulatory permits must be obtained and a copy provided to Commission staff. This includes the Maryland Department of the Environment (MDE) permit for stormwater management and sediment and erosion control.

I hope that this letter provides clarification as to the additional information required and the process for moving the project forward. Once a revised site plan has been received and all

Richard Parks
Slavins-Mattingly Park
July 26, 2005

outstanding concerns addressed, I will place the project on the next month's agenda for formal Commission approval. As we discussed, please keep in mind that the Commission meets once a month, on the first Wednesday of the month. I expect that the consistency certification review process will be concurrent with the formal Commission approval review process. Should you have any questions regarding the information provided above, please feel free to contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

CC: Ron Young, Town of Indian Head

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2005

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

Re: SFD 05-0387 Hamilton

Dear Ms. Daily:

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

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

1. The non-tidal wetland limits shown on the site plan do not match those shown in the State of Maryland's online mapping system, MERLIN. Specifically, MERLIN shows a more extensive limit of seasonally flooded palustrine wetlands. Please have the applicant provide a field delineation of the non-tidal wetland limits in order to resolve this discrepancy.
2. An evaluation of the property by the Department of Natural Resources (DNR) Wildlife and Heritage Division indicates that the property has been identified as containing potential habitat for eight specific rare, threatened, and endangered species. In order to protect these species and their habitat, the Charles County Critical Area Program requires that the species' locations must be identified, as well management strategies for their protection developed and implemented. As an initial protection strategy, please have the applicant provide a habitat assessment of the property.

In addition, DNR has identified the site as possible Forest Interior Dwelling Bird (FIDS) habitat. As protection of these species is mandated within the Critical Area, please have the applicant provide a FIDS worksheet, as well as address the recommendation made by DNR for the protection of the species. The FIDS worksheet can be found within the Commission's guidance document, [A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area](#). Further information regarding the protection of FIDS habitat, and required FIDS mitigation can also be found within this document.

Aimee Daily
SFD 05-0387
July 26, 2005
Page 2

3. Please verify that Parcel 274 is a separate and distinct grandfathered parcel.
4. The Charles County Soil Survey indicates that a perennial stream may lie within the property boundaries. Please have the applicant provide a field verification of this feature. If present, a perennial stream will require a 100-foot Buffer on either side. It appears that this Buffer may encroach into the building envelope shown. Any development be proposed within the Buffer will require a variance.

Thank you for the opportunity to provide comments on this building permit request. If you have any questions, please feel free to call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS241-05

CC: Katharine McCarthy, DNR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 26, 2005

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

Re: SFD 50389 Freimuth (Clifton on the Potomac)

Dear Ms. Dailey:

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

Based on the information provided, it appears that the proposed development remains within the 15% impervious surface area limit. The applicant is proposing to remove approximately 7,100 square feet of forest cover, and has provided information regarding the mitigation of these impacts on the site plan. Based on this information, we have no further comments regarding the development proposal or site plan.

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 465-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 22, 2005

Mr. Robert Wink
Code Enforcement Officer
Town of Princess Anne
11780 Beckford Avenue
Princess Anne, Maryland 21853

Re: Mid Pine Estates-Preliminary Review

Dear Mr. Wink:

Thank you for providing information on the above referenced preliminary site plan. The applicant proposes to construct 38 dwelling units on 6.54-acre property within the Critical Area. The property is designated an Intensely Developed Area (IDA), and is currently undeveloped. Please note that this letter represents a coordinated review effort between Tracey Gordy, Circuit Rider for the Town of Princess Anne, and Critical Area Commission staff.

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

- 1) The site plan indicates that there are tidal and non-tidal wetlands within the property boundaries. It is unclear whether these wetlands have been field delineated. For all wetlands within the property's boundaries, field delineation is required. Please provide information regarding the date of the field delineation, as well as the name of the person performing the delineation. Please note that the wetland boundaries shown do not match those shown in the State of Maryland's online mapping system, MERLIN. Further information will be necessary to resolve this discrepancy. In addition to the limits and boundaries of tidal and non-tidal wetlands, please note that the 100-foot Buffer must be measured in the field from the landward edge of tidal wetlands.
- 2) The site plan is confusing in regard to the limits of tidal and non-tidal wetlands, and the corresponding Buffer areas. Areas of tidal wetlands require a 100-foot Buffer, measured from the edge of tidal wetlands. Areas of non-tidal wetlands require a 25-foot buffer. The site plan currently shows both a 25-foot tidal wetland Buffer and the 100-foot tidal wetland Buffer. In

Robert Wink
Mid Pine Estates
July 22, 2005

addition, the legend on each sheet contains a symbol for a 75-foot wetland buffer. There is no 75-foot Buffer applicable to this site within the Critical Area. Once the wetlands have been field delineated, please ensure that the Buffer areas are corrected on the site plan to accurately reflect the site conditions.

- 3) Please revise the 100-foot Buffer note to reflect that no disturbance is permitted within the Buffer. In addition, please advise the applicant that any former Buffer altering activities must be discontinued, and the Buffer allowed to naturally regenerate.
- 4) The site plan indicates that there are areas of hydric and highly erodible soils on the property. Where these soils lie adjacent to the 100-foot Buffer, expansion of the Buffer may be required. Please provide more specific information as to the location of these soils, and expand the Buffer as necessary.
- 5) Note # 10 states that no Habitat Protection Areas (HPAs) are known to be located on the site. Please amend this note to read, According to the Town of Princess Anne Critical Area Maps, no HPAs are known to be located on, or adjacent to, the development site. In addition to referencing the Town's maps, the applicant will be required to obtain an evaluation of the property by 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 any recommendations made by DNR for the protection of the species. This office has not received a notice of an evaluation for the Mid Pine Estates property at this time. Please note that MERLIN has identified the site as lying within a sensitive species review area. The applicant should contact Lori Byrne of DNR in order to request this screening and obtain more detailed information. She can be reached at 410-260-8573.
- 6) It appears that differing versions of the site plan were sent to Tracey Gordy and Commission staff. On the version sent to Ms. Gordy, the site utility plan sheet shows a .30- acre area within the Buffer to be replanted. As the site is located within the IDA, afforestation is not required, but planting of additional forest and/or vegetative cover is always encouraged. Since the planting area indicated is not shown on any other sheets of either site plan, please clarify the purpose of this planting area and provide more specific information regarding the species and stock proposed to be planted.
- 7) Sheet 3 of 7 contains a note that states, "Contractor to leave blocks exposed on rear of buildings to avoid encroachment into Buffer." Please clarify the meaning of this note.
- 8) It is unclear where the proposed stormwater management pond outfalls as shown on the site plan. Please clarify this design characteristic. In addition, please provide information as to who within the Town will review the stormwater management plan to ensure that the proposed structures meet the Maryland Department of the Environment's (MDE) design standards. Prior to final plat approval, please provide a copy of the stormwater review and

Robert Wink
Mid Pine Estates
July 22, 2005

approval to this office, indicating that the proposed facilities will adequately address the stormwater management needs for this site.

- 9) There is a discrepancy between the information shown on the 10% Rule calculation sheet and the site plan notes regarding the amount of paving proposed. Please clarify and revise as necessary. Specifically, Sheet 1 of 7, Critical Area Note #3 indicates that the area of paved roads is 1.05 acres. The 10% Rule Worksheet indicates that there are zero acres of paving proposed for roads. In addition, the 10% worksheet indicates that a total of 1.39 acres of impervious surface area is proposed for the site. It does not appear that the 1.05 acres of road paving have been included in this calculation. Please provide a revised 10% Rule Worksheet once these numbers are revised as it appears that the pollutant reduction requirement may substantially increase.
- 10) The 10% Rule Worksheet contains a note at the top of the sheet stating, "Utilizing credits as shown on detail." The meaning of this note is not clear. Please provide more detailed information regarding the intent of this note.

Thank you for the opportunity to provide comments for this preliminary site plan proposal. When revisions are complete, please have 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. 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
PA411-05

CC: Tracey Gordy, MDP
Jay Parker, Town of Princess Anne

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 22, 2005

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

Re: Lee Haven-Revised
(Tax Map 34, Parcel 10)

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised subdivision. This letter is in response to our continuing review of the above referenced subdivision.

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

- 1) It appears that the wooded portions of the property have been identified as Delmarva Fox Squirrel (DFS) habitat. Please have a note added to the plat which references this habitat and which includes a description noting the 150-foot DFS buffer shown on Lots 6-8. In addition, it is unclear whether DFS habitat exists on the revised Lot 5 or on the portion of Lot 9 near the forest edge. Please clarify.
- 2) The 100-foot Buffer should be shown consistently throughout the Critical Area. Currently, there appears to be a missing Buffer area around the tidal wetlands on the southern portion of Lot 10, as well as no Buffer shown in the Natural Conservation Area on the northwestern portion of Lot 10. Please have these features added.
- 3) Where the Buffer overlaps with the Natural Conservation Area, mowing for the purposes of maintenance is not a permitted activity. Please provide an alternative plat note which clarifies the distinction between permitted Buffer and Natural Conservation Area activities.

Mary Kay Verdery
Lee Haven-Revised
July 22, 2005
Page 2

- 4) The plat shows a steep ravine exists on Lot 6 from which water will be continually discharged. Please clarify where this water originates from and whether any natural stream features exist at the bottom of this ravine.
- 5) Previous plat submittals showed an existing pond feature on revised Lot 5. This feature is not shown on the current plat. Please clarify the status of this pond.

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 287-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 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-Revised Preliminary Plan
XPN 99-0033

Dear Mr. Faasen:

Thank you for providing information on the above referenced revised 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 revised information provided, we have the following comments:

1. It appears that there are highly erodible soils (Keyport Series) contiguous with the 100-foot stream Buffer on the estate lot. Based on the Charles County Zoning Ordinance, Section 297-131, the Buffer shall be expanded to include adjacent hydric or highly erodible soils within the Critical Area. Please have the applicant either expand the Buffer as required, or provide evidence that the Planning Director has reduced the extent of Buffer expansion related to soil types based upon findings that the water quality and habitat protection would not be compromised.
2. This office has not yet received notification of an evaluation of the property by the Department of Natural Resources (DNR) for the presence of any rare, threatened, or endangered species. Until such time that this notice is received, this will remain an outstanding comment. Please note that the applicant will be required to address all recommendations made by DNR for the protection of any species identified.

Thank you for the opportunity to provide comments on this revised major subdivision request. We recommend that the applicant submit a revised site plan, along with a letter addressing how

Reed Faasen
XPN 99-0033
July 19, 2005
Page 2

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

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July 19, 2005

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

Re: SA 05-336 Nelson

Dear Mr. Lawton:

Thank you for providing information on the above referenced subdivision and intra-family transfer request. The applicant is requesting to subdivide a 44.58-acre parcel to create one 4.04-acre lot, and a 40.54 residue parcel within the Critical Area. The property is located within a designated Resource Conservation Area (RCA) and is currently undeveloped.

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

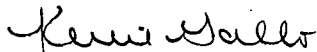
- 1) Please provide clarification on the property boundaries. As shown, a thick, black, dotted line appears to mark the southern boundary of proposed Lot 2. Directly to the south of this line, there is a different boundary line marked by a dashed line on either side of a thin, black line. It appears that the purpose of these differing line styles may be to distinguish between the upland and wetland areas. If this is the sole purpose of the two boundary lines shown, please have the applicant label the lines or provide a legend which provides clarity to the different line styles. In addition, it is not clear whether the wetland areas have been included within the stated acreage of Lot 2, or whether the boundaries of the wetlands have been field delineated or taken from maps. Please advise the applicant that wetland boundaries must be field delineated.
- 2) While wetlands symbols are not shown north of the thick dashed line on proposed Lot 2, information obtained from MERLIN indicates that a small tidal gut may be encompassed within the lot's upland boundary. Please provide clarification to this discrepancy via field verification. For any wetland areas considered to be within the boundaries of Lot 2, it will be necessary to determine whether they are State or privately-owned. As you are aware, State-

owned wetlands cannot be included within the property's acreage for purposes of calculating impervious surface area limits.

- 3) There is a note on the plat which states that the 100-foot Buffer has been taken from the Somerset County maps. The Buffer must be delineated in the field, and should be accurately shown, as it exists in the field prior to recordation of the subdivision plat.
- 4) There is a note on the plat which states, hydric soils located on the site within the 100-foot Buffer. Please provide a more specific location of these soils and indicate whether the Buffer will require expansion.
- 5) There is an unlabeled dotted and dashed line running through the middle of proposed Lot 2. Please clarify what this feature is.
- 6) Based on the forest cover shown on the plat, it appears that establishment of the Buffer will be required on the newly created lot. Please have a note added to the plat which indicates this requirement.
- 7) The applicant must obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. If present, the applicant must address the recommendations by DNR for the protection of these species. This office has not received an evaluation from DNR for the Nelson subdivision at this time.

Thank you for the opportunity to provide comments for this subdivision request. We recommend that the applicant provide a written response and/or revised site plan which addresses the comments above. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
SO463-05

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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July 19, 2005

Mr. Jeff Tewell
Collinson, Oliff & Associates, Inc.
PO Box 2209
Prince Frederick, Maryland 20678

Re: Relocating Structures Within the Buffer

Dear Mr. Tewell:

This letter is in reference to your recent request for the Commission's position regarding the relocation of a portion of an existing screened dock house to an alternative location within the 100-foot Buffer. It is my understanding that once removed, the applicant wishes to combine the square footage of the dock house with an existing accessory shed structure in order to expand the storage capacity of the shed. The accessory shed is currently located within the Buffer.

Based on a review of the materials provided, I offer you the following comments intended to serve as the Commission's position on the proposed development activity. Within the Critical Area, sheds are considered accessory structures. Given the shed's location within the Buffer, any proposed changes or expansion in size would be required to be evaluated by the Calvert County Board of Appeals. While the existing shed retains its right to be located within the Buffer, any proposed expansion would be required to meet all of the variance standards outlined within the County's Zoning Ordinance, including the standard of unwarranted hardship. Since you have provided a sketch showing only a portion of the property, it is difficult to assess whether ample room exists outside the Buffer which could accommodate an additional shed, providing the same storage space as the proposed addition within the Buffer. It is likely that the Commission would also evaluate whether the shed structure is movable. In addition, it is the Commission's position that sheds, regardless of their intended storage purposes, are not water-dependent in nature.

I hope that this letter has provided you with the clarification on the Commission's position which you were seeking. If you would like to further discuss this property and proposed development activities, please feel free to call me at 410-260-3482.

Sincerely,

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

Marie L. Gallo
Natural Resource Planner

CC: Roxana Whitt, Calvert County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 18, 2005

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

Re: Crisfield-Somerset Airport Plan

Dear Ms. Kean:

I am writing this letter as a follow-up to our meeting at your office on the 14th of July, 2005. During this meeting, we discussed the mitigation requirements for the proposed Critical Area clearing activities in conjunction with the above referenced project.

Based on our conversation, it was agreed that the applicant would be required to provide mitigation as follows:

Clearing within FIDS Habitat: All impacts to FIDS habitat will need to be mitigated. This mitigation must be in the form of replacement plantings which create suitable FIDS habitat at an alternative location. The applicant should reference the Commission's Guidance Document, A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, to determine the appropriate mitigation requirements.

Clearing within the 100-foot Buffer: All clearing proposed within the Buffer will be mitigated at a 2:1 ratio. As discussed, the mitigation will be subject to the requirements of the Somerset County Critical Area Program and Zoning Ordinance. These provisions require that the applicant provide afforestation or reforestation insofar as possible, and as a first priority. Where no suitable locations exist onsite, the plantings may be done offsite.

Clearing in the Critical Area Outside of the Buffer: Where the proposed clearing occurs within the Intensely Developed Area (IDA), and outside of the Buffer or any other Habitat Protection Areas (HPAs), no mitigation will be required.

Joan Kean
Crisfield-Somerset Airport
July 18, 2005
Page 2

Thank you to you and Mr. Lawton for taking the time to meet with Mary Owens and myself. As this project progresses, I anticipate that further coordination and review of the project specifics may be warranted. Should you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
SO292-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 18, 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. Based on the revised site plan submitted, it appears as though all of our outstanding concerns have been addressed. Therefore, we have no further comments on this subdivision proposal.

Thank you for your 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 L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
TC 553-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 15, 2005

Mark Mendelsohn
Planning Division
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203

Re: Notice of Availability
Poplar Island Expansion and Draft EIS Document

Dear Mr. Mendelsohn:

This office has received the above referenced Army Corps of Engineers notice for the draft Environmental Impact Statement (EIS) associated with the expansion of Poplar Island. The notice states that the purpose of the draft EIS is to evaluate the proposed vertical and lateral expansions at Poplar Island, along with design modifications to the existing project. In addition, the draft EIS evaluates the potential to accept dredged material from the southern approach channels to the Chesapeake and Delaware Canal and other small Federal navigation projects. While we have no specific comments to offer regarding the draft EIS document, please consider the following information as the project progresses.

The Poplar Island project falls under the Critical Area Regulations outlined within COMAR 27.02. As such, the project will require formal review and approval by the Critical Area Commission. The approval process for the expansion will be consistent with that which was followed during the Commission's 1996 review and approval of the original island restoration project.

Should you have further questions regarding the specific Critical Area regulations as they pertain to this project, please contact me at 410-260-3482. Thank you for the opportunity to review this document.

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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MEMORANDUM

To: Ray C. Dintaman, Environmental Review Unit

From: Kerrie Gallo

Date: July 15, 2005

RE: U.S. Army Corps of Engineers-General Reevaluation Report and Supplemental Draft Environmental Impact Statement for Poplar Island Environmental Restoration Project; Chesapeake Bay, Talbot County

This office has received the above referenced Army Corps of Engineers notice for the draft Environmental Impact Statement (EIS) associated with the expansion of Poplar Island. The notice states that the purpose of the draft EIS is to evaluate the proposed vertical and lateral expansions at Poplar Island, along with design modifications to the existing project. In addition, the draft EIS evaluates the potential to accept dredged material from additional channels not specified for the existing project. While we have no specific comments to offer regarding the draft EIS document, please consider the following information as the project progresses.

The Poplar Island project falls under the Critical Area Regulations outlined within COMAR 27.02. As such, the project will require formal review and approval by the Critical Area Commission. The approval process for the expansion will be consistent with that which was followed during the Commission's 1996 review and approval of the original island restoration project.

Should the applicant have further questions regarding the specific Critical Area regulations as they pertain to this project, please have them contact me at 410-260-3482. Thank you for the opportunity to review this document.

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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July 13, 2005

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

Re: XPN 05-0010 Barber's Quarters-Revised

Dear Mr. Faasen:

Thank you for providing information on the above referenced revised subdivision proposal. The applicant is requesting to subdivide a 354.29-acre parcel to create a 30-lot subdivision. The parcel contains 273.27 acres within the Critical Area 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 revised subdivision plat and multiple conversations with Scott Burroughs of Lorenzi, Dodds & Gunnill, we have the following comments:

1. It is my understanding that the applicant has applied for certification of a land grant through the State Department of Archives. The outcome of this land grant certification process will play a role in determining the State versus privately owned wetland areas on site. As such, we note that the applicant has requested that the County grant preliminary plat approval with a condition that any necessary or required field delineations of the tidal and non-tidal wetland boundaries, including their ownership status, will be conducted by the applicant prior to final plat approval. We note that sufficient density exists within the Critical Area without inclusion of the tidal wetland areas to support the subdivision of Critical Area lots as currently proposed. Therefore, this office is not opposed to the applicant's request should the County find this acceptable.
2. Please note that General Note # 13.E is subject to change pending the outcome of the land grant certification process. As currently proposed, the permitted Critical Area density would support five dwelling units (105.59 acres).
3. The Department of Natural Resources' (DNR) Wildlife and Heritage Division has indicated that three Bald Eagle nesting sites exist within the applicant's property boundaries. In


Reed Faasen
XPN 05-0010
July 13, 2005
Page 2

addition, DNR has indicated that the property contains Forest Interior Dwelling Bird (FIDS) habitat. Please have the applicant include a note on the plat which references both of these Habitat Protection Areas (HPAs). In addition, it appears that further coordination with DNR will be required to identify the exact locations of the eagle nests. Once identified, the applicant should include the appropriate protection zones on the plat. As proposed, it does not appear that any impacts to HPAs are proposed within the Critical Area. Should impacts be proposed in the future, the applicant will be required to provide the required Habitat Protection Plan (HPP) and address any recommendations made by DNR for the protection of the species.

4. We note that a private pier is proposed at the edge of tidal wetlands on proposed Lot 28. Further information should be provided as to how this pier would be reached, as it appears that significant disturbance to tidal wetlands may be required.

Thank you for the opportunity to provide comments on this revised major subdivision request. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS 214-05

Cc: Heather Kelley, Charles County
Scott Burroughs, Lorenzi, Dodds & Gunnill

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2005

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

Re: Meyerhoff Permit-200562909
Marengo Farm Road, Talbot County

Dear Mr. Causey:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps Of Engineers (ACOE) joint public notice dated June 15, 2005. Specifically, this letter is in reference to an application by Mr. Jack Meyerhoff to permit shoreline stabilization, replacement of a timber pier, and dredging of a navigable channel at the above referenced property in Talbot County.

Based on the information provided, it appears as though the applicant is proposing to place 800 cubic yards of dredged material within an on-site, upland containment area. While no information was provided regarding the location of the spoil containment site, please be advised that the placement of dredged spoil within the 100-foot Buffer is prohibited, except as necessary per the regulations outlined within COMAR 27.01.03.04. As a component of this wetlands permit, please ensure that the location of the dredge spoil containment area is consistent with the regulations within the Talbot County Critical Area Program.

Thank you for the opportunity to provide comments regarding this wetlands permit 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

Cc: 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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July 12, 2005

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

Re: Huntman Subdivision-Revised (San Domingo Farm)
TM32, P1

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is requesting to subdivide a 92.803-acre parcel to create 4 new lots. There are 76.551 acres within the Critical Area portion of the property, currently designated as a Resource Conservation Area (RCA).

Based on the information provided, it appears that the majority of our concerns have been addressed. However, please provide further information regarding the following comments:

- 1) The Buffer areas on Lots 1, 2, and 4 will require establishment prior to the development of residential uses on the property. Please have this note added to the plat as an indication of this requirement.
- 2) Please provide a detailed description of the existing impervious surface areas on Lot 3.
- 3) The previous subdivision plat included a stream on Lot 2 with the appropriate 100-foot Buffer. This feature has been eliminated from the current plat. Please provide some information regarding why this feature was eliminated and how this determination was made.
- 4) We note that the Department of Natural Resources (DNR) has identified the site as containing Forest Interior Dwelling Bird (FIDS) habitat. Should any future clearing be proposed on the newly created lots, development of a Habitat Protection Plan will be

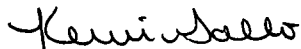
Mary Kay Verdery
Hunteman Sub (San Domingo Farm)
July 12, 2005
Page 2

required which addresses the recommendations made by DNR for protection of the species, as well as a detailed mitigation plan addressing any required FIDS mitigation. We recommend that the FIDS note on the plat include this information to ensure that future lot owners are informed of any potential Habitat Protection Area requirements.

- 5) The plat contains a note that states that mowing twice per year is permitted within the Natural Conservation Areas. Please note that where these areas overlap with the Buffer, mowing is not permitted. We recommend that this note be amended to reflect the mowing prohibition within the Buffer.

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 235-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2005

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

Re: White Swan Subdivision-Revised

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is requesting to subdivide a 66.373-acre parcel to create 2 new Critical Area lots. The property lies within a designated Resource Conservation Area. Lot 1 is currently undeveloped and Lot 2 is currently developed with a tennis court, multiple sheds, three barn structures, and a farm manager's office building.

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

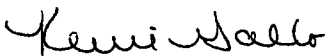
- 1) It does not appear that the applicant has addressed our previous concerns regarding the discrepancy in wetland areas shown on the plat and those shown in MERLIN. Specifically, MERLIN shows multiple pockets of palustrine wetlands. These wetlands are not currently shown on the plat. In addition, MERLIN 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 delineated both for the presence and extent of tidal and non-tidal wetland boundaries. We note that property acreage totals and impervious surface calculation are subject to change based on field verification of these features.
- 2) The Talbot County Soil Survey shows the presence of an unclassified intermittent stream which runs approximately along the proposed division lines for Lots 1 and 2, as well as a second unclassified intermittent stream lying directly to the south. Please have the applicant provide a field verified determination of their existence and limits, along with an assessment of their form and function as they exist today.

Mary Kay Verdery
White Swan Subdivision
July 12, 2005
Page 2

- 3) The revised plat shows a structure labeled as a farm manager's office on the proposed Lot 2. Please clarify whether this structure is the same structure proposed to be relocated on the former Lot 1. In addition, please verify that this structure appropriately qualifies as an accessory structure, and is not a dwelling unit.
- 4) The Department of Natural Resource's (DNR) Wildlife and Heritage Division has outlined three specific conditions to be followed in order to assure protection of the nesting Bald Eagles and their habitat. These conditions are in reference to the proposed construction activities within the secondary and tertiary eagle protection zones. Please clarify how the County will ensure that these conditions are followed and adhered to. We recommend that a note be placed on the plat specifically referencing the conditions from DNR, including the time of year restrictions on construction and the prohibition on clearing.
- 5) The proposed subdivision supports two dwelling units, yet there are three wells proposed. Please clarify this discrepancy.

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 37-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 11, 2005

Robert F. Karge
Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

**Re: Resolution 5848
Annexation of the Lands of Delmarva Power and Light Company and
Adjacent Properties**

Dear Mr. Karge:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced map amendment. At its meeting on July 6, 2005, the Critical Area Commission concurred with Chairman Madden's determination that Resolution 5848, the annexation of the lands of Delmarva Power and Light Company and adjacent properties, is a refinement to the Town's Critical Area Program, and it was approved.

The Town is required to finalize this change to the Town's official Critical Area map within 120 days of receipt of this letter. Please forward a copy of the revised map to this office when it is available. If you have any questions, please call me at (410) 260-3482.

Sincerely,

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

Kerrie Gallo
Natural Resources Planner

CC: Tom Hamilton, Town of Easton
Lynn Thomas, Town of Easton

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 11, 2005

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

Re: Growth Allocation for Glen Eby, GA04-25
Tax Map 51, Parcel 37

Dear Ms. Kean:

This letter is written in response to your recent request to process the proposed Glen Eby/Russell Shaner growth allocation request as a refinement to the local Somerset County Critical Area Program.

In order for Commission staff to accept the request for processing and prepare materials for the Commission to review the growth allocation request, some additional information is needed. As we discussed, I have contacted Shawn Taylor of GEY Engineers & Surveyors to request some additional information and a revised plat. As a result of our conversation, Mr. Taylor has agreed to provide the necessary information to Commission staff as soon as possible. On July 11, 2005, clarification was requested from Mr. Taylor on the following outstanding environmental issues:


1. The 100-foot Buffer must be field delineated from the location of Mean High Water (MHW) and labeled consistently across the entire parcel so that it is shown on both proposed lots. In addition, MHW should be clearly labeled on the plat, so as to distinguish it from the parcel boundaries.
2. The Department of Natural Resources' (DNR) letter dated October 20, 2004 indicates the potential for suitable habitat for the State-listed rare Narrow-leaved Bluecurls on the property. While it is likely that any potential habitat for this species would be found within the 100-foot Buffer area, and therefore protected, further coordination with DNR is necessary in order to determine that no further surveys are warranted prior to Commission approval of the growth allocation award.

Joan Kean
Eby/Shaner Growth Allocation Request
July 11, 2005

3. The current plat is confusing as to the afforestation and Buffer establishment requirements. Specifically, it appears that there are 0.33 acres of existing forest cover on proposed Lot 1, sufficient cover to meet the 15% forest retention requirement. Based on this information, it does not appear that any additional afforestation is required to meet the 15% minimum requirement. This note should be amended or removed. However, it does appear that the Buffer on proposed Lot 1 will require establishment via afforestation. A note should be added to the plat which indicates this intent. In addition, please have the applicant submit a Buffer Planting plan which can be presented to the Commission as a component of this growth allocation request.

As we discussed, I have contacted Lori Byrne of DNR in an attempt to obtain further information on the State-listed species. After we receive this information, along with the revised site plan from Mr. Taylor, the project can be accepted for processing and submitted to Chairman Madden for an amendment or refinement determination. I anticipate that these outstanding issues can be resolved in a timely manner. Once the Chairman is able to evaluate the revised growth allocation materials, Commission staff will notify you regarding his decision and the procedures for review by the full Commission. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

Gabrielle Myers
Geo-Technology Associates, Inc.
3455-A Box Hill Corporate Center Drive
Abingdon, Maryland 21009

Re: ECI Marksmanship Range

Dear Ms. Myers:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On July 6, 2005, the Critical Area Commission unanimously approved the improvements to the existing marksmanship range at the Eastern Correctional Institution in Somerset County. As we discussed, please ensure that Commission staff are notified once the mitigation plantings have been implemented.

Thank you for your efforts in coordinating the review of this project. 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: Dave Aalders

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 30, 2005

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

Re: Variance 05-3198 Baier

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 primary dwelling. The variance request is a revision to a previously approved variance on the same property. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, it appears the applicant is proposing to construct a dwelling approximately 10 feet closer to the top of the cliff than the previously approved variance and dwelling. In general, this office recommends that new dwellings be located as far back from the cliff face as possible in order to maximize the area of Buffer and to ensure that the stability of the cliff is not jeopardized by the construction. However, we note that the proposed dwelling appears to be of a modest size, and that the size of the lot requires that some portion of the house be constructed within the Buffer. While we do not oppose a variance to construct a dwelling within the Buffer, we recommend that the dwelling be constructed as far as possible from the cliff face.

In addition, please advise the applicant that mitigation will be required at a 2:1 ratio for all new disturbance to the Buffer. This mitigation should be provided in the form of native on-site plantings. Given the lack of forested cover on the property, we stress the importance of preserving the existing tree on the property, as well as, retaining as much Buffer area as possible.

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

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
CA407-05

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/

VIA FAX

June 30, 2005

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

Re: 05-807 Cheston Variance-Revised

Dear Mr. Lawton:

This letter is in response to the revised site plan received for the above referenced Buffer variance request. Based on the information provided, we have the following comments.

On June 22, 2005, the applicant came to our office and met with Regina Esslinger and myself regarding the proposed development activity. During this meeting, the applicant asked us to specify for him and the Board, a size of dwelling footprint that sufficiently reduces impacts to the Buffer. We do not believe in this instance that it is appropriate for us to do so. That decision is properly made by the Board.

In evaluating the revised site plan, we recognize that the applicant has reduced the overall footprint of the house and has incorporated the garage into the structure. However, the Board must determine whether the revised proposal results in the minimum variance necessary to afford relief, rather than whether the proposed house is reasonably sized. This is often a difficult decision to assess. Nonetheless, the extreme environmental sensitivity of this site requires careful consideration as to whether this development proposal, and overall footprint, can be reasonably reduced in impervious area. We believe that it can.

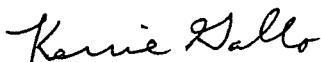
As previously stated, the Board must evaluate whether the applicant has sufficiently overcome the burden to prove that each of the County's variance standards has been met. These standards include assuring that proposed development will not create an adverse impact on water quality, and fish, wildlife or plant habitat, and that the variance is the minimum necessary to relieve an unwarranted hardship. Should the Board approve this variance, we recommend that at a minimum, the applicant be required to provide some form of structural stormwater management

Tom Lawton
Variance 05-807
June 30, 2005
Page 2

facility such as a dry well, which intercepts rooftop runoff and provides enhanced infiltration opportunities. Given the close proximity of the proposed development to tidal wetlands and waters, we believe that this type of stormwater management is extremely important. In addition, we note that the applicant is in the process of working with County staff to resolve the Buffer clearing violation on the property. We recommend that a condition be included within any variance approval that requires the applicant to fully rectify the violation prior to beginning construction on the property.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
SO357-05

Cc: Ren Serey
Regina Esslinger

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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VIA FAX

June 30, 2005

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

Re: Variance 05-336-05 Brown, David & Sylvia

Dear Ms. Whitt:

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

While the applicant has included the expanded Buffer on the site plan and provided enhanced stormwater management structures, it does not appear that any attempt at minimization of impact has been made. Specifically, our previous review of this site plan indicated that the 15,727 square feet of forest cover to be removed could be significantly reduced by an alternative site design. In addition, the applicant has included clearing for the 2nd and 3rd septic recovery areas. In general, clearing of these areas is not required as a component of health department approval. While there are multiple options for minimizing impacts, we provide the following as suggestions:

- Move the dwelling location so that the septic fields and the dwelling are located on the same side of the property, thereby eliminating the clearing and grading required by nearly one half.
- Flip the design of the 1st through 3rd septic recovery areas so that the primary drain field lies closest to the dwelling. This would allow for a tighter and more compact building envelope with significantly less clearing and grading.

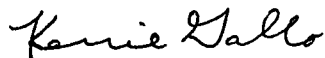
As currently proposed, it does not appear that the applicant has overcome the burden to prove that the granting of this variance will not adversely affect water quality, or fish, wildlife, and plant habitat. In contrast, it is our concern that the amount of grading and clearing proposed on steep slopes will create an adverse impact to the environment. Therefore, this office is unable to offer support for this variance request. As previously requested, we recommend that the Board require the applicant to provide a site plan which demonstrates an attempt at minimization of impact to the steep slopes and Buffer.

Roxana Whitt
Variance 05-336-05 Brown
June 30, 2005
Page 2

In addition, it is unclear whether the planting plan submitted is intended to serve in fulfillment of the mitigation requirement for the clearing violation on the property. Given that there is no information regarding the quantity and size of the planting stock listed, the planting plan is insufficient. The County's Conservation Manual provides specific standards and planting criteria for planting within the Critical Area. We recommend that the applicant work closely with County staff to develop a mitigation planting plan which adequately addresses the Buffer clearing violation.

Thank you for the opportunity to provide comments regarding this revised variance request. Please include this letter within the file and submit it as a part of the record for this variance. 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
CA336-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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VIA FAX

June 30, 2005

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

Re: Variance 05-3202 Congedo

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, and a variance to clear greater than 30% in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

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

1. It appears that the amount of disturbance to steep slopes is being driven by the pit septic design that is proposed. In December of 2003, the neighboring property to the South (Lot 23) was approved for a building permit to construct a dwelling of similar size. The design of the septic system on this lot was a traditional drain field style design with 2 replacement systems. This design allowed the applicant to achieve a 45-foot setback from the road, thereby minimizing the impact to steep slopes. The design of the pit systems on the applicant's lot results in an approximately 76-foot setback from the road and creates the need to significantly disturb steep slopes. It is unclear whether an alternative septic design could be accommodated which would allow the applicant to minimize the amount of impact to steep slopes. Please have the applicant clarify whether this is possible.
2. Given the amount of clearing proposed (60.3%), the Calvert County Zoning Ordinance requires that mitigation be provided at a 3:1 ratio. While we recognize that on-site mitigation may be limited by the size of the lot, native on-site plantings should be implemented as a first priority. Where plantings are no longer feasible, payment of a fee-in-lieu is appropriate. The applicant should work with the County to develop a mitigation planting plan.
3. Currently, the applicant is proposing downspouts which will discharge onto riprap pads. Given the potential for future erosion on the property, we recommend that the Board require the applicant to implement an additional form of stormwater management, such as a drywell located away from steep

Roxana Whitt
Variance 05-3502
June 30, 2005
Page 2

slopes. This measure would provide enhanced infiltration opportunities and help to prevent future erosion.

Thank you for the opportunity to provide comments. While we recognize that some degree of a variance will be required to develop this lot, there are outstanding concerns regarding the degree of disturbance proposed to steep slopes. We recommend that the applicant conduct further investigation into whether an alternative septic design is possible that would minimize the required disturbance. Please include this letter in your file and submit 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
CA407-05

406

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 29, 2005

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

Re: MSD-02-03-44 Bonnie's Bounty
(Tax Map 44, Parcel 157)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is proposing to create a 3-lot subdivision on a 7.37-acre parcel within the Critical Area. The property is designated as a Limited Development Area (LDA) and is currently developed with a single-family dwelling.


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

- 1) It appears as though the thick, black line shown on the plat represents the edge of tidal wetlands. Based on this line, the 100-foot Buffer does not appear to be accurately and consistently drawn. In addition, it appears as though the expanded Buffer has not been measured consistently in accordance with the County's regulations for expansion of the Buffer for steep slopes and erodible soils. These measurements are significant, as it appears that the proposed septic areas may be affected. These issues should be resolved prior to any preliminary subdivision approval. Lots should not be created that cannot be developed absent variances.
- 2) The current plat indicates that the property boundaries extend into Brooks Cove. State-owned waters and State tidal wetlands cannot be included within property totals for the purposes of generating density, calculating impervious surface area limits, or calculating forest cover requirements. In this situation the applicant must either:

- Provide a field delineation and professional determination of private versus State-owned waters and wetlands, subtracting the State-owned areas from the calculations listed above; or
 - Subtract the total area below the edge of tidal wetlands from the property (and each lot) totals for each calculation listed above.
- 3) In accordance with the comment above, the applicant has stated that 0.70 acres of tidal wetlands exist within the property boundaries. It is not clear how this calculation was determined. Please refer to comment #2 above for the requested clarification procedure.
 - 4) The Department of Natural Resources (DNR) has identified the site as containing Forest Interior Dwelling Bird (FIDS) habitat. The Calvert County Critical Area Program (Conservation Manual, Section 5) requires that the developer must develop a Habitat Protection Plan (HPP) where FIDS habitat has been identified. This HPP should address all of the recommendations outlined with the letter from DNR and should clearly identify how the project complies with each. In addition, please have the applicant add a note regarding the presence of FIDS on this site.
 - 5) The area labeled as Parcel A was formally called an unbuildable residue area. What is the intended use of Parcel A? Please have the applicant clarify whether this area is buildable.
 - 6) Prior to preliminary approval, the plat should contain information regarding the permitted impervious surface area totals for each lot. In addition, the plat should list any existing impervious surface area on a lot-by-lot basis. Please have this information added to the plat. As you are aware, the applicant will be required to remain within the 15% limit for each lot.
 - 7) There is currently no driveway shown for Lot 3. This feature should be included on future submittals and impervious surface calculations if planned.

Thank you for the opportunity to provide comments for this revised subdivision request. Please provide this office with a copy of a revised site plan indicating 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
CA712-03

Cc: Paula Proctor, Calvert County
Ren Serey, CAC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 29, 2005

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

Re: A062 Millstone

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a Buffer variance to construct a 437 square foot addition to the primary dwelling. The dwelling is currently a legal, non-conforming structure located primarily within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

Provided that the proposed addition does not extend further into the Buffer than the existing dwelling, we do not oppose the granting of this variance request. However, please ensure that the applicant provides the required 2:1 mitigation for all new disturbance to the Buffer. We recommend that this mitigation requirement be fulfilled via the planting of native vegetative species. The plantings should be sited 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,

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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June 29, 2005

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

Re: Variance 05-3192 Colyn

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to the Buffer and steep slope requirements in order to permit the continuation of two constructed retaining walls, and a deck. The property lies within a designated Limited Development Area (LDA), and is currently developed.

During a recent site visit, it was noted that significant erosion is occurring on the property. Based on the nature and location of the erosion on the property, this office does not oppose the granting of the variance to permit the continued existence of the retaining walls.

During the same site visit, it was also noted that the applicant currently enjoys reasonable and significant use of the outdoor areas on the property via the large deck attached to the dwelling, and the existing walkway and pier. As you are aware, the goals of the Buffer regulations within the County's Critical Area Program and Zoning Ordinance include minimizing the effect of human activities on wetlands, shorelines, and tidal waters, maintaining an area of transitional habitat between aquatic and upland communities, and protection of riparian wildlife habitat. The 320 square foot deck within the Buffer appears to be in direct contrast with these goals, as the deck occupies nearly the entire transitional area between the aquatic and upland environment on the property, and essentially prohibits the Buffer from providing any functional habitat opportunities.

In evaluating the applicant's request, the Board must determine whether the applicant has overcome the burden to prove that each of the County's variance standards have been met. As stated above, it appears that the applicant would continue to enjoy reasonable and significant use of the property without the deck in question. Therefore, we do not believe that the standard of unwarranted hardship has been met. In addition, this office does not believe that the applicant can meet any of the County's remaining variance standards in regard to the deck. Based on this information, this office strongly opposes the granting of this variance, and recommends that the Board require the applicant to remove the deck from the Buffer. If removed, the Buffer area should be restored with native plantings.

Roxana Whitt
Variance 05-3192
June 29, 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 Resources Planner
CA 409-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 29, 2005

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

Re: Variance 05-3193 Bond

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to replace, enlarge, and extend an existing retaining wall. The property is designated a Limited Development Area (LDA) and is currently developed.

During a recent site visit to the property, it was noted that the proposed project area is vegetated with lawn, and generally stable. While the project area contains some areas of exposed soil, the applicant states that the entire bank is actively eroding and in need of structural stabilization. Based on current site conditions, it appears that only a small area located at the toe of slope at the left side of the stairs is actively eroding. In addition, we note that the applicant has indicated that the purpose of the proposed stabilization is to provide relief from the mowing of the slope.

In evaluating this variance request, we recommend that the Board consider whether the applicant's request is consistent with the general intent of the Critical Area Buffer regulations, and whether the applicant has overcome the burden to prove that each of the County's variance standards have been met. Recognizing the value and importance of the 100-foot Buffer, the County's Critical Area Program encourages the use of non-structural erosion control measures in order to conserve and protect plant, fish and wildlife habitat. The existing Buffer is currently composed of lawn area, providing little habitat value. The continued mowing of a grassed, steep slope, in combination with lawn grass having naturally shallow root systems, contributes to, and enhances any naturally occurring erosion processes. The degree of erosion occurring on this site could be remedied with the implementation of non-structural erosion control measures, such as native shrub and salt-tolerant plantings. These measures would not only offer the applicant relief from the slight erosion that is occurring, but also provide a

Roxana Whitt
Variance 05-3193
June 29, 2005
Page 2

better opportunity for protection during future storm events, as well as an ecologically enhanced Buffer.

As stated, the applicant must demonstrate that the denial of this variance would result in an unwarranted hardship. Given that non-structural stabilization measures are feasible in this situation, we do not believe that this standard has been met.

While this office does not consider the applicant's desire for a more level lawn area to be an appropriate consideration of a variance request, we note that the planting of native shrub and grass species at the toe of the slope, as well as the planting of native groundcover along the actual slope face, would provide essentially the same relief from mowing, while promoting enhanced water quality, and Buffer benefits, in harmony with the general intent of the County's Critical Area program.

Thank you for the opportunity to provide comments. Based on the comments above, this office is unable to offer support for this variance as proposed. 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,



Kerrie L. Gallo
Natural Resource Planner
CA408-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 29, 2005

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

Re: Variance 05-3169 Potter-Revised

Dear Ms. Whitt:

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

While it appears that the applicant has addressed the majority of our previous concerns, we provide the following comments per the revised site plan and a second site visit.

1. Due to the degree of grading proposed, and the close proximity of the development to steep slopes, a ravine, and a tributary stream, we note the need for strict adherence to sediment and erosion control measures on this property. While the applicant has indicated that a silt fence will be installed to control sediment erosion and runoff during construction, we recommend that this structure be either backed by a chain-link fence for reinforcement or a earth berm be constructed as an additional protective measure.
2. Based on the property's location within the Buffer, we recommend that mitigation plantings be required at a 2:1 ratio, using native vegetative species. Mitigation plantings should be located on-site, and within the Buffer to the extent possible. Where plantings are not feasible due to lot size constraints, payment of a fee-in-lieu may be applicable. We recommend that the applicant work with County staff to develop a mitigation planting plan.

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

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
CA245-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

June 28, 2005

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

Re: A061 Leonard

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a Buffer variance to construct a 480 square foot addition to the primary dwelling. The dwelling is currently a legal, non-conforming structure located primarily within the 100-foot Buffer. The property is designated a Resource Conservation Area (RCA) and is currently developed.

Based on the information provided, we do not oppose the granting of this variance request. However, please ensure that the applicant provides the required 2:1 mitigation for all new disturbance to the Buffer. We recommend that this mitigation requirement be fulfilled via the planting of native vegetative species. The plantings should be sited 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,

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

Kerrie L. Gallo
Natural Resource Planner
TC436-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 28, 2005

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

Re: MDS 95-12 and AP 54676 & 54677
Engl Property

Dear Ms. Munnikhuysen:

Thank you for providing information on the above referenced replatting request and building and grading permit requests. The applicant is requesting to replat a Habitat Protection Area (HPA) in order to construct a dwelling and accessory barn structure. The property is a designated Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, this office opposes the applicant's request to replat the existing HPA on the property. It is my understanding that the property has been identified as containing suitable Forest Interior Dwelling Bird (FIDS) habitat. In general, FIDS have been identified as a species in need of conservation in Maryland, and have therefore been afforded protection within the Critical Area as outlined within the County's Zoning Ordinance and Critical Area Program. The presence of the FIDS HPA on the applicant's property has been determined by the Department of Natural Resources (DNR), and is implemented as a protection zone within the County's Critical Area. Unless the County, in conjunction with DNR, determines that an error was made in assigning this designation to the applicant's property, we recommend that the County deny the applicant's request to replat the HPA.

In addition, our records indicate that this property was the site of a former Critical Area FIDS clearing violation (reference AP#46273). It is unclear to this date whether the outstanding violation on this property has been mitigated for. The last correspondence this office received regarding this violation is dated August 13, 2004. This correspondence indicates that the County was pursuing the violation and in the process of evaluating the appropriate enforcement actions (see attachment).

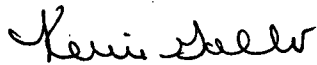
Based on this information, we recommend that the County first determine the status of the outstanding FIDS violation on the property. This office does not support the issuance of any building or grading permits where an outstanding violation exists. Should the County determine

Robin Munnikhuysen
Engh property
June 28, 2005
Page 2

that the outstanding FIDS violation has been rectified, a site plan for the proposed development activities should be required which demonstrates the relationship between the existing HPA on the property and all proposed development activities, and which addresses all necessary mitigation measures for any proposed impacts to the HPA.

Thank you for the opportunity to provide comments. Please forward a copy of any revised requests for a building or grading permit which may be received by the County for this property. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA363-05

CC: Dave Brownlee, Calvert County
Katharine McCarthy, DNR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 28, 2005

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

Re: Canal Drive Tidal Gate Replacement

Dear Ms. Kean:

This letter is in response to your June 22, 2005 letter to Mr. Cavanaugh of the County Office of Solid Waste and Drainage, and in regard to the above referenced County project. As you have indicated, this project represents a local agency action of local significance on lands owned by a local jurisdiction. As such, the County must demonstrate that the proposed project is consistent with the local Critical Area program, as detailed under COMAR 27.02.02.

While we concur that the project generally appears to be consistent with the County's Critical Area regulations for shore erosion control, there is an outstanding question regarding the proposed Buffer impacts and associated mitigation requirements. Your letter indicates that the mitigation requirements will be fulfilled as a component of the MDE/COE permitting process. While any mitigation requirements for disturbance within tidal waters or wetlands would be addressed through the permitting process, the 100-foot Buffer is not generally within the MDE or ACOE jurisdiction, and will therefore need to be separately addressed by the County.

Based on this information, we request that the County submit a Buffer Management Plan or other form of mitigation planting plan which demonstrates how the disturbance to the Buffer will be mitigated. Given that the purpose of the project is shore erosion control, we recommend that mitigation be provided at a 1:1 ratio for the total area of Buffer disturbed.

Thank you for your efforts in coordinating the review of this local agency action. 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

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/

June 28, 2005

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

Re: Yerges Property

Dear Mr. Lawton:

This letter is in response to Joan Kean's April 19, 2005 inquiry in relation to the above referenced property. Based on the information you have provided, it is my understanding that the property owner is proposing to reconfigure the lot lines on three existing parcels in order to restore the total property acreage to that which existed in 1993.

At the time of approval of the County's Critical Area Program, the Yerges property consisted of a 3-acre parcel, a 2.489 acre access lane, and a 130.03-acre parcel. This configuration would have permitted for a Critical Area development density of seven dwelling units. Between 1993 and 2004, the property was reconfigured multiple times, resulting in the combination of parcels. During this series of reconfigurations, the permitted Critical Area development density has remained consistent with that which was permitted in 1985. Currently, the applicant is proposing to restore the property to the 1993 configuration, resulting in an 80.72-acre parcel, a 5.57-acre parcel, and a 44.025-acre parcel. Since this proposed reconfiguration will have no effect on the permitted Critical Area development density of seven dwelling units, we do not oppose the applicant's request.

Thank you for the opportunity to provide comments for this lot reconfiguration request. 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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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June 22, 2005

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

Re: SFD 50152 Tedder-Habitat Protection Plan

Dear Ms. Ault:

Thank you for providing information on the above referenced site plan and Habitat Protection Plan (HPP). Based on our review of the revised materials provide, I have the following comments:

1. The site plan has been revised to include a perennial stream and associated Buffer. It appears that a portion of the future septic area is located within the Buffer. Please advise the applicant that no new development is permitted within the Buffer without prior approval of a variance. Given that there appears to be ample room outside of the Buffer, this office would not support a variance to locate the septic area within the Buffer.
2. While the applicant has stated that canopy closure will be maintained over the driveway as recommended by the Department of Natural Resources (DNR) for protection of FIDS habitat, please have the applicant add a note to the plat indicating this commitment. In addition, notes should be added to the plat referencing the time of year restriction on tree clearing and the positive identification of this site as Forest Interior Dwelling Bird (FIDS) habitat.
3. In the previous comment letter, we noted that DNR had requested the use of super silt fencing around the limits of disturbance. The site plan does not indicate the existence of any sediment and erosion control measures. These features should be added to the plat prior to the issuance of any building permits.
4. The applicant's HPP states that the proposed driveway will remain a gravel road, thereby keeping impervious surface area to a minimum. The site plan states that the driveway is to be paved. This appears to be inconsistent and should be clarified.
5. Please refer to the italicized comment below, which does not appear to have been addressed from our previous review of this site. A FIDS worksheet and related detailed planting plan has not been


Elsa Ault
SFD 50152
June 22, 2005
Page 2

provided. Please see the Commission's guidance on FIDs for the referenced worksheet and for information on acceptable FIDS mitigation.

In addition to the recommendations provided by DNR, the applicant will be required to provide adequate FIDS mitigation as compensation for lost habitat. As a component of the HPP, please have the applicant provide a FIDS Conservation Worksheet which details the proposed mitigation. An additional planting plan should also be provided detailing the location, species, and quantities of mitigation plantings to be provided. We acknowledge that it may be difficult to achieve the required FIDS mitigation on-site. Alternative mitigation efforts should be clearly detailed if proposed.

Thank you for the opportunity to provide comments on this revised site plan and habitat protection plan. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS241-05

CC: Katharine McCarthy, DNR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 22, 2005

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

Re: SD 05-05 Hilton Garden Inn
(Tax Map 44, Parcel 160)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised major subdivision. The applicant is proposing to create a three-lot subdivision on a 16.28-acre property. Within the property, 0.45 acres lie within the Critical Area, are located on the proposed Lot 3. The Critical Area portion of the property is designated as a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, it appears that no development is proposed within the Critical Area portion of the site. Given that the applicant has indicated that no clearing or development will be proposed within the Critical Area, we recommend that a note be placed on the plat stating such. Should development be proposed on this portion of the property at a later time, please inform the applicant that Commission notification and further review may be required.

Thank you for the opportunity to provide comments for this major 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
CA401-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 22, 2005

Mr. Bruce Grey
Deputy Director
Office of Planning and Preliminary Engineer
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: Project No. 2380719-X029X0
MD 363 over Tidal Ditch
Somerset County

Dear Mr. Grey:

Thank you for providing information on the above referenced replacement pipe structure located on the southbound lane of MD 363 in the general vicinity of the Upper Thorofare, Somerset County.

As indicated in your letter, the project proposes in-kind replacement of a 36-inch diameter metal pipe which serves as a culvert for a tidal ditch. It is my understanding that the proposed work will retain the exact footprint of the existing pipe and the existing revetment. In addition, the project proposes disturbance to the Buffer for temporary diversion of the stream, as well as disturbance to the Buffer for the placement of temporary pavement. There will be no net increase in impervious surface as a result of this project. Once construction is complete, please ensure that the area disturbed for placement of the temporary pavement is restored, and where necessary, plantings are implemented to retain the Buffer in a fully vegetated state.

Provided that the above can be met, the project appears to be consistent with the standards of environmental protection outlined under COMAR 27.02.05.09, and therefore can be considered as an Eligible Minor Project, outlined under Exhibit B1, B.6 in the current Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission. Given this determination, the project qualifies for a general approval and will not require formal Commission approval.

Bruce Grey
MD 363 Culvert Replacement
June 22, 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

Kerrie L. Gallo
Natural Resource Planner
14-05 DOT

Cc: Catherine Ford, SHA-PPD
Meg Andrews, MDT
Joan Kean, Somerset County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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June 21, 2005

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

Re: Murphy Permit

Dear Mr. Brownlee:

This letter is in response to the above referenced permit application. The applicant is requesting a permit to repair an existing stormwater swale structure. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that approximately 2,410 linear feet of disturbance is required to the Buffer for the placement of the stone. Provided that the applicant provides the required Buffer mitigation, we do not oppose the granting of this permit. Given the nature of the proposed activity, we recommend that mitigation be provided at a 1:1 ratio, using native salt tolerant species. These planting should be located at an alternative location within the Buffer.

Thank you for the opportunity to provide comments for this stormwater control measure. Please call 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
CA396-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2005

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

Re: Hungerford Shore Erosion Control Permit

Dear Mr. Brownlee:

This letter is in response to the above referenced building and grading permit. The applicant is requesting a permit to construct a 200 linear foot addition to the existing revetment on the property. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that approximately 3,000 square feet of new disturbance is proposed within the Buffer in order to construct the revetment. In addition, the applicant is requesting to backfill the newly revetted areas. Provided that the applicant provides the required mitigation for new disturbance to the Buffer, we do not oppose this request for a permit. Given that the revetment is for the purpose of shore erosion control, we recommend that native salt-tolerant plantings be required at a 1:1 mitigation ratio for the area displaced by the revetment. These plantings should be placed at an alternative location within the Buffer. In addition, we recommend that the applicant be required to plant the backfilled areas with native salt-tolerant grasses or ground cover.

Thank you for the opportunity to provide comments for this shore erosion control project. Please call 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
CA397-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2005

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

Re: Blaschke Special Exception

Dear Ms. Verdery:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit a cottage industry to fabricate custom boat tops, covers, and awnings for business and residential uses. The property is designated as a Resource Conservation Area (RCA) and is currently developed with a primary dwelling.

Based on the information provided, we do not oppose the granting of this special exception request. However, please refer to the comments provided by this office regarding the site plan and development proposal. These comments were provided on May 31, 2005. For reference, I have included a copy of these comments.

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. 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 Resources Planner
TC388-05
TC345-05

Kennie - Reader

L. Edlich, Jr.
Go
hael S. Steele
t. Governor



Martin G. Madden
Chairman
Ren Serey
Executive Director

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June 20, 2005

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

Re: Swan Point Growth Allocation

Dear Ms. Wiggen:

This letter is in response to the revised growth allocation and master plan amendment request submitted by the applicants, United States Steel Corporation and Brookfield Homes, dated May 26, 2005. The applicants have revised the original growth allocation request and are currently requesting to change the Critical Area designation of 84.08 acres from a Limited Development Area (LDA) to an Intensely Developed Area (IDA), and 41.92 acres from a Resource Conservation Area (RCA) to a Limited Development Area.

Based on our review of the revised materials received, we provide the following comments. In order to facilitate consistency of review, I have included any outstanding concerns from my original comments, dated March 25, 2005, in italics, as well as included new concerns identified as a result of the current submission. We will provide additional comments as the proposal progresses through the approval stages.

1. *Original Comment-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. We recognize the applicants' response to this comment and note that this issue will remain outstanding until notification of certification is received.*

2. Habitat Protection Areas (HPAs):

Bald Eagle Habitat and Management

The applicants have stated that they are proceeding with the negotiation of the Bald Eagle Management Plan, including both the Maryland Department of Natural Resources (DNR) and

County staff in the negotiation process. It appears that a second eagle's nest may have been recently identified by DNR. This nest location is not currently shown on the revised site plan, and should be verified, field surveyed, and included on all future submissions. In addition, please have the applicants address and identify any required protection measures for this second nest.

Colonial Water Bird Nesting Colonies

The applicants have stated that to this date, one blue heron nest has been identified on site. We note that preliminary discussions with Glenn Therres of DNR have indicated that multiple blue heron nests appear to exist on the property, in the general area of the spoil material placement. Based on this information, further site surveys and detailed information regarding the actual number of nesting herons are warranted. Should a water bird colony exist, the applicants will be required to address any recommendations for their protection as outlined within the Charles County Critical Area Program and by DNR. We note that the applicants have initiated a supplemental investigation concerning the presence and quantity of the nesting pairs present. The applicants are incorrect in stating that no further information was required by DNR during the February 14, 2005 meeting at the Critical Area Commission's office.

Anadromous Fish Propagation Waters

The applicants have disputed the existence of any anadromous fish spawning areas in the vicinity of the project site. We note that preliminary consultation with DNR Fisheries' staff indicates that fisheries concerns do exist on-site. Prior to the Commission's consideration of a formal growth allocation request, the County will be required to provide written documentation from DNR regarding the presence of any rare, threatened, or endangered species, or any other HPAs on-site. This includes information regarding the existence of anadromous fish propagation waters. On June 15, 2005, this office requested that the applicants submit a formal request to DNR for this review. This issue will remain outstanding until comments have been received from DNR.

Waterfowl Staging and Concentration Areas

The applicants have identified the area along the Southern portion of the Potomac River as a waterfowl staging and concentration area, and have addressed the time-of-year restrictions within the Habitat Protection Plan (HPP). Based on information contained within the State of Maryland's online mapping system, MERLIN, it appears that the western shore of the property, along the Potomac, also serves as a waterfowl staging and concentration area. The applicants should consult with DNR, and include this area within the HPP as necessary.

Submerged Aquatic Vegetation (SAV) Habitat

The applicants have included general plans to mitigate for the loss of SAV within Cuckhold Creek in association with proposed dredging activities. However, the applicants also state that the potential effect of dredging on SAV should be temporary, and that the SAV will regenerate after the initial dredging. This office disagrees with this statement, as marinas require routine dredging

on a regular basis in order to maintain navigable boating channels and access to boat slips. The proposed marina locations will likely result in permanent loss of SAV. The applicants should provide specific details regarding the areas to be dredged, and information regarding the proposed locations for SAV mitigation as well as proposed mitigation methods. The Maryland Department of the Environment (MDE) may have additional requirements pertaining to SAV.

Other Rare, Threatened, and Endangered Species (RTEs)

DNR has identified the property as containing a historical record for the State-listed Great Purple Hairstreak butterfly. If present, the applicant must address any recommendations by DNR for the protection of this species within the HPP. In addition, it is my understanding that the applicants have not submitted a formal request to DNR for a full RTE screening of the entire property at this time (please refer back to the above noted request for this). Additional species may be identified once this screening is complete. The applicant will be required to address any additional RTEs identified by DNR in the future.

Forest Interior Dwelling Birds (FIDS)

There are several outstanding concerns regarding the FIDS survey provided. First, there appear to be two distinct areas near the eastern end of the Weir Creek wetlands which were not designated as FIDS habitat. These areas appear to be contiguous with FIDS habitat outside of the Critical Area and should be included. Second, there is an area on the eastern portion of the horse farm property designated as FIDS habitat both within and outside of the Critical Area. This area does not appear to have been included within the survey. Last, there is an area directly south of the Matthews property which does not appear to have been surveyed. It is unclear why this location was not included.

To date, the applicants have provided minimal information regarding FIDS conservation and mitigation on the project site. On June 15, 2005, this office requested that the applicants submit the FIDS conservation worksheet provided within the Commission's FIDS Guidance Document. This will facilitate an initial evaluation of the proposed impacts to FIDS habitat and allow for preliminary calculations of required mitigation. In addition, we request that the applicants evaluate the 1992 FIDS agreement, as well as information within the County's Findings of Fact and Conclusions of Law document, dated May 18, 1992. This document and the associated map details the areas which were designated to be planted in fulfillment of the 1992 agreement. The applicants have stated that none of the 1992 mitigation has been implemented to date, yet portions of the original Swan Point development and related FIDS clearing have been completed. Please have the applicants evaluate how much of the 1992 mitigation is still owed to the County based on the original Swan Point components which were constructed. The Commission will continue to work with the County and applicants to develop an appropriate FIDS mitigation plan as the project progresses.

The 100-foot Buffer

The Buffer Management Plan provided does not contain sufficient details to justify the type of disturbances to the Buffer proposed by the applicant. Further discussion of the proposed impacts is warranted. In addition, variances may be required for particular aspects of the proposed development.

3. While the applicant has indicated that the Charles County Critical Area Program does not require variances for any of the impacts to HPAs proposed, we respectfully disagree. Specifically, we note Section 297-132.G.2 of the Charles County Ordinance which states, "Site development shall be designed to assure that those features or resources identified as HPAs in Chapter 8 of the Charles County Critical Area Program are afforded protection as described in said chapter." Chapter 8 of the County's Critical Area program details specific protection standards for rare, threatened, and endangered species, Bald Eagle Nesting Sites, colonial water bird nesting sites, historic waterfowl staging and concentration areas, anadromous fish spawning waters, and FIDS. These standards were adopted by the County, in coordination with DNR, to be the minimum necessary to ensure adequate protection of the HPA. Where the applicant cannot fully comply with the protection provisions outlined within Chapter 8 or with those additional provisions identified by DNR, the applicant will be required to obtain a variance. In applying for variances, the applicant must demonstrate that denial of the variance request will result in an unwarranted hardship. Based on the current development proposal, it appears that variances may be necessary for impacts to HPAs.
4. Based on information obtained from MERLIN, and from the Charles County Soil Survey, it appears that there may be multiple environmental features which have not been included on the GDP to date. Further field delineations and investigation will be required to clarify the presence of these features. Specifically, we note the following:
 - Streams appear to exist on either side of the tidal gut on the southern portion of the horse farm. A stream also appears to connect the non-tidal wetland area stemming from Cuckhold Creek to the area of non-tidal wetlands on the northern portion of the horse farm. This same stream appears to re-emerge at the opposite end of the large non-tidal wetland on the horse farm. A third stream appears to emerge inland from the tidal marsh area of Matthews Cove. If present, these streams will require a 100-foot Buffer.
 - There appear to be multiple areas of wetlands present on site where the applicant is proposing development. These features are not shown and will require further field delineations. MERLIN indicates non-tidal wetlands in two sites along the western Potomac shoreline, as well as adjacent to tidal wetlands at the east side of the Weir Creek bridge, in the middle of the proposed homes along Riverside Drive, and in the middle of the existing horse track.
5. *Original Comment-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. The applicants state that the Weir Creek Bridge has been relocated, but the change is not apparent on the revised site plans. Please clarify. In addition, the applicants state that the location of the bridge that crosses the tidal wetland on the horse farm has been revised to cross the wetland at its narrowest point. This revision does not adequately address the question about whether a feasible alternative exists that does not propose impacts to tidal wetlands. It appears that the road could be moved to completely avoid impacting the wetland.

6. The applicants have revised the GDP to reflect a differently configured yacht basin area located in the general vicinity of the existing Buffer Exemption Area (BEA). While the revised plan reduces some of the previous concerns with this proposal, there are multiple outstanding issues.
 - Based on the existence of several HPAs in the area, including the 100-foot Buffer, it does not appear that the proposed upland excavations are consistent with the Charles County Critical Area Program. Specifically, please refer to Section 297-131 of the Charles County Zoning Ordinance, describing the Buffer regulations, and to Section 297-128 of the ordinance which expressly includes land excavation within the definition of development or development activities.
 - The proposed development along the newly created shoreline appears to include a reduced Buffer. While portions of the northern property boundary are currently designated as BEAs, the newly created shorelines would not be part of this designation. These areas would need to be proposed by the County Commissioners as BEAs as a separate Critical Area map amendment. The Commissioners would need to show how these areas meet the criteria for designation as BEAs. It may be difficult to make this determination since the areas have a functioning, forested Buffer.
 - While the applicants have suggested that expansion of the existing marina constitutes the least environmentally friendly alternative, adequate information has not been provided to justify this claim. This office believes that all new marina development should be located in the existing BEA area, as this was the intent of the County's original BEA designation.
7. The applicants have provided a soils survey in response to Commission and County staff's request to delineate any expanded Buffer areas on the site. The information contained within the survey is inadequate to make a determination of expanded Buffer along all shorelines of the project site. Specifically, the soil survey only provides sampling information taken from five boring sites, all in the same general area on the horse farm. These sampling sites need to be significantly expanded to include the entire property. While we recognize that the Natural Resources Conservation Service (NRCS) is currently in the process of updating the Charles County Soil Survey, this update is not complete and therefore, is not valid at this time. Until the new maps are published, the original soil survey maps prevail. Should the applicants wish to undertake an independent soil mapping process to verify the current soil conditions on site, Commission staff will work with the County, applicants and the NRCS to accommodate this request. At this time, the current soil maps indicate

that the Buffer may need to be expanded in multiple areas on the site for hydric soils. As you are aware, expansion of the Buffer is necessary where development or disturbance may impact streams, wetlands, or other aquatic environments.

8. *Original Comment-The applicant will be required to fully establish the Buffer where forested cover does not currently exist.* There was no response given by the applicants to this previous comment.
9. As previously stated, Cuba Island is not currently designated a BEA on the County's Critical Area maps, and is entirely constrained by the Buffer. In addition, we note the County's finding that the island should not be re-designated as an Intensely Developed Area (IDA). The applicants state that the proposed use of the island is purely water-dependent. Based on information in the previous submittal, the applicants proposed use of the island was as a restaurant or special events facility, neither of which is water-dependent. These uses are proposed via conversion of the existing structures on the island. It is my understanding that these structures have lost their grandfathering status due to the period of disuse. Given that they are located within the Buffer, and that they are no longer grandfathered, the applicants would not be permitted to reconstruct the existing structures.
10. The applicants state that the originally proposed amphitheatres have been replaced by a vegetated, terraced shoreline located within the 100-foot Buffer, and that the purpose of this structure is shoreline stabilization. Given that the applicants are proposing placement of numerous sills, specifically for the purposes of shoreline stabilization, the terraced structure does not appear to be necessary for shoreline stabilization. The applicant is also considering the terraced shoreline to be a form of public, water-oriented recreation. This terraced shoreline is similar to the amphitheatre proposed in the original submission. Amphitheatres are not water-dependent uses, and therefore, should be completely removed from the Buffer.
11. The applicants are proposing two new marina/pier areas in Cuckhold Creek in addition to the existing 40-slip private pier and marina. It is unclear whether these new structures are proposed as community piers with slips, or as commercial marinas. Please clarify. In addition, the applicants are proposing multiple new pier structures around the entire shoreline. Please clarify the nature of these structures. As indicated previously, all development of, and in relation to, community piers and marinas must comply with the regulations outlined within the Section 8-1805.5 of the Natural Resources Article, Annotated Code of Maryland, as well as COMAR, and the County's Critical Area Program.
12. We continue to note that the County's Zoning Ordinance and the Critical Area Commission's Criteria specify the provision of a 300-foot setback for development activities in the RCA when using growth allocation.
13. On the horse farm property, portions of Riverside Drive area located within the 300-foot setback, and should be moved. Historically, in reviewing projects with a 300-foot setback, the Commission has assured that all development activities are located outside of the setback.

4. In the existing LDA, the limits of disturbance for construction of roads must be located entirely outside of the current forested 100-foot Buffer.
5. *Original Comment-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.* The applicants have stated that the proposed development will comply with these regulations at the time of subdivision.
16. The revised Buffer impacts total 96,747 square feet. While the applicants have stated that all remaining impacts are water-dependent, we note that footpaths are not inherently considered water-dependent. Based on this information, further discussion of the proposed Buffer impacts may be warranted and further minimization of Buffer impacts may be required.
17. This office has multiple concerns specific to site design, including:
 - The Critical Area boundary on the horse farm does not match that found on the Charles County Critical Area maps.
 - Please include the missing Buffer areas on the GDP for the following areas: Weir Creek peninsula, Harbour Village, the existing BEA area on the Potomoc on the horse farm, and the existing BEAs near, and to the west of, the proposed yacht basin. While the existing BEAs have a reduced Buffer, no Buffer is currently shown.
 - There is a structure shown in the Buffer in the Harbour Village area. Information has not been provided regarding what the BEA setback will be in this area based on the provisions within Appendix B of the County's Critical Area Program.
 - The revised Buffer Impact Exhibit appears to show an area where Riverside Drive impacts the Buffer, in the vicinity of the existing BEA. This road should be removed from the Buffer.
 - The proposed growth allocation calculations shown in the legend on the revised growth allocation map do not match the calculations shown in the labels for each development envelope. Please ensure that these numbers are consistent on future submittals.

Growth Allocation Issues within the Amended Master Plan/Docket 250

1. *Original Comment-Buffers, P. 24- The applicants propose to modify original Docket 250 language 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 previously and above, this office does not consider the proposed amphitheatre (or revised vegetated terraced structure) to be appropriate for the purposes of shoreline stabilization or as meeting the requirements for a water-dependent facility. Removal of invasive species may be permissible*

Karen Wiggen
Swamp Point Growth Allocation-Revised
June 20, 2005
Page 8 of 8

through an approved Buffer Management Plan prepared as detailed within the County's Zoning Ordinance. In addition, the applicants maintain the desire to provide view corridors for the residents and the public as they travel along Riverside Drive. As stated, the Critical Area regulations do not include provisions for clearing for a view, and this activity is not permitted.

2. *Original Comment-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 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. It is still the position of this office that this follow-up water quality study should be provided.*
3. The applicants have proposed that a 100-foot to 200-foot strip of replenished land will be restored as a result of the placement of breakwaters, and that this area will be dedicated as a new habitat corridor through the use of restrictive covenants and easements. The applicants propose this area and use as a replacement for the existing 100-foot habitat corridor required as a component of the original Docket 250. Given that this replenished area has also been identified as a proposed new beach area (revised 2005 GDP), it is unclear how both proposed uses could be accommodated. It would appear that each proposed use requires contrasting management goals.

Thank you for the opportunity to provide comments on the revised 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 designations. During its formal review, the Commission may request additional information or have additional comments. 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: Rachel Eisenhauer, 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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June 20, 2005

Mr. Luis Dieguez
District Manager
Charles Soil Conservation District
PO Box 269
101 Catalpa Drive, Suite 106C
La Plata, Maryland 20646

Re: Indian Head Shore Erosion Control Project
Naval District Washington West

Dear Mr. Dieguez:

Thank you for providing information on the above referenced shore erosion control project. The project proposes to stabilize an existing eroding shoreline by installing breakwater and sill structures. The structures are then proposed to be backfilled with sand and gravel. It is my understanding that the project will result in the creation of 1.0 acres of tidal marsh, as well as 7.4 acres of tree and shrub habitat.

Based on our review of the materials provided, it appears that the proposed project is consistent with the State Critical Area Law and Criteria. Therefore, we have no further comment.

Thank you for the opportunity to provide comments for this shore erosion control project. 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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2005

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

Re: 05-807 Cheston Variance

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.

We note that this property is currently the site of an ongoing Buffer violation and that a stop-work order has been issued to the applicant. In addition, it appears the majority of the site lies within the 100-foot Buffer.

Because we believe that the applicant has not provided information sufficient for the County to make the required findings under the variance standards, we oppose this variance request. In 2002 and 2004, the General Assembly reiterated its commitment to 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.

In reviewing this variance request, it appears that the applicant is proposing to construct a 3,500 square foot dwelling, a 1,500 square foot garage, and a driveway, all within the Buffer. While we recognize that development of this property would not be feasible outside of the Buffer, the Somerset County Zoning Ordinance and variance standards require that the variance be the minimum necessary to make reasonable use of the land, buildings, and structures. Based on the information provided, it appears that the applicant could enjoy reasonable use of the property

with a significantly smaller, or taller, dwelling which proposes less disturbance to the Buffer. Therefore, we do not believe that the standard of unwarranted hardship has been met. While no response from the applicant has been included regarding the County's variance standards, 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.* As indicated, we recognize that development of the property is not feasible without some variance. However, 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.
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.* This office would not support similar variance requests to construct a 3,500 square foot home 15 feet from tidal wetlands, particularly when a smaller dwelling with a greater setback from tidal wetlands is feasible.
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.
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.* Based on the extent of Buffer area, we recognize that the property is not developable without a variance.
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. The applicant is proposing to place a significant area of impervious surface area within the Buffer and in close proximity to tidal wetlands. This new impervious surface area and consequential disturbance to the land results in increased stormwater and sediment runoff within the Buffer, and results in the loss of essential infiltration opportunities. Given the potential for adverse environmental impacts due to the proposed development, and that the applicant has not sufficiently demonstrated minimization, approval of this variance would not be in harmony with the general intent and spirit of the law.

Tom Lawton
Variance 05-807
June 13, 2005
Page 3

6. *That the Board of Appeals finds that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum necessary that will make possible the reasonable use of land, building, or structures.* As stated, this office believes that the dwelling as proposed is excessive, specifically in relation to its location with and impact to the Buffer. It appears that a smaller dwelling and garage could be constructed which still provides reasonable living space to the applicant. Therefore, it does not appear that the applicant has met this standard.

In conclusion, it is our position that, unless the Board finds that the applicant has met the burden of proof on each one of the County's variance standards, the Board must deny this application. We recommend that the Board require the applicant to submit a revised site plan which demonstrates minimization of impact. In addition, details regarding the remedial actions in relation to the existing violation should be provided to the Board prior to any 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.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
SO357-05

Cc: Rachel Eisenhauer
Ren Serey

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2005

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

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

Dear Ms. Willis:

This letter is to notify you of our receipt of a mitigation planting agreement for the above referenced project. This plan is being submitted in fulfillment of the Critical Area Commission's condition of approval, as granted at its November 4, 2004 meeting.

At this time, I have reviewed the plan and find that that it sufficiently fulfills the Commission's condition of approval. As a component of this agreement, please notify Commission staff once the plantings have been implemented. It is my understanding that Mr. Glen Helms from the Office of Highway Design has been designated as the contact person for this mitigation planting plan.

Thank you for you assistance in bringing this project before 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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June 8, 2005

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

Re: AP #51773 Savel Property

Dear Ms. Daily:

This letter is in response to our continuing review of development activities on the above referenced property. The applicant is proposing multiple stormwater management techniques aimed at stabilization of the eroding cliff face.

Based on our review of the applicant's proposal, we provide the following comments:

1. The applicant is proposing to construct an on-site bio-retention facility by excavating approximately 8 feet down into an area of highly erodible soils. The proposed facility will have an underdrain system which flows to the eroded cliff face and eventually empties into waters of the State. Given the historically documented soil instability on this property, this office has significant concerns regarding the location of the proposed bio-retention facility. We strongly encourage and recommend that County planning staff coordinate closely with County engineering staff, as well as, seek guidance from the Calvert Soil Conservation District, and the Maryland Department of the Environment's (MDE) stormwater management division. In particular, it would appear that the location of the proposed pond, the depth of the pond, and the quantity of stormwater proposed to be treated by the pond might create an additional burden on the unstable soil conditions located in close proximity to the active erosion.
2. The applicant has proposed a series of six retaining walls at the base of the eroding cliff face. It is not clear whether the applicant intends to backfill these wall areas and revegetate, or whether additional grading is proposed. Please have the applicant provide clarification regarding this proposal.
3. The applicant has indicated that the impervious surface area on the property is currently 14.99%. It is unclear whether the existing pond has been included into these calculations. Please have the applicant clarify this calculation and include the pond if not currently included.

Aimee Daily
AP #51773
June 8, 2005
Page 2

4. There is a note on the plat stating that the steep slopes on the property will be immediately stabilized with sod. This office has concerns regarding the vegetative stabilization of the cliff face and steep slope, and its impact on the existing Tiger Beetle habitat. Specifically, I refer you to a March 30, 2004 letter from Katharine McCarthy of DNR to Bob Tabisz of MDE regarding this habitat. In her letter, Ms. McCarthy specifically states that grading and vegetating of the slope would destroy the habitat used by the Puritan Tiger Beetle. In addition, recent conversations with Katharine McCarthy regarding the current stormwater management proposal have indicated outstanding concerns regarding the vegetation of this cliff face and the loss of Tiger Beetle habitat. Based on this information, we request that the County obtain an evaluation of the applicant's proposal from both DNR and representatives of the Fish and Wildlife Service (FWS). In addition, we request that a copy of this evaluation be forwarded to this office for inclusion within the project's file.
5. The applicant's proposal includes 2 perforated PVC pipes which serve to convey stormwater runoff from the neighboring lot to a discharge point below Mean High Water (MHW). Given that the proposed pipes discharge to waters of the State, it appears that a permit will be required from MDE. In addition, this office had concerns that the proposed pipes would continually clog and result in an ineffective means of discharge. It does not appear that any form of maintenance has been proposed or detailed by the applicant for this discharge structure.

Thank you for the opportunity to provide comments. We request that the applicant provide a revised site plan or another form of response to the above outlined concerns. 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
CA421-04

CC: Katharine McCarthy, DNR
Dave Brownlee, Calvert County
Raymond Li, FWS

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 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. If the applicants are including areas of tidal wetlands within lot boundaries, they must provide a field delineation of all wetland boundaries, as well as a professional determination of private versus State-owned wetlands within the property boundaries. 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. Please have the


Mary Kay Verdery
L995 Rapetti
June 8, 2005
Page 2

applicant provide this information, along with a description of the methodology used to make a determination of wetland ownership.

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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June 8, 2005

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

Re: Lorian Special Exception

Dear Ms. Verdery:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to construct a wood fence prior to construction of a primary dwelling. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, we do not oppose the granting of this special exception request. However, we provide the following comments regarding the site plan and development proposal.

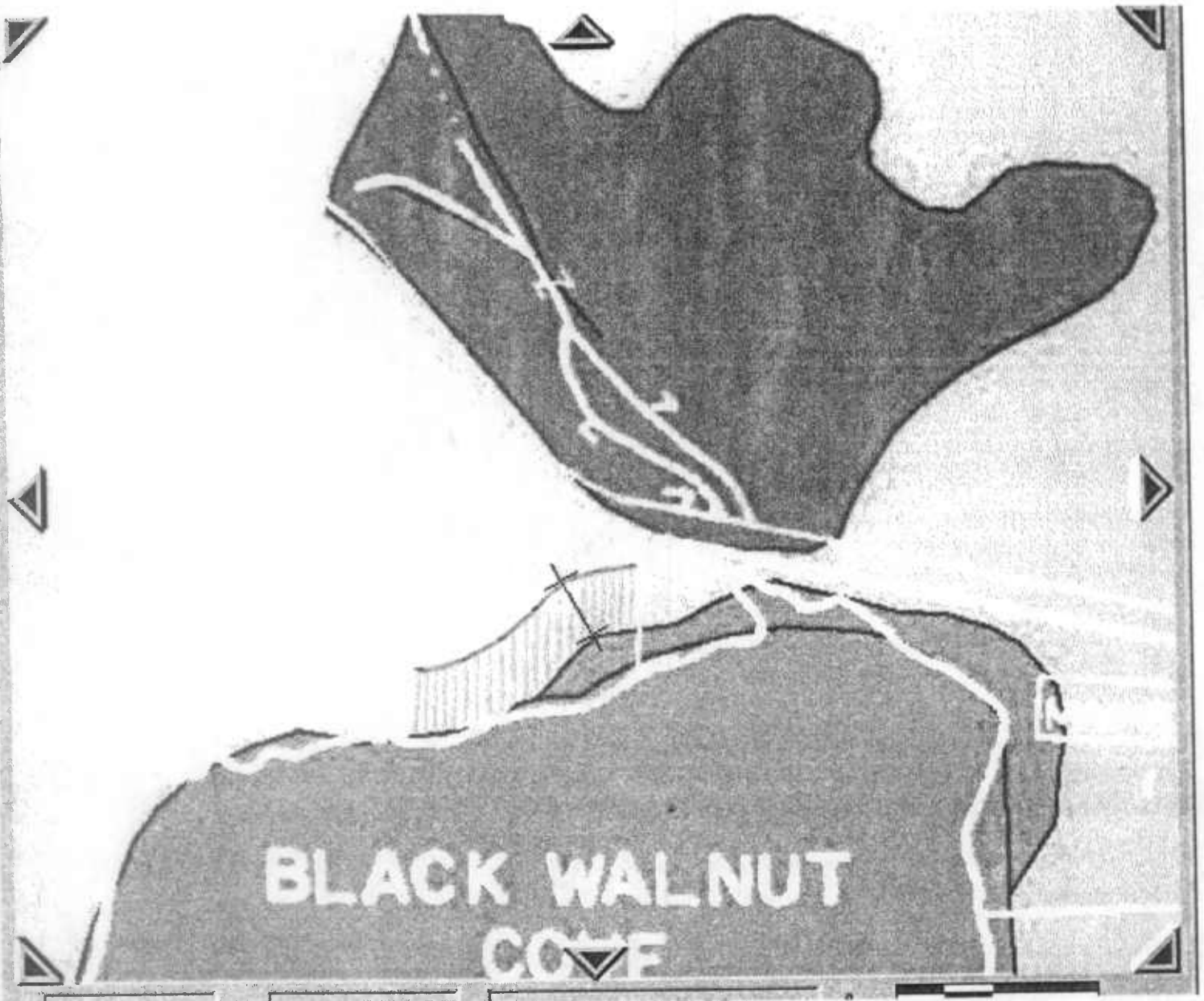
1. The applicant has not indicated whether any tree clearing is required for construction of the fence. Should any clearing be proposed, please ensure that the applicant provides the required 1:1 mitigation. This mitigation should be in the form of replacement plantings which are native to Maryland.
2. The applicant has not included the 100-foot Buffer, nor indicated the limits of tidal wetlands on the property. While it does not appear that any disturbance to the Buffer is proposed as a component of the current development proposal, the applicant has indicated the intent to construct a primary dwelling. Please advise the applicant that MERLIN indicates that tidal wetlands lie within the property boundaries. I have included a copy of this map, along with an approximate location of the Buffer. For future development proposals, please ensure that the sewage disposal area shown does not encroach into the Buffer. The Buffer must be measured in the field and shown on future site plans.

Thank 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. 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 Resources Planner
TC287-05



P18, DNR Wetlands and Approximate 100-foot Buffer

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2005

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

Re: Clifton on the Potomac Subdivision
XRS-50043

Dear Ms. Ault:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to subdivide a 17.87-acre parcel to create 4 lots. The property lies within a designated Limited Development Area (LDA) and is currently undeveloped.

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

1. Please clarify whether the tidal wetland limits shown on the plat were field delineated. These features should be field verified if taken from the 1972 State Tidal Wetland Maps. If there are discrepancies, a field delineation may be necessary.
2. Based on the limits of tidal wetlands shown on the plat, as well as the limits shown in MERLIN, it appears that the 100-foot Buffer is inaccurately drawn. Please have the applicant revise the Buffer limitations. In addition, it appears that there are multiple areas where steep slopes lie contiguous to the Buffer. As outlined in Section 297-131 of the Charles County Zoning Ordinance, the Buffer shall be expanded to include these contiguous steep slope areas. Please have the applicant submit a revised site plan showing this Buffer expansion.
3. As you have indicated, the Buffer may also require expansion if hydric soils are present. Please have the applicant provide information regarding the soil classification and indicate an expanded Buffer where appropriate.
4. As you are aware, MERLIN indicates that this property lies within a sensitive species review area. Based on this information, the applicant is required to obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of any rare, threatened and endangered species. If present, the applicant will be required to address any recommendations made by DNR

Elsa Ault
XRS-50043
June 8, 2005
Page 2

for the protection of the species. Please provide a copy of the DNR letter to this office for inclusion within the subdivision file.

5. Please have the applicant label Lot #4 on the plat and provide the proposed acreage.
6. The applicant has not provided any information regarding proposed building footprints, driveways, and accessory structures. Please advise the applicant that each lot will be limited to 15% impervious coverage.

Thank you for the opportunity to provide comments regarding this subdivision proposal. Please provide a copy of a revised plat to this office which details how the above concerns have been addressed. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS 356-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 2, 2005

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

Re: Freedom Rowers Site Plan

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a simplified site plan in order to place a trailer for boat storage on the subject property and to provide access to the water through the Buffer. The applicant's proposal is being reviewed concurrent with a special exception to permit the shoreline access. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it is not clear whether any tree clearing is required in order to obtain access through the Buffer. Please have the applicant clarify any clearing proposed. Should any clearing be necessary, mitigation will be required at a 2:1 ratio. In addition, the site plan indicates that a bank exists at the shoreline. Please clarify whether any grading is proposed at 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 site plan. 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 Resources Planner
TC343-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 2, 2005

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

Re: Freedom Rowers Special Exception

Dear Ms. Verdery:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to provide access to the water through the Buffer. The purpose of this access is to provide water-dependent public recreation and educational opportunities. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it is not clear whether any tree clearing is required in order to obtain access through the Buffer. Please have the applicant clarify any clearing proposed. Provided that the applicant provides the required mitigation, we do not oppose the granting of this special exception request. For shoreline access, mitigation should be provided at a 2:1 ratio, and should be implemented by planting native vegetation 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 special exception. 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 Resources Planner
TC343-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

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May 31, 2005

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

Re: Talbot County Country Club Site Plan

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval to construct a 1,664 square foot accessory storage building. The proposed structure is a replacement structure and results in a net increase of 675 square feet of impervious surface area. The property is designated a Resource Conservation Area (RCA) and is currently developed.

The applicant has not indicated whether any tree removal is required for the construction of the proposed building. Should any trees be cleared as a result of the construction, please advise the applicant that replacement at a 1:1 mitigation ratio 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 site plan. 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 Resources Planner
TC344-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 31, 2005

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

Re: Blaschke Site Plan

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval to construct a 1,200 square foot accessory building for the purposes of relocating an existing cottage industry. In addition, a 1200 square foot parking area is proposed. The property 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 development proposal and site plan.

1. The applicant has not indicated how much forest cover will be removed or indicated the area of disturbance. Please have this information clarified. Mitigation should be provided at a 1:1 replacement ratio and should be in the form of native plantings.
2. For reference purposes for any future development on the property, please advise the applicant that MERLIN indicates a second area of non-tidal wetlands lies within the property boundaries. This area would also require the application of a 25-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 site plan. 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 Resources Planner
TC345-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2005

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

Re: Harbor Light Condominiums
Phases 3, 4, and 5

Dear Mr. Quintanilha:

This letter is in response to our continuing review of the above referenced development proposal and site plans.

Based on the information included within the revised site plans, we have no further comments regarding this development proposal. However, should any changes in the current site plans be proposed, please have the applicant submit a revised set of plans to both Commission staff, and Tracey Gordy, the Commission's Circuit Rider for the City of Crisfield.

Thank you for the opportunity to submit comments for this development proposal. If you have any questions, please contact me as 410-260-3482.

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
CF21-04

Cc: Tracey Gordy, MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2005

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

Re: A060 Irvin Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct a 200 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, we do not oppose of the granting of this variance request. However, it appears that the location of the 100-foot Buffer is either shown incorrectly, or the site plan submitted is not drawn to the scale indicated. Please ensure that an accurate measurement of the total Buffer disturbance is obtained in order to accurately calculate the required amount of mitigation. For the total area of Buffer disturbance, we recommend that the applicant provide mitigation at a 2:1 ratio. This mitigation should be implemented by planting native species 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,

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

Kerrie L. Gallo
Natural Resource Planner
TC236-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2005

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

Re: Variance 05-336-05 Brown, David & Sylvia

Dear Ms. Whitt:

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

Based on a recent site visit to the property, we note that the property is currently the subject of a Critical Area violation, where approximately 15,747 square feet of forest cover has been removed. In addition, MERLIN indicates the existence of a tributary stream running along the bottom of the ravine. The site plan provided does not show this stream. If present, the stream necessitates application of a Buffer on the site. Given the presence of contiguous steep slopes, the Buffer would appear to encompass the entire property. In this case, the applicant will also be required to apply for and obtain a Buffer variance. As it is my understanding that the Critical Area clearing violation is currently being addressed by the County's Zoning Enforcement Division, the following comments address the applicant's variance request as indicated on the site plan.

1. The applicant is proposing to clear 15,727 square feet of forest cover. Based on the site plan provided, it appears that significant minimization of clearing and grading could be achieved. We recommend that the applicant be required to provide a site plan that demonstrates minimization of impact.
2. We recommend that the applicant be required to submit a revised site plan which shows any necessary Buffer or expanded Buffer on the property, as well as clearly labels the location of the tributary stream. This site plan should be submitted prior to any Buffer variance approvals in order to ensure that any future variance requests and/or the current development proposal can be reviewed with accurate knowledge of the existing environmental features.
3. It does not appear that any stormwater management features are proposed which address rooftop runoff. We recommend that the Board require the inclusion of a suitable best management practice


Roxana Whitt
Variance 05-336-05 Brown
May 26, 2005
Page 2

in order to ensure that stormwater runoff from the proposed impervious surfaces does not threaten the ecological integrity of the steep slopes.

Based on the above comments, this office does not support the granting of this variance request at this time. We recommend that the Board required a revised site plan which demonstrates minimization of impact to steep slopes and which includes the location of the Buffer.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. 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
CA336-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2005

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

Re: AP 53714,53717-Ward

Dear Ms. Daily:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting an approval to grade and disturb 8,280 square feet in order to construct a revetment. This revetment is for the purposes of shoreline stabilization. The property is a designated a Limited Development Area (LDA) and is currently developed.

It is my understanding that the applicant is also proposing marsh establishment as a component of this shoreline stabilization project. Based on this information, we do not oppose the granting of this building and grading permit.

Thank you for the opportunity to provide comments. Please call 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
CA304-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2005

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

Re: MSD-04-22-44 Blackwell
(Tax Map 44, Parcel 116)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is proposing to create a two-lot subdivision on a .998-acre property. The property is located within a Limited Development Area (LDA) and is currently developed with a primary dwelling, garage, and boathouse.

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

- 1) Based on the Calvert County soil survey, it appears that the entire property is composed of highly erodible soils (Keyport and Eroded Land series). The County Zoning Ordinance states that the Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. Please clarify how the County will determine whether the Buffer will be expanded to include these erodible soils. If the Buffer is expanded, it would appear that the proposed subdivision creates a lot (Lot 2) that is unbuildable without a variance. In this case, this office would not support the approval of this subdivision.
- 2) The applicant is required to obtain an evaluation from the Department of Natural Resources (DNR) regarding the presence of any rare, threatened, or endangered species on the property. If present, the applicant will be required to address any recommendations by DNR for the

Olivia Vidotto
SD 04-22-44 Blackwell
May 24, 2005
Page 2

protection of these species. At this time, this office has not received any notice of evaluation of the property. Please provide us with a copy of the evaluation when it has been received.

- 3) Please have the applicant add the standard Buffer language to future plat submittals stating that disturbance to the Buffer on Lot 2 is prohibited.
- 4) The applicant has stated that a wetlands waiver has been obtained. Please clarify where these provisions are detailed within the Calvert County Zoning Ordinance.

Thank you for the opportunity to provide comments for this minor 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
CA300-05

Cc: Aimee Daily, Calvert County
Dave Brownlee, Calvert County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2005

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

Re: Variance 05-3187 Taubman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer in order to construct a 360 square foot deck structure. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the site plan provided, we do not oppose the granting of this variance request. We note that the applicant has indicated the intent to construct the deck as pervious. We recommend that the Board include this as a condition of the variance approval, requiring spacing between the boards, 6 inches of gravel underneath the entirety of the deck, and native plantings surrounding the base of the deck.

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
CA338-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2005

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

Re: Variance 05-3182 Scott

Dear Ms. Whitt:

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

Based on the information provided, we do not oppose the applicant's request for a variance. However, we provide the following comments regarding the site plan and development proposal.

1. It appears that approximately 252 square feet of new disturbance to the Buffer is proposed. We recommend that mitigation be required at a 2:1 ratio. This mitigation should be achieved by the planting of native vegetative species, and should be located at an alternative location within the Buffer. Should any additional clearing or disturbance occur as a result of the deck construction, mitigation should also be provided for this area.
2. While the applicant has noted that the proposed deck is to be constructed as open, we recommend that the Board require the deck to be constructed as pervious. Pervious construction includes spacing between deck boards, six inches of gravel underneath the entirety of the deck, and native plantings surrounding the base of the deck.

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 L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA339-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2005

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

Re: Variance 05-3180 Starr

Dear Ms. Whitt:

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

Based on the information provided, we do not oppose the applicant's request for a variance. However, we provide the following comments regarding the site plan and development proposal.

1. It is unclear whether the proposed deck is to be elevated to match the existing deck or whether it is proposed at ground level. Currently, the area of the proposed deck is pervious. We recommend that the Board require the applicant to construct the deck as pervious with spacing between the boards, six inches of gravel underneath the entirety of the deck, and native plantings surrounding the decks foundation.

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
CA340-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2005

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

Re: AP 53086 Engh Property

Dear Ms. Daily:

Thank you for providing information on the above referenced grading permit. The applicant is requesting an approval to grade and disturb 22,040 square feet of property. The property is a designated a Resource Conservation Area (RCA) and is currently developed.

Provided that the applicant complies with Critical Area mitigation requirements, we do not oppose the granting of this grading permit. Based on the information provided, it appears that approximately 10,715 square feet of tree clearing is proposed. We recommend that mitigation be provided at a 1:1 replacement ratio for all trees removed. Please ensure that the applicant utilizes the appropriate sediment and erosion control techniques during the construction activities. The remaining disturbed areas should be immediately stabilized with vegetative cover once the construction is completed.

Thank you for the opportunity to provide comments. Please call 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
CA298-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

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May 23, 2005

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

Re: Appeal #1374 White Swan

Dear Ms. Verdery:

Thank you for providing information on the above referenced allegation of error. The applicant has filed an application of error, alleging that the County erred in refusing to accept and process a proposed subdivision. The subject property lies within a designated Resource Conservation Area (RCA).

It appears that there are three distinct components to the applicant's allegation of error appeal. Based on our review of the information provided, we have the following comments.

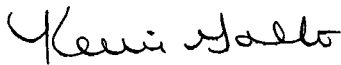
1. *The appellant contends that the Critical Area density of its 66.372-acre Parcel 1 was established as of 1989.* For clarification, we note that the **maximum permitted** density within the RCA (Talbot County RC Zone) was established with the passage of the Critical Area Law and Criteria, and effective in Talbot County at a ratio of one dwelling unit per twenty acres in 1989. Under the County's Critical Area Program, the **actual allowable** density is established at the time of development, based on the current acreage.
2. *The appellant contends that the reduction in acreage by natural causes (ie: erosion) should not result in the forfeiture of a Critical Area development right.* Land lost to erosion since 1989 is subtracted from the total acreage on which the new subdivision can be approved.
3. *The appellant contends that the reduction in acreage by the recording of a Reservation of Development Rights Agreement by a prior owner and pertaining to a 2.947 acre portion of the Appellant's property should not result in the forfeiture of a Critical Area development right.* As outlined within the Talbot County Zoning Ordinance, the Reservation of Developments Rights Agreements, as a component of the 2003 subdivision, and involving

Mary Kay Verdery
White Swan Allegation of Error
May 23, 2005
Page 2

2.947 acres, **transferred** a development right from Parcel 1 to Parcel 3. Therefore, there are two remaining development rights on Parcel 1.

Thank you for the opportunity to provide comments on this allegation of error. Please include this letter in your file and submit 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
TC37-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 23, 2005

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

Re: Reida Intra-family transfer

Dear Mr. Brownlee:

This letter is in response to your recent request for clarification regarding the Commission's position on the Reida intra-family transfer, change in circumstance request.

On April 20, 2005, the Commission received a copy of the County's response to Ms. Reida's change in circumstance request. This response letter was dated April 11, 2005 and was addressed from Aimee Daily to Ms. Reida. The letter indicates the County's awareness of an apparent attempt to market for sale a single-family residential building lot, which was legally platted and designated as a bona-fide, intra-family transfer lot. This lot was being marketed for sale to individuals outside of the Reida's immediate family. The County's letter goes on to clarify the County's procedures for appropriately conveying an intra-family transfer lot, as well as outlines the conditions to be met in order for a valid change in circumstance request to be considered.

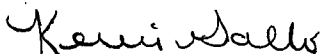
Following the receipt of this letter, you and I discussed the particulars of the Reida family's situation in greater detail over the phone. During this conversation, you relayed that Jack Upton, counsel for the Reidas, had also contacted Ren Serey regarding the Critical Area Commission's regulations for intra-family transfer lots and change in circumstance requests. You requested that I consult with Mr. Serey as to the nature and extent of this conversation. Mr. Serey said that Mr. Upton described to him the Reidas original intent to create lots for their children, and their subsequent realization that a long-term family compound was not feasible. Mr. Serey also said that he and Mr. Upton did not discuss any details of the subdivision process. The guidance he provided to Mr. Upton regarding possible conveyance of the lots to non-family members was of a general nature and related to the requirements of the Calvert County Critical Area ordinance. Furthermore, at the time of the conversation between Mr. Serey and Mr. Upton, this office was not in receipt of the County's April 11th letter to the Reidas, nor were we aware that there were any outstanding requests or grievances in association with the Reida's property.

David Brownlee
Reida Intra-family transfer
May 23, 2005
Page 2

On May 18, 2005, you notified me via email and asked that I again clarify with Mr. Serey, the nature of his conversation with Mr. Upton, as Mr. Upton contends that the information received from the Commission via Mr. Serey was inconsistent with that within the County's April 11th response letter. The intent of this letter is to express the Commission's support for the information outlined within the County's April 11th letter to Ms. Reida. In addition, we believe that the information conveyed to Mr. Upton via Ren Serey was consistent with that outlined within the County's response letter, and with the intra-family transfer provisions outlined in the Calvert County Zoning Ordinance and State Critical Area Law.

I hope that you find this information helpful in resolving the apparent miscommunication between parties. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

CC: Ren Serey, CAC
Regina Esslinger, CAC
Aimee Daily, Calvert County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 20, 2005

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

Re: Variance 05-3184 Williams

Dear Ms. Whitt:

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

We note that this property was the subject of a previous 1999 Board of Appeals case whereby the applicants were granted approval of variance request to construct a dwelling on steep slopes. As a component of this original request, the applicants had initially included a similar pool proposal, which this office opposed. 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.

The proposed pool is an accessory use. Based on a recent site visit, it appears that the applicant does and could continue to enjoy reasonable and significant use of the entire lot or parcel without this accessory use. Based on this information, we believe that the standard of unwarranted hardship has not been met.

In addition to the standard of unwarranted hardship, I have addressed each of the County's variance standards below in relation to the proposed development.

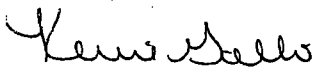
1. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction.* The applicants have reasonable use of this property for residential purposes, and therefore, they would not be denied a right commonly enjoyed by their neighbors. In addition, no other variance requests to locate pools on steep slopes within this neighborhood have been supported by this office.

2. *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.*
3. *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 appears that the applicant has met this standard.*
4. *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 evaluating the applicant's proposal, we recommend that the Board consider the environmental constraints currently existing on the property. The steep slope requirements within the Calvert County Zoning Ordinance were intended to provide protection to areas considered to be environmentally sensitive and susceptible to degradation by overdevelopment. Where the proposed pool is sited, the site is wooded and the slopes are stable and vegetated. With the exception of a few trees at the Southern property line, the remainder of the site has been planted in lawn, providing essentially no habitat value. We believe that the proposed pool development would further impair the ecological integrity of the site and potentially create permanent instability of the steeply sloped areas on the property. It does appear that proposed development activity would adversely affect water quality, or impact fish wildlife or plant habitat within the County's Critical Area. Therefore, we do not believe that the applicant has met this variance standard.*

In conclusion, it is our position that, unless the Board finds that the applicant has met the burden of proof on each one of the County's variance standards, the Board must deny this application. Consistent with our 1999 recommendations regarding a similar pool development proposal on the same property, and for the same applicants, this office does not support the granting of a variance for this accessory use.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit 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
CA493-99

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 20, 2005

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

Re: Variance 05-3183 Higdon

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 construct a replacement dwelling. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the site plan provided, we have the following comments:

1. It appears that the proposed dwelling encroaches into steep slopes by approximately 11 feet. Given the size of the lot, the location of the existing grandfathered dwelling, and the proposed development, it is unclear why the applicant could not site the new dwelling 11 feet further back, thereby avoiding disturbance steep slopes completely. While we recognize that the Board must also consider the side and front yard setbacks, the above recommendation would still allow the dwelling to be more conforming on the side-yard and would avoid the need to grade steep slopes.
2. Should the Board approve the applicant's request as proposed, we recommend that mitigation be required at a 1:1 replacement ratio for the 4, 403 square feet of forest cover proposed to be removed.

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
CA337-05



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 18, 2005

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

Re: M1006 Schwaninger Farm

Dear Ms. Verdery:

This letter is in response to our continuing review of the above referenced major subdivision proposal. Based on the information provided, we have the following comments regarding the revised plat.

1. It is unclear whether the 100-foot Buffer areas surrounding the perennial streams on the property are currently fully forested. While the applicant has indicated Buffer re-establishment areas along the lots on Peachblossom Creek, no re-establishment of the perennial stream Buffers is indicated. Should these Buffer areas currently exist in less than a fully forested state, establishment via afforestation will be required (Talbot County Zoning Ordinance, Section 190-93.E.3.b and 190-93.E.3.e).
2. The Commission's 1992 program amendment file for this property indicates that 38.78 acres of an approximately 89 acre property were awarded growth allocation in order to change the Critical Area designation from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). As a component of this request, the remaining 50 acres were to be placed in a conservation easement, with plans to incorporate habitat enhancement. It is not clear if this easement currently exists or what the status of this component is. Please clarify.
3. The 1992 growth allocation approval for this property includes a County Council condition stating that upon approval of the growth allocation request and after preliminary plat approval, the applicant has a maximum of two years to finalize the final plats and recordation of the same. If this does not occur, the County Council will rescind

Mary Kay Verdery
M1006 Schwaninger
May 18, 2005
Page 2

the approval and the property will revert back to RCA. It is my understanding that preliminary plat approval was granted for this project in November of 2002. However, the Commission's files have no correspondence indicating that a time extension was granted for this project. Please verify that the project is consistent with the time limits set by the Talbot County Council, the Talbot County Zoning Ordinance, or that documentation exists verifying the award of a time extension for the project.

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 511-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 17, 2005

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

Re: SFD 50152 Tedder

Dear Ms. Ault:

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

The Department of Natural Resources' (DNR) Wildlife and Heritage Division has determined that this site contains multiple rare, threatened, and endangered species which have the potential to be affected by the proposed development activity. Based on this information, and in accordance with the provisions with the Charles County Zoning Ordinance, Section 297-132.H.2, the applicant will be required to submit a Habitat Protection Plan (HPP). As a component of the HPP, the applicant should provide professional habitat surveys for the three identified plant species in order to determine whether suitable habitat exists on the site for these species and whether any impacts to this habitat are proposed. In addition, the applicant must address the recommendations made by DNR for the conservation and protection of Forest Interior Dwelling Birds (FIDS) habitat. Based on the information on the site plan, it appears that several elements of the proposed development may conflict with the recommendations provided. Please have the applicant specifically address the following components within the HPP.

1. *Minimize the number and length of driveways and roads*- it appears that a shorter driveway could be achieved by relocating the house back towards the south and further west towards the existing driveway. It is unclear whether any environmental site constraints prohibit this change.
2. *Roads and driveways should be as narrow and as short as possible; preferably less than 25 and 15 feet, respectively*- While the actual driveway appears to be 10 feet in width, there is an additional 20 feet of clearing proposed on the western edge of the driveway. In addition, there is considerable clearing surrounding the dwelling which could be further minimized.
3. *Maintain forest canopy closure over roads and driveways*- it does not appear that this is currently proposed.

Elsa Ault
SFD 50152
May 17, 2005
Page 2

4. *Do not remove or disturb forest habitat during April-August, the breeding season for most FIDs.*
We recommend that the County require this time of year restriction within the building permit approval.

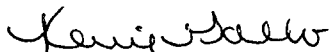
In addition to the recommendations provided by DNR, the applicant will be required to provide adequate FIDS mitigation as compensation for lost habitat. As a component of the HPP, please have the applicant provide a FIDS Conservation Worksheet which details the proposed mitigation. An additional planting plan should also be provided detailing the location, species, and quantities of mitigation plantings to be provided. We acknowledge that it may be difficult to achieve the required FIDS mitigation on-site. Alternative mitigation efforts should be clearly detailed if proposed.

Regarding the site plan provided, we have the following additional comments:

1. While difficult to assess from the site plan provided, soil surveys maps indicate that the site contains highly erodible soils and steep slopes directly adjacent to tidal wetlands. Based on this information, it appears that the Buffer may need to be expanded to include contiguous sensitive areas. Please have the applicant field verify this information any make any necessary changes to the site plan.
2. As currently shown, it appears that the Buffer has been drawn from the property line. It is unclear whether this line is intended to correlate with the edge of tidal wetlands or the location of Mean High Water (MHW). Please have the applicant clarify. In addition, please advise the applicant that the Buffer must be field delineated. It does not appear that this has been done.
3. Please note that that DNR has recommended the use of super silt fencing in addition to environmentally sensitive stormwater management and design in order to ensure the integrity and ecological function of the adjacent Natural Heritage Area (NHA).

Thank you for the opportunity to provide comments on this building permit request. Please forward a copy of the habitat surveys and HPP to this office once they have been submitted. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CS241-05

CC: Katharine McCarthy, DNR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 17, 2005

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

Re: Variance 05-805 Somerset County Commissioners

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 440 square foot concrete pad. The property is located within a designated Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that the site is severely constrained by the location, entirely within the Buffer, as well as by the existing amount of impervious surface area. It is my understanding that the applicants are proposing to construct a concrete pad in order to facilitate placement of vault toilets at a County facility. Provided that the applicant addresses the required mitigation, we do not oppose the granting of this variance request. While we recognize that the site offers limited opportunity for mitigation, we recommend that the County consider the installation of a raingarden on the remaining pervious areas surrounding the proposed concrete pad. This would help to intercept stormwater runoff and facilitate infiltration opportunities, thereby providing enhanced water quality, as well as, aesthetic benefits.

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2005

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

Re: Variance 05-806 Magenta

Dear Mr. Lawton:

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

Based on the information provided, it appears that the new portion of deck, the walkway and the new steps have been constructed entirely within the Buffer, and that all extend further towards Mean High Water (MHW) than the existing grandfathered dwelling. Based on this information, and given that the applicant has constructed the proposed additions prior to obtaining the proper permits, we recommend that at a minimum, the Board require the applicant to provide 3:1 mitigation for the area of Buffer disturbed and displaced by the new structures. While it is my understanding that there is no existing vegetation within the Buffer, we recommend that the Board require the applicant to implement native salt tolerant beach grasses as mitigation. These plantings should occur within the Buffer.

Provided that the applicant provides the required Buffer mitigation, we do not oppose the granting of this after-the-fact 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, appearing to read "Kerrie Gallo".

Kerrie L. Gallo
Natural Resource Planner
SO295-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 16, 2005

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

Re: Variance 05-806 Henry

Dear Mr. Lawton:

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

Based on the information provided, it appears that the location of the proposed deck is constrained by the location of the septic system and the configuration of the lot. Given these constraints, we provide the following comments:

- 1) We recommend that the Board require the applicant to construct the deck as pervious, with spacing between the boards, six inches of gravel underneath the entirety of the deck, and shrubs or other native plantings implemented at the base of the deck.
- 2) All disturbance to the Buffer is subject to mitigation. We recommend that the applicant be required to provide mitigation at a 3:1 ratio for the entire area of Buffer disturbance. This mitigation should consist of native plantings and should be located at an alternative location within the Buffer. It appears that ample opportunity exists within the Buffer to accommodate these plantings.

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

Sincerely,

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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May 16, 2005

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

Re: AP 53321, 53323 Colyn

Dear Ms. Daily:

Thank you for providing information on the above referenced building and grading permit. The applicant is requesting an after-the-fact approval to construct a retaining wall within the Buffer. The property is a designated Limited Development Area (LDA) and is currently developed with a primary dwelling.

Based on the information provided, it appears that the existing dwelling on the property was constructed in 2004 and has been the subject of a previous Board of Appeals case whereby the applicant was granted variance approval in order to construct a dwelling on steep slopes and within the expanded Buffer. As a component of this 2002 variance approval, the Board included multiple conditions intended to prevent future erosion of the steep slopes. To date, it appears that these conditions have not been fulfilled. In addition, it appears that a series of steps through steep slopes, as well as a large deck/platform structure have been constructed within the Buffer which were not included as components of any previous variance requests, and which were constructed without the proper building and grading permits. It also appears that these development activities have contributed to furthering an erosion problem on the site, by which the applicant may have created a self-imposed hardship.

In evaluating this building and grading permit, we recommend that the County consider the history of non-compliance on this property, as well as the ecologically sensitive nature of the steep slopes and erodible soils. We recommend that the County first require the applicant to submit an application for a variance. This variance request should include the existing platform within the Buffer and the illegally constructed retaining wall.

Thank you for the opportunity to provide comments on this building and grading permit. Please call if you have any questions at 410-260-3482.

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
CA21-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 13, 2005

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

Re: Buffer Violation-Thomas & Lucille Connelly Property
Hammock Point, Lot 7

Dear Mr. Quintanilha:

This letter is in response to the above referenced property which we discussed during our April 12, 2005 meeting at your office.

During this meeting, it was brought to your attention that the dwelling under construction appeared to be located within the 100-foot Buffer. At that time, you indicated to us that a building permit had, in fact, been issued for the dwelling, despite a January 21, 2005 letter from Tracey Gordy, indicating that the Maryland Department of Planning and the Critical Area Commission were awaiting a revised site plan showing a field-delineated Buffer.

On April 25, 2005, Tracey Gordy received the long-awaited site plan showing a field delineated Buffer. However, the dwelling had been significantly constructed at this point. Upon a site visit and field measurements to verify the information shown on the revised site plan, Ms. Gordy concluded that the constructed dwelling is located within the 100-foot Buffer, approximately 75 feet from tidal wetlands. It is unclear at this time why the information on the site plan does not match the delineated wetland limits flagged in the field.

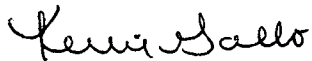
As you are aware, no new development is permitted within the 100-foot Buffer, as described within Section 112-107.E. of the City of Crisfield Code, and within Section 27.01.09 of COMAR. Based on this information, and as we discussed in our meeting, the applicant must obtain an after-the-fact variance to permit the existence of the dwelling within the Buffer. This variance request should be submitted immediately, and a stop-work order issued. Please submit

Alvaro Quintanilha
May 13, 2005
Page 2

copies of the written variance request for comment to both Tracey Gordy and Critical Area Commission staff, as well as provide notification of the date of the Board's hearing.

Thank you for your prompt attention to this matter. Should you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Li. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 13, 2005

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

Re: Variance 05-806 Henry

Dear Mr. Lawton:

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

Based on the information provided, it appears that the location of the proposed deck is constrained by the location of the septic system and the configuration of the lot. Given these constraints, we provide the following comments:

- 1) We recommend that the Board require the applicant to construct the deck as pervious, with spacing between the boards, six inches of gravel underneath the entirety of the deck, and shrubs or other native plantings implemented at the base of the deck.
- 2) All disturbance to the Buffer is subject to mitigation. We recommend that the applicant be required to provide mitigation at a 3:1 ratio for the entire area of Buffer disturbance. This mitigation should consist of native plantings and should be located at an alternative location within the Buffer. It appears that ample opportunity exists within the Buffer to accommodate these plantings.

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

Sincerely,

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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May 13, 2005

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

Re: SFD 50186 Woodland Point

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. The property lies within a designated Resource Conservation Area (RCA) and is currently undeveloped.

Provide that the applicant implements the required mitigation as indicated on the site plan, we have no further comments regarding the development proposal.

Thank you for the opportunity to provide comments for this building permit request. 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
CS245-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 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 referenced lot line abandonment and major subdivision request.

Based on the information provided, the following issues are outstanding:

Pier Construction

As a result of repeated discussions between Marianne Mason, Counsel to the Commission, and Mike Pullen, Counsel to Talbot County, the following changes were agreed upon as required revisions. Please have the applicant revise the notes regarding the pier as follows:

- Remove note #2 stating that revised Parcel 1 shall be restricted to the construction of one pier in the Shaw Bay region only.
- Amend note #5 as follows: developer reserves all existing rights to request ~~a special exception and/or~~ a variance request from the Talbot County Board of Appeals to permit construction of a private pier on revised Parcel 1 in addition to a community pier for Lots 2-7.

Critical Area Development Rights

We acknowledge the County's position regarding the existence of the non-conforming tenant and caretaker dwellings on proposed Lot 8 as grandfathered structures. However, we do not agree that the County's position is consistent with the State laws regulating density in an RCA, and in particular, with the General Assembly's definition of dwelling unit. As you are aware, in 2004,

Mary Kay Verdery
M1034 Wye Town Farm
May 10, 2005
Page 2

the General Assembly defined "dwelling unit" for purposes of density calculations in the Resource Conservation Area. The law defines a "dwelling unit" as, "a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associate with daily life. **Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.**"

The 2004 law eliminated the potential for overdevelopment (beyond one dwelling unit per 20 acres) in the RCA, and provided an unequivocal definition for use by all Critical Area jurisdictions to ensure consistent application of the law, particularly with regard to "tenant houses" and similar dwellings. As you know, development in the RCA is permitted at a density of one dwelling unit per twenty acres. This development includes tenant houses, guest houses, and caretaker residences that meet the definition of "dwelling unit." Based on the Critical Area acreage of 172.938 acres, the applicant is allowed 8 development rights (dwelling units) within the Critical Area. Currently, the plat shows that 9 development rights are in use within the Critical Area portion of the proposed subdivision. Lot 8 already contains 3 dwelling units, and although 2 of those dwellings are "grandfathered" units, the grandfathering merely allows the units to remain in use. While the two non-conforming dwelling units (caretaker house and tenant house) on Lot 8 may remain, these non-conforming structures are considered "dwelling units" and therefore cannot be ignored for purposes of calculating density for new (post -2004) development of the property. Therefore, the applicant has used all permitted development rights for future development of the property under the 2004 State law.

Our attorney has advised us that under no circumstances could an additional development right be assigned to Lot 8 within the Critical Area. Furthermore, we believe that the County's approval of a plat showing greater development rights (9) than permitted by law, would be inconsistent with both the Talbot County Critical Area Program and State Law.

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

CC: Marianne Mason, DNR
Ren Serey, CAC
Mike Pullen, Talbot County
George Kinney, Talbot County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 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:

This letter is in response to our continuing review of the above referenced line revision request.

At this time, the applicant has provided a copy of the conservation easement agreement, placing the revised Parcel 759 within a permanent conservation easement, and therefore restricting future development activity on the parcel in perpetuity. Based on this information, we have no further comments regarding 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 L. 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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May 10, 2005

Mr. Wayne Cooper
President
County Commissioners of Charles County
PO Box 2150
La Plata, Maryland, 20646

Re: Cobb Island Fire Department Growth Allocation Request
Charles County, Maryland

Dear Mr. Cooper:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On May 4, 2005, the Critical Area Commission approved the Cobb Island Fire Department growth allocation request to change approximately 1.43 acres of a Limited Development Area to an Intensely Developed Area. This approval included the following condition:

- 1) Detailed stormwater management plans shall be submitted to Commission staff, and if necessary, to the full Commission for review and approval 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. I'd like to thank Mr. Kevin Vienneau, Charles County planning staff, and Mr. Sam Bowling, representative for Cobb Island Fire Department, 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 Gallo".

Kerrie L. Gallo
Natural Resource Planner

CC: Kevin Vienneau, Charles County



Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 10, 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-
Stormwater Management Plan Approval

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 May 4, 2005, the Critical Area Commission approved the stormwater management plans for the Wal-Mart project in fulfillment of the Commission's third condition of approval for the growth allocation request.

In granting this approval, the Commission considered the comments of Somerset County Stormwater Reviewer Dale Pusey, and requested that the applicant provide a revised set of plans addressing all comments within Mr. Pusey's April 25, 2005 letter to Davis, Bowen & Friedel. In addition, the Commission's approval was granted with the understanding that these revised plans will be sent to Commission staff for review prior to the issuance of local building and grading permits.

Thank you for your assistance in bringing this project before the Commission. Should 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

CC: Bob Kane, Davis, Bowen & Friedel
Dale Pusey, Somerset County



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2005

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

Re: L996 Rogers & Boutte

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision request. The applicant is proposing to abandon a portion of the existing lots line between Parcels 76 and 203, and to create a new line of division. The property is designated a Resource Conservation Area (RCA). Parcel 76 is non-conforming, and developed with two dwellings. Parcel 203 is undeveloped.

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

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
TC278-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

May 10, 2005

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

Re: Penn-Rail, LLC
TM56, P10

Dear Ms. Verdery:

Thank you for providing information on the above referenced major subdivision request. The applicant is proposing to subdivide a 131.857-acre parcel to create 8 new lots. There are 128.526 acres within the Critical Area portion of the property, currently designated as a Resource Conservation Area (RCA).

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

- 1) It does not appear that the existing environmental features have been field delineated. Please have the applicant provide a field delineation of the following features: tidal and non-tidal wetland limits, the 100-foot Buffer, expanded where necessary to include contiguous sensitive areas such as steep slopes and hydric soils, the location of Mean High Water (MHW), and the location and limits of existing streams. Please note that MERLIN indicates extensive streams exist which are not currently shown on the site plan.
- 2) In addition to performing a field delineation of the environmental features specified above, please have the applicant provide a professional field determination of private versus State wetlands on the property. As you are aware, wetlands lying below MHW are considered to be State-owned and cannot be included within acreage totals for the purposes of generating density, calculating impervious surface area limits, or calculating afforestation requirements.

Mary Kay Verdery
Penn-Rail Sub
May 10, 2005
Page 2

- 3) In relation to comment #1 above, it appears that the Buffer is not accurately shown in multiple places on the property and that Buffer may need to be expanded for steep slopes and/or added to the existing streams on the property.
- 4) We note that the applicant has proposed the creation of 8 lots within the Critical Area portion of the site, and that development is prohibited within the Critical Area portion of Lots 5 and 8. Please have the applicant add a note to that plat specifically stating this prohibition.
- 5) The applicant will be required to obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. Should these species occur on the property, the applicant must address recommendations by the DNR for the protection of these species. This office has not received an evaluation of the Penn-Rail, LLC subdivision at this time.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC 235-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2005

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

Re: Cuneo Intrafamily Transfer & Subdivision
TM32, P29

Dear Ms. Verdery:

Thank you for providing information on the above referenced intrafamily transfer request. The applicant is proposing to subdivide a 12.429-acre parcel to create 3 new lots, 2 of which are to be designated as intrafamily transfer lots. The property lies within a designated Resource Conservation Area (RCA) and is currently developed with an existing dwelling and multiple garage structures.

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

- 1) Since the subdivision is proposed as a bona fide intrafamily transfer request, please have the applicant add a note to the plat stating such in accordance with the regulations outlined within COMAR 1808.2.f.i. In addition, we recommend that the County consider requiring signature blocks or a note on the plat indicating the names of the family members to whom the lots will be transferred.
- 2) For clarification purposes, please have the applicant indicate the intention of the proposed sewage disposal as shown on Lot 2. It is unclear whether this is intended to serve the existing dwelling on Lot 2 or whether a new dwelling is proposed. While the applicant is permitted to create 3 lots via intrafamily transfer, there is an existing development right in use which must be incorporated into one of the three proposed lots.

Mary Kay Verdery
Cuneo Sub
May 10, 2005
Page 2

- 3) Please have the applicant clarify the methodology used to determine that the wetlands within the property boundaries are privately owned.
- 4) Please have the applicant consistently show the location of the 100-foot Buffer. In addition, the Buffer shown on the eastern side of the property, near the southern edge of the tidal wetlands, appears to be incorrect.
- 5) While the applicant has provided afforestation to meet the 15% forest cover requirement, it appears that additional plantings will be required in order to fully establish the 100-foot Buffer. Please have this information added to the plat, along with the standard Buffer establishment language.
- 6) The applicant has shown a ditch feature on the property bordering the edge of the non-tidal wetlands. Please have the applicant clarify whether this feature is an agricultural ditch or a stream, and how this determination was made. In addition, the non-tidal wetlands shown should be field located and delineated.
- 7) The natural conservation area shading falls within the 100-foot Buffer in portions of the property. Please note that mowing is not permitted within the Buffer as indicated within the natural conservation area language. If the mowing language is to remain, the natural conservation area designation should be removed from the Buffer, as the Buffer is a Habitat Protection Area (HPA) in and of itself.
- 8) There appear to be some minor mathematical errors within the impervious surface area calculations. Please have the applicant revise these calculations.
- 9) The applicant will be required to obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. Should these species occur on the property, the applicant must address recommendations by the DNR for the protection of these species. This office has not received an evaluation of the Cuneo subdivision at this time.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC 92-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2005

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

Re: Helish Simplified Site Plan

Dear Ms. Verdery:

Thank you for providing information regarding the above referenced simplified site plan. The applicant is proposing to change the use of an existing structure from general retail to restaurant. The property lies within a designated Limited Development Area (LDA) and is currently developed.

Based on the information provided, it does not appear that any additional construction activity is proposed for the conversion of the existing structure from a retail use to a restaurant use. Therefore, we have no comments regarding the proposed change in use.

Thank you for the opportunity to provide comments for this change in use 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



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2005

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

Re: Hunteman Subdivision
TM32, P1

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 135.46-acre parcel to create 4 new lots. There are 75.19 acres within the Critical Area portion of the property, currently designated as a Resource Conservation Area (RCA).

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

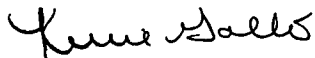
- 1) The applicant must provide a field delineation of the 100-foot Buffer, location of Mean High Water (MHW), and non-tidal wetlands on the property. Please advise the applicant that MERLIN indicates the presence on non-tidal wetlands not currently shown on the plat.
- 2) In addition to performing a field delineation of the environmental features specified above, please have the applicant provide a professional field determination of private versus State wetlands on the property. As you are aware, wetlands lying below MHW are considered to be State-owned and cannot be included within acreage totals for the purposes of generating density, calculating impervious surface area limits, or calculating afforestation requirements.
- 3) There are multiple discrepancies between the tidal wetland areas shown on the site plan and those found in MERLIN. These differences must be resolved through field verification and delineation.

Mary Kay Verdery
Huntman Sub
May 10, 2005
Page 2

- 4) Please have the applicant clarify what the nature of the existing structures on proposed Lot 3, as well as indicate any existing SDA or wells on Lot 3.
- 5) It appears that the applicant be will be required to afforest to achieve 15% forest cover on the property. In addition, the Buffer will be required to be fully established.
- 6) The applicant will be required to obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species. Should these species occur on the property, the applicant must address recommendations by the DNR for the protection of these species. This office has not received an evaluation of the Huntman subdivision at this time.
- 7) There are currently no environmental notes provided on the plat. These notes should be included on the plat at the preliminary plat submittal stage.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC 235-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 5, 2005

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

Re: Appeal 1368 Janowiecki

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 a replacement dwelling, add multiple deck and porch additions, and legalize an existing shed structure. The property lies within a designated Resource Conservation Area (RCA), a Buffer Management Area (BMA), and is currently developed.

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

1. Given the location within the Buffer, we recommend that the Board consider requiring the proposed deck structure to be constructed as pervious, with spacing between the boards, 6 inches of gravel underneath, and foundation plantings around the edge of the deck. This type of construction will provide greater infiltration opportunities within the Buffer
2. All disturbance to the Buffer is subject to mitigation. We recommend that the applicant be required to provide mitigation at a 2:1 ratio for the total area of disturbance within the Buffer. This mitigation should be implemented using native woody and vegetative plantings and should 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. 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
TC264-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 5, 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 preliminary site plan. Please note that the following comments represent a coordinated review effort between Commission staff and Tracey Gordy, circuit rider for City of Crisfield.

Based on the information included within the revised site plan, it appears that the applicant has addressed the majority of outstanding concerns with the proposed development project. Therefore, we recommend that the City grant preliminary site plan approval at this time. However, please note the April 22, 2005 letter from George, Miles & Buhr (GMB) stating that the marina proposal will be submitted for review to the City and Critical Area Commission as a separate application. Based on this information, this approval should apply to the proposed condominium development only. In addition, we emphasize that this recommendation is for preliminary plat approval only. Please also note that the applicant has stated that the sediment and erosion control plans and the stormwater management plan will be submitted for approval prior to a final plat review request. During this final plat review process, copies of these approved plans should be provided to both Tracey Gordy and Commission staff for review for compliance with the corresponding regulations within the City of Crisfield's Code.

Thank you for the opportunity to provide comments for this preliminary site plan approval request. Should any changes be proposed to the plan, further review will be required. If you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
CF21-04

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

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May 3, 2005

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

Re: Variance 05-3169 Potter

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the steep slope requirements in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the site plan provided and a recent site visit, we have the following comments regarding the variance request.

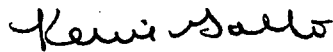
1. During the site visit, it was observed that the field stakes marking the areas of the proposed dwelling corners and driveway limits do not match those shown on the site plan. In addition, the topography shown is not entirely accurate in that a steep ravine exists at the southern edge of the property with a stream running through the bottom. This stream may require that a 100-foot Buffer be drawn up the ravine and onto the applicant's lot. Given the field staked location of the dwelling, it appears as though the proposed dwelling could require a Buffer variance. Please have the applicant field verify the information on the site plan with the location of the field stakes and submit a revised site plan.
2. The property has been identified by the Department of Natural Resources (DNR) as lying within a sensitive species review area. Based on regulations set forth in the Calvert County Critical Area Program and Zoning Ordinance, the applicant is required to coordinate with County staff and the appropriate resource agencies, in this case, DNR, to identify the potential species of concern and to address any recommendation for the protection of these species. This office has made an attempt to initiate this coordination process with DNR, but is awaiting notification of the affected species. We recommend that variance approval be delayed until an evaluation of the property by DNR can be obtained. This will ensure that all appropriate protection measures are addressed prior to the issuance of local building and grading permits.

Roxana Whitt
Variance 05-3169
May 3, 2005
Page 2

3. The applicant has not indicated any proposed stormwater management practices. Given the nature of the steep slopes on the property and the potential for erosion, we recommend that the Board require the applicant to provide a stormwater best management practice which provides infiltration opportunities and directs stormwater and rooftop runoff away from steep slopes.
4. The applicant is proposing to clear 5,927 square feet of forest cover. Based on this information, mitigation will be required at a 1:1 replacement ratio. Mitigation plantings should consist of native trees and shrubs to be planted onsite.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit 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
CA245-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 3, 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 provide the following comments:

1. Based on the site conditions, it appears that there is ample room to develop a detached garage without disturbance to steep slopes. In addition, it does not appear that the applicant has made any attempt to locate the garage on the flat portion of the property. Based on this information, it does not appear that the applicant has demonstrated that denial of the variance would result in an unwarranted hardship.
2. Should the Board approve a variance request on this property, 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.
3. As currently proposed, 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.



Roxana Whitt
Variance 04-3177
May 3, 2005
Page 2

Thank you for the opportunity to provide comments. This office is unable to offer support for this variance at this time. We recommend that the applicant submit a revised site which avoids disturbance to steep slopes. 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,



Kerrie L. Gallo
Natural Resource Planner
CA249-05

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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May 3, 2005

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

Re: Variance 05-3171 Beck

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the steep slope requirements in order to construct an addition to the existing dwelling. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the site plan provided and a recent site visit, we have the following comments regarding the variance request.

1. While we do not generally oppose the applicant's proposal to construct an addition to the existing dwelling, it appears that the footprint could be further compacted to decrease the amount of slope and soil disturbance. For example, the applicant might consider an alternative design where the rear decks occupy the recessed areas created by the design of the dwelling, thereby avoiding the need to encroach even further down the slope.
2. During my site visit, I observed that the area of the proposed expansion consists of extremely steep slopes which are heavily vegetated. If not properly protected, there is potential for the slopes to be compromised during construction activities. Since there are no erosion control structures indicated on the site plan, it is unclear how the slope will be protected from erosion. Please have the applicant provide information regarding erosion control measures.
3. The property has been identified by the Department of Natural Resources (DNR) as lying within a sensitive species review area. Based on regulations included within the Calvert County Critical Area Program and Zoning Ordinance, the applicant is required coordinate with County staff and the appropriate resource agencies, in this case, DNR, to identify the potential species of concern and to address any recommendation for the protection of these species. This office has made an attempt to initiate this coordination process with DNR, but is awaiting notification of the affected species. We recommend that variance approval be delayed until an evaluation of the property by DNR can be obtained. This will ensure that all

Roxana Whitt
Variance 05-3171
May 3, 2005
Page 2

appropriate protection measures are addressed prior to the issuance of local building and grading permits.

4. We recommend that the Board require the applicant to provide stormwater best management practices which address stormwater and rooftop runoff for the proposed addition. In addition, we recommend that the decks be constructed as pervious, with spacing between the boards, six inches of gravel beneath the decks, and plantings around the base of the structure.
5. It is unclear whether any tree removal is required for the proposed construction activities. Should any tree removal be proposed, we recommend that mitigation be required at a 1:1 replacement ratio.

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

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA246-05

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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May 3, 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 revised 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 revised site plan provided, we have the following comments.

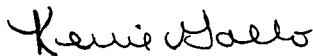
1. While the applicant has made some attempt to minimize the proposed footprint, the layout and design of the structure preclude the smaller footprint from actually minimizing adverse impacts to the steep slopes. It appears that greater attempts could be made to minimize this impact. Examples of how this minimization may occur include:
 - Elongate the proposed structure by utilizing the width of the lot, thereby allowing for a reduction in the slopedward intrusion of the dwelling. The dwelling could be expanded 6 feet on the southern side of the lot and 18 feet on the northeastern side.
 - It appears that the dwelling could be further reduced in size and still provide adequate living space. The current proposal includes 3648 square feet of interior living space. While a dwelling of this size may be suitable for a lot with fewer environmental constraints, the lot in question contains multiple sensitive environmental features which should be taken into consideration.
2. It is unclear why the applicant has chosen to configure the sewage reserve area in a vertical manner. Barring any physical or hydrological constraints as identified by the Health Department, we recommend that the applicant consider reconfiguring the SDA in a horizontal or diagonal manner. This would allow the dwelling footprint to be moved back further off the slope.

Roxana Whitt
Variance 05-3165
May 3, 2005
Page 2

3. As noted in the previous variance request, 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 are proposed. Construction of a smaller dwelling, requiring less clearing and disturbance to erodible soils could be further achieved on this site.
4. The applicant is proposing to clear 36.7% 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. Please include this letter in your file and submit 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



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 3, 2005

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

Re: Variance 05-3176 Garofalo

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 side yard setback requirements in order to construct a replacement dwelling. The property is designated a Limited Development Area (LDA) and is currently developed. It is my understanding that the existing dwelling is to be demolished.

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.

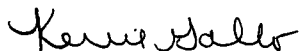
1. The closest point of the existing dwelling is approximately 32 feet from Mean High Water (MHW). Within the Critical Area Buffer, expansion or redevelopment of existing grandfathered structures is permitted provided that the proposed dwelling encroaches no further towards MHW than the existing dwelling. The site plan indicates that the proposed dwelling will be located approximately 24 feet from MHW at its closest point, 8 feet closer than the existing dwelling. This does not appear to be consistent with the regulations for expansion/redevelopment of non-conforming structures detailed within the Calvert County Zoning Ordinance, and is of particular concern given the historically documented damage to dwellings in this area as a result of hurricanes.
2. While the State Critical Area regulations permit the applicant a 1,750 square foot impervious surface area limit, we recognize that the Calvert County Critical Area regulations are stricter and therefore limit the applicant to 25% impervious coverage, or 1,250 square feet. Based on this information, and that complete demolition of the existing dwelling is proposed, we recommend that the applicant be required to comply with the County's 25% impervious surface area limit.
3. There is a note on the site plan stating that the proposed dwelling is to utilize the existing septic, yet the site plan indicates plans for a replacement septic. Given the location of the

Roxana Whitt
Variance 05-3176
May 3, 2005
Page 2

dwelling entirely within the 100-foot Buffer, we recommend that any replacement septic systems be required to utilize supplemental nitrogen removing technology as a condition of approval. This effort will provide for enhanced water quality benefits and constitute a substantial upgrade and improvement to the site 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
CA248-05

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
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June 27, 2005

Ms. Tressa Dolbeare
Wetland and Waterways Program
Department of the Environment
1800 Washington Blvd.
Baltimore, Maryland 21230

Re: 200563403 Shady Beach Farm LLC

Dear Ms. Dolbeare:

The purpose of this letter is to provide comments on the permit application by Shady Beach farm LLC. We have the following comments regarding the dredging and disposal activities proposed by the applicant.

- 1) The applicant or MDE should verify that a permit from the U.S. Army Corps of Engineers for placement of dredge material can be renewed for this site.
- 2) If forest or developed woodland is disturbed or cleared from the 110-foot Buffer for the purpose of reconstructing or expanding the previous dredge disposal site, the applicant must notify the Cecil County Office of Planning and Zoning and the Critical Area Commission to determine the mitigation requirement and review the project for consistency with the Cecil County Critical Area program. Based on the information provided for this permit application on the Public Notice, this office is unable to determine whether any clearing within the Buffer is proposed as part of the project.

Please contact our office if you have any questions regarding our comments.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

Shady Beach Farm LLC Public Notice

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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June 27, 2005

Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
Development Division
2664 Riva Road
Annapolis, Maryland 21401

Re: Site Plan Review/Special Exception C-05-013 Girl Scouts of America, Camp Aberdeen

Dear Ms. Krinetz:

Thank you for providing information on the above referenced application. The applicant is requesting a special exception to permit construction of a telecommunications facility (cellular tower) in an Open Space zone.

As stated in the application, the project is not within the Critical Area of Anne Arundel County. This office has no comment on the application for a special exception.

Thank you for the opportunity to provide comments.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 439-05 Girl Scouts of America

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 27, 2005

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

Re: Variance Local Case No. 3154 Eustace W. Mita
(Tax Map 31, Parcels 1074 and 274)
Proposed Subdivision: Lanphar's Landing

Dear Mr. Johnson:

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

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

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

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

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

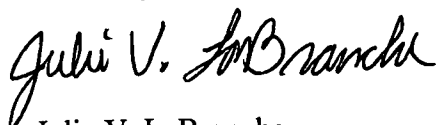
- Mitigation, at a ratio of 1:1 for clearing outside the Buffer and 3:1 for clearing within the Buffer for the mini-road, should be provided. Mitigation plantings, consisting of a mix of native trees and shrubs, should be accommodated on the site, preferably directed to non-forested areas within the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

Joseph Johnson
Variance Local Case No. 3154 Eustace W. Mita
June 27, 2005
Page 3

- Parking associated with the proposed access to the community pier must be located outside the Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Tony DiGiacomo (Cecil County, Office of Planning and Zoning)

CE 253-04 Mita 2nd variance

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 27, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0103-V Douglas Grupe

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 and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently developed with a single-family dwelling.

Providing the 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 driveway are located within the Buffer.
- 2) The applicant proposes to construct a dwelling addition, covered porch, deck, and a portion of a concrete patio within the Buffer. The applicant also proposes a dwelling addition, concrete patio, swimming pool and attached garage outside the Buffer. This office would not oppose a variance to expand the existing dwelling if no other alternatives exist outside the Buffer. It appears that on this 7.6-acre property the concrete patio and swimming pool could be located elsewhere on the site to accommodate more of the dwelling expansion outside the Buffer. For example, the proposed porch could be located outside the Buffer where the swimming pool is currently proposed. Alternatively, the concrete patio and swimming pool could be located in the side yard outside the Buffer. Because alternatives exist to reduce

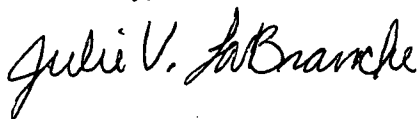
Lori Rhodes
Variance 2005-0103-V Douglas Grupe
June 27, 2005
Page 2

impacts to the Buffer and minimize the variance, this office opposes a variance to permit the covered porch within the Buffer.

- 3) This office does not oppose a variance to permit the proposed dwelling addition and deck within the Buffer. The deck should be constructed to be pervious, and remain pervious, with a gravel or a vegetated substrate and vegetative stabilization at the perimeter.
- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Plantings should be directed first to non-forested areas of the Buffer and accommodated elsewhere on site to the extent possible.
- 5) Stormwater should be directed to a best management practice or 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

cc: Mike Drum (Drum, Loyka & Associates, LLC)

AA 275-05 Group

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 23, 2005

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

Re: Special Exception 2005-0140-S Richard May, Jr.
Variance 2005-0141-V Richard May, Jr.

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to permit the expansion of a nonconforming use, and a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA), a Resource Conservation Area (RCA) and a Buffer Exemption Area (BEA). The property is currently developed with a primary dwelling with an attached patio and pool, a second single-family dwelling, a shed, and a play area.

This office received a revised site plan from the applicant's consultant for review on June 23, 2005. Based on the information provided, we have the following comments regarding this property and the current development proposal.

- 1) Based on our records, this property was the subject of a previous lot line revision in 2000 (Subdivision 00-067, Project 00-119). The lot line revision changed the acreage of Parcel 39 from 0.98 acres to 1.82 acres, by adding lands from Parcel 88. As stated in the Critical Area Report provided with the application, at the time of the lot line revision, Parcel 39 consisted of approximately 0.19 acres or 8,276 square feet of impervious surface coverage. The report also states that the lot line revision would redistribute additional vegetative cover, tidal marsh and impervious area from Parcel 88 to Parcel 39; however, revised acreage calculations were not provided.

Suzanne Schappert

Special Exception 2005-0140-S, Variance 2005-00141-V Richard May, Jr.


June 23, 2005

Page 2

- 2) As reported on the previous site plan, the area of Parcel 39 is 1.8 acres or 78,351 square feet. Based on features shown on the site plan and GIS information from the Department of Natural Resources, there appear to be tidal wetlands present on the site and a portion of the property lies beneath the mean high water line. Based on the revised site plan, the parcel area less the area of tidal wetlands is 67,214 square feet. The site plan does not identify the extent of tidal wetlands on the site or whether these wetlands are State or private tidal wetlands.
- 3) The property currently has 17,373 square feet or 22 percent impervious surface coverage, and therefore is nonconforming with respect to the impervious surface coverage limit of 15 percent for lots greater than one acre (Anne Arundel County Zoning Ordinance Article 28, §1A-105). As discussed with County staff, we understand that the County issued a permit in 1999 to demolish and reconstruct the primary dwelling on Parcel 39 (including associated grading), and also issued a permit in 2001 to construct a patio and swimming pool adjacent to the primary dwelling. It is not clear whether the property was nonconforming with respect to impervious surface at the time these permits were issued. As measured from the site plan, a portion of the patio and the swimming pool are located within the Buffer. This office has no record of a Buffer variance for this property.
- 4) Although the current proposal will reduce the overall impervious surface coverage from 17,373 square feet (22 percent) to 14,242 square feet (18 percent), the property will remain nonconforming with respect to impervious surface coverage.

At this time, we are unable to complete our evaluation of the variance request. This office recommends that the applicant provide a revised showing plan showing the extent of tidal wetlands on the property, and coordinate with the County Office of Planning and Zoning to determine if the existing impervious surface coverage is grandfathered. If additional information is provided, this office may have additional comments.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Mike Drum (Drum, Loyka & Associates, L.L.C.)

AA 315-05 May

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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June 23, 2005

William R. Watson
Planning and Zoning Administrator
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Stinnett's Place Condos
(Tax Map 101, Lots 34-39, Lots 8-12A and part of Lot 7)

Dear Mr. Watson:

This office received revised site plans and 10% Rule calculations from R.A. Barrett & Associates, Inc. on June 21, 2005 for the above referenced project. The applicant proposes to redevelop the property with residential condominiums. The property is designated an Intensely Developed Area (IDA). Based on tax map information, Lots 34-39 are developed with residential type structures, and Lots 8-12A (and part of Lot 7) are developed with a restaurant and associated facilities.

Based on the revised information provided, this office has the following comments regarding the current development proposal.

- 1) The applicant's consultant provided 10% Rule calculations for pollutant reduction in an IDA, individually for each site - Lots 34-39 and Lots 7-12A. The 10% Rule requirement was met on Lots 7-12A by reducing the post-development impervious surface coverage by 38 percent. An organic stormwater filter system is proposed on Lots 34-39, which provides phosphorous removal in excess of the 10% Rule requirement.
- 2) As shown on the site plans, the landscaping plan incorporates a variety of native species and several non-native species of trees, shrubs and ornamentals. The Commission recommends the use of native species for planting in the Critical Area. Plantings are proposed adjacent to the mulched path and at the perimeter of the buildings proposed on each site, which will provide additional water quality benefits within the Critical Area.

William R. Watson
Stinnett's Place Condos
June 23, 2005
Page 2

As proposed, the project appears to be consistent with the provisions of the Chesapeake Beach Critical Area program. We recognize the applicant's consideration in providing water quality improvements in excess of the 10% Rule requirements and including extensive plantings, both of which will benefit each site and the Town's Critical Area overall.

Please contact me at (410) 260-3475 if you have questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Richard McGill (R.A. Barrett & Associates, Inc.)

CB 567-04 Stinnetts revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Executive Director

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June 22, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0204-V Frederick and Kelly Sutter

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 and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, a shed and several retaining walls.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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.

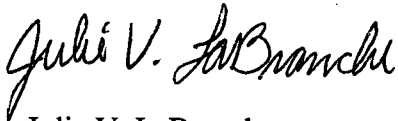
- 1) As stated in the variance application, steep slopes are present over the entire lot.
- 2) The applicant proposes the following to renovate and expand the existing dwelling: relocate an existing shed to replace an existing deck in the side yard, construct a new deck partially over an existing concrete pad (to be removed) on the front of the dwelling, and construct a new deck on the back of the dwelling. The current proposal will increase impervious surface coverage by 150 square feet, from 1,843 square feet to 1,993 square feet, and require 1,568 square feet of forest clearing. The limits of disturbance appear to the minimum necessary to construct the new decks and to install the new lines for the septic system (from the back yard to the front yard).

Lori Rhodes
Variance 2005-0204-V Frederick and Kelly Sutter
June 22, 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.
- 4) Stormwater should be directed away from steep slopes to a best management practice or 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 421-05 Sutter

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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June 21, 2005

Kathleen Dahill
G.E. Fielder & Associates, Chartered
14201 Laurel Park Drive, Suite 105
Laurel, Maryland 20707-5231

Re: MNCPPC Anacostia River Trail and Bridge

Dear Ms. Dahill:

The purpose of this letter is to follow-up on MNCPPC's submission of the Anacostia River Trail and Bridge project on March 1, 2005, with additional information provided on March 7, 2005, and our meeting of March 1, 2005. Subsequent to our meeting, I conducted a site visit on March 22, 2005 with Eric See (See Environmental Services, Inc.) and Cindy Nethen (Department of the Environment) to walk the proposed trail alignment within the Critical Area.

As we discussed previously, MNCPPC must secure the necessary authorizations from the Department of the Environment for impacts to nontidal wetlands and tributary streams before the Commission can accept the project for processing and consider the project for conditional approval. During our site visit, it is my understanding that Ms. Nethen requested several changes to the site plan design for a stream crossing and a portion of the walkway located within nontidal wetlands of the Anacostia River floodplain. At this time, I have not received an update from Ms. Nethen regarding the status of the permit application. As MNCPPC moves forward with the project, please provide for review by the Commission a set of revised site plans and an update on the permit application from the Department of the Environment.

If you have any questions regarding my comments or the Commission's review of the project, please contact Lisa Hoerger in our office at (410) 260-3478.

Sincerely,

Handwritten signature of Julie V. LaBranche in cursive script.

Julie V. LaBranche
Natural Resource Planner

cc: Cindy Nethen (Department of the Environment)

18-05 MNCPPC Anacostia River Trail and Bridge



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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June 21, 2005

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

Re: Variance 2005-0195-V Joseph and Christine Schwartz

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (sunroom and deck) with less Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling, swimming pool, detached garage, and a gazebo.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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 dwelling, swimming pool and patio, and the driveway are located within the Buffer. A gazebo is located within the Buffer near the shoreline of Parrish Creek.
- 2) The applicant proposes to construct a sunroom and deck partially within the Buffer. The structures will be located 95 feet from the shoreline at the nearest point and increase impervious coverage by 330 square feet. The deck should be constructed to be pervious and remain pervious, with a gravel or vegetated substrate and vegetative stabilization at the perimeter.

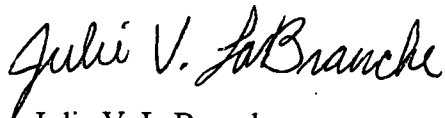


Liz West
Variance 2005-0195-V Joseph and Christine Schwartz
June 21, 2005
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Plantings should be accommodated on the site and directed to non-forested areas of the Buffer.
- 4) Stormwater from the sunroom 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 422-05 Schwartz

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2005

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

Re: Variance 2005-0211-V George Hepurn

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.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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 is located within the Buffer, which is expanded for steep slopes.
- 2) The applicant proposes to renovate and expand the existing dwelling. It appears that the applicant has minimized impacts by limiting the area of disturbance within the Buffer to less 1,000 square feet with minimal clearing and locating most of the dwelling expansion outside the Buffer. The current proposal will result in a 3 square foot reduction in overall impervious surface coverage on the site.
- 3) Mitigation for disturbance within the Buffer should be required consistent with the provisions of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface

Rob Konowal
Variance 2005-0211-V George Hepurn
June 21, 2005
Page 2

within the Buffer, a vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided.

- 4) Stormwater should be directed away from steep slopes to a best management practice or 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 425-05 Hepurn

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2005

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

Re: Variance 2005-0216-V Ruben Evangelista

Dear Mr. Konowal:

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

This office has no comment on the setback variance. If granted, this office recommends the following be made conditions of the variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Because the property is maintained mostly in lawn, it appears that plantings could be accommodated on the site.
- 2) Stormwater from the garage should be directed to a stable and densely vegetated outfall to provide water quality benefits on the site.

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

Sincerely,

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

AA 426-05 Evangelista

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

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June 21, 2005

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

Re: Variance 2005-0193-V Monaghan and Elliot

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to perfect an accessory structure (garage) in the front yard and with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and three sheds.

This office has no comment on the variance request. Based on the information provided, we have the following comments regarding the development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Due to the small mitigation requirement, plantings should be accommodated on 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 421-05 Monaghan and Elliot

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2005

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

Re: Variance 2005-0187-V Trevor and Laura Webb

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property was previously developed with a single-family dwelling. Based on our records, this property was the subject of a previous variance, Case No. 2004-0514-V. The Administrative Hearing Officer denied a variance to construct a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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 lot is severely constrained by steep slopes. The front of the lot contains a flat area outside the setback from steep slopes adjacent to Pine Bluff Way.
- 2) The applicant proposes to construct a dwelling with a garage, a septic system, and a stormwater management device within the setback to steep slopes. The proposed dwelling is not located on steep slopes, and only a small area of steep slopes within the 15-foot limit of disturbance behind the dwelling will be disturbed. Compared with the previous variance request, the current proposal consolidates the development footprint and reduces overall impacts as follows: 1,254 square feet less disturbance, 110 square feet less woodland

TTY For the Deaf

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Rob Konowal
Variance 2005-0187-V Trevor and Laura Webb
June 21, 2005
Page 2

clearing, and 1,006 less impervious surface coverage. We understand that no development is proposed within the RCA portion of the site.

- 3) 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 to stabilize areas within the setback from steep slopes and steep slopes that are disturbed during construction.
- 4) As shown on the site plan, stormwater will be directed to an infiltration trench to provide water quality benefits on the site and prevent erosion on steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc Trevor and Laura Webb

AA 418-05 Webb

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2005

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

Re: Variance 2005-0191-V Bernard Carrick

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 Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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, nearly the entire lot is within the Buffer, and therefore this office recognizes that a variance is necessary to develop the property.
- 2) The applicant proposes a total of 1,780 square feet or 17.8 percent impervious surface coverage, consisting of a 1,456 square foot dwelling with front and back porches and a 324 square foot driveway. At its nearest point, the dwelling is located 42 feet from tidal wetlands. We note that the limits of disturbance are not shown on the site plan. The limits of disturbance should be kept to the minimum necessary to provide for construction access.
- 3) Mitigation, at ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Because that the lot is maintained mostly in lawn, it appears that the majority of plantings could be accommodated on the site.

Liz West
Variance 2005-0191-V Bernard Carrick
June 21, 2005
Page 2

- 4) Stormwater should be directed away from the tidal wetlands 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 420-05 Carrick

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2005

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

Re: Variance 2005-0162-V Dena Sewell

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 Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property consists of Lot A and Lot B and is currently developed with a single-family dwelling, a deck and a shed.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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.

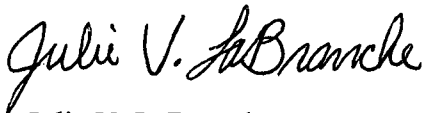
- 1) As shown on the site plan, Lot A and Lot B are located entirely within the Buffer, and therefore we recognize that a variance is necessary to permit any expansion of the existing dwelling or development elsewhere on the property.
- 2) The applicant proposes to construct a two-story addition of approximately 240 square feet and a deck of approximately 221 square feet within the Buffer. An existing deck and shed are located approximately four feet and eight feet from the bulkhead. To minimize disturbance to the Buffer and accommodate the proposed expansion of the dwelling, this office recommends that the proposed deck be located no closer to the water than the corner of the new addition, which is 15 feet from the shoreline. The current proposal will increase the impervious surface coverage from 2,192 square feet (8.2 percent) to 2,271 square feet (8.5 percent).

Rob Konowal
Variance 2005-0162-V Dena Sewell
June 20, 2005
Page 2

- 3) As reported on the site plan, the site area for combined Lot A and Lot B was calculated using the area landward from the mean high water line; however, there appear to be tidal wetlands present along areas of the shoreline that are not bulkheaded. When calculating the site area and the impervious surface coverage, the area of State tidal wetlands must be deducted from the total land area of the site. At this time, the application provides no information about the status of these wetlands as being either State or private tidal wetlands.
- 4) Mitigation, at a ratio of 3:1 for disturbance in the Buffer, should be provided. Plantings should be directed first to nonforested areas within the Buffer then elsewhere on the site.
- 5) Stormwater should be directed away from the shoreline 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 376-05 Sewell

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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June 20, 2005

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

Re: Variance 2005-0160-V Donald Jacobs

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.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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.

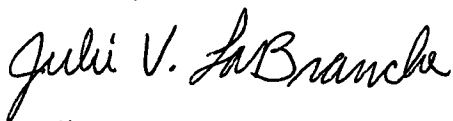
- 1) The Buffer is not shown on the site plan provided with the variance application. As measured from the deeded shoreline shown on the site plan, nearly the entire property is located within the Buffer and expansion of the dwelling is constrained by side yard setbacks and the location of the existing well.
- 2) As shown on the site plan, the existing dwelling is located 69 feet from the shoreline at its nearest point. The applicant proposed to construct a 288 square foot sunroom located 55 feet from the shoreline and a 572 square foot deck located 53 feet from the shoreline. The deck should be constructed to be pervious, with a gravel or a vegetated substrate and vegetative stabilization at the perimeter. We understand that no clearing is necessary for construction.

Rob Konowal
Variance 2005-0160-V Donald Jacobs
June 20, 2005
Page 2

- 3) Mitigation should be required consistent with the provision of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface within the Buffer, a vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program.
- 4) 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 375-05 Jacobs

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2005-0197-V Robert Swecker

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct 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, a patio and several decks.

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) The property is non-conforming with respect to impervious surface coverage, consisting of 3,036 square feet of impervious surface coverage or 59 percent. The current development proposal includes 2,950 square feet of impervious surface coverage or 57 percent. The applicant proposes to remove the existing dwelling and construct a new dwelling roughly in the same footprint. An existing stone patio will be removed to offset the slight increase in the footprint of the dwelling and reduce the overall impervious surface coverage by 86 square feet.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings be accommodated on the site to the extent possible; however, because of the size and developed area of the property, mitigation alternatives will need to be addressed.

Lori Rhodes
Variance 2005-0197-V Robert Swecker
June 20, 2005
Page 2

- 3) Stormwater runoff should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 536-03 Swecker

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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June 20, 2005

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

Re: Variance 2005-0177-V Suburban Builders and Realty

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 and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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.

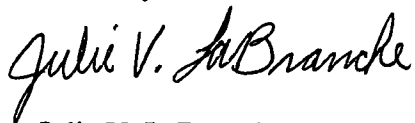
- 1) As shown on the site plan, the entire Lot contains steep slopes, and therefore we recognize that a variance is necessary to develop the property.
- 2) The applicant proposes to construct a dwelling with an attached garage with a footprint of approximately 1,408 square feet and a driveway. It appears that impacts to steep slopes have been minimized by maintaining a 15-foot limit of disturbance around the dwelling and grading only the minimum necessary for construction.
- 3) 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 to stabilize steep slopes disturbed during construction.

Pam Cotter
Variance 2005-0177-V Suburban Builders and Realty
June 20, 2005
Page 2

- 4) Stormwater should be directed away to a best management practice to provide water quality benefits on the site and to prevent erosion of steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 381-05 Suburban Builders

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 20, 2005

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

Re: Variance 2005-0174-V Joseph Mulhern

Dear Ms. Plociennik:

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

This office has no comment on 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 417-05 Mulhern

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Chairman

Ren Serey
Executive Director

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June 17, 2005

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

Re: Variance 2005-0149-V Melanie Wright

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 than required. The property is designated a Limited Development Area (LDA) and Buffer Exemption Area (BEA). The property 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) 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 a best management practice or with plantings. Due to the size of the lot, this office recommends the use of native plantings to meet this requirement.
- 2) Mitigation should be required consistent with the provision of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface within the Buffer, a vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program.

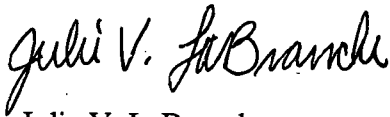


Suzanne Schappert
Variance 2005-0149-V Melanie Wright
June 17, 2005
Page 2

- 3) Stormwater should be directed away from the shoreline 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 373-05 Wright

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 17, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0138-V Craig Biggs

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. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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 provided, the applicant proposes to remove the existing dwelling and construct a new dwelling in roughly the same footprint. The applicant also proposes to remove an existing concrete patio and construct a 304 square foot garage in the same location. As reported in the variance application, no clearing is proposed for construction. We note that the property is currently nonconforming with respect to impervious surface coverage with 2,354 square feet or 49.5 percent, which exceeds the permitted limit of 1,696 square feet or 25 percent plus 500 square feet. The current development proposal will maintain the existing nonconforming condition with respect to impervious surface coverage.
- 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.

Lori Rhodes
Variance 2005-0138-V Craig Biggs
June 17, 2005
Page 2

- 3) Stormwater should be directed to a best management practice or 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 314-05 Biggs

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 17, 2005

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

Re: Variance 2005-0203-V Timothy and Beatrice Mowry

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. Based on our records, this property was the subject of a previous variance, Case No. 2000-0466-V. In his decision, the Administrative Hearing Officer granted a variance to permit a dwelling addition (enclosed porch) with less setbacks than required.

This office has no comment on the setback variance. The applicant proposes to construct a second story addition to the existing dwelling with no expansion of the footprint of the dwelling. Any areas disturbed during construction should be revegetated 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 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 25-01 Mowry

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 17, 2005

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

Re: Variance 2005-0166 M.D. Boger

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 than required and with disturbance to wetlands and their Buffers. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently undeveloped.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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, nearly the entire lot is within nontidal wetlands and the nontidal wetland buffer. The applicant proposes to construct a 720 square foot dwelling within the nontidal wetland, and a driveway and septic tank within the nontidal wetland buffer. It appears that the applicant has attempted to minimize disturbance on the site by locating the dwelling 20 feet from the front property boundary and keeping the limits of disturbance to the minimum for construction access.
- 2) 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 and compatible with the existing natural vegetation. In addition to the plantings proposed adjacent to the dwelling, plantings could be accommodated in the front yard and within the area of disturbance for the well. As noted on the site plan, trees and shrubs are proposed within the wetlands on the property. If

Rob Konowal
Variance 2005-0166 M.D. Boger
June 17, 2005
Page 2

applicable, the applicant should secure any necessary authorizations from the Department of the Environment for planting within wetlands or their buffers.

- 3) Stormwater should be directed away from the nontidal wetlands to a stable and densely vegetated outfall to provide water quality benefits on the site.
- 4) The applicant must secure the necessary authorizations from the Department of the Environment for impacts to nontidal and tidal wetlands 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 378-05 Boger

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 17, 2005

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

Re: Variance 2005-0163-V David Ashley

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 the implementation and completion of a previously approved variance (Case No. 2004-0045-V). The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

In Case No. 2004-0045-V, the Administrative Hearing Officer granted a variance to permit a dwelling with less setbacks and Buffer than required. This office does not oppose the applicant's request for an extension of the previously approved 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 126-04 Ashley extension



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 17, 2005

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

Re: Variance 2005-0150-V Elias Polio

Dear Ms. Schappert:

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

This office has no comment on the 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 374-05 Poe

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 16, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0137-V U.S. Financial Capital Inc.

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 Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on our records, this property was the subject of a previous variance, Case No. 2004-0368-V. In his decision, the Hearing Officer denied a variance to permit a (2,300 square foot) dwelling and associated facilities with disturbance to steep slopes.

Providing the 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 variance request.

- 1) As shown on the site plan, the lot is severely constrained by steep slopes, and therefore we recognize that a variance is likely necessary to permit construction of a dwelling and facilities.
- 2) As measured from the site plan, the applicant proposes to construct a 1,960 square foot dwelling located partially on steep slopes. The applicant proposes a total of 4,016 square feet of impervious surface, including 1,515 square feet of impervious surface for the existing road, and 7,680 square feet of disturbance and forest clearing (33 percent). Retaining walls are proposed around the back of the dwelling to limit the amount of grading necessary on steep slopes, and the dwelling has been located close to the front property line adjacent to

Lori Rhodes
Variance 2005-0137-V U.S. Financial Capital Inc.
June 16, 2005
Page 2

Holly Ridge Road. Although the applicant has utilized techniques and a configuration that reduce impacts to steep slopes, it appears that a smaller overall development envelope would result in less impacts. This office recommends that the applicant consider additional alternatives to further reduce impacts to steep slopes and minimize the variance necessary to accommodate a dwelling on this sensitive site.

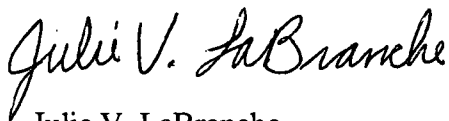
- 3) As shown on Sheet 3 of 5 of the site plan, stormwater will be directed away from steep slopes to two best management practices in the back yard and conveyed through a pipe to an outfall at the bottom of the slope adjacent to a gravel parking area at the Sappington Yacht Yard. The applicant should provide information about the potential for flooding and/or erosion of the gravel parking area and describe where the stormwater will flow once it exits the outfall. In addition, this office recommends the use of native species for planting adjacent to the outfall (refer to note on Sheet 3 of 5 Site Grading and Sediment Control Plan).

If granted, this office recommends that the following be made conditions of the variance.

- Mitigation, at a ratio of 3:1 for clearing greater than 30 percent, should be provided (Anne Arundel County Zoning Ordinance Article 28, §1A-105). Plantings should be accommodated on the site to the extent possible, particularly to stabilize steep slopes disturbed during construction.
- Areas disturbed to install utilities and the stormwater management outfall pipe should be replanted 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

cc: Gary Evans (Bay Engineering, Inc.)

AA 313-05 U.S. Financial Capital Inc.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2005

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

Re: Variance 2005-0170-V Jeffrey Swift

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 a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and shed.

Providing the lot is properly grandfathered, this office does not oppose the variance; however impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) The applicant proposes to expand the existing dwelling and construct a deck on three sides of the addition (front, side and rear). As shown on the site plan, the addition and deck do not extend further waterward than the existing principal dwelling and minimal clearing is necessary. The proposal will result in a total of 5,275 square feet of impervious surface coverage, just below the permitted limit of 5,445 square feet.
- 2) The deck should be constructed to pervious, with a gravel or vegetated substrate and vegetative stabilization at the perimeter.
- 3) Mitigation should be required consistent with the provision of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface within the Buffer, a

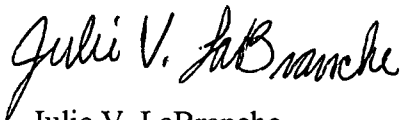
Liz West
Variance 2005-0170-V Jeffrey Swift
June 16, 2005
Page 2

vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program.

- 4) Stormwater should be directed away 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 379-05 Swift

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2005

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

Re: Variance 2005-0124-V Timothy Bloomfield

Dear Ms. West:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling. This office received a revised site plan for review on June 15, 2005.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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) Although this is not a waterfront property, the Buffer from Brewer Creek extends onto the property. The Buffer is not shown on the site plan provided with the variance application. As measured from the site plan, it appears that most of the lot and the existing dwelling is within the Buffer, which is expanded for steep slopes present on the west side of the lot.
- 2) The applicant proposes several additions to the existing dwelling and new decks in the front yard and in the side yard. Most of the new construction is located over existing impervious surface and no new construction is proposed further waterward than the existing dwelling. The limits of disturbance also include installation of a new septic system and connections. Currently, the lot is nonconforming with respect to impervious surface coverage with 3,483 square feet or 40.8 percent. The current proposal will reduce impervious surface coverage to

Liz West
Variance 2005-0124-V Timothy Bloomfield
June 16, 2005
Page 2

3,475 square feet or 40.7 percent. We note that grass pavers will be used for the new driveway. The applicant should clarify calculations of the percentage of perviousness assigned to the grass pavers for the purpose of determining the total impervious surface coverage on the lot.

- 3) Mitigation should be required consistent with the provisions of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface within the Buffer, a vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program.
- 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 308-05 Bloomfield

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 15, 2005

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

Re: BA 93-04V William Steneman

Dear Mr. Konowal:

Thank you for providing information on the above referenced appeal. The appeal is from the denial of a variance by the Administrative Hearing Officer (Case No. 2004-0203-V) to permit accessory structures (pool, patio and shed) with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, three sheds, and concrete patios and a walkway. We understand that the applicant constructed the pool, the concrete patio, the walkway, and the shed without the necessary authorizations and absent a variance.

I met with the applicant and his consultant on June 14, 2005 to discuss proposed revisions to the variance request and received a revised site plan for review on June 15, 2005. Based on the additional information provided, this office has the following comments regarding the current development proposal and variance request.

- 1) As reported on the revised site plan, the property had 5,915 square feet of impervious surface coverage prior to construction of the pool, the concrete patio and walkway, and the shed, and therefore was non-conforming with respect to impervious surface coverage limit of 5,445 square feet for a 24,315 square foot lot (Anne Arundel County Zoning Ordinance Article 28, §1A-105). With the addition of the pool, the concrete patio and walkway, and the shed, the impervious surface coverage on this property is currently 7,697 square feet. As indicated on the revised site plan, the applicant proposes to remove the following impervious surfaces to maintain the previous nonconforming condition: a 124 square foot shed, 1,060 square feet of concrete patio, 506 square feet of concrete driveway, and an additional 109 square feet by

Rob Konowal
BA 93-04V William Steneman
June 15, 2005
Page 2

replacing a concrete walk with porous pavers. Given that an impervious surface variance has not been requested in this case and the applicant exceeded the impervious surface limit without the necessary authorizations and absent a variance, this office supports the applicant's proposal to remove impervious surface to maintain the previous nonconforming condition. This office would not support a variance to exceed impervious surface limits.

- 2) Within a Buffer Exemption Area, the following criteria apply: no new impervious surface shall be placed nearer to the shoreline than the existing principal structure, and development of impervious surfaces for new accessory structures shall be designed and located to maximize the distance from the shoreline (Anne Arundel County Zoning Ordinance Article 28, §1A-109). As indicated on the revised site plan provided earlier today, we understand that the applicant has proposed an amended request that eliminates the Buffer variances for the shed and the concrete walkway within the Buffer. This office would not support Buffer variances for these development activities since the shed could be located outside the Buffer and the walkway could be constructed of pervious materials. We note that the applicant already has use of two other sheds, which are located outside the Buffer.

Based on the revised site plan, we understand that the applicant is requesting a variance to permit only a pool with concrete decking within the Buffer waterward of the principal structure. Given the size of the property, it appears that the swimming pool could have been accommodated outside the Buffer and the pool decking could have been constructed with pervious materials. In summary, it does not appear that the applicant has minimized disturbance within the Buffer to the extent possible, nor has the applicant complied with the criteria for development within a Buffer Exemption Area. Because alternatives may exist, it does not appear that the variance is the minimum necessary.

For these reasons, this office opposes the amended variance request to permit a pool and concrete decking within the Buffer. Furthermore, the applicant should reduce impervious surface coverage on the property to the previous nonconforming condition, and the disturbed areas within the Buffer should be restored with 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 appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

BA 93-04V Steneman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 15, 2005

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

Re: Variance 2005-0109-V Charles Converse

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer 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 consists of Parcel 20 and Parcel 21.

I conducted a site visit with County staff to the property on April 18, 2005 accompanied by Mr. and Mrs. Converse and Bob Baxter (Diversified Permits, Inc.). Based on discussions during the site visit, I understand that the Converse's primary residence on Parcel 21 was severely damaged by a fire and was recently demolished by order of the Health Department. The existing dwelling on Parcel 20 was also damaged by the fire and is currently uninhabited. In addition, this office received for review a revised site plan on April 29, 2005 and supplemental information on June 10, 2005.

Providing Parcels 20 and 21 and the existing impervious surface coverage on the parcels 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) Our records indicate that Parcel 21 was the subject two previous variances, Case No. 1999-0137-V and Case No. 2000-0084-V. In Case No. 1999-0137-V, the Hearing Officer granted a variance to permit construction of a second story over the garage and a two-story addition connecting the dwelling to the garage. In Case No. 2000-0084-V, the Hearing Officer granted a variance to construct a 250 square foot waterfront deck addition (over existing impervious surface). In both cases, the variances resulted in no increase in existing impervious surface coverage on Parcel 21. Based on our records for Case No. 2000-0084-V, the applicant reported the existing impervious surface coverage as 2,699 square feet or 24.3 percent. As stated by the applicant in his letter of

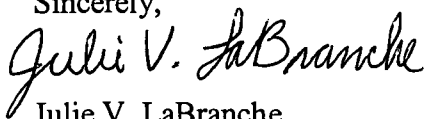
Suzanne Schappert
Variance 2005-0109-V Charles Converse
June 15, 2005
Page

June 8, 2005 (refer to attachment), the impervious surface calculations reported in the variance application were incorrect. The applicant reports that the impervious surface coverage on Parcel 21 at the time of the two previous variances was approximately 4,319 square feet.

- 2) As noted on the revised site plan, steep slopes are present over both parcels. With expansion of the Buffer for steep slopes, the property is entirely within the Buffer.
- 3) The applicant proposes to remove the dwelling on Parcel 20 and to merge Parcel 20 and Parcel 21 (22,498 square feet total) to construct a single-family dwelling. The current proposal will reduce the existing impervious surface coverage on the combined parcels from 7,186 square feet (4,460 square feet on Parcel 21 and 2,726 on Parcel 20) to 6,391 square feet, including the removal of a covered patio and impervious walkways near the shoreline. The footprint of the proposed dwelling extends no further waterward than the setback as established by the dwellings on each of the parcels. As compared with the original site plan, the limits of disturbance have been reduced from 15,735 square feet to 14,885 square feet. As discussed during the site visit, grading proposed waterward of the dwelling is necessary to remove an existing retaining wall along the existing parcel boundary and match the existing uneven grades to properly convey runoff from the front yard. We note that the proposed grading in the front yard has been minimized as compared with the previous plan. Several large canopy trees will be removed as a result of grading, several of which were severely to moderately damaged by the fire.
- 4) Mitigation should be required consistent with the provision of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface within the Buffer, a vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program.
- 5) As shown on the site plan, the applicant proposes a pretreatment trench and an infiltration trench in the front yard to provide water quality treatment of stormwater 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: Bob Baxter (Diversified Permits, Inc.)

AA 278-05 Converse revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 15, 2005

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

Re: Local Case No. 3145 Johnson/Felice
(Tax Map 38, Parcel 35, Lot 5)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit conversion of a deck to a covered porch within the Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and detached garage.

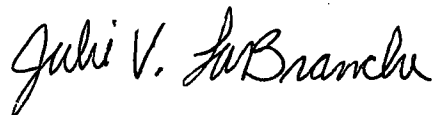
Providing the lot is properly grandfathered, this office does not oppose the variance request. The applicant proposes to convert an existing deck to a covered porch within the Buffer. As measured from the site plan, the deck is located approximately 18 feet from the shoreline. If granted, this office recommends that the Board of Appeals make the following conditions of the variance.

- 1) Mitigation should be required consistent with the County's Special Yard Provisions for Buffer Exempted Areas (Article XI, Part 1 Critical Area District, Section 195) as follows: the extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained in natural vegetation; and natural vegetation of an area twice the extent of the impervious surface created in the Buffer Exemption Area shall be planted on the site.
- 2) Stormwater from the porch should be directed away from the shoreline to a densely vegetated outfall to provide water quality benefits on the site.

Joseph Johnson
Local Case No. 3145 Johnson/Felice
June 15, 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

CE 354-05 Johnson/Felice

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 15, 2005

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

Re: Variance 2005-0164-V Harold Phipps

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. Based on our records, this property was the subject of a previous variance, Case No. 2003-0240-V.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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.

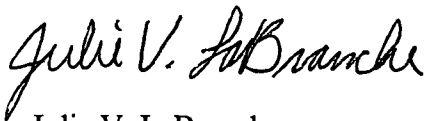
- 1) Because the previous variance has expired, the applicant is requesting the same variances as previously granted to permit construction of a dwelling and associated facilities with less setbacks than required, and with impacts to nontidal wetlands and the nontidal wetland buffer. We note that the current site plan incorporates changes required as conditions of the previous variance. The dwelling has been relocated to the northeast and 18 feet closer to the (east) side yard boundary; however, the front setback from Aspen Street has been increased from 25 feet to 31 feet. A portion of the dwelling is located outside the nontidal wetland and within the nontidal wetland Buffer. As noted on the current site plan, calculations of clearing and impervious surface coverage remain unchanged from the same calculations reported on the site plan for the previous variance.

Ramona Plociennik
Variance 2005-0164-V Harold Phipps
June 15, 2005
Page 2

- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be provided. Plantings, compatible with the existing wetland vegetation, should be accommodated on the site to the extent possible.
- 3) Stormwater should be directed away from the nontidal wetlands 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

AA 445-03 Phipps second var

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 15, 2005

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

Re: Local Case No. 3148 Hertzog/Mullen
(Tax Map 52, Parcel 225, Lot 30)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit construction of an 8-foot wide walkway through the Buffer. The walkway is located on property owned by the Old Hack Point Community Park Association and is designated a Limited Development Area (LDA). We understand that construction of the walkway has been completed.

Based on the information provided, this office does not oppose the variance request. As stated in the variance application, the purpose of the walkway is to provide access to the community beach for several family members with special needs. As you reported during our telephone conversation of June 15, 2005, some clearing was done to construct the walkway but in the meantime, the area beneath the walkway has become revegetated.

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

CE 353-05 Hertzog/Mullen

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 15, 2005

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

Re: Variance 2005-0135-V Christina and Dennis Porter

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit pilings and a pier with greater length than allowed. 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, two sheds and a detached garage.

This office has no comment on the variance request.

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

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

AA 372-05 Porter

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 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. Cotter:

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.

This office received revised site plans for review on June 3, 2005. Providing the lot is properly grandfathered, this office does not oppose variances to permit expansion of the 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 variances requested.

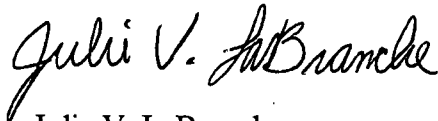
- 1) As shown on the site plan, nearly the entire property is contained within the Buffer, which is expanded for steep slopes. We recognize that a variance is necessary to permit any expansion or reconfiguration of the existing dwelling or detached garage since both structures are located within the Buffer.
- 2) The current proposal eliminates the need for an impervious surface variance by reducing the overall proposed impervious surface coverage to 9,672 square feet, within the 15 percent limit allowed by the Anne Arundel County Zoning Ordinance (Article 28 §1A-105).

Pam Cotter
Variance 2004-0581-V Janet and Jeffrey Ferguson
June 15, 2005
Page 2

- 3) The applicant proposes to construct a dwelling addition and an attached garage located partially over existing impervious surface and partially on steep slopes. The dwelling addition includes a 315 square foot porch located on steep slopes and a 126 square foot deck with stairs. The revised proposal includes 4,701 square feet of disturbance within the Buffer, 2,303 square feet of disturbance to steep slopes within the Buffer, and increases the overall impervious surface coverage on the site by 1,276 square feet, from 8,396 square feet to 9,672 square feet.
- 4) As proposed, it appears that the variance could be further minimized with several minor changes to the revised site plan. In order to maximize use of flat areas on the site, this office recommends the following: the dwelling addition and garage could be shifted closer to Kinloch Circle to the 35 foot rear setback line, and the screened porch could be relocated over the existing brick patio. We recommend that the applicant consider these alternatives to reduce impacts to the Buffer and steep slopes, and to minimize the variance necessary to accommodate expansion 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

AA 65-05 Ferguson revised plan

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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June 15, 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 received a revised site plan for review on June 1, 2005.

This office has no comment on the setback or the lot width variances. We have the following comments regarding the subdivision and development proposal for 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. As shown on the revised site plan, the proposed dwelling and garage on Lot 9B are located outside the Buffer.
- 2) The topography of Lot 9 is not shown on the revised site plan. As shown on the previous 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 revised site plan as measured from the field located approximate mean high water line. Due to the topography of the site and because the original and the revised application did not include an environmental report,

Ramona Plociennik
Variance 2004-0555-V Kirk and Helen Diehl
June 15, 2005
Page 2

this office recommends that the applicant provide information about whether a field investigation for the presence of tidal wetlands was performed. 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.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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 Diehl revised site plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2005

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

Re: Variance 2005-0129-V Carl Voelp

Dear Ms. Plociennik:

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

Providing the lot is properly grandfathered, this office does not oppose the variance; 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 lot contains slopes of 15-25 percent and greater than 25 percent. The lot is also constrained by the placement of the septic systems, which occupy most of the flat areas on the site.
- 2) The applicant proposes a dwelling with an attached garage and deck, and a driveway, totaling 3,161 square feet of impervious surface coverage or 18 percent. The lot is fully wooded and 10,019 square feet or 57 percent clearing is proposed. The dwelling is located entirely on steep slopes, mostly on slopes of 25 percent or greater. The footprint of the dwelling is roughly 2,050 square feet as estimated from the site plan. Installation of the septic tank and pump pit and grading around the dwelling will result in additional disturbance to steep slopes. Although the proposed limits of disturbance appear to be the minimum necessary to accommodate the proposed dwelling and facilities, it appears that a smaller overall

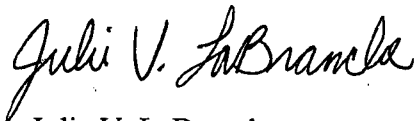
Ramona Plociennik
Variance 2005-0129-V Carl Voelp
June 9, 2005
Page 2

development footprint would result in less disturbance to steep slopes. This office recommends that the applicant consider alternatives that would minimize the variance necessary to construct a dwelling on the site.

- 3) 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 to stabilize steep slope disturbed during construction.
- 4) Stormwater should be directed away from the 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

cc: Allyson DeMatteo (Drum, Loyka & Associates, LLC)

AA 355-05 Voelp

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 9, 2005

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

Re: Variance 2005-0133-V Richard Ainsworth

Dear Ms. Plociennik:

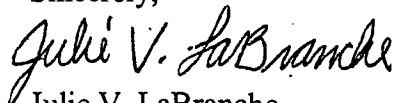
Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for the completion of a previously approved special exception and variances. The property is designated a Limited Development Area (LDA) and is currently developed with a nursing home and facilities.

The applicant is requesting an extension in time for the following: 1) a special exception to permit a nursing home in an R-2 district; 2) a variance to permit a nursing home with less lot area, setbacks and Buffer than required and with disturbance to steep slopes; 3) a variance to permit a commercial pier in a residential district closer to the center of the creek than allowed and with less parking and sanitary facilities than required; and 4) a variance to permit a walkway for access to a pier with less setbacks and Buffer then required.

This office does not oppose the applicant's request for an extension, providing the conditions in the Hearing Officer's decision for Case No. 2002-0569-S, 2002-0570-V, 2002-0571-V and 2002-0572-V are adopted as conditions of the current 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 59-03 Ainsworth extension

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2005

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

Re: Variance 2005-0139-V Timothy Barnhardt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (shed) with setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling. This property was the subject of a previous variance, Case No. 2004-0450-V, in which the Hearing Officer denied a variance to perfect a shed with less Buffer than required.

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.

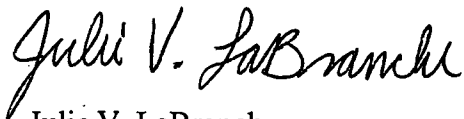
- 1) The applicant proposes to locate a 264 square foot shed with less setbacks than required but outside the Buffer, and therefore a Buffer variance is not required. On the site plan submitted for the previous variance, a second gravel driveway was shown in the Buffer adjacent to Columbia Beach Road. This driveway is not shown on the current site plan. The applicant should clarify whether this driveway has been removed. If not already removed, the driveway should be included as part of the current variance request.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings should be accommodated on the site to the extent possible.

Ramona Plociennik
Variance 2005-0139-V Timothy Barnhardt
June 8, 2005
Page 2

- 3) Because the property is designated an IDA, water quality improvement must be provided on the site. Reduction in pollutants from runoff can be achieved through the implementation of a best management practice or with plantings.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 781-04 Barnhardt second var

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 7, 2005

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

Re: Variance 2005-0145-V Karl Roscher

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 Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling.

Providing the lot is properly grandfathered, this office does not oppose the variance; 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.

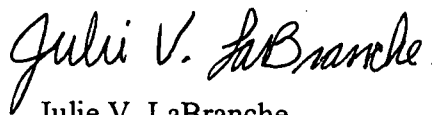
- 1) The property currently contains a dwelling located 95 feet from the shoreline. The applicant proposes to remove the existing dwelling and construct a larger dwelling 79 feet from the shoreline and closer to the shoreline than homes on the adjacent lots. As stated in the variance application, the placement of the new dwelling is restricted by the new septic system proposed in the back yard.
- 2) Mitigation, at a ratio of 2:1 for newly developed impervious surfaces within the Buffer and 1:1 for disturbance outside the Buffer, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer to the extent possible and accommodated elsewhere on the site if necessary.

Rob Konowal
Variance 2005-0145-V Karl Roscher
June 7, 2005
Page 2

- 3) 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 317-05 Roscher

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 7, 2005

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

Re: Variance 2005-0143-V Susan and Bruce Hays

Dear Ms. Cotter:

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

This office has no comment on the setback variance. If granted, this office recommends the following be made a condition of the variance: mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be provided and plantings should be accommodated on the site, preferably adjacent to the shed 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 316-05 Hays

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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June 3, 2005

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

Re: Case No. 2004-0590-V and Case No. 2004-0591-V DCW Dutchship, LLC

Dear Ms. Schappert:

Thank you for providing information on the above referenced variances. The applicant is requesting: 1) a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes (Case No. 2004-0590-V), and 2) a variance to permit an accessory structure with concrete decking with less setbacks and Buffer than required and with disturbance to steep slopes (Case No. 2004-0591-V). The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling with an attached concrete patio and swimming pool, an accessory recreational structure/boathouse, a gazebo, and two sheds. As stated in the application, the property owner has completed development activities on the site absent the necessary local permits and variances. Commission staff conducted a site visit on May 6, 2005 (refer to attached photographs of the site).

Based on our review of the variance application, this office has the following comments regarding the variances requested.

- 1) The Buffer is shown on the pre-existing conditions site plan and appears to be based on the original shoreline and mean high water line. It is not clear how the Buffer was delineated since the extent of steep slopes on the site are not clearly identified on the pre-existing conditions site plan. The Buffer is not shown on the existing conditions site plan. The existing conditions plan shows the current shoreline and mean high water line after construction of a stone revetment around the perimeter of Little Island. The Buffer must be delineated based upon the conditions that existed on the site prior to any work done without the necessary authorizations and variances. If applicable to the site, the Buffer must be expanded for steep slopes in accordance with the criteria in the Anne Arundel County Zoning Ordinance (Article 28, §1A-104). Because it appears that the Buffer has not been properly identified, this office is unable to determine if impacts have been minimized or whether the variances are the minimum necessary.

Suzanne Schappert

Variance 2004-0590-V and Variance 2004-0591-V DCW Dutchship, LLC

June 3, 2005

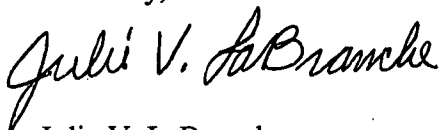
Page 2

- 2) The area of forest and developed woodland cleared on the site, areas of impervious surface, and the limit of disturbance should be shown and clearly noted on the existing conditions site plan. In addition, calculations of pre-existing and existing forest cover and impervious surface coverage should be reported on the site plan.
- 3) As stated in the Critical Area Report, we understand that the property owner has installed a new septic system on the site. The existing conditions site plan does not show the location of a septic system and the required septic reserve area or the location of a well. This information is necessary to determine Buffer impacts and evaluate the variances requested. In addition, the application contained no information regarding approval of a septic system on the site by the Anne Arundel County Health Department.
- 4) Because it appears that greater than 5,000 square feet of disturbance has occurred on the site, stormwater management is required. The existing conditions site plan does not include information regarding stormwater management on the site. If implementation of stormwater management will result in greater disturbance to the Buffer, this information should be included as part of the variance request and shown on the existing conditions site plan.
- 5) Based on County tax records, Parcel 96 consists of 1.80 acres. The variance application states that Parcel 96 consists of 2.09 acres. Given that the existing impervious surface coverage of 15 percent is based on Parcel 96 being 2.09 acres, the applicant must clarify the actual acreage of the property, and if necessary, amend the variance application to include an impervious surface variance. This office would not support a variance to exceed the allowable impervious surface limit of 15 percent.

As discussed above, it appears that additional information is necessary to determine the total area of disturbance that has occurred as a result of redevelopment of the site, and to evaluate potential impacts associated with this redevelopment on sensitive features of the site. As a result, this office is unable to fully evaluate the application, and therefore does not support the 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 these variances. Also, please notify the Commission in writing of the decision made in these cases.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Danny Boyd (Boyd and Dowgiallo, P.A.)

AA 220-05 DCW Dutchship, LLC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 2005

Pam Cotter
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 Ms. Cotter:

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. On March 3, 2005, I met with the applicant's architect and engineering consultant to discuss the current development proposal and variance request for Lot 5, and met again with the engineering consultant on March 17, 2005. Commission staff conducted a site visit on April 15, 2005 accompanied by County staff, the applicant's architect and engineering consultant, and the applicant. In addition, this office received a copy of the final development plan for the Old Bloomfield subdivision on March 14, 2005 and a revised site plan for review on May 23, 2005.

Based on the revised 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. The following are shown on Plat 3 of 3 for Lot 5: Lot 5 has an existing dwelling and a driveway, the existing dwelling and the portion of the existing driveway within the Buffer are labeled "to be removed" and Lot 5 has a platted conservation easement along the western and eastern boundaries. As stated in the General Notes on Plat 1 of 3, a new house and parking turn-around was planned on Lot 5 in an area outside the expanded Buffer; however, only the 100-foot Buffer, not the expanded Buffer, is shown on the record plat for Lot 5. We note that steep slopes are not shown on the record plat for Lot 5.

- 2) 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 removal of the existing dwelling and the portion of the driveway within the Buffer, and afforestation of the 100-foot Buffer on Lots 4 and 5 and on steep slopes contiguous with the Buffer on Lot 4. A 1,750 square foot dwelling (35 feet by 50 feet) is shown on the mitigation plan on Lot 5 outside the 100-foot Buffer.
- 3) On the final development plan approved by Anne Arundel County for the Olde Bloomfield subdivision, the applicant proposed a 1,750 square foot dwelling (35 feet by 50 feet), a 1,824 square foot turnaround area (approximately 38 feet by 48 feet), and a driveway. Steep slopes were identified on Lot 5 on the final development plan and some disturbance to steep slopes was proposed within the limits of disturbance. As reported by the applicant's consultant, the topography of Lot 5 was resurveyed for the purposes of developing the current site plan. The extent of steep slopes on Lot 5 appear to be greater than previously shown on the mitigation plan and on the final development plan for the Olde Bloomfield subdivision.
- 4) We have the following comments regarding the revised development plan provided as part of the variance request.
 - The proposed dwelling has a footprint of 3,009 square feet (2,466 square feet for dwelling and 543 square feet for attached garage), which does not include the decks shown in the side yard and on the waterside of the dwelling. The limits of disturbance extend within steep slopes around the perimeter of the garage.
 - The limits of disturbance extend within steep slopes to accommodate the stormwater management device proposed on the east side of the dwelling. As reported during meetings with the applicant's consultant, the stormwater management device proposed on the east side of the dwelling will manage and treat runoff from Lot 5 as well as runoff from portions of Lot 4. If management of stormwater runoff from Lot 4 will result in increased disturbance on Lot 5, this office recommends that stormwater runoff from Lot 4 should be managed on Lot 4 to eliminate the need for a variance to disturb steep slopes on Lot 5.
- 5) Based on conversations with applicant's consultant, we understand that the proposed driveway entrance to Riva Road is necessary for safety reasons. Due to the narrow shape of the lot and the extent of steep slopes, it may not be possible to avoid disturbance to steep slopes for the sanitary sewer and water connections and the driveway access. This office does not oppose the variance request to permit disturbance to steep slopes for construction of a driveway access and installation of utilities.

Based on our review of the application and the additional information provided, this office opposes the variance request to permit a dwelling and storm water management devices with disturbance to steep slopes. 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

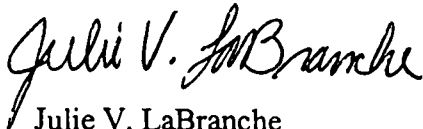
that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined 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. The applicant provided insufficient information to justify the need for a variance other than the desire to construct a dwelling of a particular size and orientation on the site.
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 a dwelling on steep slopes, particularly if alternatives exist or a lesser variance could be achieved. With minor adjustments to the current site plan, it appears that the applicants could have reasonable use of this property for residential purposes without the need for a variance to disturbance steep slopes for construction of a dwelling, 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 redevelop the site in a manner that would confine disturbance to steep slopes to the minimum necessary to install the sanitary sewer and water connections 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.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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 Blonder revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 3, 2005

Pam Cotter
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 Ms. Cotter:

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. On March 3, 2005, I met with the applicant's architect and engineering consultant to discuss the current development proposal and variance request for Lot 5, and met again with the engineering consultant on March 17, 2005. Commission staff conducted a site visit on April 15, 2005 accompanied by County staff, the applicant's architect and engineering consultant, and the applicant. In addition, this office received a copy of the final development plan for the Old Bloomfield subdivision on March 14, 2005 and a revised site plan for review on May 23, 2005.

Based on the revised 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. The following are shown on Plat 3 of 3 for Lot 5: Lot 5 has an existing dwelling and a driveway, the existing dwelling and the portion of the existing driveway within the Buffer are labeled "to be removed" and Lot 5 has a platted conservation easement along the western and eastern boundaries. As stated in the General Notes on Plat 1 of 3, a new house and parking turn-around was planned on Lot 5 in an area outside the expanded Buffer; however, only the 100-foot Buffer, not the expanded Buffer, is shown on the record plat for Lot 5. We note that steep slopes are not shown on the record plat for Lot 5.

- 2) 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 removal of the existing dwelling and the portion of the driveway within the Buffer, and afforestation of the 100-foot Buffer on Lots 4 and 5 and on steep slopes contiguous with the Buffer on Lot 4. A 1,750 square foot dwelling (35 feet by 50 feet) is shown on the mitigation plan on Lot 5 outside the 100-foot Buffer.
- 3) On the final development plan approved by Anne Arundel County for the Olde Bloomfield subdivision, the applicant proposed a 1,750 square foot dwelling (35 feet by 50 feet), a 1,824 square foot turnaround area (approximately 38 feet by 48 feet), and a driveway. Steep slopes were identified on Lot 5 on the final development plan and some disturbance to steep slopes was proposed within the limits of disturbance. As reported by the applicant's consultant, the topography of Lot 5 was resurveyed for the purposes of developing the current site plan. The extent of steep slopes on Lot 5 appear to be greater than previously shown on the mitigation plan and on the final development plan for the Olde Bloomfield subdivision.
- 4) We have the following comments regarding the revised development plan provided as part of the variance request.
 - The proposed dwelling has a footprint of 3,009 square feet (2,466 square feet for dwelling and 543 square feet for attached garage), which does not include the decks shown in the side yard and on the waterside of the dwelling. The limits of disturbance extend within steep slopes around the perimeter of the garage.
 - The limits of disturbance extend within steep slopes to accommodate the stormwater management device proposed on the east side of the dwelling. As reported during meetings with the applicant's consultant, the stormwater management device proposed on the east side of the dwelling will manage and treat runoff from Lot 5 as well as runoff from portions of Lot 4. If management of stormwater runoff from Lot 4 will result in increased disturbance on Lot 5, this office recommends that stormwater runoff from Lot 4 should be managed on Lot 4 to eliminate the need for a variance to disturb steep slopes on Lot 5.
- 5) Based on conversations with applicant's consultant, we understand that the proposed driveway entrance to Riva Road is necessary for safety reasons. Due to the narrow shape of the lot and the extent of steep slopes, it may not be possible to avoid disturbance to steep slopes for the sanitary sewer and water connections and the driveway access. This office does not oppose the variance request to permit disturbance to steep slopes for construction of a driveway access and installation of utilities.

Based on our review of the application and the additional information provided, this office opposes the variance request to permit a dwelling and storm water management devices with disturbance to steep slopes. 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. The applicant provided insufficient information to justify the need for a variance other than the desire to construct a dwelling of a particular size and orientation on the site.
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 a dwelling on steep slopes, particularly if alternatives exist or a lesser variance could be achieved. With minor adjustments to the current site plan, it appears that the applicants could have reasonable use of this property for residential purposes without the need for a variance to disturbance steep slopes for construction of a dwelling, 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 redevelop the site in a manner that would confine disturbance to steep slopes to the minimum necessary to install the sanitary sewer and water connections 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.

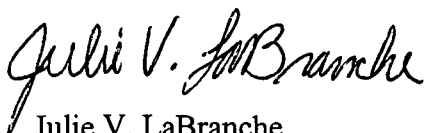
Pam Cotter
Variance 2004-0563-V Harvey Blonder
June 3, 2005
Page 4

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.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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 Blonder revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 1, 2005

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

Re: Variance 2005-0130-V James and Tari Flannery

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a fence in the front yard of a waterfront lot. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling. Based on our records, this property was the subject of a previous variance, Case No. 1999-0248-V. In his decision, the Hearing Officer granted a variance to permit a dwelling addition (garage and living space) with less setbacks than required.

This office has no comment regarding 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 311-05 Flannery

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 31, 2005

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

Re: Bayhead Shores Estates subdivision
(Tax Maps 40 and 35, Parcel 118, Parcel 123, Parcel 630)

Dear Mr. DiGiacomo:

Thank you for providing information on the above referenced subdivision. The applicant is requesting to subdivide a 37.77-acre tract of land, consisting of Parcel 118, Parcel 123, and Parcel 630, of which 27.16 acres is within the Critical Area. The Critical area portion of the subdivision is designated a Limited Development Area and Parcel 123 is designated a Buffer Exemption Area (BEA). This office received a revised preliminary plat for review on May 4, 2005. Based on the revised information provided, we have the following comments regarding the subdivision proposal.

- 1) As part of the subdivision proposal, the applicant should provide calculations of the area of existing forest and the area of forest to be removed. This information is necessary to determine the mitigation and afforestation requirements for the subdivision.

As indicated on the subdivision plan, the applicant proposes 25 percent impervious surface coverage on each of the proposed 41 lots in the Critical Area and to retain the existing impervious surface coverage on Lot 75, which contains the existing beach club and marina facility. Based on the impervious surface coverage reported on the plat, the subdivision appears to meet the 15 percent impervious surface limit, which should include all roads, sidewalks, stormwater facilities, and other infrastructure within the Critical Area. As reported by the applicant's consultant, Lot 75 consists of 5.546 acres (includes Parcel 123) and has 1.25 acres of existing impervious surface coverage or 22.5 percent.

Because it can sometimes be difficult to track the total impervious surface coverage within a subdivision over time, this office recommends that the applicant identify on the final subdivision plat specific impervious surface coverage limits for roads and infrastructure and for each lot within the Critical Area. In addition, impervious surface coverage limits for each

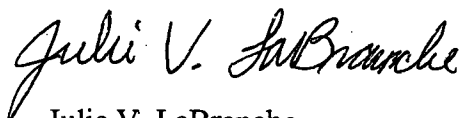
Anthony DiGiacomo
Bayhead Shores Estates subdivision
May 31, 2005
Page 2

lot should consider the future needs of property owners by providing an impervious surface allowance for accessory structures, such as decks, sheds, porches, and patios.

- 2) As proposed, the creation of Lot 75 by subdivision would result in a non-conforming condition with respect to impervious surface coverage, as lots greater than one acre are limited to 15 percent impervious surface coverage (Cecil County Zoning Ordinance Article XI, Part I, Section 200). This office would not support the creation of a new lot in the Critical Area that exceeds the impervious surface limits. To avoid the nonconforming condition, the applicant could reduce the impervious surface coverage in compliance with permitted limits or seek growth allocation in accordance with the provisions of the County's Critical Area Program.
- 3) Mitigation for forest clearing within the Critical Area should be provided at a ratio of 1:1 for clearing less than 20 percent of existing forest, 1.5:1 for clearing greater than 20 percent and less than 30 percent of existing forest, and 3:1 for clearing greater than 30 percent of existing forest (Cecil County Zoning Ordinance Article XI, Part I, Section 200). Mitigation should be provided on site to the extent possible and with off-site forest planting in accordance with the provisions of the County's Critical Area Program. The applicant should provide a mitigation plan to the Commission for review and comment as part of the subdivision proposal and before recordation of the final plat.
- 4) Lots in the Critical Area should be reforested or afforested to provide a minimum of 15 percent forest cover (Cecil County Zoning Ordinance Article XI, Part I, Section 200). Mitigation plantings can be used for this purpose. The applicant should demonstrate before recordation of the final subdivision plat that the afforestation requirement will be met.
- 5) The applicant must provide an evaluation by the Department of Natural Resources, Natural Heritage Division for the project site.

Thank you for the opportunity to provide comments for this project. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Tim Whittie (Morris & Ritchie Associates, Inc.)

CE 816-04 Bayhead revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 31, 2005

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

Re: Variance 2005-0128-V Darrell and Bonita Kuhn

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (garage) with less Buffer to a bog than required. The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The property is currently developed with a single-family dwelling, a shed and concrete slab, and a pool.

Based on the information provided, this office has the following comments regarding the variance request. The applicant requests a variance to construct an 896 square foot workshop/garage within the 100-foot upland buffer of a bog, a designated bog protection area in the Anne Arundel County Zoning Ordinance (Article 28, Title 1D Bog Protection Program). As proposed, the garage footprint is nearly as large as the 1,000 square foot dwelling on the property. We understand that the applicant has excavated the footings for the garage under a previously approved building permit (B02213177), which has since been rescinded by the County.

It appears that alternatives may exist on the site that would minimize both Buffer impacts and variance necessary while accommodating the proposed workshop/ garage. First, the workshop/garage could be reduced in size, which would make it easier to locate the structure elsewhere on the site outside the bog Buffer. Second, the workshop/garage could be moved further outside the bog buffer, relocated to the side yard adjacent to the dwelling, or relocated adjacent to the existing shed in the back yard. Because it does not appear that the applicant has

Pam Cotter
Variance 2005-0128-V Darrell and Bonita Kuhn
May 31, 2005
Page 2

considered alternatives or demonstrated that the variance is the minimum necessary and that Buffer impacts have been minimized, this office opposes the variance request.

If granted, this office recommends 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 provided. Plantings should be accommodated on the site to the extent possible.
- 2) Stormwater should be directed away from the bog buffer 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 310-05 Kuhn

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
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May 31, 2005

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

Re: Variance 2005-0134-V Donald Hunter

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 Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a tennis court, shed and driveway.

Based on the information provided, we have the following comments regarding the development proposal and variance request. The applicant proposes to remove the existing 2,722 square foot tennis court within the Buffer and to construct a dwelling and driveway on steep slopes. The proposal will reduce the overall impervious surface coverage from 6,956 square feet or 44.6 percent to 4,333 square feet or 27 percent. We note that the limits of disturbance for construction (and demolition) are not identified on the site plan and calculations of existing forest, proposed clearing, and total area of disturbance are not included with the variance application. Without this information, this office is unable to fully evaluate the variance request. The applicant should provide this information on a revised site plan.

Thank you for the opportunity to provide comments. If additional information is provided, this office may have additional comments regarding the variance request.

Sincerely,

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

Julie V. LaBranche
Natural Resource Planner

cc: Eric See (See Environmental Services, Inc.)

AA 312-05 Hunter

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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Executive Director

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May 27, 2005

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

Re: Variance 2005-0098-V Rochelle Smith-Hankins

Dear Mr. Konowal:

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

Providing the lot is properly grandfathered, this office does not oppose the variance request. The applicant proposes to remove an existing above ground swimming pool and construct a 550 square foot in-ground swimming pool. We understand that an existing 64 square foot shed will be removed from the site. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, 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 307-05 Smith-Hankins

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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May 27, 2005

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

Re: Variance 2005-0127-V Charles and Lucy Peacock

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 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, in-ground pool, shed, detached deck, and detached garage.

Providing the lot is properly grandfathered, this office does not oppose the variance request. The applicant proposes to construct a 348 square foot deck within the Buffer, located partially over an existing concrete patio. Mitigation shall be provided at a ratio of 2:1 for the area of newly developed impervious surface within the Buffer. Mitigation shall be implemented consistent with the County's Buffer exemption and enhancement program (Anne Arundel County Zoning Ordinance Article 28, 1A-109(5)). This office recommends that some plantings be placed at the perimeter of the deck and concrete patio 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 309-05 Peacock

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 26, 2005

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

Re: Variance 2005-0096-V John Freitag

Dear Ms. Plociennik:

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

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

Our records indicate that this property was the subject of two previous variances. In Case No. 2000-0190-V, the Hearing Officer granted a variance to permit construction of a deck in the Buffer and proscribed other construction activity on the waterside of the existing dwelling. In Case No. 2002-0085-V, the Hearing Officer granted a variance to permit a dwelling addition (sunroom) in the Buffer, providing that impervious surface coverage shall not exceed 4,320 square feet and that the applicant provide an affidavit at the time of building permit documenting removal of impervious surfaces in compliance with the allowed coverage.

The current variance request is identical to the variance requested in the Case No. 2002-0085-V: to permit construction of a sunroom (308 square feet) in the Buffer on the waterside of the existing dwelling. This office would not oppose a variance to permit the sunroom providing the following conditions are met.

Rob Konowal
Variance 2005-0096-V John Freitag
May 26, 2005
Page 2

- 1) The applicant must demonstrate compliance with the mitigation required in Case No. 2000-0190-V.
- 2) The impervious surface coverage must be reduced to comply with the maximum permitted limit, not to exceed 4,320 square feet.
- 3) Mitigation shall be provided at a ratio of 2:1 for the area of newly developed impervious surface within the Buffer. Mitigation shall be implemented consistent with the County's Buffer exemption and enhancement program (Anne Arundel County Zoning Ordinance Article 28, 1A-109(5)).

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

AA 181-02 Freitag

Robert L. Ehrlich, Jr.

Governor

Michael S. Steele

Lt. Governor



Martin G. Madden

Chairman

Ren Serey

Executive Director

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May 24, 2005

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

Re: Variance 2005-0086-V Paul and Kimberly Griffith

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a right-of-way with less Buffer than required. The property consists of three grandfathered parcels totaling 11.125 acres and is designated a Resource Conservation Area (RCA). Parcel 1 is currently developed with a single-family dwelling and detached garage. Parcel 2 and Parcel 3 are currently undeveloped.

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

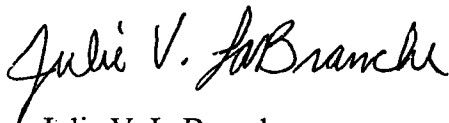
- 1) As shown on the site plan, Parcel 3 consists entirely of nontidal wetlands and Parcel 2 has only a small upland area outside the 25-foot nontidal wetland buffer. Parcel 1 is constrained by the Buffer, which is expanded for contiguous and extensive nontidal wetlands. We note that the expanded Buffer is not identified on the site plan. The applicant should fully identify the extent of the Buffer on all three parcels/lots on a revised site plan.
- 2) Commission staff provided comments on the proposed resubdivision of Parcel 1, Parcel 2, and Parcel 3 to create three new lots in the RCA (refer to attached letters). The resubdivision plan would create two new riparian lots (Lot 2 and Lot 3) where only one exists now (Parcel 1). The subdivision plan also includes a joint access easement along the shared property boundary of Lot 2 and Lot 3 (refer to attached copy of subdivision plan); the joint access easement is not shown on site plan provided with the variance application. Information provided to this office by the applicant's consultant on May 24, 2005 indicates that development of Parcel 1 and Parcel 2 as currently configured would result in greater

disturbance to nontidal wetlands and their buffers than the disturbance necessary to develop the lots proposed as part of the resubdivision (refer to attachments).

- 3) The applicant proposes to construct a 16-foot wide shared driveway access from Deale Beach Road to provide access to Lot 1, Lot 2 and Lot 3. Although it appears that the driveway access has been located to minimize disturbance to the Buffer and nontidal wetlands on the site, this office concurs with the recommendation of County staff that the driveway should be reduced to a width of 10 feet and the turn-around area should be eliminated. These changes will help to minimize the overall Buffer disturbance, which as proposed would be 10, 140 square feet (refer to attached plans provided by the consultant).
- 4) As stated in the Critical Area Report, the applicant proposes 8,650 square feet or 33.6 percent clearing to develop Lot 1. To comply with the 15 percent afforestation requirement in a RCA, 20,351 square feet must be planted on Lot 1 (Anne Arundel county Zoning Ordinance Article 28 §1A-105). All clearing on Lot 1 must be mitigated at a ratio of 3:1 or by payment of a fee for clearing in excess of 30 percent (Anne Arundel County Zoning Ordinance Article 28 §1A-104(c)).
- 5) Mitigation for development of Lot 2 and Lot 3, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided. Plantings should be accommodated on the site to the extent possible and be compatible with existing vegetation in the adjacent nontidal wetland buffer.
- 6) As indicated on the site plans, stormwater from the driveway access will be conveyed in a grass channel (adjacent to the driveway) within the 25-foot nontidal wetland buffer to an existing culvert and outfall on Deal Beach Road.
- 7) The applicant must secure authorization from the Department of the Environment for impacts to nontidal wetlands and their buffers associated with the proposed driveway access.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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: Tim Brenza (Messick and Associates)

AA 286-05 Griffith

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 23, 2005

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

Re: Variance 2005-0085-V Terrence and Christine MacBride

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to permit the combination of floor area and the expansion of a nonconforming use. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with three single-family dwellings, and two sheds.

Providing the lot is properly grandfathered and the County recognizes the existing structures as legally nonconforming, this office does not oppose the request for a special exception. Based on the information provided, the applicant proposes to remove the existing structures and combine the existing impervious surface coverage from 700 and 704 Cypress Road to construct a new dwelling at 700 Cypress Road. If the new dwelling does not meet the standards for development in a BEA (Anne Arundel County Article 28, 1A-109), a variance will be necessary. It appears that a new dwelling could be constructed on the site in compliance with the BEA standards.

Thank 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 269-05 MacBride

Bert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 23, 2005

Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway, Suite 10
Centreville, Maryland 21617-1000

Re: Newport Preliminary Site Plan
(Tax Map 700 Parcel 394)

Dear Ms. ~~Skilling~~ ^{Mary Ann}

Thank you for providing information about the Newport redevelopment project in Port Deposit. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). Although no structures exist on the site today, the property was previously developed for industrial use.

Based on the information provided, it appears that the project is consistent with the requirements of the Port Deposit Critical Area Program. As reported in the Environmental Assessment, the project exceeds the 10% Rule pollutant removal requirements for redevelopment in an Intensely Developed Area. As shown on the site plan, plantings are proposed in the Buffer between the townhouses and the proposed pedestrian walkway and adjacent to the parking areas. The project also meets the criteria and setback requirements for redevelopment in a BEA. As stated in your letter of April 20, 2005, a planting plan must be provided with the final site plan. We request that the applicant provide the planting plan to the Commission for review and comment.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Sharon Weygand (Town Administrator)

PD 562-04 Newport

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 18, 2005

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

Re: Variance 2005-0076-V Barry Wells and Barbara Johnson

Dear Mr. Konowal:

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

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

- 1) According to our records, this property was the subject of a previous variance, Case No. 2004-0157-V. In his decision, the Hearing Officer granted a variance to permit a dwelling with less Buffer than required and with disturbance to steep slopes. The decision was based upon a revised site plan, which was not provided to this office for review and comment.
- 2) As measured from the site plan, the footprint of the proposed dwelling is 2,665 square feet, which includes a 1,139 square foot wrap-around deck and a 222 square foot covered porch. Portions of the deck and porch are located on steep slopes. The total proposed impervious surface coverage is 5,601 square feet or 5 percent, including a 2,715 square foot driveway. To minimize the overall disturbance on the site, this office recommends that the deck be reduced in size and that the applicant consider relocating the porch off of steep slopes.

Rob Konowal
Variance 2005-0076-V Barry Wells and Barbara Johnson
May 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. Plantings should be accommodated on the site to the extent possible, particularly to stabilize steep slopes disturbed during construction.
- 4) As shown on the site plan, stormwater from the driveway and dwelling will be directed to several dry wells 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: Gary Evans (Bay Engineering)

AA 309-04 Wells 2nd variance

7
t L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 18, 2005

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

Re: Variance 2005-0083-V James Kaper

Dear Ms. Plociennik:

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

Providing the 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.

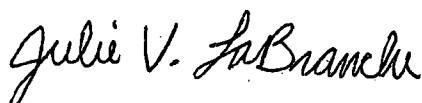
- 1) The calculations of forest clearing and the existing and proposed impervious surface coverages differ between the Area Tabulations on Sheet 1 of 2 of the site plans and in the Critical Area Report provided for the variance application. The applicant should clarify these calculations.
- 2) As indicated in correspondence of November 15, 2004 from the Department of Natural Resources, Eagle Hill Bog is designated a Nontidal Wetland of Special State Concern, and supports a State-threatened plant, a State-rare plant, and three watch list plant species. The Eagle Hill Bog and the surrounding area is also designated a Natural Heritage Area.

Ramona Plociennik
Variance 2005-0083-V James Kaper
May 18, 2005
Page 2

- 2) The lot is constrained by the extent of tidal wetlands and nontidal wetlands on and adjacent to the site. The 100-foot Buffer from tidal wetlands along Blackhole Creek (labeled as BTW) is expanded to include a portion of the 25-foot buffer to contiguous nontidal wetlands (labeled as BNTW). The 100-foot buffer from Eagle Hill Bog extends within the property from the north.
- 3) The applicant proposes to construct a 1,175 square foot addition to the existing 1,888 square foot dwelling, expanding the dwelling footprint to 3,063 square feet. The total proposed impervious surface area of 6,925 square feet includes 440 square foot walk/patio and a 3,422 square foot driveway.
- 4) As shown on the site plan, a portion of the dwelling addition is located within the Buffer. Although additional clearing would be necessary, it appears that most of the dwelling addition could be accommodated in (western) side yard outside both the bog buffer and the 100-foot Buffer. To help mitigate for the additional clearing, plantings could be accommodated in the Buffer in the southwest corner of the yard adjacent to the nontidal wetlands. This office recommends that the applicant consider alternatives to reduce overall impacts to the Buffer and minimize the variance necessary.
- 5) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-10). Plantings should be directed first to non-forested areas within Buffer then to other areas of the site.
- 6) Stormwater should be directed away from steep slopes and nontidal wetlands 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

cc: Mike Helfrich (Gamma Engineering)

AA 268-05 Kaper

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 12, 2005

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

Re: Variance 2005-0109-V Charles Converse

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer 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 consists of Parcel 20 and Parcel 21. This office received a revised site plan for review on April 29, 2005.

I conducted a site visit with County staff to the property on April 18, 2005 accompanied by Mr. and Mrs. Converse and Bob Baxter (Diversified Permits, Inc.). Based on discussions during the site visit, I understand that the Converse's primary residence on Parcel 21 was severely damaged by a fire and was recently demolished by order of the Health Department. The existing dwelling on Parcel 20 was also damaged by the fire and is currently uninhabited.

Providing the parcels 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) Our records indicate that Parcel 21 was the subject two previous variances, Case No. 1999-0137-V and Case NO. 2000-0084-V. In Case No. 1999-0137-V, the Hearing Officer granted a variance to permit construction of a second story over the garage and a two-story addition connecting the dwelling to the garage.

In Case No. 2000-0084-V, the Hearing Officer granted a variance to construct a 250 square foot waterfront deck addition (over existing impervious surface). Based on our records for Case No. 2000-0084-V, the applicant reported the existing impervious surface coverage as 2,699 square feet or 24.3 percent. We note that the applicant reports in the current variance application that the impervious surface coverage on Parcel 21, prior to the fire, was 4,460 square feet or 40.2 percent, which exceeds the maximum allowable impervious surface limit of 3,469 square feet or 31.25 percent. The applicant should provide information regarding the substantial increase in impervious surface coverage on Parcel 21 since the granting of the last variance, and if necessary, amend the current request to include an impervious surface variance.

- 2) As noted on the revised site plan, steep slopes are present over both parcels. With expansion of the Buffer for steep slopes, the property is entirely within the Buffer.
- 3) The applicant proposes to remove the dwelling on Parcel 20 and merge Parcel 20 and Parcel 21 (22,498 square feet total) to construct a single-family dwelling. The current proposal will reduce the existing impervious surface coverage on the combined parcels from 7,186 square feet to 6,391 square feet, including removal of a covered patio and impervious walkways near the shoreline. The footprint of the proposed dwelling extends no further waterward than the setback as established by the dwellings on each of the parcels. As compared with the original site plan, the limits of disturbance have been reduced from 15,735 square feet to 14,885 square feet. As discussed during the site visit, grading proposed waterward of the dwelling is necessary to remove an existing retaining wall along the existing parcel boundary and match the existing uneven grades to properly convey runoff from the front yard. We note that the proposed grading in the front yard has been minimized as compared with the previous plan. Several large canopy trees will be removed as a result of grading, several of which were severely to moderately damaged by the fire.
- 4) Mitigation should be required consistent with the provision of the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109): for every foot of newly developed impervious surface within the Buffer, a vegetated buffer shall be planted within the Buffer at a ratio of two times the amount of newly developed impervious surface. If there is insufficient space to accommodate all of mitigation plantings on site, mitigation can be provided elsewhere as described in the Program.
- 5) As shown on the site plan, the applicant proposes a pretreatment trench and an infiltration trench in the front yard to provide water quality treatment of stormwater 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.

Suzanne Schappert
Variance 2005-0109-V Charles Converse
May 12, 2005
Page

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Bob Baxter (Diversified Permits, Inc.)

AA 278-05 Converse

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 12, 2005

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

Re: Local Case N. 3133 Calvin Stemple
(Tax Map 52, Parcel 134)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an accessory structure (in-ground swimming pool) in the Buffer. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a carport and a fenced play area.

Based on the information provided, this office has the following comments regarding the variance request.

- 1) The 110-foot Buffer is not shown on the site plan provided as part of the variance application. As estimated from the site plan, a portion of the dwelling is located within the Buffer. We note that the applicant did not provide topographic information as part of the variance application; however the applicant states that the topography restricts the location of the proposed swimming pool. Based on GIS information from the Department of Natural Resources, it appears that isolated steep slopes are present between the dwelling and MD Route 213.
- 2) As required by the Cecil County Ordinance (Article XI, Part I, Section 195(3)(c)), new development in a Buffer Exemption Area shall minimize the shoreward extent of impervious surfaces, taking into consideration existing County yard setback requirements, and in no case may such impervious surfaces be extended shoreward or any setback line as defined by existing structures on adjacent lots or parcels or the setback required by the Cecil County

Zoning Ordinance. We understand that the County requires a variance in this case because the accessory structure is located waterward of the existing principal structure. As estimated from the site plan, the existing dwelling is located approximately 70 feet from the shoreline of the Bohemia River and the proposed in-ground swimming pool is located approximately 60 feet from the shoreline of the Bohemia River. It seems that the applicant could avoid a Buffer variance altogether by simply increasing the setback by 10 feet in conformance with the setback of the existing dwelling. Based on the site plan provided, there appears to be adequate space in the front and side yard to accommodate a swimming pool and meet the existing setback.

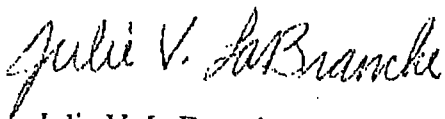
If granted, this office recommends that the Board adopt the offsetting requirements for new development in a Buffer Exemption Area (Cecil County Zoning Ordinance Article XI, Part I, Section 195(3)(d)) as conditions of the variance, as follows.

- 1) The extent of the lot or parcel shoreward of the new development shall be required to remain, or shall be established and maintained, in natural vegetation.
- 2) Natural vegetation of an area twice the extent of the impervious surface created in the Buffer Exemption Area shall be planted on the site.

If plantings cannot be accommodated on the site, mitigation should be provided at an off-site location. This office recommends that the applicant develop a Buffer Management Plan and/or a Mitigation Plan to ensure compliance with the planting and mitigation requirements in accordance with the Cecil County Critical Area Program, and the applicant provide this information to the Commission for review and comment.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part 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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May 11, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0101-V Vincent and Carol Salvatori

Dear Ms. Rhodes:

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 several sheds.

Based on the information provided, this office has the following comments regarding the development proposal and variance request.

- 1) The applicant proposes to expand an existing 732 square foot deck and spa with an addition of approximately 519 square feet. We note that an additional deck or platform, connected to the pier, is located partially within the Buffer adjacent to the shoreline. As stated in the Critical Area Report, the existing deck is 88 feet from the mean high water line and the proposed deck is 76 feet from the mean high water line.
- 2) Given the size of the existing deck and spa, it does not appear that Buffer impacts have been minimized or that the variance is the minimum necessary to provide relief. If additional outdoor living space is desired, there appears to be ample space to accommodate a deck outside the Buffer on this 0.78-acre site. For these reasons, this office opposes the variance request. We recommend that the applicant consider alternatives that would minimize impacts to the Buffer or eliminate the need for a variance.

Lori Rhodes
Variance 2005-0101-V Vincent and Carol Salvatori
May 11, 2005
Page 2


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

- 1) The deck should be constructed to be pervious, with a gravel substrate and vegetative stabilization at the perimeter.

- 3) Mitigation consistent with the County's Buffer Exemption and Enhancement Program should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer and accommodated elsewhere on the site 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 274-05 Salvatori

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2005

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

Re: Variance 2005-0081-V Susan House

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 than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling.

Providing 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) As confirmed by the applicant's consultant, the entire lot is within the Buffer, which is expanded for steep slopes adjacent to the site.
- 2) The applicant proposes to remove the existing dwelling and to construct a new dwelling. As shown on the site plan, the proposed dwelling is set back further from the shoreline than the existing dwelling, and the overall impervious surface coverage will be reduced by 61 square feet.
- 3) Mitigation, at a ratio of 2:1 for newly developed impervious surfaces within the Buffer and 1:1 for newly developed impervious surfaces, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer then accommodated elsewhere on the site if necessary.

Rob Konowal
Variance 2005-0081-V Susan House
May 10, 2005
Page 2

- 4) Currently, the lot has 567 square feet or 11 percent forest cover. The lot must be afforested to achieve 15 percent forest cover (Anne Arundel County Zoning Ordinance Article 28, §1A-105(i)). Mitigation plantings can be used to meet the afforestation requirement.
- 5) 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

cc: Ian Dillon (Drum, Loyka & Associates, LLC)

AA 227-05 House

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2005

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

Re: Local Case No. 3139 Paul and Cynthia Morgan
(Tax Map 47, Parcel 25, Lot 3)

Dear Mr. Johnson:

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

This office has no comment on the height variance.

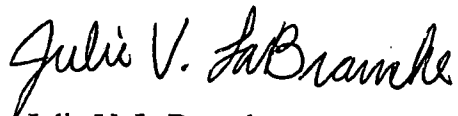
A site plan for redevelopment of this lot was not provided to the Commission for review. Development of this lot must comply with the provisions in the Cecil County Zoning Ordinance for redevelopment in a BEA (Article XI, Part I, Section 196). When a structure within the BEA is removed, it may be replaced, insofar as possible, outside the Critical Area Buffer. Where it is not possible and in such cases where a setback line exists as defined by structures on adjacent lots or parcels, the structure may not be replaced shoreward of that line. Impervious surfaces within the BEA shall be offset as follows:

- (1) The extent of the lot or parcel shoreward of the redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and
- (2) Natural vegetation of an area twice the extent of the impervious surface created in the BEA shall be planted on the site. If plantings are not accommodated on the site, a mitigation plan must be developed to provide the required mitigation off-site.

Joseph Johnson
Local Case No. 3139 Paul and Cynthia Morgan
May 6, 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 special exception. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

CE 285-05 Morgan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2005

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

Re: Variance 2005-0107-V George and Catherine Bellarin

Dear Mr. Konowal:

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

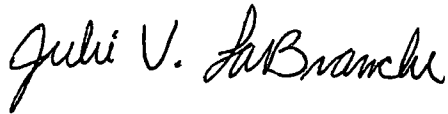
- 1) As measured from the site plan, a portion of the dwelling is located within the Buffer. The applicant proposes to construct a 328 square foot sunroom over an existing deck, which is located approximately 65 feet from the mean high water line. It appears that the applicant has attempted to minimize impacts to the Buffer by locating the sunroom within the footprint of the existing deck.
- 2) Mitigation, at a ratio of 2:1 for newly developed impervious surfaces within the Buffer and 1:1 for newly developed impervious surfaces, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer and accommodated elsewhere on the site if necessary.

Rob Konowal
Variance 2005-0107-V George and Catherine Bellarin
May 6, 2005
Page 2

- 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 277-05 Bellarin

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 6, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0113-V Ed Lee and Patricia Johnson

Dear Ms. Rhodes:

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 and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling, a shed and several patios.

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) As shown on the site plan, the waterside of the dwelling and part of the proposed porch are located within the Buffer. The dwelling is located 86 feet from the mean high water line and the proposed porch (480 square feet) is located 83 feet from the mean high water line.
- 2) Mitigation, at a ratio of 2:1 for newly developed impervious surfaces within the Buffer and 1:1 for newly developed impervious surfaces, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer and accommodated elsewhere on the site if necessary.
- 3) Stormwater should be directed to a stable and densely vegetated outfall to provide water quality benefits on the site.

Lori Rhodes

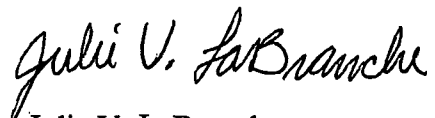
Variance 2005-0113-V Ed Lee and Patricia Johnson

May 6, 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 279-05 Lee-Johnson

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 6, 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. This office received additional information and a revised site plan for this variance request on April 28, 2005.

Based on the information provided, this office has the following comments regarding the development proposal and variance request.

- 1) The Buffer is properly identified on the revised site plan. The Buffer is expanded to include land within 50 feet from the top of steep slopes adjacent to the shoreline. As shown on the revised site plan, a small portion of the dwelling (mainly the covered porch) is located within the Buffer.
- 2) The existing dwelling has a footprint of 1,935 square feet. The applicant proposes to construct an 828 square foot garage addition with living space above, to reconfigure the existing driveway with expansion into the Buffer, and to expand the existing porch. The proposal also includes reconfiguring the existing gravel driveway, which will result in a reduction in overall impervious surface coverage of 92 square feet on the site. A portion of the garage is located over the existing driveway. As shown on the revised site plan, the proposed porches and portions of the garage and the new driveway extend within the Buffer. As estimated from the site plan, it appears that a minimum 10-foot limit of disturbance for

Rob Konowal
Variance 2005-0071-V Jane Amsbaugh
May 6, 2005
Page 2

construction of the garage and the porch would extend within the Buffer (limit of disturbance not shown on the site plan).

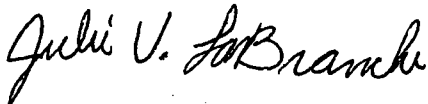
- 4) Although the applicant has minimized the variance by locating the garage over the existing driveway, it appears that impacts to the Buffer could be minimized further. Because the dwelling has a wrap-around porch in the front yard, we recommend relocating the porch addition to the west side of the dwelling outside the Buffer. In addition, it appears that on this 2.33-acre property the garage and the new driveway could be relocated outside the Buffer, while maintaining the necessary setbacks from the existing utilities. Because it appears that the desired improvements could be accommodated without a Buffer variance, this office does not believe that the applicant has demonstrated that impacts have been minimized and the variance is minimum necessary. Furthermore, this office questions whether the standard of unwarranted hardship has been met in this case, since the applicant already enjoys use of the property for residential purposes. For these reasons, this office does not support the variance request.

If granted, this office recommends that 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. Based on the photographs provided of the site, it appears that plantings could be accommodated within the Buffer then elsewhere on the site if necessary.
- 5) 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
Natural Resource Planner

cc: Frank Lucas (Lucas Associates Architects)

AA 223-05 Amsbaugh supplemental

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 6, 2005

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

Re: Variance 2005-0100-V Kimberly Wolfe

Dear Ms. West:

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

Providing the 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 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 application. As estimated from the site plan, the entire dwelling is located within the Buffer.
- 2) The applicant proposes to construct a second floor addition to the existing dwelling and to construct a detached garage over an existing gravel driveway partially within the Buffer. Currently, the property has 2,443 square feet of existing impervious surface coverage, exceeding the maximum limit of 2,219 square feet (25 percent plus 500 square feet). Because the driveway is already considered impervious, the garage will not increase the existing impervious surface coverage on the site. To minimize impacts to the Buffer, this office recommends that the applicant consider alternatives to reduce the existing impervious surface

Liz West
Variance 2005-0100-V Kimberly Wolfe
May 6, 2005
Page 2

coverage within the Buffer (for example, removing a portion of the gravel driveway or walkway).

- 3) Mitigation, at a ratio of 2:1 for newly developed impervious surfaces within the Buffer and 1:1 for newly developed impervious surfaces, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer and accommodated elsewhere on the site if necessary.
- 4) 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 273-05 Wolfe

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 2, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0044-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 2)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with greater forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received supplemental information and revised site plans for this variance case on April 7, 2005 April 22, 2005 and April 27, 2005.

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

- 1) Because the proposed area of disturbance exceeds the threshold of 5,000 square feet, stormwater management must be provided for development of the lot. As reported in the variance application, the lot has clay-rich soils (Shadyoak, SoA), which prevent implementation of stormwater infiltration practices on the site. For this reason, structural stormwater best management practices are proposed for this site, including pretreatment trenches and collection of stormwater via underground pipes to a central discharge point at Whitehall Creek.
- 2) The applicant proposes to clear greater than the maximum limit of 6,534 square feet for a grandfathered lot of less than one half acre to construct a dwelling and facilities (Anne Arundel County Zoning Ordinance Article 28, 1A-105(i)). The lot is fully forested and the applicant proposes 3,185 square feet or 19.4 percent impervious surface coverage. In

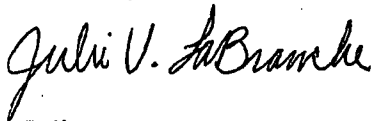
Lori Rhodes
Variance 2005-0044-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 2)
May 2, 2005
Page 2

addition, the implementation of structural stormwater management practices and associated grading result in a substantial increase in the amount of clearing necessary for development of the lot. Based on the most recent site plan, it appears that the applicant has attempted to minimize the amount of clearing necessary for the stormwater management facilities and has proposed reforestation on the site.

- 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; however, mitigation alternatives will need to be addressed.
- 4) Although not part of this variance request, we understand that installation of the stormwater pipes and outfall to Whitehall Creek, which convey stormwater from Lots 1, 2, 1R, 2R, and 22, will result in 2,850 square feet of additional clearing. The additional mitigation for installation of the stormwater pipes and outfall, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided as part of the permitting process for 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 variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Vernon Hustead (Sigma Engineering)

AA 181-05 Destefano Lot 2

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 2, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0043-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 2R)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with greater forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received supplemental information and revised site plans for this variance case on April 7, 2005, April 22, 2005 and April 27, 2005.

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

- 1) Because the proposed area of disturbance exceeds the threshold of 5,000 square feet, stormwater management must be provided for development of the lot. As reported in the variance application, the lot has clay-rich soils (Shadyoak, SoA), which prevent implementation of stormwater infiltration practices on the site. For this reason, structural stormwater best management practices are proposed, including pretreatment trenches and collection of stormwater via underground pipes to a central discharge point at Whitehall Creek.
- 2) The applicant proposes to clear greater than the maximum limit of 6,534 square feet for a grandfathered lot of less than one half acre to construct a dwelling and facilities (Anne Arundel County Zoning Ordinance Article 28, 1A-105(i)). The lot is fully forested and the applicant proposes 4,048 square feet or 25.6 percent impervious surface coverage. In

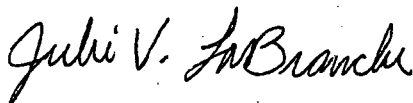
Lori Rhodes
Variance 2005-0043-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 2R)
May 2, 2005
Page 2

In addition, the implementation of structural stormwater management practices and associated grading result in a substantial increase in the amount of clearing necessary for development of the lot. Based on the most recent site plan, it appears that the applicant has attempted to minimize the amount of clearing necessary for the stormwater management facilities and has proposed reforestation on the site.

- 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; however, mitigation alternatives will need to be addressed.
- 4) Although not part of this variance request, we understand that installation of the stormwater pipes and outfall to Whitehall Creek, which convey stormwater from Lots 1, 2, 1R, 2R, and 22, will result in 2,850 square feet of additional clearing. The additional mitigation for installation of the stormwater pipes and outfall, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided as part of the permitting process for 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 variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Vernon Hustead (Sigma Engineering)

AA 172-05 Destefano Lot 2R

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 2, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0052-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 1R)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with greater forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received supplemental information and revised site plans for this variance case on April 7, 2005 April 22, 2005 and April 27, 2005.

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

- 1) Because the proposed area of disturbance exceeds the threshold of 5,000 square feet, stormwater management must be provided for development of the lot. As reported in the variance application, the lot has clay-rich soils (Shadyoak, SoA), which prevent implementation of stormwater infiltration practices on the site. For this reason, structural stormwater best management practices are proposed for this site, including pretreatment trenches and collection of stormwater via underground pipes to a central discharge point at Whitehall Creek.
- 2) The applicant proposes to clear greater than the maximum limit of 6,534 square feet for a grandfathered lot of less than one half acre to construct a dwelling and facilities (Anne Arundel County Zoning Ordinance Article 28, 1A-105(i)). The lot is fully forested and the applicant proposes 4,543 square feet or 25.7 percent impervious surface coverage (includes a

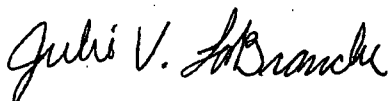
Lori Rhodes
Variance 2005-0052-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 1R)
May 2, 2005
Page 2

longer driveway to access Canal Lane). In addition, the implementation of structural stormwater management practices and associated grading result in a substantial increase in the amount of clearing necessary for development of the lot. Based on the most recent site plan, it appears that the applicant has attempted to minimize the amount of clearing necessary for the stormwater management facilities and has proposed reforestation on the site.

- 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; however, mitigation alternatives will need to be addressed.
- 4) Although not part of the current variance request, we understand that installation of the stormwater pipes and outfall to Whitehall Creek, which convey stormwater from Lots 1, 2, 1R, 2R, and 22, will result in 2,850 square feet of additional clearing. The additional mitigation for installation of the stormwater pipes and outfall, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided as part of the permitting process for 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 variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Vernon Husted (Sigma Engineering)

AA 184-05 Destefano Lot 1R

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 2, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0045-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 1)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with greater forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received supplemental information and revised site plans for this variance case on April 7, 2005 April 22, 2005 and April 27, 2005.

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

- 1) Because the proposed area of disturbance exceeds the threshold of 5,000 square feet, stormwater management must be provided for development of the lot. As reported in the variance application, the lot has clay-rich soils (Shadyoak, SoA), which prevent implementation of stormwater infiltration practices on the site. For this reason, structural stormwater best management practices are proposed for this site, including pretreatment trenches and collection of stormwater via underground pipes to a central discharge point at Whitehall Creek.
- 2) The applicant proposes to clear greater than the maximum limit of 6,534 square feet for a grandfathered lot of less than one half acre to construct a dwelling and facilities (Anne Arundel County Zoning Ordinance Article 28, 1A-105(i)). The lot is fully forested and the applicant proposes 3,090 square feet or 19 percent impervious surface coverage. In addition,

Lori Rhodes
Variance 2005-0045-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 1)
May 2, 2005
Page 2

the implementation of structural stormwater management practices and associated grading result in a substantial increase in the amount of clearing necessary for development of the lot. Based on the most recent site plan, it appears that the applicant has attempted to minimize the amount of clearing necessary for the stormwater management facilities and has proposed reforestation on the site.

- 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; however, mitigation alternatives will need to be addressed.
- 4) Although not part of this variance request, we understand that installation of the stormwater pipes and outfall to Whitehall Creek, which convey stormwater from Lots 1, 2, 1R, 2R, and 22, will result in 2,850 square feet of additional clearing. The additional mitigation for installation of the stormwater pipes and outfall, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be provided as part of the permitting process for 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 variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Vernon Hustead (Sigma Engineering)

AA 182-05 Destefano Lot 1

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 2, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0049-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 22)

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with greater forest clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received supplemental information and revised site plans for this variance case on April 7, 2005 April 22, 2005 and April 27, 2005.

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

- 1) Because the proposed area of disturbance exceeds the threshold of 5,000 square feet, stormwater management must be provided for development of the lot. As reported in the variance application, the lot has clay-rich soils (Shadyoak, SoA), which prevent implementation of stormwater infiltration practices on the site. For this reason, structural stormwater best management practices are proposed for this site, including pretreatment trenches and an outfall to Canal Lane.
- 2) The applicant proposes to clear greater than the maximum limit of 6,534 square feet for a grandfathered lot of less than one half acre to construct a dwelling and facilities (Anne Arundel County Zoning Ordinance Article 28, 1A-105(i)). The lot is fully forested and the applicant proposes 2,449 square feet or 15.6 percent impervious surface coverage. In addition, the implementation of structural stormwater management practices results in a

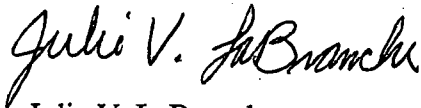
Lori Rhodes
Variance 2005-0049-V Gina Destefano
(Tax Map 46, Parcel 273, Lot 22)
May 2, 2005
Page 2

substantial increase in the amount of clearing necessary for development of the lot. Based on the most recent site plan, it appears that the applicant has attempted to minimize the amount of clearing necessary for the stormwater management facilities and has proposed reforestation on the site.

- 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; however, mitigation alternatives will need to be addressed.

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

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Vernon Husted (Sigma Engineering)

AA 183-05 Destefano Lot 22

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 2, 2005

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

Re: Variance 2005-0158-V Perry Huntley

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.

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

- 1) Our records indicate that this property was the subject of a previous variance, Case No. 2003-0431-V. In his decision, the Hearing Officer granted a variance to permit a dwelling 73 feet from mean high water.
- 2) The applicant proposes to remove the existing dwelling, which is located 83 feet from mean high water, and to construct a new dwelling 69 feet from mean high water. As compared with the site plan for the previous variance, the current proposal includes a porch and deck on the waterside of the dwelling. Although the current proposal will result in an overall decrease of 966 square feet of impervious surface coverage, it appears that the impervious surface coverage will increase within the Buffer. We recommend that the applicant consider alternatives to minimize impervious surface coverage in the Buffer.

Ramona Plociennik
Variance 2005-0158-V Perry Huntley
May 2, 2005
Page 2

- 3) Mitigation, at a ratio of 2:1 for newly developed impervious surfaces within the Buffer and 1:1 for newly developed impervious surfaces outside the Buffer, should be required (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer and accommodated elsewhere on the site if necessary.
- 4) 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

cc: Richard Sellars (Magothy Environmental Services, Inc.)

AA 283-05 Huntley

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 2, 2005

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

Re: Variance 2005-0095-V William Frazier

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 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, three sheds, and a concrete patio along the waterfront.

Providing the lot is properly grandfathered, this office does not oppose the variance request. The applicant proposes to remove an existing deck and construct a new deck over an existing brick patio within the Buffer. Mitigation should be required consistent with the Buffer Exemption and Enhancement Program criteria (Anne Arundel County Zoning Ordinance Article 28 §1A-109). Plantings should be accommodated first within 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 272-05 Frazier

Robert L. Ehrlich, Jr.

Governor

Michael S. Steeie

Lt. Governor



Martin G. Madden

Chairman

Ren Serey

Executive Director

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May 2, 2005

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

Re: Variance 2005-0115-V Kathryn Heflin

Dear Ms. Plociennik:

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

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 applicant proposes to construct a second floor addition to the existing one-story dwelling. As stated in the application, no clearing or grading is necessary for construction and the project will not increase the existing impervious surface coverage on the site.
- 2) If required, mitigation should be consistent with the County's Buffer Exemption and Enhancement Program (Anne Arundel County Zoning Ordinance Article 28, §1A-109). Plantings should be used to establish a vegetated Buffer and accommodated elsewhere on the site if necessary.
- 3) Stormwater should be directed to a stable and densely vegetated outfall to provide water quality benefits on the site.

Ramona Plociennik
Variance 2005-0115-V Kathryn Heflin
May 2, 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 280-05 Heflin

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 2, 2005

Ramona Plociennik
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2005-0091-V Daniel and Peggy Veith

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 a previously approved variance (2004-0016-V). The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling and driveway.

This office does not oppose the variance request for an extension in time, providing the conditions of the previous variance are applied to the current 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 67-04 extension

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



Martin G. Madden
Chairman
Ren Serey
Executive Director

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May 2, 2005

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

Re: Variance 2005-0114-V Robert and Patricia Bartlett

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an extension in time for a previously approved variance (Case No. 2004-0037-V). 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 does not oppose the variance request for an extension in time, providing the conditions of the previous variance are applied to the current 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 116-04 Bartlett extension

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

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July 28, 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:

I have recently received revised plans for the referenced subdivision from Sean Callahan of Lane Engineering. I have reviewed the information submitted, and I have the following comments:

1. The plans have been amended and the wetlands are no longer labeled as State tidal wetlands; however, "Critical Area Impervious Surface Allowance" table has not been amended. For Lots 4, 5, 6 and 7, change "State Wetlands" to "Tidal Wetlands." The plat should also include a note that states, "A wetland delineation to differentiate between State and private tidal wetlands has not been performed; therefore, the acreage of the lots may include areas of both State and private tidal wetlands."
2. The applicant's letter states that there are no streams shown on the USGS Quad for Cambridge. Was this verified in the field?
3. The Critical Area Afforestation and Buffer Planting Plan does not include appropriate notes indicating that the 100-foot Buffer shall be naturally vegetated, and that clearing or removal of natural vegetation within the 100-foot Buffer is prohibited. The Buffer Management Plan should also specifically address the protection and management of the nontidal wetlands on Lots 4, 5, 6, and 7.

The following comments pertain to the Critical Area Afforestation and Buffer Planting Plan. As you know, Buffer Management Plans on large residential lots in the Critical Area involve a different type of planting and management plan than what would typically be used to plant "forests" for timber or wildlife habitat. My comments are based on technical guidance


promulgated by the Commission as well as the Commission's experience with "establishing the Buffer" on other sites. The following issues still need to be addressed:

4. The "Afforestation and Buffer Planting Proposal" document seems somewhat vague with regard to planting criteria, planting methods, and weed control. Buffer Management Plans should clearly describe how the plan is to be implemented and the required maintenance for a minimum of two years. Standards for staking, mulching, fertilizing, watering, and controlling weeds should be addressed in specific terms. The Plan should include minimum survival standards and the requirement to replant if necessary to achieve these standards.
5. The Buffer Planting Detail indicates an area of the Buffer that is to be planted with two deciduous trees and a "grass and wildflower" mix. This type of planting is not appropriate for establishing the 100-Buffer on a privately-owned residential lot because it will most likely be converted to grass lawn. The plan may include a "view consideration area" that may be located to allow views from the dwelling. In addition to canopy trees, this area can be densely planted with low growing shrubs and herbaceous plants and mulched; however, this area should not exceed 20 to 30 feet in width. It cannot consist of maintained turf grass. If a view consideration area is proposed, other portions of the Buffer must be fully established with canopy trees, understory trees, and shrubs.
6. On Lots 6 through 9, the number of canopy trees needs to be increased. In general, there should be approximately one canopy tree for every 400 square feet of Buffer that is not planted with evergreen tree seedlings. This would equate to 40 canopy trees on Lot 6, 35 canopy trees on Lot 7, 34 canopy trees on Lot 8, and 28 canopy trees on Lot 9.
7. On Lots 6 through 9, the number of understory trees needs to be increased. In general, there should be approximately two understory trees for every 400 square feet of Buffer that is not planted with evergreen tree seedlings. If seedlings are proposed to be used for the understory trees, then the number of seedlings needs to be increased to account for an anticipated mortality rate of 30 %.
8. It is not clear what type of plant material (seedling, bare root, container, etc.) is proposed to be used for the shrubs. Based on the "cost per plant installed" shown in the table, it appears that some of the shrubs may be seedlings. If less than one-gallon shrubs are proposed to be used, because that size is not available, then the quantity of shrubs must be increased.
9. On all of the lots, larger stock should be used for at least half of the proposed planting. The planting location is the back-yard of a residential lot that will be maintained by a private landowner and actively used. In the Commission's experience, the use of larger stock contributes to more successful establishment of the Buffer because it provides a more finished and aesthetically pleasing appearance, it is more difficult to mow down or remove, it is more easily mulched and competition with weeds and invasives is reduced.

Mr. Dodd
July 28, 2005
Page 3

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

cc: Sean Callahan, Lane Engineering

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 28, 2005

Mr. Marc Anderson
Graham Landscape Architecture
229 Prince George Street
Annapolis, Maryland 21401-1631

**RE: Miles Point – St. Michaels
Wildlife and Habitat Issues Related to the Critical Area Buffer Management
Plan**

Dear Mr. Anderson:

As you requested, I am writing to provide preliminary comments on the Buffer Management Plan and supporting information transmitted electronically to our office on Friday, July 22, 2005. Commission staff was able to meet with John Moulis, and the following comments represent the results of our discussion. I believe that we are getting close to a workable solution that balances the property owner's desire to provide diverse habitats with the requirement in the Critical Area law and criteria to provide a naturally vegetated Buffer.

1. The Table states that one tree is equivalent to four shrubs under Critical Area Commission guidelines. The source of this statement is incorrect; trees cannot be converted to shrubs. Using the Commission's general planting guidelines of one canopy tree and an even mix of either two understory trees or three shrubs for every 400 square feet of Buffer, the planting would consist of 259 canopy trees, 260 understory trees and 390 shrubs. Although, it is acknowledged that this stocking may not be appropriate for this site, additional trees are needed.
2. It is not clear in the Table how many canopy trees and how many understory trees are proposed to be planted. It appears that the quantity of canopy trees and understory trees needs to be increased to more closely match the Commission's planting guidelines for the forested portions of the Buffer and setback area.
3. Shrub corridors should be expanded in width to approximately 50 feet wide. Within the corridor, there should be a mix of deciduous and evergreen species with a meandering center core of higher and denser growing species. Groupings of taller

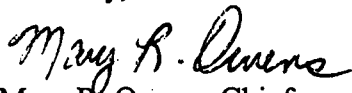
species would also provide habitat diversity. Lower growing, flowering shrubs such as Virginia Sweetspire and Smooth Hydrangea along the edge would enhance the aesthetics of this area.

4. A more detailed planting plan will be needed for the proposed "clumps" of trees and shrub corridors. A random or natural layout is needed rather than a manicured arrangement of the shrubs and trees.
5. The plan should indicate a gradual transition between the clumps of trees and the shrub corridors, possibly through the use of taller shrubs or more understory trees. The design should imitate the "soft" edge structure that naturally occurs in the transition zone between a meadow and a forest.
6. Planting stock size and spacing should be provided.
7. Planting rates for the seed mixes should be provided.
8. Additional species should be added to the warm season grass mix. Species suitable for consideration include the following moderately tall grasses: Bushy bluestem (*Andropogon glomeratus*), Canada wild rye (*Elymus Canadensis*), Side oats grama (*Bouteloua curtipendula*), Deer tongue (*Dicanthelium clandestinum*), and Purple top (*Tridens flavus*).
9. Broadleaf flowering perennial forbs, legumes, and wildflowers should also be added to the meadow planting mix to enhance these areas. Generally, ¼ to ½ pound PLS per acre of a native forb/legume/wildflower mixture enhances the wildlife value of meadow plantings tremendously.
10. Long-term monitoring/maintenance plans should be provided for each area.
11. The proposed public pathway developed by the Town and Commission staff (and provided to Gene Slear) should be shown on the Buffer Management Plan, so that the view corridors specific to this Plan can be designed to align with the path.
12. The plan should include some means of marking the meandering 150-foot floating setback with signage marking "habitat enhancement" areas. Bluebird boxes, fencing or educational signage could also be used to define the area.
13. The monitoring / maintenance plans should include a strategy for the control of invasive or nuisance species that are already present or expected on-site such as Canada thistle, Johnsongrass, Phragmites, Multiflora rose, and Autumn olive. Soil disturbance (and eliminating the constant management of soybean cultivation) will enable these species to spread throughout the site.

Mr. Anderson
July 27, 2005
Page 3

Thank you for the opportunity to provide comments on the draft plan. If you would like to discuss these comments prior to the meeting scheduled for August 2, 2005, please contact me at (410) 260-3480 or LeeAnne Chandler at (410) 260-3477.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mark Burchick, ESA
Kevin Kelly, ESA
Gene Slear, Environmental Concern

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 27, 2005

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

**RE: DC 877-03 Chrabitat @ Sunset Farm, Lots A through E
Dorchester County Project #622 D**

Dear Mr. Dodd:

Thank you for providing the revised subdivision plan for the Chrabitat @ Sunset Farm Subdivision, dated May 2005. The plans submitted show the 20' community access extending from Sunset Court along the northern edge of Lot B, crossing Lot C and then following the northern boundary of Lot C to the water. In January 2004, the Commission received a letter from the Wildlife and Heritage Service advising the applicant that there are records of Delmarva Fox Squirrel. I have reviewed this information, previous letters from Commission staff, and the revised plans, and I have the following comments:

1. The Impervious Surface Area Table has been revised, and it appears that the overall impervious surface limits for the subdivision and the limits for each lot have been addressed. It is my understanding, based on the information presented in the Table, that the community access will not be developed with any impervious surfaces.
2. The plat must state how much forest cover is located in the Critical Area portions of the site and must include clearing limits. It seems likely that clearing will take place within the Critical Area on Lots A, D, and E. Where will the reforestation areas be located? They should be shown on the plans. It is strongly recommended that specific clearing limits be provided for these lots. On sheet 2, afforestation areas are indicated for Lots B and C. Afforestation and reforestation requirements on all of the lots may be partially satisfied by the requirement to establish the 100-foot Buffer, so the applicant may want to revise the proposed afforestation areas.

3. The Wildlife and Heritage Service (WHS) has reported the presence of Delmarva Fox Squirrel on or in the vicinity of this site. This is both a federal and State-listed endangered species. The plans indicate that clearing of existing forest will take place on Lots A, D, and E; however, no proposed home sites have been shown. WHS has provided comments pertaining to the forested portions of the property; however, it does not appear that they have been addressed.
4. Because the Delmarva Fox Squirrel is a federally-listed endangered species, the U.S. Fish and Wildlife Service (USFWS) may also comment on the project. It is not clear whether the applicant has coordinated with the USFWS regarding the Delmarva Fox Squirrel. Please provide a copy of the USFWS review comments prior to issuing any approvals for the project.
5. Information on soil types and their locations is not shown on the plat. Hydric soils may indicate that there are additional nontidal wetlands on the site.
6. A non-tidal wetland (pond) is shown on the plans; however, it is not clear if wetlands have been field verified and delineated. Wherever necessary, the 100-foot Critical Area Buffer may need to be expanded for contiguous nontidal wetlands.
7. This subdivision represents a change in use from agricultural to single-family residential; development; therefore, the 100-foot Buffer must now be fully established in natural vegetation. If it is not the intent of the applicant to provide the necessary Buffer plantings, the plat must clearly indicate graphically and with appropriate notes that the responsibility for establishing the Buffer will be transferred to the lot owners and will be required at the building permit stage.
8. A determination must be made as to whether the 1988 timber harvest contract complied with any reforestation conditions in the approved timber harvest plan for this property. If this parcel was required to naturally regenerate, the plat must include a note that designates all areas except for the future home sites as regeneration areas that may not be disturbed.
9. It appears that the Shared Sewage Disposal Facility will serve Lots A through E. This information must be stated on the plan, and the proposed connections should be shown on the plan. If additional clearing will be required to connect the dwellings to the Facility, this should be indicated in the reforestation calculations.
10. If a community pier and/or boat ramp are proposed at the end of the community access lane, this information must be shown on the plat. Otherwise, a note must be provided which states that if a community pier is constructed, then individual private piers will be prohibited.
11. The plans indicate that the rooftop disconnect shall be applied for each lot to treat stormwater. The minimum 75-foot "disconnection" filter strip should not be located within the 100-foot Buffer. It is not clear how stormwater for Sunset Court will be addressed.

Mr. Dodd
July 27, 2005
Page 3

Thank you for the opportunity to provide comments on the latest plan for this subdivision. Please provide revised plans when these comments have been addressed. If the applicant needs assistance in addressing these comments, he may 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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July 26, 2005

Mr. Joseph Johnson
Cecil County Government
Office of Planning and Zoning
129 East Main Street, Room 300
Elkton, Maryland 21921

**RE: CE 497-05 William Hoffman
Cecil County Project No. 3160**

Dear Mr. Johnson:

Thank you for providing information on the referenced project. The applicant is requesting approval of a rear yard setback variance. The requested variance does not affect compliance with the Local Critical Area Program and regulations; therefore, the Commission has no comments. Thank you for the opportunity to provide comments on this variance request. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Divisions

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 25, 2005

Ms. Anne Roane
City of Cambridge Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

RE: Blackwater Crossing Growth Allocation

Dear Ms. Roane:

I have recently received a copy of a letter from the Department of Natural Resources (DNR) Heritage Division regarding the referenced growth allocation request and a letter from Kenneth Usab of Morris and Ritchie addressing DNR's concerns. Commission staff has determined that the growth allocation submittal is complete, and it is accepted for processing. In earlier correspondence, I indicated that establishment of the Buffer and stormwater management were discussed by the Program Subcommittee during their preliminary review of the proposal in February, 2005. The consultants should be prepared to address these aspects of the growth allocation request as part of the Commission's formal review of the project.

In addition, the letter from Mr. Usab indicates that the project includes restoration of the stream on the site and proposes Buffer enhancement, restoration of the existing stream channel, and wetland creation. Because these activities will affect the delineation and establishment of the Buffer, the consultant should provide additional information about this part of the project to the Commission as soon as possible, so that it can be included in materials prepared for review by the Commission.

The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission. Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

cc: Ryan D. Showalter, Miles and Stockbridge
Ken Usab, Morris and Ritchie Associates, Inc.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 21, 2005

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

**RE: DC 475-04 Barbara Murphy Hale One Lot Subdivision
Dorchester County Plan # 1052**

Dear Mr. Dodd:

I have reviewed the revised plan for the referenced project and discussed some of these issues with Robert Hughes of C&R Professional Land Surveyors. Based on the information I have at this time, the following issues still need to be addressed:

1. The 8.00 acres identified as "Reserved Lands" should be labeled "Density Reservation Lands," so that it is clear that this area has been platted to meet the density requirements of Lot 1.
2. Information provided from the Heritage Division of the Department of Natural Resources indicates that this site may provide habitat for the endangered Delmarva Fox Squirrel. Revise Note 20 to read, "Forested areas on this site may provide habitat for the Delmarva Fox Squirrel, an endangered species; therefore, any clearing may require additional review and approvals by the County, the Department of Natural Resources and the U.S. Fish and Wildlife Service. These agencies shall be contacted prior to any clearing."
3. I have not yet received any information from Ron Gatton regarding the field delineation used to determine the boundary between State and private tidal wetlands. This information is needed because State tidal wetlands should not be included within the boundaries of any newly subdivided, 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. I have not yet received any information from Ron Gatton regarding the field delineation of the nontidal wetlands and the expansion of the 100-foot Buffer. His report should also

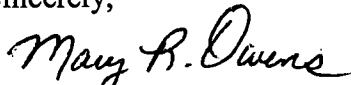
Mr. Dodd
July 21, 2005
Page 2

address whether expansion of the Buffer for hydric soils was considered and determined not to be necessary on this site.

5. It is my understanding that this subdivision creates Lot 1, and the creation of Lot 1 involves a change in use from agriculture to residential use. The applicant is required to establish the 100-foot Buffer in natural vegetation. Based on the information in Note 26, a Buffer Management Plan has been recorded in the Land Records of Dorchester County in MLB 607/389. The 100-Buffer delineation has been amended; therefore, the Buffer Management Plan may need to be revised. Please provide a copy of the Buffer Management Plan.
6. Note 19 should be revised to read, "In accordance with §155-38 of the Dorchester County Code, impervious surface area on Lot 1 is limited to 15% of the lot."

If you have any questions about these comments, 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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July 20, 2005

Mr. Ryan Doran
State Highway Administration
Highway Hydraulics Division
707 North Calvert Street
Baltimore, Maryland 21202

RE: MD 234 at MD 238 Geometric Improvements

Dear Mr. Doran:

I am writing in response to the additional information you submitted on the referenced MD 234 at MD 238 Geometric Improvements Project. I have reviewed the plans submitted and the additional information you provided regarding the Buffer impacts associated with minor drainage improvements, compliance with the 10% pollutant reduction requirement, and reforestation for clearing associated with the construction of the stormwater treatment practice. Based on my review, this project does not require formal Critical Area Commission approval because it meets the requirements of the Commission's Memorandum of Understanding with the Maryland Department of Transportation.

If any substantive changes to the plans are proposed, revised plans should be submitted for review. The reforestation plan should also be submitted to the Commission for review and comment when it has been developed.

If you have any questions about the Commission's review of this project, 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 Division

cc: Angela Willis, SHA

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 19, 2005

Mr. Bob Cadwallader
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

Ms. Wanda Cole
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Bill Laramore/Layton Farm Buffer Violation (Tax Map 66, Block 10, Parcel 16)

Dear Mr. Cadwallader and Ms. Cole:

I am writing to follow up on our site visit last week to the Bill Laramore Property, which is the site of a violation that took place this spring. The violation involved bush-hogging and the removal of natural vegetation within the 100-foot Buffer. As we discussed, this violation is serious because portions of the Buffer that were cleared were part of the Mill Creek Natural Heritage Area and the clearing was quite extensive. As stated in your letter dated April 28, 2005, the County requires 3:1 mitigation for Buffer disturbance.

Based on our conversation with Jim Newcomb of the Dorchester County Soil Conservation District, the property is currently in agricultural use, and the property owner has a valid Soil Conservation and Water Quality Plan on file. Because of this existing Plan, I believe that it may be necessary to use a different approach to addressing the County's mitigation requirement.

As we discussed in the field, I would recommend that the County have the applicant develop a Buffer Management Plan for the "25-foot Agricultural Buffer," and in addition provide 2:1 mitigation (for the area cleared) in the form of off-site plantings or fees-in-lieu. The Buffer Management Plan for the site could incorporate the remaining trees and shrubs; however, supplemental planting of trees and shrubs should be required as the remaining vegetation is not sufficient to perform the functions of the Buffer set forth in the State criteria.

Mr. Cadwallader and Ms. Cole

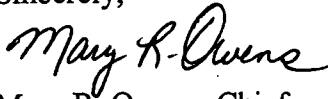
July 19, 2005

Page 2

The additional planting will serve to establish a Buffer that is 25-feet wide, provide structural diversity, and enhance the habitat value of the area by increasing species diversity. I do not believe that simply allowing natural regeneration to take place will adequately mitigate for this violation as it will take many years before vegetation is established. Requiring supplemental planting will clearly identify the extent of the "25-foot Agricultural Buffer," and may help to avoid future problems on this site. The County may also want to require signage, stakes or flagging to ensure that anyone working on the property knows the extent of the "25-foot Agricultural Buffer" and that disturbance of natural vegetation is prohibited in that area.

I appreciate the opportunity to work with the County on the mitigation for this violation and would like to continue to coordinate with Scott Smith of the Heritage Division of the Department of Natural Resources. As you suggested, I have requested information about appropriate plant species for the site, and I will pass on his recommendations. If you have any questions, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Tracey Gordy, MDP
Marianne Mason, Office of the Attorney General
Scott Smith, DNR

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/

July 19, 2005

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 466-05 Historic St. Mary's City Commission
BLAP # 05-141-047**

Dear Ms. Veith:

Thank you for providing a copy of the boundary line adjustment plat. I have reviewed the plat, and I have the following comments:

1. It is my understanding that the purpose of this plat is to adjust the boundary of Parcel 27 to include a sewage disposal area proposed on Parcel 57. Most of Parcel 27 is designated Resource Conservation Area (RCA), and it appears that there are two dwellings located within the RCA. It is my understanding that one of the dwellings is quite old and is being renovated. It is not clear from the information submitted if both of the dwellings are considered to be "grandfathered." This should be verified in order to ensure that the allowable density of Parcel 27 is not exceeded.
2. The plan indicates that both Parcel 27 and Parcel 57 are zoned commercial. Based on the maps provided to the Commission by the County, this is incorrect. Please verify the zoning of these properties.
3. It is not clear how the sewage disposal area will be connected to the dwelling. If clearing or grading is proposed, there may be additional Critical Area requirements, and additional information may be required.
4. There appears to be a tributary stream located between the two dwellings on Parcel 27. If this is a stream, the 100-foot Buffer and any expansion for contiguous steep slopes should be shown on the plan.

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 Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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July 18, 2005

Mr. Jim McGuire
St. Mary's College
Office of Facilities
18952 E. Fisher Road
St. Mary's City, Maryland 20686

RE: Cobb House Parking Lot

The purpose of this letter is to follow up on our recent telephone conversation regarding the planting for the Cobb House Parking Lot. The planting is proposed as an offset for compliance with the 10% pollutant reduction requirement. Based on calculations performed by Commission staff, the removal requirement was calculated to be .076 pounds per year. At a rate of 0.5 acres of planting for each pound of phosphorus, the required planting is .038 acres or 1655 square feet.

To satisfy this requirement, plantings may consist of either 17 trees or 10 trees and 14 shrubs. The trees should be native species, balled and burlapped stock, and approximately 6 feet tall. The shrubs should be native species and 3-gallon container stock. If possible, the plantings should be located near the Cobb House Parking Lot.

If you have any additional questions about the planting, 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 Division

May - Reader

Robert L. Ehrlich, Jr.
Governor



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July 18, 2005

Ms. Anne Roane
City of Cambridge
Planning and Zoning
705 Leonard Lane
Cambridge, Maryland 21613

**RE: Blackwater Resort Communities – Egypt Road
CM 839-04**

Dear Ms. Roane:

Thank you for your request for comments on the referenced project and growth allocation request. As you know, the Program Subcommittee briefly discussed this growth allocation request on February 2, 2005. This letter includes some of the comments raised during that review as well as comments identified by staff.

Environmental Features

1. An environmental features map has not been submitted to the Commission for review. Much of the information that is usually included on an environmental features map has been shown on various display documents as an overlay on an aerial photograph. The environmental features map is still needed in order to see the relationship between these features on a single map.
2. There are extensive areas of hydric soils on the project site. Soil types must be shown on the environmental features map, so that it can be verified that all areas have been identified and the relationship between nontidal wetlands and streams can be evaluated. This information is necessary so that expansion of the 100-foot Buffer for hydric soils can be addressed.
3. It is my understanding that the applicant has prepared an environmental report; however, the Commission has not reviewed the report. There may be additional comments following the Commission's review of this information.

Tidal Wetlands

4. The eastern property boundary of the project site includes areas of tidal wetlands. A field delineation must be used to determine the exact boundary of tidal wetlands and the boundary must be surveyed, so that the acreage of the property and the 100-foot Buffer can be accurately delineated. If there are nontidal wetlands adjacent to the Buffer, the Buffer must be expanded to include them.
5. A field delineation is also necessary to distinguish between State and private tidal wetlands. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area. If portions of the project site have been determined to be private tidal wetlands, documentation regarding how this determination was made must be submitted, so that the Maryland Department of the Environment and the Board of Public Works can verify the methodology used. It is possible that they may want to verify the delineation and supporting information in the field, so appropriate detail should be provided. The acreage of State and private tidal wetlands affects all of the calculations based on the acreage of the property, including those relating to growth allocation, stormwater management, and the area of the 100-foot Buffer; therefore, this information is necessary to properly review the project.
6. Portions of the fairways for Holes 7, 9, and 18 appear to involve impacts to tidal wetlands and the 100-foot Buffer. Please provide detailed information about all impacts to tidal wetlands and the 100-foot Buffer associated with the golf course.

100-foot Buffer and Other Habitat Protection Areas

7. The applicant must provide written correspondence from the Heritage Division of the Department of Natural Resources for this specific project. The applicant has submitted a letter from the Heritage Division referencing the "Environmental Review for Comprehensive Plan Amendment, Egypt Road, Dorchester County, Maryland" dated November 14, 2003; however, this letter was not based on the specific project proposal currently being reviewed. It is likely that the Heritage Division will be able to provide more specific comments on the project now.
8. The project site is adjacent to and includes portions of the Little Blackwater Natural Heritage Area. The conservation of Natural Heritage Areas in the Critical Area is specifically addressed in the Critical Area Criteria. These areas are required to be protected from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas area maintained. The proposed golf course is located directly adjacent to the Natural Heritage Area; therefore, additional information is needed regarding what protection measures will be implemented.
9. The applicants must provide written correspondence from the United States Fish and Wildlife Service (USFWS) for this specific project because a federally listed endangered species, the Delmarva Fox Squirrel, is known to occur on or in the immediate vicinity of

the property. It is my understanding that the applicant has consulted with the USFWS; however, written comments have not been received by the Commission.

10. It is my understanding that portions of the proposed Executive Conference Center are proposed to be located within the 100-foot Buffer in the same location as an existing dwelling. Additional detail is needed regarding the existing structures in the Buffer and whether they will be expanded or modified in a way that may result in additional Buffer impacts, possibly requiring a variance.
11. It is my understanding that there are several watercourses on the property and that a stream identification and delineation was performed last year. Based on the field work, six of the watercourses were identified as streams and the 100-foot Buffer was delineated. A summary of the field work should be included in the Environmental Report.
12. It is my understanding that some of the streams have been straightened and excavated to function as drainage ditches. Based on information provided by the applicants' consultants at the February presentation to the Subcommittee, some of these streams are proposed to be reconfigured and restored as stream/wetland systems. This restoration activity is encouraged; however, the restoration will affect the establishment of the 100-foot Buffer. The Buffer shall be established from the edge of the bank of tributary streams and must be expanded to include contiguous nontidal wetlands.
13. A Buffer Management Plan for the 100-foot Buffer from tidal wetlands, tidal waters, and tributary streams will need to be prepared and submitted for this project in accordance with the provisions in the Critical area law that require establishment of the 100-foot Buffer. A conceptual plan should be submitted with the growth allocation application.

Reforestation

14. The use of growth allocation is proposed to change significant portions of the project site in the Critical Area from RCA to IDA, and this classification does not include specific afforestation or reforestation standards. In the IDA, permeable areas shall be established in vegetation if practicable, and development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation. Additional information is needed regarding existing forest cover, proposed clearing, and proposed reforestation and afforestation for the proposed IDA portions of the project site.
15. Extensive areas of the project site are proposed to remain RCA. Within the RCA, forest clearing is limited to no more than 30 percent of the existing forest cover, and reforestation is required. If the existing forest cover on the RCA portion of the site is less than 15 percent, then afforestation is required. Additional information is needed regarding existing forest cover, proposed clearing, and proposed reforestation and afforestation for the proposed IDA portions of the project site.

Shoreline Access

16. It is not clear from the information submitted what types of shoreline access are proposed and where they will be located. The "Preliminary Master Plan Development Submission" (book) discusses three access points to the Little Blackwater River, but only two seem to be identified. One access is proposed to be located at the public park in the middle of the project site, and a second is proposed adjacent to the executive conference facilities. These access points should be shown on the plan and additional details provided.

Stormwater Management

17. The applicant has not provided information about stormwater management. Additional information is needed to ensure compliance with the 10% pollutant reduction requirement within the proposed IDA areas of the site. Preliminary information regarding stormwater management will be required prior to the Commission's consideration of the growth allocation request.

Golf Course

18. As you know, over the last several months, the Program Subcommittee of the Critical Area Commission has been discussing and evaluating the development of golf courses in the RCA without the use of growth allocation. It is likely that the Commission will move forward with the adoption of standards and recommendations regarding this issue at their meeting on August 3, 2005. This may affect the Blackwater Resort Communities Project because the current proposal does not propose to use growth allocation for the entire developed area of the golf course. It is likely that there will be additional comments on this issue after the Commission takes action.

Growth Allocation and Development Envelopes

19. The information submitted indicates that the project includes an area of retail and service businesses. Additional detail is needed. How many square feet of commercial development is proposed? How much parking will be associated with this element of the project?
20. The information submitted indicates that the project includes 13 different neighborhood recreation centers. Please provide additional detail about these centers and indicate where they are located.
21. The applicant has submitted a plan entitled "Critical Area Growth Allocation – Environmental Features - Exhibit C" which shows two potential development envelope alternatives where the Critical Area designation will be changed through the use of growth allocation. The configuration of portions of the development envelopes shown appear to be inconsistent with the provisions of the City of Cambridge Zoning Ordinance and the Critical Area Commission's Growth Allocation Policy adopted February 3, 1993 and amended October 4, 1995. The Policy states that, "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 recreational area, and any additional acreage needed to meet the development requirements of the criteria. The 'required buffers,' in this instance refer to

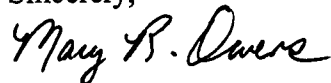
Ms. Roane
July 18, 2005
Page 5

the minimum 100' Buffer and the 25' nontidal wetlands buffer. Only one development envelope shall be established per parcel of land." Throughout the project, portions of the 100-foot Buffer for tributary streams and along the Little Blackwater River are excluded from the development envelope where there is residential and commercial development directly adjacent to it. It is recommended that the applicant coordinate with Commission staff regarding the configuration of the development envelope.

22. It is not clear from the information submitted if the proposed growth allocation request has met all of the requirements for the use of growth allocation set forth in the City's Zoning Ordinance including those relating to the number of development envelopes per parcel, adjacency to other IDA and LDA, and the parcel history. Please provide additional information about conformance with the City's growth allocation provisions.

The preceding comments represent the review and evaluation of the project plans and documents by Commission staff. I look forward to working with you and the Planning Commission to address these comments prior to local approval of the project and growth allocation request. 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 at this stage in the design. Please contact me if you have any questions at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: The Honorable Glenn Bramble, President - Dorchester County Council
Steve Dodd, Dorchester County
Roby Hurley, MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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July 14, 2005

Mr. Robert W. Simkins, P.E.
Becker Morgan Group
Port Exchange, Suite 300
312 West Main Street
Salisbury, Maryland, 21801

RE: Wellington Cove, Crisfield

Dear Mr. Simkins:

I am writing in response to your letter regarding the referenced property, identified as Parcel 370, Lot A, on Tax Map 101 and located on the east side of Wellington Road. I have reviewed the Critical Area Maps for Crisfield, and the property is located within the City of Crisfield's Chesapeake Bay Exclusion Area. I have attached a copy of the portion of the map that shows the site.

If you have any questions, please do not hesitate to contact me at (410) 260-3480.

Sincerely,

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

Mary Owens, Chief
Program Implementation Division

cc: Tracey Gordy, MDP
Kerrie Gallo

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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July 13, 2005

Mr. Stan Causey
Wetlands and Waterways Program
Maryland Department of the Environment
407 Race Street
Cambridge, Maryland 21613

**RE: 200562492/ 05-WL-1260
UMCES at Horn Point Laboratory**

Dear Mr. Causey:

I have reviewed the Joint Public Notice that includes information about the referenced project. Unfortunately, the Commission did not receive a complete package with plans for the project, so my comments at this time are very general. It is likely that the Commission may have additional comments when the plans are reviewed.

It is my understanding that this project involves the construction of a structure on a pier over tidal wetlands; therefore, the project must comply with the provisions of § 8-1808.4 of the Natural Resources Article of the Annotated Code of Maryland (Structures on piers). Based on information presented by the representatives from the University of Maryland at a Joint Evaluation meeting earlier this year, the proposed project is a water-dependent facility. As a State project on State-owned land, COMAR 27.02.05 will also apply. Specific provisions for water-dependent facilities can be found in COMAR 27.02.05.04.

There is not enough information to determine whether portions of the project are not water-dependent or if there are any impacts to the 100-foot Buffer; however, these issues are relevant and will need to be addressed. The Commission can provide guidance regarding these issues during the design phase.

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

May - Reader

Robert L. Ehrlich, Jr.
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July 13, 2005

The Honorable James L. Eberhardt
Town of Perryville
P.O. Box 773
Perryville, Maryland 21903-0513

RE: Comprehensive Review of the Perryville Critical Area Program

Dear Mayor Eberhardt:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the comprehensive review of Perryville's Critical Area Program. On July 6, 2005, the Commission approved the comprehensive review with the following conditions:

Condition 1 Page 10 Section 9 Definitions of Basic Terms

Add the definition of Dwelling Unit-Critical Area as follows.

A DWELLING UNIT IS A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES FOR AT LEAST ONE PERSON INCLUDING PERMANENT PROVISIONS FOR SANITATION, COOKING, EATING, SLEEPING, AND OTHER ACTIVITIES ROUTINELY ASSOCIATED WITH DAILY LIFE. DWELLING UNIT INCLUDES A LIVING QUARTERS FOR A DOMESTIC OR OTHER EMPLOYEE OR TENANT, AN IN-LAW OR ACCESSORY APARTMENT, A GUEST HOUSE, OR CARETAKER RESIDENCE.

Condition 2 Page 87 Section 118 Implementation of the Critical Area Provisions

Add language for notification of State and Local Projects.

- 5. STATE AND LOCAL PROJECTS. FOR ALL DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROJECTS, THE TOWN SHALL ADHERE TO COMAR 27.02.02, COMAR 27.02.04 AND COMAR 27.02.06. IF APPLICABLE, CONSISTENCY REPORTS SHALL BE SUBMITTED TO THE CRITICAL AREA COMMISSION.**

Condition 3 Page 101 Section 124 Growth Allocation

Add the introductory sentence to #5 Deduction Methodology

5. Deduction methodology. **THE FOLLOWING STANDARDS SHALL BE USED TO DETERMINE THE AREA OF GROWTH ALLOCATION TO BE DEDUCTED WHEN THE DESIGNATION OF A PARCEL OR A PORTION OF A PARCEL IS CHANGED THROUGH THE GROWTH ALLOCATION PROCESS.**

Condition 4 Page 104-105 Section 127 Variances

Add additional language and the definition of unwarranted hardship to variance standards.

1. Applicability. The Town has established provisions where, owing to special features of a site or other circumstances, implementation of this program or a literal enforcement of provisions within the program would result in unwarranted hardship to the applicant, a Critical Area variance may be requested. In considering an application for a variance, the Town shall presume that the specific development activity in the Critical area, that is subject to the application and for which a variance is required, does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the Town's Critical Area Program. **THE APPLICANT HAS THE BURDEN OF PROOF AND THE BURDEN OF PERSUASION TO OVERCOME THE PRESUMPTION OF NONCONFORMANCE ESTABLISHED ABOVE.**
2. Standards. The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met.
 - a. Special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of provisions and requirements of the Town's Critical Area program would result in unwarranted hardship. **UNWARRANTED HARDSHIP MEANS THAT, WITHOUT A VARIANCE, AN APPLICANT WOULD BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED.**
 - d. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, **INCLUDING THE COMMENCEMENT OF DEVELOPMENT ACTIVITY BEFORE AN APPLICATION FOR A VARIANCE HAS BEEN FILED**, nor does the request arise from any condition relating to land or building use, either permitted or on-conforming on any neighboring property.

Condition 5 Page 112 Section 131 Shore Erosion Protection Works

Add language to replant impacted areas within the Buffer associated with shore erosion control project.

- (3) FOR SHORE EROSION CONTROL PROJECTS THAT INVOLVE CLEARING OF NATURAL VEGETATION WITHIN THE BUFFER, APPLICANTS SHALL BE REQUIRED TO REESTABLISH THE IMPACTED AREAS OF THE BUFFER.**

Condition 6 Page 121 Section 138 The 100-foot Buffer

Add standards for timber harvesting within the Buffer.

(E) BUFFER PROTECTION STANDARDS FOR TIMBER HARVESTS. THE BUFFER SHALL BE MANAGED TO ACHIEVE OR TO ENHANCE THE BUFFER FUNCTIONS SET FORTH IN THE BUFFER SECTION OF THIS ORDINANCE. THE BUFFER IS MEASURED LANDWARD FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS, FROM EACH BANK OF TRIBUTARY STREAMS, AND FROM THE LANDWARD EDGE OF TIDAL WETLANDS.

- 1. WHERE NECESSARY THE BUFFER CAN BE PLANTED TO PROTECT, STABILIZE OR ENHANCE THE SHORELINE.**
- 2. CUTTING OR CLEARING OF TREES WITHIN THE BUFFER IS PROHIBITED EXCEPT FOR THE FOLLOWING: COMMERCIAL HARVESTING BY SELECTION OR CLEARCUTTING OF LOBLOLLY PINE OR TULIP POPLAR IS PERMITTED TO WITHIN 50 FEET OF THE LANDWARD EDGE OF THE MEAN HIGH WATER LINE OF TIDAL RIVERS, PERENNIAL TRIBUTARY STREAMS OR THE EDGE OF WETLANDS, PROVIDED THAT THE CUTTING IS CONDUCTED IN CONFORMITY THE HABITAT PROTECTION AREA PROVISIONS OF THIS ORDINANCE AND WITH A BUFFER MANAGEMENT PLAN THAT IS PREPARED BY A REGISTERED PROFESSIONAL FORESTER AND IS APPROVED BY THE DEPARTMENT OF NATURAL RESOURCES. THE PLAN SHALL BE REQUIRED FOR ALL COMMERCIAL HARVESTS WITHIN THE BUFFER, REGARDLESS OF THE SIZE OF THE AREA TO BE CUT, AND SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:**
 - A. DISTURBANCE TO STREAM BANKS AND SHORELINES SHALL BE AVOIDED;**
 - B. AREAS DISTURBED OR CUT SHALL BE REPLANTED OR ALLOWED TO REGENERATE IN A MANNER THAT ASSURES THE AVAILABILITY OF COVER AND BREEDING SITES FOR WILDLIFE AND RE-ESTABLISHES THE WILDLIFE CORRIDOR FUNCTION OF THE BUFFER;**
 - C. THE CUTTING MAY NOT INVOLVE THE CREATION OF LOGGING**

ROADS AND SKID TRAILS WITHIN THE BUFFER; AND

D. COMMERCIAL HARVESTING PRACTICES SHALL BE CONDUCTED TO PROTECT AND CONSERVE THE HABITAT PROTECTION AREAS IN ACCORDANCE WITH SECTIONS 137 THROUGH SECTION 141 OF THIS CHAPTER.

Condition 7. Page 124 Section 138 The 100-foot Buffer, Special Buffer Area Provisions IDA, LDA and RCA

Under #6.a., Commercial, Industrial, Institutional, Recreational and Multi-family residential Development and Redevelopment Standards, clarify the following mitigation language in paragraph (10)(c)(1).

- a. Commercial, Industrial, Institutional, Recreational and Multi-family residential Development and Redevelopment Standards.
 - 1) Applicants must submit to the Planning Commission two planting proposal cost estimates from qualified landscape businesses for planting the equivalent of **TWICE THE EXTENT OF THE DISTURBED AREA WITHIN THE 100-FOOT BUFFER**. The estimate shall include the cost of stock, planting, staking, mulching and a one-year guarantee.

Condition 8 Page 125 Section 138 The 100-foot Buffer, Special Buffer Area Provisions IDA, LDA and RCA

Under #6.b. Single Family Detached Residential Development and Redevelopment Standards, add the following language after paragraph (3)(b).

- (4) **VARIANCES TO OTHER LOCAL SETBACK REQUIREMENTS SHALL HAVE BEEN CONSIDERED BEFORE ADDITIONAL INTRUSION INTO THE BUFFER.**
- (5) **DEVELOPMENT MAY NOT IMPACT ANY HABITAT PROTECTION AREAS OTHER THAN THE BUFFER, INCLUDING NONTIDAL WETLANDS, OTHER STATE OR FEDERAL PERMITS NOTWITHSTANDING.**
- (6) **NO NATURAL VEGETATION MAY BE REMOVED IN THE BUFFER EXCEPT THAT REQUIRED BY THE PROPOSED CONSTRUCTION. THE APPLICANT WILL BE REQUIRED TO MAINTAIN ANY OTHER EXISTING NATURAL VEGETATION IN THE BUFFER.**
- (7) **MODIFIED BUFFER AREA DESIGNATION SHALL NOT BE USED TO FACILITATE THE FILLING OF NONTIDAL WETLANDS THAT ARE CONTIGUOUS TO THE BUFFER TO CREATE ADDITIONAL BUILDABLE LAND FOR NEW DEVELOPMENT OR REDEVELOPMENT.**
- (8) **MITIGATION FOR DEVELOPMENT OR REDEVELOPMENT IN THE MODIFIED BUFFER AREAS APPROVED UNDER THIS SUBSECTION SHALL BE**

IMPLEMENTED AS FOLLOWS:

- A. NATURAL VEGETATION OF AN AREA TWICE THE EXTENT OF THE FOOTPRINT OF THE DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER SHALL BE PLANTED ON SITE IN THE BUFFER OR OTHER LOCATION AS MAY BE DETERMINED BY THE PLANNING COMMISSION. IF IT IS NOT POSSIBLE TO CARRY OUT OFFSETS OR OTHER MITIGATION WITHIN THE CRITICAL AREA, ANY PLANTINGS OR OTHER HABITAT/WATER QUALITY IMPROVEMENTS SHOULD OCCUR WITHIN THE AFFECTED WATERSHED.**
- B. APPLICANTS WHO CANNOT COMPLY WITH THE PLANTING REQUIREMENTS MAY USE OFFSETS TO MEET THE MITIGATION REQUIREMENTS. OFFSETS MAY INCLUDE THE REMOVAL OF AN EQUIVALENT AREA OF EXISTING IMPERVIOUS SURFACE WITHIN THE BUFFER, THE CONSTRUCTION OF BEST MANAGEMENT PRACTICES FOR STORMWATER, WETLAND CREATION OR RESTORATION, OR OTHER MEASURES THAT IMPROVE WATER QUALITY OR HABITAT.**
- C. APPLICANTS WHO CANNOT COMPLY WITH EITHER THE PLANTING OR OFFSET REQUIREMENTS IN A. AND B. ABOVE SHALL PAY INTO A FEE-IN-LIEU PROGRAM AS FOLLOWS:**
- I) APPLICANTS SHALL SUBMIT TO THE PLANNING COMMISSION TWO COST ESTIMATES FROM QUALIFIED LANDSCAPE BUSINESSES FOR PLANTING THE EQUIVALENT OF AN AREA TWICE THE EXTENT OF THE FOOTPRINT OF THE DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER. THE ESTIMATE SHALL INCLUDE THE COST OF STOCK, PLANTING, STAKING, MULCHING AND A TWO- YEAR SURVIVAL GUARANTEE.**
- II) THE PLANNING COMMISSION SHALL DETERMINE THE AMOUNT OF THE FEE-IN-LIEU BASED ON THE AVERAGE OF THE TWO ESTIMATES.**
- D. ANY REQUIRED MITIGATION OR OFFSET AREAS SHALL BE PROTECTED FROM FUTURE DEVELOPMENT THROUGH AN EASEMENT, DEVELOPMENT AGREEMENT, PLAT NOTES, OR OTHER INSTRUMENT AND RECORDED AMONG THE LAND RECORDS OF CECIL COUNTY.**

Condition 9 Page 132 Section 140 Plant and Wildlife Habitat and Nontidal Wetlands Protection

Under #5 Standards for non-tidal wetlands, add the following language for public notice.

(E) **PUBLIC NOTICE.** THE DETERMINATION OF THE EXISTENCE AND EXTENT OF THESE HABITATS AND PROTECTION AREAS SHALL RESULT FROM A COOPERATIVE EFFORT BETWEEN THE TOWN AND PUBLIC AGENCIES OR PRIVATE ORGANIZATIONS. IF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES DESIGNATES ADDITIONAL SPECIES BY REGULATION IN THE FUTURE, PUBLIC HEARINGS, AS APPROPRIATE, SHALL BE HELD TO CONSIDER COMMENTS ON THESE AREAS AND THE PROTECTION MEASURES PROPOSED FOR THESE SPECIES. THE PROTECTION MEASURES SHALL BE ADOPTED WITHIN 12 MONTHS OF THE DATE OF THE SECRETARY'S DESIGNATION.

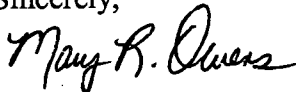
(1) THE ESTABLISHMENT OF HABITAT PROTECTION AREAS SHALL NOT BE INTENDED TO RESTRICT OR AFFECT, BEYOND ANY EXISTING LOCAL, STATE OR FEDERAL LAWS OR REGULATIONS OR ON PRIVATE LAND, ANY PRIVATE RESTRICTIONS, SUCH ACTIVITIES AS NON-COMMERCIAL PASSIVE RECREATION (FOR EXAMPLE, HIKING AND NATURE PHOTOGRAPHY), EDUCATIONAL PURSUITS, SCIENTIFIC OBSERVATION, OR NON-COMMERCIAL HUNTING, TRAPPING OR FISHING.

(2) DEVELOPMENT ACTIVITIES IN AREAS OF THREATENED OR ENDANGERED SPECIES IN NEED OF CONSERVATION MAY BE SUBJECT TO OTHER PROVISIONS AND REQUIREMENTS OF THIS PROGRAM.

The Commission also approved new Critical Area Maps for the Town, as well as, the designation of a new Special Buffer Area. The new Special Buffer Area includes a piped and somewhat degraded stretch of Canning House Run, which lies in the right-of-way of the BG&E high voltage power line.

The changes resulting from this comprehensive review shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please provide a signed copy of the final Critical Area Maps and a copy of the Perryville Zoning Ordinance when they are available. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Mary Ann Skilling, MDP

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**

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

July 13, 2005

The Honorable Gerald Donovan
Town of Chesapeake Beach
P. O. Box 400
Chesapeake Beach, Maryland 20732

**RE: Chesapeake Beach Ordinances O-05-3, O-05-4, and O-05-5
Adoption of 2004 Legislation**

Dear Mayor Donovan:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on Chesapeake Beach Ordinances O-05-3, O-05-4, and O-05-5, which amend various provisions of the Town Charter and Zoning Code in order to address the changes to the Critical Area Law made by the General Assembly in 2004. On July 6, 2005, the Critical Area Commission concurred with the Chairman's determination to approve these ordinances as a refinement to the County's Critical Area Program.

These changes shall be officially incorporated into the Town'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,

Handwritten signature of Mary R. Owens in cursive.

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Eric Blitz, Webb and Blitz, LLC
Mr. Bill Watson, Town of Chesapeake Beach

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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July 13, 2005

Mr. Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: St. Mary's County Tidal Wetlands Projects

Dear Mr. Tabisz:

I have reviewed the Joint Public Notice that includes information about the referenced projects. Unfortunately, the Commission did not receive a complete package with plans for the projects, so my comments at this time are very general. It is likely that the Commission may have additional comments when the plans are reviewed.

199762297/ 97-WL-1431 Circle C Oyster Ranchers Association

It is my understanding that this project does not involve any alterations on the land, and that all work will take place channelward of mean high water. I have no comments on this proposed project.

200562956/ 05-WL-1408 MD-DNR

It is not clear from the information provided how the proposed revetment will be installed, where materials will be stored during construction, and whether this project will involve any impacts to the 100-foot Buffer. If there are impacts to existing vegetation or extensive clearing and grading, then mitigation may be required. This project involves a State agency action on State-owned land; therefore, approval by the Critical Area Commission will be required. The Commission meets the first Wednesday of each month, and projects should be submitted well in advance to allow for staff review.

200563345/ 05-WL-1528 St. Georges Pier HOA

It is not clear from the information submitted where this project is located and whether the proposed community pier will be serving a subdivision approved under the St. Mary's County Critical Area Program. COMAR 27.01.03.07 provides criteria for community piers including limits on the number of slips and restrictions on private piers if a community pier is provided. If

Mr. Tabisz
March 8, 2005
Page 2

the proposed pier will serve lots located in a subdivision approved by the County after March 27, 1990, then the regulations for community piers will apply. Additional information about the project and coordination with the St. Mary's County Department of Land Use and Growth Management will be necessary to make this determination. St. Mary's County must review and approve all development activities in the Critical Area, including community piers. The applicants 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

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/

July 12, 2005

Ms. Jeanne Minner
Office of Building, Inspections,
Planning & Zoning
P O Box 157
Elkton, MD 21922-0157

RE: Provisions for Golf Courses in the RCA Without the Use of Growth Allocation

Dear Ms. Minner:

Over the last six months, the Critical Area Commission has been discussing the development of golf courses in the Resource Conservation Area (RCA) without the use of growth allocation. This discussion was prompted by the Program Subcommittee's conceptual review of a project involving this concept. The Commission members have analyzed the history of how golf courses have been reviewed and acted on by the Commission and have examined the specific golf course projects. The Commission has also reviewed technical information about the water quality and habitat impacts and benefits that are associated with golf courses.

After analyzing this information, the Commission discussed the possibility of identifying various design and performance standards that should be used to guide the design and development of golf courses in the RCA without the use of growth allocation. It is the Commission's intention that these standards and recommendations would be formally adopted by the Commission and used by the Commission and local governments to ensure that the policies for land use in the RCA as set forth in the Critical Area law and criteria are applied in a manner that results in an appropriate and significant balance between the golf course use and resource conservation use of the land.

At this time, the Commission has prepared a history of the Commission's action on golf courses, a summary of their discussions over the last six months, and proposed criteria and standards for the development of golf courses in the RCA without the use of growth allocation. The Commission is requesting comments on this document from local governments, environmental organizations, land use groups, and the general public. A copy of the document can be accessed on the Commission's website at www.dnr.state.md.us/criticalarea. Comments can be sent to me at the Commission, faxed to my attention at (410) 974-5338, or e-mailed to me at mowens@dnr.state.md.us. **The Commission plans to discuss this issue and possibly take formal action on August 3, 2005, so please provide comments by the close of business on July 28, 2005.** If you have questions or would like to discuss this proposal, please call me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation, Division

MRO/jjd

The Honorable Carolyn C. Sorge
P O Box 339, Third Avenue
Betterton, MD 21610

Mr. Royden Powell, III
101 Lawyers Row
P O Box 100
Centreville, MD 21617

Mr. Stanley Hearne
P O Box 154, 241 Market Street
Charlestown, MD 21914

Mr. William Watson
P O Box 400
Chesapeake Beach, MD 20732

Ms. Patricia Garrett
P O Box 205, 109 Bohemia Avenue
Chesapeake City, MD 21915

Mr. William Ingersoll
P O Box 38, 118 North Cross Street
Chestertown, MD 21620

Ms. Marie L. Rameika
Town Hall
324 Main Street, P O Box 85
Church Hill, MD 21837

Mr. Calvin Dize
City Hall, Main Street
P O Box 270
Crisfield, MD 21817-0270

Ms. Jeanne Minner
Office of Building, Inspections,
Planning & Zoning
P O Box 157
Elkton, MD 21922-0157

Mr. Happy Mayer
P O Box 471, 118 Main Street
Federalsburg, MD 21632

Mr. Richard M. Pollitt, Jr.
401 E. Main Street, P O Box F
Fruitland, MD 21826-0120

Mr. David Kibler
Commissioners of Greensboro
P O Box 340, 118 N. Main Street
Greensboro, MD 21639

Mr. Albert J. Henry
Department of Planning
711 Pennington Avenue
Havre de Grace, MD 21078

Ms. Melinda Stafford
The Commissioners of Hillsboro
P O Box 128
Hillsboro, MD 21641

Mr. Ronald Young
4195 Indian Head Highway
Indian Head, MD 20640

Ms Fenda Whitlock
P O Box 81
Mardela Springs, MD 21837

Mr. David Teel
P O Box 330
Millington, MD 21651

The Honorable Mark Frazer
8916 Chesapeake Avenue
P O Box 99
North Beach, MD 20714

Ms. Melissa B. Cook-MacKenzie
P O Box 528, 106 S Main Street
North East, MD 21901-0528

Ms. Lillian Lord
100 North Morris Street, P O Box 339
Oxford, MD 21654

The Honorable James Eberhardt
P O Box 773

Perryville, MD 21903-0513

Mr. Eric Berry
64 S Main Street
Port Deposit, MD 21904

Mr. Robert Wink
Princess Anne Police Department
11780 Beckford Avenue
Princess Anne, MD 21853

Ms. Juanita Kohn
P O Box 365
Queen Anne, MD 21657-0365

Ms. Amy Moore
P O Box 4
Queenstown, MD 21658

Ms. Pat Grussing
P O Box 367
Rock Hall, MD 21661

Ms. Yvonne Pritchett
P O Box 248
Secretary, MD 21664

Ms. Judy Schneider
P O Box 338
Sharptown, MD 21861

The Honorable Russell Brinsfield
P O Box 86
Vienna, MD 21869

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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July 11, 2005

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

RE: Dorchester County Bill No. 2005-06

Dear Mr. Dodd:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on Dorchester County Council Bill No. 2005-06, which amends various provisions of Article VII, Chapter 155 of the Dorchester County Code in order to address the changes to the Critical Area Law made by the General Assembly in 2004. On July 11, 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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

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July 11, 2005

Ms. Cherry Keller
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

RE: Request for Technical Assistance on Site in St. Michaels

Dear Ms. Keller:

I am writing to request assistance from your office with regard to a project that is currently being reviewed by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. As part of the Commission's review of the project, the applicant is required to prepare a Buffer Management Plan. The site is located on the north side of St. Michaels, and is bounded by Route 33, Yacht Club Road, Perry Cabin Drive, and the Miles River. The site is 72 acres in size and is in agricultural use. The proposed development on the site includes 251 single-family units, 20 townhouses, 8 live/work units, an inn, and an area for public water access.

The applicant has submitted a preliminary Buffer Management Plan that proposes a variety of habitat types comprising an expanded Buffer as opposed to a standard 100-foot forested Buffer. The Commission is seeking assistance with evaluating the plan that they have submitted with respect to the water quality and habitat protection functions that the Buffer is supposed to provide.

In accordance with COMAR 27.01.09.01.B, the purpose of the Buffer is to provide the following functions:

- (1) Provide for the removal or reduction of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
- (2) Minimize the adverse effects of human activities on wetlands, shoreline, stream banks, tidal waters and aquatic resources;
- (3) Maintain an area of transitional habitat between aquatic and upland communities;

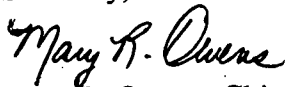
Ms. Keller
July 11, 2005
Page 2

- (4) Maintain the natural environment of streams; and
- (5) Protect riparian wildlife habitat.

The Commission's objective is that with guidance from your staff, the proposal can be evaluated relative to the specific conditions on the project site. The site is somewhat unique in that it is located in a relatively urbanized area, includes very little existing natural vegetation, and is experiencing significant erosion. With your assistance, the Commission hopes to determine whether the proposed Buffer Management Plan optimizes the wildlife value of a naturally vegetated Buffer on the site and if necessary to provide specific recommendations to the consultants to improve the Plan.

The Commission has also requested assistance from Mr. John Moulis, Eastern Shore Regional Manager for the Wildlife and Heritage Service of the Department of Natural Resources (DNR). At this time we are trying to schedule a site visit to provide an opportunity for the consultant to describe their proposal and for FWS staff and DNR staff to see the site. I greatly appreciate your willingness to assist us on this project, and I look forward to working with you. If you have any questions, please do not hesitate to call 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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July 11, 2005

Ms. Melissa B. Cook-MacKenzie
Town of North East
P. O. Box 528, 106 S. Main Street
North East, Maryland 21901-0528

**RE: Annexation of 19.28 Acres
Resolution No. C-2004-11-01-A**

Dear Ms. Cook-MacKenzie

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced map change, which involves the annexation of approximately 19.28 acres of land from Cecil County into the Town of North East. On July 11, 2005 the Critical Area Commission concurred with the Chairman's determination to approve this map change as a refinement to the Town's Critical Area Program.

This change shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the revised map when it becomes 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

cc: Mary Ann Skilling, MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 8, 2005

Mr. George Maurer
Chesapeake Bay Foundation
Philip Merrill Environmental Center
6 Herndon Avenue
Annapolis, MD 21403

RE: Provisions for Golf Courses in the RCA Without the Use of Growth Allocation

Dear Mr. Maurer:

Over the last six months, the Critical Area Commission has been discussing the development of golf courses in the Resource Conservation Area ((RCA) without the use of growth allocation. This discussion was prompted by the Program Subcommittee's conceptual review of a project involving this concept. The Commission members have analyzed the history of how golf courses have been reviewed and acted on by the Commission and have examined the specific golf course projects. The Commission has also reviewed technical information about the water quality and habitat impacts and benefits that are associated with golf courses.

After analyzing this information, the Commission discussed the possibility of identifying various design and performance standards that should be used to guide the design and development of golf courses in the RCA without the use of growth allocation. It is the Commission's intention that these standards and recommendations would be formally adopted by the Commission and used by the Commission and local governments to ensure that the policies for land use in the RCA as set forth in the Critical Area law and criteria are applied in a manner that results in an appropriate and significant balance between the golf course use and resource conservation use of the land.

At this time, the Commission has prepared a history of the Commission's action on golf courses, a summary of their discussions over the last six months, and proposed criteria and standards for the development of golf courses in the RCA without the use of growth allocation. The Commission is requesting comments on this document from local governments, environmental organizations, land use groups and the general public.

A copy of the document is attached, and it can also be accessed on the Commission's web site at www.dnr.state.md.us/criticalarea. Comments can be sent to me at the Commission, faxed to my attention at (410) 974-5338, or e-mailed to me at mowens@dnr.state.md.us. **The Commission plans to discuss this issue and possibly take formal action on August 3, 2005, so please provide comments by the close of business on July 28, 2005.** If you have questions or would like to discuss this proposal, please call me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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1804 West Street, Suite 100, Annapolis, Maryland 21401

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

July 8, 2005

Ms. Debra Renshaw
The Town of St. Michaels
P.O. Box 206
St. Michaels, MD 21663

RE: Provisions for Golf Courses in the RCA Without the Use of Growth Allocation

Dear Ms. Renshaw:

Over the last six months, the Critical Area Commission has been discussing the development of golf courses in the Resource Conservation Area ((RCA) without the use of growth allocation. This discussion was prompted by the Program Subcommittee's conceptual review of a project involving this concept. The Commission members have analyzed the history of how golf courses have been reviewed and acted on by the Commission and have examined the specific golf course projects. The Commission has also reviewed technical information about the water quality and habitat impacts and benefits that are associated with golf courses.

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A copy of the document is attached, and it can also be accessed on the Commission's web site at www.dnr.state.md.us/criticalarea. Comments can be sent to me at the Commission, faxed to my attention at (410) 974-5338, or e-mailed to me at mowens@dnr.state.md.us. **The Commission plans to discuss this issue and possibly take formal action on August 3, 2005, so please provide comments by the close of business on July 28, 2005.** If you have questions or would like to discuss this proposal, please call me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division

Ms Megan Owen
Dept of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, MD 21401

Dr. Dave Brownlee
Dept. of Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

Ms. Elizabeth Krempasky
Office of Planning
403 S Seventh Street, Suite 210
Denton, MD 21629

Mr Steve Andriss
Dept of Planning & Growth Mgt
P O Box 2150
La Plata, MD 20646

Ms Wanda Cole
Planning & Zoning Office
County Office Bldg, P O Box 107
Cambridge, MD 21613

Ms Pat Pudelkewicz
Department of Planning & Zoning
220 S Main Street
Bel Air, MD 21014-3865

Ms. Colleen Bonnel
206 Tudor Place
Tudor Hill, P O Box 1
Leonardtown, MD 20650

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

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

Ms Joan Kean
Dept. of Technical &
Community Services
11916 Somerset Ave, Room 102
Princess Anne, MD 21853

Ms. Elinor Gawel
Office of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, MD 21401

Mr. Greg Bowen
Dept. of Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

Mr. Anthony Di Giacomo
Office of Planning & Zoning
129 E Main Street, Room 300
Cecil County Courthouse
Elkton, MD 21921

Ms. Jennifer Shull
Housing & Community Development
13 N Third Street
Denton, Maryland 21629

Mr. Tom Hamilton
P O Box 520
14 S. Harrison St.
Easton, MD 21601

Ms. Gail Webb Owings
Dept of Planning and Zoning
Kent Co. Government Center
400 High Street
Chestertown, MD 21620

Ms. Gail Blazer
Town of Ocean City
Engineering Dept P O Box 158
Ocean City, MD 21843-0158

Ms Faith Elliot Rossing
Office of Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

Ms Debra Renshaw
P O Box 206
300 Mill Street
St. Michaels, MD 21663-0206

Mr. George Kinney
Office of Planning and Zoning
Courthouse, 11 N Washington Street
Easton, MD 21601-3178

Ms Pat Farr
DEPRM
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Ms. Anne Roane
City of Cambridge
705 Leonard Lane
Cambridge, MD 21613

Ms. Karen Wigger
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La Plata, MD 20646

Mr Steve Dodd
Planning & Zoning Office
County Office Bldg, P O Box 107
Cambridge, MD 21613

Mr. Nick Walls
Department of Planning & Zoning
220 S Main Street
Bel Air, MD 21014-3865

Ms Amy Moredock
Dept of Planning and Zoning
Kent Co. Government Center
400 High Street
Chestertown, MD 21620

Mr. Richard Thompson
Dept. of Environmental Resources
9400 Peppercorn Place, Suite 600
Largo, MD 20774

Ms. Sue Veith
Department of Planning and Zoning
23150 Leonard Hall Drive
Leonardtown, MD 20650

Ms Karen Houtman
Mayor and Council Office
Municipal Building
P O Box 348
Snow Hill, MD 21863

Ms Mary Kay Verdery
Office of Planning and Zoning
Courthouse, 11 N Washington Street
Easton, MD 21601-3178

Mr Frank McKenzie
P O Box 870
Salisbury, MD 21803

Mr. Keith Lackie
Development Review and Permitting
One W Market Street, Room 1201
Snow Hill, MD 21863

Mr. Ed Tudor
Development Review and Permitting
One W Market Street, Room 1201
Snow Hill, MD 21863

Mr Ed Tudor
Development Review & Permitting
One W Market Street, Room 1201
Snow Hill, MD 21863

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 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 (Revised Plan Dated June 9, 2005)
Dorchester County Plan # 1082**

Dear Mr. Dodd:

Thank you for providing a revised plan for the referenced project. I have reviewed the plan submitted, and it appears that although the number of lots has been reduced from 35 to 19, most of the comments in my letter dated April 7, 2005 still need to be addressed. I have the following comments on the revised plan:

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. Areas of tidal wetlands have been identified along the southern and western boundaries of the project site. It is my understanding that a field delineation was performed by Ron Gatton. This delineation should be used to determine the boundary of State and private tidal wetlands because areas of tidal wetlands are included in the boundaries of Lots 8 through 16. 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 were determined to be private tidal wetlands, please provide documentation regarding how this determination was made as described in Comment 4.

4. If areas of tidal wetlands are included within the lot boundaries, documentation regarding the identification of State and private tidal wetlands must be provided. 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 has been shown on the plans; however, it has not been properly expanded on Lots 13 and 14 to include the nontidal wetland (pond) on these lots. It is my understanding that the pond does not have any connection to tidal waters.
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. It is my understanding that Ron Gatton has delineated the wetlands on the property, so his report should address Buffer expansion for hydric soils.
7. 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. For this subdivision, the 100-foot Buffer is required to be planted or allowed to naturally regenerate and a Buffer Management Plan or Plans 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.
8. The plans show a tree line, but do not include notes about forest cover or clearing. It appears that clearing will likely take place on Lots 5 through 8, and reforestation will be required. On the other lots, afforestation may be required or the 15% forest cover requirement may be satisfied through establishment of the 100-foot Buffer. Forest establishment and replacement requirements are set forth in § 155-38.G of the Dorchester County Code. These requirements must be addressed as detailed notes on the plat.
9. 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, specifically those relating to impervious surface limits and any required stormwater quality measures.
10. 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
July 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.

11. There is an existing pier on Lot 16 (formerly 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 16 would not be included in the subdivisions for purposes of calculating the allowable slips on the community pier.

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



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/

June 29, 2005

Ms. Kathy Anderson
U.S. Army Corps of Engineers
Baltimore District
P O Box 1715
Baltimore, Maryland 21203-1715

Mr. Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

**RE: Commissioners of Leonardtown 200563466/ 05 - WL - 1564
Leonardtown Waterfront Park**

Dear Ms. Anderson and Mr. Tabisz:

I have reviewed the Joint Public Notice that provides information about the referenced project. On May 4, 2005, the Critical Area Commission approved the Leonardtown Waterfront Park as a local agency action resulting in major development on land owned by a local jurisdiction in accordance with COMAR 27.02.04. The Commission approved the project with the following two conditions:

1. The Town shall obtain the required approvals from MDE for all impacts to tidal and nontidal wetlands. Any significant changes to the plans resulting from these authorizations will be submitted to Commission staff, and if necessary, the full Commission for review.
2. The mitigation requirements and mitigation strategies and credits shall be finalized and submitted to Commission staff, and if necessary the full Commission, for review and approval, prior to the Town issuing any permits for development activities on the park or commercial site.

As you know, the project involves significant impacts to the 100-foot Buffer, and mitigation is required for these impacts. The Commission has reviewed a conceptual mitigation plan as part of the project. Once the authorizations for tidal and nontidal wetland impacts have been obtained

Ms. Anderson and Mr. Tabisz

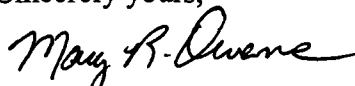
June 29, 2005

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from your agencies, I believe that the mitigation plan for the Buffer impacts can be finalized. At that time, the Town has been instructed to provide the Commission with copies of the State and/or federal authorizations or permits, a full-size set of the final plans, and a final summary of the mitigation strategies and credits. The Commission will then notify the Town that the conditions of approval have been satisfied.

If you have any questions, please do not hesitate to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

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June 27, 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 329-05 Krilich Variance
St. Mary's County Project 04-1512**

Dear Ms. Bahner:

Thank you for providing additional information on the referenced project. Based on the plan that I received on June 28, 2005, it appears that the applicant has revised the plan to reduce the size of the proposed expansion, so that an impervious surface area variance is not required. At this time, the applicant is proposing to construct two additions, totaling approximately 1,125 square feet, to an existing single-family dwelling and garage. The applicant's proposal requires approval of a variance to for disturbance within the 100-foot Buffer. The property is an existing grandfathered lot, and the existing structure is located partially within the 100-foot Buffer.

The Critical Area Commission does not oppose the proposed variance request, as it appears that the proposed additions are reasonable expansions of living space. If the variance request is approved, the Commission recommends that the applicant be required to provide mitigation as required by Section 24.4.2 .b of the St. Mary's County Comprehensive Zoning Ordinance.

If you have any questions, 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 Division

TTY for the Deaf

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

Mary - Reader

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June 27, 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 331-05 Pressley Property Variance
St. Mary's County Project # 05-1035**

Dear Ms. Bahner:

Thank you for providing additional information on the referenced project, which I received on June 18, 2005. I have reviewed the revised plan, and I understand that the applicant is requesting a variance to allow construction within the expanded 100-foot Buffer.

Specifically, the applicant is proposing to construct a new single-family dwelling and driveway on the property and all of this development is within the 100-foot Buffer. The property is an existing grandfathered lot that is served by public sewer and a private drilled well.

Although almost the entire lot is constrained by the 100-foot Buffer, it appears that the applicant could minimize any potential impacts to the tidal wetlands on this 0.964 acre property by moving the house and driveway to the southeast (so that it is at least 100 feet from the tidal wetlands) and by reducing the width of the driveway from 20 feet to 10 feet. (Please see attached sketch plan.) In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

Because it appears that in this case, the applicant would have reasonable and significant use of the property while maximizing the distance of the development activity from tidal wetlands, this

office believes that the standard of unwarranted hardship, as well as the other variance standards as outlined below, have not been met.

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

The property is a relatively deep 0.964-acre lot, with an opportunity to locate the proposed dwelling at least 100 feet from tidal wetlands. There are no special conditions or circumstances that are peculiar to the property, and it seems that with a more sensitive site design, impacts to the Buffer and tidal wetlands could be reduced.

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 with approval a variance that would allow impacts to the Buffer, but would maximize the distance between the development activity and the tidal wetlands. It appears that the dwelling could be located at least 100 feet from the tidal wetlands. If the applicant made an adjustment to the requested variance to minimize impacts to the wetlands, he would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. In general, property owners must locate their houses, driveways and accessory structures to avoid or minimize impacts to tidal wetlands and the Buffer.

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

If the requested variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area must locate structures and design the project site to conform to all setback requirements and development standards that apply to their lands.

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

The applicant meets this standard.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdictions' Critical Area, and that the granting of the*

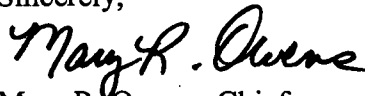
Ms. Bahner
June 27, 2005
Page 3

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 close proximity to tidal 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 this application as submitted. 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,

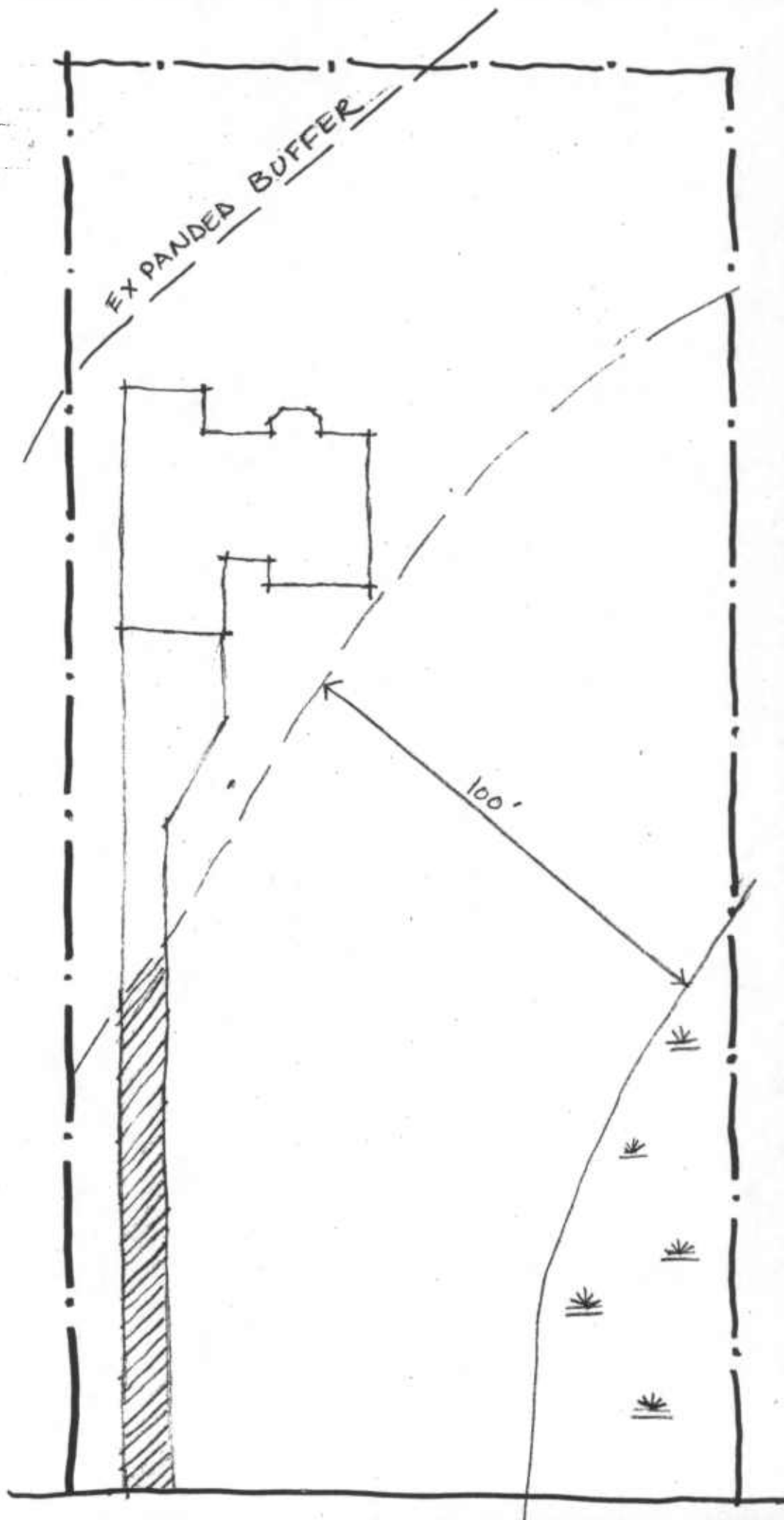


Mary R. Owens, Chief
Program Implementation Division

PRESSLEY

VARIANCE

SCALE: 1" = 30'



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 22, 2005

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

**RE: DC 210-04 Mill Pond at Cabin Creek Subdivision
Dorchester County Plan # 1042**

Dear Mr. Dodd:

I have recently received a preliminary plat for the referenced subdivision, for which the Commission had previously provided comments on April 5, 2004. I have reviewed the information submitted, and I have the following comments:

1. It is my understanding that the 95.583 acre parent parcel, with 21.6 acres within the Critical Area, existed in this configuration at the time the County adopted its Critical Area Program. The Critical Area portion of the property is designated RCA; therefore, the property may be developed with one dwelling.
2. The MERLIN database suggests there are forested, palustrine wetlands adjacent to the westernmost tributary stream. The 100-foot Buffer may need to be expanded for contiguous nontidal wetlands. The applicant must verify whether wetlands are present and provide appropriate expansion if necessary.
3. The applicant has not provided an environmental report or complete information about environmental features as described in §155-42 of the Dorchester County Zoning Regulations and in the Dorchester County Critical Area Program. Information about soil types, wetlands, streams, forest cover, etc. is necessary to ensure that the project conforms with the County's Critical Area regulations.
4. The Wildlife and Heritage Service (WHS) must be contacted for a determination regarding the presence of rare, threatened and/or endangered species and/or their habitats. The forested area of this property is contiguous to a larger tract of forest, and may qualify as FIDS habitat. The plat must address all WHS concerns. A copy of the WHS determination letter must be provided to this office.

5. A tree line is shown on the plans; however, the amount of existing forest area must be quantified. Appropriate notes regarding forest clearing, reforestation, and if applicable, afforestation must be provided on the plat.
6. It appears subdivision of this parcel represents a change in use from agricultural to residential. The 100-foot Buffer along the easternmost tributary stream must be fully established in forest vegetation.
7. All existing impervious areas must be shown and quantified, including any farm equipment access lanes. A note regarding the 15% impervious surface limit must be provided. The impervious area associated with the portion of Little Creek Lane within the Critical Area must be included in the impervious surface calculations for Lot 47.
8. Lot 47 is bisected by a tributary stream, creating two potential upland development areas on this lot. There does not appear to be an existing crossing over the western tributary stream to provide access to the northernmost upland area. A crossing over this stream would require a Buffer variance, and it is unlikely that a variance for a new subdivision could be supported by the Commission. It appears that the southern portion of the lot is the only suitable location for residential development; therefore, the building restriction lines and/or plat notes should indicate this.
9. Tributary streams within the Critical Area require a 100-foot Buffer. Currently, a 50-foot Buffer is shown. The plans must be revised and the notes corrected. A 100-foot Buffer note should be added to the easternmost stream.
10. When the Buffer width is revised, it appears that portions of the entrance road may impact the 100-foot Buffer. Buffer impacts associated with stream crossings in the Critical Area may only be permitted if there is no feasible alternative. Because the road is located so close to the Critical Area boundary, it appears that the road could be relocated slightly to the east to avoid impacts to the 100-foot Buffer.
11. A note identifying "Stormwater Management 1.34 Acres" is show in the Buffer on Lot 47. Please clarify what this means. Stormwater management practices cannot be located within the Buffer of tributary streams. Stormwater management measures serving development outside the RCA or outside the Critical Area cannot be located in the RCA.

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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June 20, 2005

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

**RE: DC 290-05 Harold Miller Intrafamily Transfer Subdivision
Dorchester County Plan # 1071**

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 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. Because the applicant's plan includes areas of private tidal wetlands within lot boundaries, he must provide a description and field data information outlining how the wetland delineation and State and private wetland acreage determination were performed. This information is necessary to verify that State wetlands are not included in the lot boundaries. As you know, 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.
2. The applicant has not provided complete information about soils, nontidal wetlands, tributary streams, and other significant environmental features. Additional information is needed regarding the environmental features of the site in order to provide complete comments. Because Lot 1 and Lot 3 include hydric soils that are contiguous with the Buffer, expansion of the Buffer for hydric soils must be addressed. If it is determined that Buffer expansion is not warranted, then a justification should be provided.
3. On Lot 2, the 100-foot Buffer is contiguous to existing nontidal wetlands; therefore, expansion of the Buffer to the edge of nontidal wetlands is required.

Mr. Dodd
June 20, 2005
Page 2

4. Note 16 states that, "Prior to any forest clearing for Lot 2 in the tidewater Buffer, the applicant must obtain an approved Forest Management Plan from the Dorchester County Planning Office." This note should be clarified to specify that the only forest removal permitted in the Buffer on Lot 2 is that necessary to accommodate the construction of the proposed dwelling. Clearing or the removal of natural vegetation is generally prohibited within the Buffer without a variance. Clearing authorized through the variance process is limited to that necessary for the proposed construction.
5. In accordance with § 155-38.G.2 of the Dorchester County Code, when existing forest on a development site in the Critical Area is cleared, the site is required to be replanted. Appropriate notes must be placed on the plat indicating the area to be vegetated, and that clearing or removal of replanted vegetation is prohibited.
6. It is my understanding that the applicant obtained a variance to construct a single-family dwelling partially within the 100-foot Buffer. The approval included the condition that the applicant provide mitigation for the area of Buffer disturbance at a three-to-one ratio. The mitigation area must be shown on the plan and appropriate plat notes ensuring its permanent protection must be included.
7. It is my understanding that this subdivision is proposed in accordance with the intrafamily transfer subdivision provisions set forth in § 140-54 of the Dorchester County Subdivision Regulations. The applicant must identify the family members to whom the lots will be conveyed and their names and addresses must be included on the plat. The subdivision plat and the deed must include notes identifying the subdivision as an intrafamily transfer subdivision and restrictions regarding the subsequent conveyance of any lots created under these provisions to a non-family member.

Thank you for the opportunity to provide comments on this project. Please provide revised plats when these comments have been addressed. There may be additional comments based on a review of 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

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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June 16, 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 427-05 Earnshaw Variance
St. Mary's County Project # 03-1688**

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 requesting approval of an after-the-fact variance to construct a shed within the 100-foot Buffer. The property is an existing grandfathered lot that is developed with a single-family dwelling and septic system. Portions of the dwelling and the septic system are located within the 100-foot Buffer.

Based on the information submitted, it appears that the proposed 12 foot by 16 foot shed could be located outside the Buffer on this 0.66 acre property. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. The General Assembly also stated if the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application has been filed, the County may consider that fact.

Because it appears that in this case, the applicant would have reasonable and significant use of the property without a shed located within the 100-foot Buffer, this office believes that the standard of unwarranted hardship, as well as the other variance standards as outlined below, have not been met.

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

The property is a 0.66-acre lot, with adequate area outside of the Buffer where a shed can be located. There are no special conditions or circumstances that are peculiar to the property, and there is a reasonable alternative to locating the shed within the Buffer.

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

The applicant has reasonable use of this property for residential purposes without approval a variance that would allow impacts to the Buffer for the construction of a shed. The applicant would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. In general, property owners must locate accessory structures to avoid impacts to the Buffer. It appears that there is ample opportunity to develop the site and accommodate reasonable residential use of the property without constructing a shed in the Buffer.

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

If the requested variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area must locate structures and design the project site to conform to all setback requirements and development standards that apply to their lands.

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

This request is based on conditions, which are the result of actions by the applicant. The applicant initiated construction of the shed in a location within the Buffer without approval of a variance authorizing construction in that location.


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.*

Ms. Bahner
June 16, 2005
Page 3

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 increasing the amount of disturbance and impervious surface area in the Buffer on this site. As expressly acknowledged by the General Assembly, these impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

In conclusion, this office believes that, unless the Board finds that the applicant is able to provide substantial evidence to meet the burden of proof for each one of the variance standards, the Board must deny this application as submitted. 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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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June 15, 2005

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

**RE: Dorchester County Council Bill No. 2005-06
Text Amendments to Chapter 155**

Dear Mr. Dodd:

Thank you for forwarding the above-referenced bill that involves changes to Chapter 155 of the Dorchester County Code necessary to address the legislation passed during the Maryland General Assembly's 2004 legislative session. The County's Bill revises the variance standards and procedures, adds provisions for reasonable accommodations for disabled citizens, revises some definitions, adds provisions for violations and penalties in the Critical Area, and adds provisions that allow guest houses in the RCA without affecting density calculations. 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,

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

Mary R. Owens, Chief
Program Implementation Division

Mary-Reader

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June 14, 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 331-05 Pressley Property Variance
St. Mary's County Project # 05-1035**

Dear Ms. Bahner:

Thank you for providing revised information on the referenced project. I have reviewed the information submitted. Although the 100-foot Buffer is not shown on the site plan, it is my understanding that the non-tidal wetlands shown are actually tidal wetlands, and the applicant is requesting a variance to allow construction within the 100-foot Buffer.

Specifically, the applicant is proposing to construct a new single family dwelling and driveway on the property and most of this development is within the 100-foot Buffer. The property is an existing grandfathered lot that is served by public sewer and a private drilled well.

It appears that the applicant could significantly reduce the proposed disturbance within the Buffer on this 0.964 acre property by moving the house and driveway to the southeast and by reducing the width of the driveway from 20 feet to 10 feet. (Please see attached sketch plan.) In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

Because it appears that in this case, the applicant would have reasonable and significant use of the property with only minor impacts to the Buffer associated with a driveway and possible a

portion of the dwelling, this office believes that the standard of unwarranted hardship, as well as the other variance standards as outlined below, have not been met.

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

The property is a 0.964-acre lot, with extensive area outside of the Buffer. There are no special conditions or circumstances that are peculiar to the property, and it seems that with a more sensitive site design, impacts to the Buffer could be reduced to approximately 1,200 square feet versus approximately 4,400 square feet as proposed.

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 with approval a variance that would allow impacts to the Buffer of approximately 1,200 square feet to construct a driveway to provide access to the site. It appears that the dwelling could be located entirely outside the Buffer. If the applicant made an adjustment to the requested variance to minimize impacts to the Buffer, he would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. In general, property owners must locate their houses, driveways and accessory structures to avoid or minimize impacts to the Buffer. It appears that there is ample opportunity to develop the site and accommodate reasonable residential use of the property with only minimal impacts to the Buffer.

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

If the requested variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area must locate structures and design the project site to conform to all setback requirements and development standards that apply to their lands.

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

The applicant meets this standard.

Ms. Bahner
June 14, 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 jurisdictions' Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and regulations.*

The applicant bears the burden to prove that they meet this standard, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting this variance will contribute to the decline of the Chesapeake Bay by substantially increasing the amount of disturbance and impervious surface area in the Buffer on this site. These impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

In conclusion, this office believes that, unless the Board finds that the applicant is able to provide substantial evidence to meet the burden of proof for each one of the variance standards, the Board must deny this application as submitted. 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,

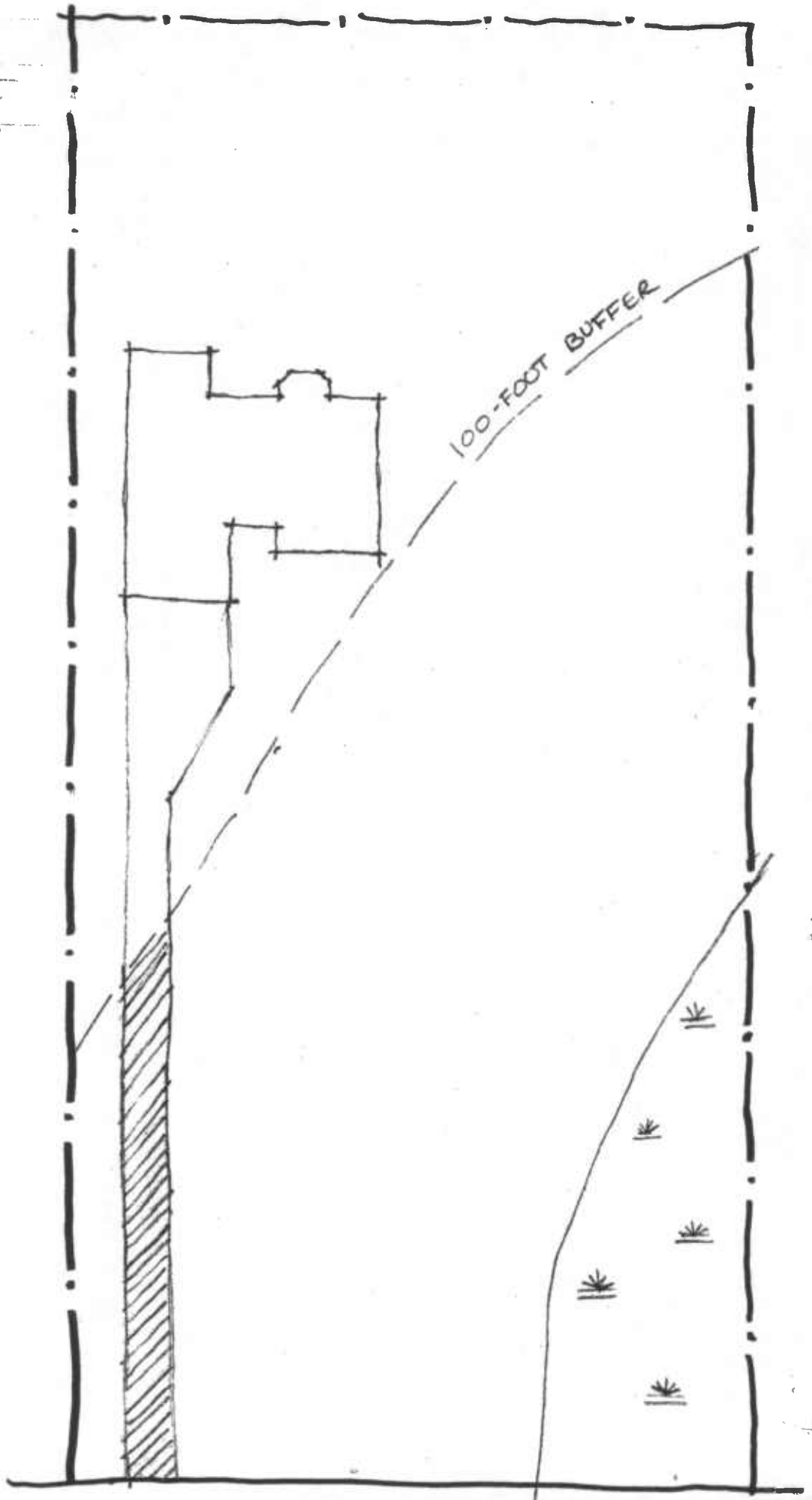


Mary R. Owens, Chief
Program Implementation Division

PRESSLEY

VARIANCE

SCALE: 1"=30'



Mary - Reader

Robert L. Ehrlich, Jr.
Governor



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Executive Director

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June 13, 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 328-05 Sullivan – End of Camp Merryland Road
St. Mary's County Project # 04-2963**

Dear Ms. Bahner:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to clear more than 30% of the existing forest cover on his property in order to construct a single family dwelling. In accordance with Section 72.3.1.c(2) of the St. Mary's County Comprehensive Zoning Ordinance, clearing in excess of 30 percent is prohibited without a variance. The property is an existing 1.54 acre lot with 0.83 acres of forest. The majority of the lot outside of the 100-foot Buffer is forested, and the applicant is proposing to clear 0.42 acres or approximately 50 percent of the existing forest.

The Commission does not oppose the proposed variance to exceed the 30% clearing limit to construct a dwelling; however, it appears that there may be some opportunities to preserve existing forest west of the house and around the driveway.

If the variance request is approved, the Commission recommends that the applicant implement appropriate stormwater management practices and provide mitigation in accordance with Section 24.4.2.b of the County's zoning ordinance in order to compensate for the loss of water quality benefits provided by the existing forest. It appears that the required mitigation plantings can be located on the project site within the 100-foot Buffer of the Potomac River.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens
Mary R. Owens, Chief
Program Implementation Division

May-Reader

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

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June 8, 2005

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

**RE: DC 365-05 Andrews Farm Subdivision
Dorchester County Plan # 1088**

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 applicant has not provided correspondence from the Heritage Division of the Department of Natural Resources regarding threatened and endangered species. 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 applicant has not provided complete information about soils, nontidal wetlands, tributary streams, and other significant environmental features. Additional information is needed regarding the environmental features of the site in order to provide complete comments.
3. The plan submitted does not show the same parcel configuration as the County's Critical Area Maps, which are based on the Dorchester County Tax Maps. It is not clear if the parent parcel, Parcel 75 on Tax Map 87, existed as shown as of December 1, 1985. It appears that Parcels 41, 62, and 79 may have been subdivided from Parcel 75. Note 2 doesn't provide sufficient information to establish the subdivision history of the parent parcel. Additional information is needed to determine if proposed Lot 6 can be a buildable lot.



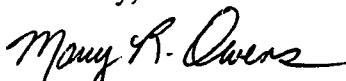
Mr. Dodd
June 8, 2005
Page 2

4. Based on information obtained from the Department of Natural Resources MERLIN System, it appears that there may be areas of tidal and nontidal wetlands located on the property. Please verify the extent of these resources as they affect the location and expansion of the 100-foot Buffer. New development activities are prohibited in the 100-foot Buffer; and proposed Lot 6 may be affected. Please provide documentation regarding the wetland delineation and Buffer delineation of Lot 6.

5. In accordance with § 155-38.H.10 of the Dorchester County Code, when no forest exists on proposed development sites in the Critical Area, the site is required to be planted to provide a forest or developed woodland cover of at least 15 percent. Appropriate notes must be placed on the plat indicating the area to be vegetated, and that clearing or removal of vegetation is prohibited.

Thank you for the opportunity to provide comments on this project. Please provide revised plats when these comments have been addressed. There may be additional comments based on a review of 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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2005

The Honorable Dennis Scheessele
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

**RE: Riverwatch at Indian Head Growth Allocation Request (IH 245-03)
Buffer Management Plan**

Dear Mayor Scheessele:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Town's request for approval of the Buffer Management Plan for Lots 11 through 14 on River's Edge Terrace, which was required as a condition of approval of the use of growth allocation for the Riverwatch Subdivision. On June 1, 2005, the Commission voted to approve the Buffer Management Plan for Lots 11 through 14 on River's Edge Terrace.

During the meeting, the Commission also discussed the Buffer Management Plans for the Town-owned open space, and the Riverwatch community-owned open space, as well as the wetland restoration plan. The Town has satisfied the Commission's condition relating to the community-owned open space; however, the Buffer Management Plan for the Town-owned open space is not complete. The Commission voted to approve an extension of time for submittal of this plan to October 5, 2005.

The Commission also discussed the wetland restoration project that is currently being designed and how the design of the project could affect the exact location of the 100-foot Buffer. As discussed with the Commission, the exact delineation of the Buffer is in part dependent on the wetland restoration effort which determines where the stream ends, the configuration of the wetland, and where the wetland discharges into the Potomac River. In accordance with the Commission's approval of the original growth allocation request, a detailed restoration plan must be submitted to the Commission for review and approval by November 18, 2005. In order to ensure that the Buffer is maintained in accordance with the approved plans, the Commission voted that the Town shall submit "as-builts" of the stream and wetland system after the work is complete.

At this time, the Commission has no objection to the Town's intention to release building permits for Lots 11 through 14. Commission staff has reviewed the "Centex Homes Riverwatch at Indian Head Subdivision Disclosure" regarding the Buffer and the Buffer Management Plan, and it is satisfactory. It

TTY for the Deaf

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

Mayor Scheessele

June 8, 2005

Page 2

is our understanding that this document will be provided to homebuyers on Lots 1 through 14 on River's Edge Terrace.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. John Klein, Coastwatch Engineering and Planning
Mr. Francis Silberholz, Centex Homes

May - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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Executive Director

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June 7, 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~~ *Steele*:

I have recently received a response to my comments and updated plans for the referenced subdivision from Sean Callahan of Lane Engineering. I have reviewed the information submitted, and I have the following comments:

1. The applicant's letter states that no "environmental report" is required by the local ordinance; however, as we have recently discussed, information about environmental features as described in §155-42 of the Dorchester County Zoning Regulations and in the Dorchester County Critical Area Program must be provided. Frequently, the accuracy of the delineation of these features is dependent on the methodology used to identify them, and the environmental report can be used to describe this process. In general, the environmental report is a means of comprehensively and clearly conveying required information about environmental features on a projects site that may not lend itself to graphic representation on a plan.
2. It is my understanding that the consultant has made a reasonable effort to accurately identify State tidal wetlands on the property. Although the applicant's letter is somewhat confusing, the plans indicate both graphically and in the table "Critical Area Impervious Surface Allowance" that portions of Lots 4, 5, 6 and 7 include areas of State tidal wetlands. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel, even if they are not used for density calculations or to meet the performance standards for development within the Critical Area. The plans must be revised to exclude the 10' - 15' areas of State tidal wetlands from the lots and the table must be revised to reflect the acreage of the lots excluding the State wetlands acreages.


3. The documentation regarding the identification of State and private tidal wetlands provided by the applicant is acceptable for this project because the acreage of State wetlands does not affect the density of this subdivision within the LDA, nor does it appear to significantly affect the performance standards for development. However, 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. It is likely that on other projects, the Commission will be requesting that if applicants are including areas of private tidal wetlands within lot boundaries, they will need to provide detailed field data and in certain cases elevation data pertaining to the wetland delineation.
4. 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. Although the applicant's letter states that there are no hydric soils on the property, the soils map submitted did not show the project boundaries making it difficult to verify this statement.
5. The applicant's letter states that there are no streams shown on the USGS Quad for Cambridge. In accordance with the Dorchester County Critical Area Program, the identification of streams should not be based solely on map resources but should be confirmed in the field. In some cases, streams are identified in the field and are not accurately shown on the USGS maps.
6. The Critical Area Afforestation and Buffer Planting Plan does not include appropriate notes indicating that the 100-foot Buffer shall be naturally vegetated, and that clearing or removal of natural vegetation within the 100-foot Buffer is prohibited. The Buffer Management Plan should also specifically address the protection and management of the nontidal wetlands on Lots 4, 5, 6, and 7.
7. The "Afforestation and Buffer Planting Proposal" document seems somewhat vague with regard to planting criteria, planting methods, and weed control. Buffer Management Plans should clearly describe how the plan is to be implemented and the required maintenance for a minimum of two years. Standards for staking, mulching, fertilizing, watering, and controlling weeds should be addressed in specific terms. The Plan should include minimum survival standards and the requirement to replant if necessary to achieve these standards.
8. The Buffer Planting Detail indicates an area of the Buffer that is to be planted with two deciduous trees and a "grass and wildflower" mix. This type of planting is not appropriate for establishing the 100-Buffer on a privately-owned residential lot because it will most likely be converted to grass lawn. The plan may include a "view consideration area" that may be located to allow views from the dwelling. In addition to canopy trees, this area can be densely planted with low growing shrubs and herbaceous plants and mulched; however, this area should not exceed 20 to 30 feet in width. It cannot consist of maintained turf grass. If a view consideration area is proposed, other portions of the Buffer must be fully established with canopy trees, understory trees, and shrubs.

Mr. Dodd
June 7, 2005
Page 3

9. On all of the lots, the number of canopy trees needs to be increased. In general, there should be approximately one canopy tree for every 400 square feet of Buffer that is not planted with evergreen tree seedlings.
10. It is not clear what type of plant material (seedling, bare root, container, etc.) is proposed to be used for the shrubs. If less than one-gallon shrubs are proposed to be used, then the quantity of shrubs must be increased.
11. On all of the lots, larger stock should be used for at least half of the proposed planting. The planting location is the back-yard of a residential lot that will be maintained by a private landowner and actively used. In the Commission's experience, the use of larger stock contributes to more successful establishment of the Buffer because it provides a more finished and aesthetically pleasing appearance, it is more difficult to mow down or remove, it is more easily mulched and competition with weeds and invasives is reduced.

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

cc: Sean Callahan, Lane Engineering

Mary Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 6, 2005

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 373-04 Blue Water Subdivision (formerly Merle Zimmerman Subdivision)
MSUB # 04-110-105**

Dear Ms. ~~Veith~~ *Sue*:

This office has received the additional information requested pertaining to the referenced subdivision from the applicant's consultant. This information satisfactorily addresses the comments in my letter to you dated November 30, 2004. If you have any questions, please do not hesitate to call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Dean Wilkinson, R.A. Barrett and Associates, Inc.

Mary - Reader

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Governor



Martin G. Madden
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Lt. Governor

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Executive Director

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June 6, 2005

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

RE: Gootee's Marine - Growth Allocation

Dear Mr. Dodd: *Steve*

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On June 1, 2005, the Critical Area Commission voted to approve with conditions the use of 14.52 acres of growth allocation to change the Critical Area designation of the property identified as Tax Map 85, Grid 5, Parcel 25 from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). The conditions of approval are as follows:

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.

This change shall be officially incorporated into the County's Critical Area Program and shown on the Critical Area Maps within 120 days of the date of this letter. In accordance with the conditions set forth above, please provide the necessary plans when they are complete. Following my review, I will notify you in writing with regard to compliance with the conditions. Thank you for your assistance during the review of this growth allocation request. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Tommy Gootee, Gootee's Marine

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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June 2, 2005

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

**RE: DC 296-05 Bayview Estates Subdivision
Dorchester County Plan # 1086**

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 applicant has not provided correspondence from the Heritage Division of the Department of Natural Resources regarding threatened and endangered species. 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 applicant has not provided complete information about soils, nontidal wetlands, tributary streams, and other significant environmental features. Additional information is needed regarding the environmental features of the site in order to provide complete comments.
3. There appears to be a stream located on Lots 4, 5, 6, and 7; however it is not clear if it goes underground in places or is connected to a wetland system. Additional information is needed. Tributary streams within the Critical Area are required to have a 100-foot naturally vegetated Buffer. The Buffer should be delineated from the edge of the stream. The Buffer must be shown and appropriate notes must be included on the plat.
4. The area of impervious surface proposed on Lots 2 and 3 is low. Under current market conditions, it seems that it could be difficult to construct a house, driveway, shed, and deck or patio without exceeding the impervious surface limit. Please provide a conceptual plan for these lots demonstrating that the lots can be developed without exceeding the limit. As

Mr. Dodd
June 2, 2005
Page 2

you are aware, impervious surface variances for new lots would be required to meet the unwarranted hardship standard and would be strongly opposed by the Commission.

5. What is the feature shown on Lots 3 and 4?
6. The applicant has not provided any information about forest clearing and reforestation. Clearing limits should be provided for each lot, and additional information should be provided regarding where and how the required reforestation will be accomplished.

Thank you for the opportunity to provide comments on the sketch plan of this subdivision. Please provide revised plans 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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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Chairman

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Executive Director

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May 25, 2005

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

**RE: DC 859-04 Twin Coves Farm Critical Area Buffer Planting Plan
Dorchester County Plan # 1067**

Dear Mr. Dodd:

The consultant for the Twin Coves Subdivision has recently provided me with a revised Buffer Planting Plan for the Twin Coves Farm Subdivision. I have visited the site and reviewed the documents submitted, and I have the following comments:

Lot 1

1. The number of canopy trees is not sufficient. At a minimum, there should be at least one canopy tree for every 35 linear feet of Buffer planting in Areas B, C, D, E, F, G, H, I, J, and K to define the limits of the 100-foot Buffer. 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.
2. For Buffer establishment, the planting plan should provide approximately 400 stems per acres based on stocking with 4 – 6 foot tall, 2-inch caliper, canopy trees; 3 – 5 foot tall, 3/4-inch caliper understory trees; and 1 – 3 gallon shrubs. For this lot, it is my understanding that the unvegetated portions of the Buffer consist of 3.04 acres; therefore, the planting should consist of a total of 1216 plants. If smaller stock (such as seedlings) are to be used, then the stocking should be increased. Because 0.94 acres of planting are proposed to be accomplished with seedlings, then the planting should be increased to 1498 plants consisting of 658 seedlings, 229 canopy trees, 229 understory trees, and 342 shrubs. Some adjustments can be made to accommodate site conditions and proposed areas of natural regeneration; however, the proposed stocking appears too low.



3. If areas of natural regeneration are proposed, the Plan must indicate how the natural regeneration area is proposed to be maintained until it is established. In general, some supplemental planting should be provided in natural regeneration areas.
4. The plans indicate that Area D and Area H are to consist of all shrubs. Some canopy and understory trees must be planted in these areas.
5. The plans indicate that Area E and Area J are to consist of shrubs and herbaceous plants. Some canopy and understory trees must be planted in these areas.
6. The plans indicate that Area F is to consist of all herbaceous plants. Some canopy trees, understory trees, and shrubs must be planted in this area. The plan may include a "view consideration area" that may be located to allow views from the dwelling. This area can be planted with low growing shrubs and herbaceous plants; however, this area should not exceed 20 to 30 feet in width. It cannot consist of maintained turf grass. If a view consideration area is proposed, other portions of the Buffer must be fully established with canopy trees, understory trees, and shrubs.

Lot 3

7. The number of canopy trees is not sufficient. At a minimum, there should be at least one canopy tree for every 35 linear feet of Buffer planting in Areas M, N, O, P, Q, R, and S to define the limits of the 100-foot Buffer. 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.
8. For Buffer establishment, the planting plan should provide approximately 400 stems per acres based on stocking with 4 – 6 foot tall, 2-inch caliper, canopy trees; 3 – 5 foot tall, 3/4-inch caliper understory trees; and 1 – 3 gallon shrubs. For this lot, it is my understanding that the unvegetated portions of the Buffer consist of 1.50 acres; therefore, the planting should consist of a total of 600 plants. If smaller stock (such as seedlings) are to be used, then the stocking should be increased. Because 0.77 acres of planting are proposed to be accomplished with seedlings, then the planting should be increased to 831 plants consisting of 539 seedlings, 80 canopy trees, 80 understory trees, and 120 shrubs. Some adjustments can be made to accommodate site conditions and proposed areas of natural regeneration; however, the proposed stocking appears too low.
9. If areas of natural regeneration are proposed, the Plan must indicate how the natural regeneration area is proposed to be maintained until it is established. In general, some supplemental planting should be provided in natural regeneration areas.
10. The plans indicate that Area N and Area R are to consist almost entirely of shrubs. Additional canopy and understory trees must be planted in these areas.

Mr. Dodd
May 25, 2005
Page 3

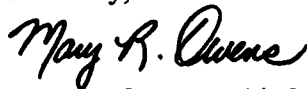
11. The plans indicate that Area O and Area Q are to consist of shrubs and herbaceous plants. Some canopy and understory trees must be planted in these areas.
12. The plans indicate that Area P is to consist of all herbaceous plants. Some canopy trees, understory trees, and shrubs must be planted in this area. The plan may include a "view consideration area" that may be located to allow views from the dwelling. This area can be planted with low growing shrubs and herbaceous plants; however, this area should not exceed 20 to 30 feet in width. It cannot consist of maintained turf grass. If a view consideration area is proposed, other portions of the Buffer must be fully established with canopy trees, understory trees, and shrubs.

General Comments

13. The Buffer Management Plan should include provisions for inspection by the County after two years to ensure that the Buffer has been effectively established by planting and/or natural regeneration. The Plan should include minimum standards and provisions for supplemental planting if necessary.
14. In general, the Commission does not recommend that local governments give "planting credit" associated with establishing the Buffer for herbaceous plants and grasses. These plants are not considered to have the same water quality and habitat benefits as native trees and shrubs. 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.

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: Mr. Bob Cadwallader, Dorchester County Planning and Zoning
Mr. Sean Callahan, Lane Engineering

Mary Reader

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May 18 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 forwarding my letter regarding the request for growth allocation for Blackwater Crossing to the project consultants for direct response. I have received their response, which included a letter and a copy of the environmental report, entitled "Report of Environmental Assessment, Blackwater Crossing, Dorchester County, Maryland" and dated April 2005. The report indicates that some of the information requested in the letter will be addressed during final engineering and design. Some of the information requested was discussed by the Program Subcommittee during their preliminary review of the project in February, 2005; therefore, the consultants should be prepared to address this information when the Commission formally reviews the project.

The submittal from the consultant did not include a letter from the Department of Natural Resources Heritage Division. Correspondence from the Heritage Division must be provided in order for the growth allocation request to be considered complete. Upon receipt of the letter from the Heritage Division, the submittal will be able to be accepted for processing. The Chairman will then make an amendment or refinement determination within 30 days, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

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

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Ryan D. Showalter, Miles and Stockbridge
Ken Usab, Morris and Ritchie Associates, Inc.

Mary R. Owens

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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May 17, 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
Revised Plan**

Dear Ms. Bahner:

Thank you for providing revised information on the referenced project. The applicant is requesting approval of a variance to expand the driveway by 92 square feet and construct an 80 square foot shed and 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 because the shed will be attached to the existing dwelling by the existing deck, and the proposed construction will not exceed the allowable impervious surface limits for the property. 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

Mary R. Owens, Chief
Program Implementation Division



7/7/05 - 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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May 13, 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 # 2249**

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 driveway providing access to a dwelling.

The Commission had previously provided comments on this variance request and opposed the applicant's request for a separate driveway. The opposition was based on the fact 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 property.

It is my understanding that the applicant has since revised his variance request and desires approval of construction of the shared driveway; however, he proposes to construct it in a different location than the one approved in 2002. The County has verified that the alternative location is acceptable to the property owners who will be sharing the driveway. The Commission does not oppose the proposed variance for the shared driveway in the new location, as it appears that this location provides more direct access to both properties and slightly decreases the area of wetland impacts.

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 associated with construction in the expanded Buffer. Thank you for the opportunity to provide comments on this variance request.



Mr. Dodd
May 13, 2005
Page 2

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

May - Reader

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 12, 2005

Ms. Trish Guy
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 303-05 William Sento Boundary Line Adjustment Plat

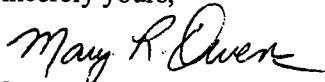
Dear Ms. Guy:

Thank you for providing information on the referenced Boundary Line Adjustment Plat. It is my understanding that the applicant's intention is to increase the size of Parcel 168-A by reconfiguring Parcel 168-B. County staff have determined that the property consists of two grandfathered lots. Parcel 168-A was also the subject of a variance request last fall. I have reviewed the information submitted and the prior variance request, and I have the following comments:

1. Separate Critical Area Notes should be provided for Parcel 168-A and Parcel 168-B regarding the parcel size, impervious surface limits, existing impervious surface area, and existing forest cover.
2. Parcel 168-A is 0.92 acres in size and will be limited to 15 percent impervious surface area.
3. Parcel 168-B is 0.57 acres in size and will be limited to impervious surface area not exceeding 5,445 square feet.
4. If the variance request for Parcel 168-A was approved, then this plat should reflect the site plan associated with the variance approval or appropriate notes should reference the approved site plan associated with the variance request. Variances are granted based on a specific development proposal for a specific site; therefore, this information is significant. Any planted mitigation or stormwater treatment practices required as conditions of approval of the variance should also be shown and noted on the plat.

Thank you for the opportunity to provide comments on this project. If you have any questions, please call me at (410) 260-3480.

Sincerely yours,


Mary R. Owens, Chief
Program Implementation Division

May - Reader

Robert L. Ehrlich, Jr.
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May 10, 2005

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

**RE: DC 253-05 Riverton Phase III
Dorchester County Plan # 338 D**

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 correspondence from the Heritage Division of the Department of Natural Resources. The Heritage Division screens for the presence of rare, threatened, and endangered species and also for potential impacts to other Habitat Protection Areas including Natural Heritage Areas, colonial water bird nesting sites, and Forest Interior Dwelling Species (FIDS) habitat. This information is necessary in order to evaluate the proposed subdivision.
3. Based on a review of the information regarding wetlands in the Department of Natural Resources MERLIN system, there appear to be tidal wetlands southwest of Lots 24, 25, and 26. Please show the edge of tidal wetlands. This information is necessary in order to determine that the 100-foot Buffer does not affect these lots.
4. The notes on the plat do not include the Critical Area designation and the Critical Area acreage. Please provide this information.
5. The notes on the plat do not address limits on impervious surface area or clearing. Please provide this information.

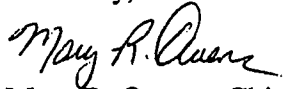


Mr. Dodd
May 10, 2005
Page 2

6. In accordance with § 155-38.H.10 of the Dorchester County Code, new lots shall be planted to provide forest or developed woodland cover of 15 percent of the subdivision or of each individual lot if this level of forest or woodland cover is not present.

Thank you for the opportunity to provide comments on this subdivision. Please provide the additional information and revised plans 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

May - Reada

Robert L. Ehrlich, Jr.
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Michael S. Steele
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Martin G. Madden
Chairman

Ren Serey
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May 9, 2005

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

**RE: DC 475-04 Barbara Murphy Hale One Lot Subdivision
Dorchester County Plan # 1052**

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 plan labels the properties as Lot 1 and "Residue." It appears that because the parcel identified as "Residue" is developed with a dwelling and accessory structures, than it should be properly identified as a lot (i.e. Lot 2). Please provide clarification.
2. It is not clear what is being proposed for the area identified as "Deed 505/244 Parcel Second." Is this proposed as a separate parcel? Why? Is it proposed for future use or development? Is the acreage included in the 55.094 acres for the "Residue?" Please provide clarification. See comment 5 regarding the "private tidal wetlands" designation.
3. Topography and soil information must be shown on the plan in order to determine if the 100-foot Buffer has been properly expanded for steep slopes and contiguous sensitive areas, such as those with hydric or highly erodible soils. The plan indicates that there are nontidal wetlands adjacent to the tidal wetlands of the Chicamacomico River; however, the Buffer has not been expanded to include them. Please clarify.
4. Information provided from the Heritage Division of the Department of Natural Resources indicates that this site may provide habitat for the endangered Delmarva Fox Squirrel. The correspondence indicates that if the proposed activities do not occur within forested areas of the property, then the Delmarva Fox Squirrel habitat will not be impacted. Please provide appropriate notes on the plat addressing the protection of existing forest on the site. Note 20 will need to be amended.



Mr. Dodd
May 9, 2005
Page 2

5. The plans indicate that there are private tidal wetlands on both Lot 1 and the parcel labeled "Deed 505/244 Parcel Second," and it appears that this acreage is included in the acreage of the "Residue." Field delineation should be used to determine the boundary between State and private tidal wetlands. State tidal wetlands should not be included within the boundaries of any newly subdivided, 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 this area has been determined to be private tidal wetlands based on field evaluation, please provide documentation regarding how this determination was made.

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. The Commission may request verification of the delineation by the Maryland Department of the Environment and the Board of Public Works' Wetlands Administrator. Hopefully, this will ensure that State wetlands are not illegally used to generate density or otherwise used as privately-owned land.

6. It is my understanding that this subdivision adjusts the boundary line of Lot 1. The creation of Lot 1 (which took place previously) involved a change in use from agriculture to residential use, and the applicant is required to establish the 100-foot Buffer in natural vegetation. Portions of the Buffer on this lot are not vegetated; therefore, a planting plan for the Buffer should be submitted with the building permit application.
7. The notes on the plat do not address impervious surface limits. Within the LDA, new lots are limited to 15% impervious surface. Please provide appropriate notes.

Please provide the additional information requested. There may be additional comments based upon any new information. If you have any questions about these comments, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

May - Reader

Robert L. Ehrlich, Jr.
Governor



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Lt. Governor

Ren Serey
Executive Director

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May 6, 2005

The Honorable Edward W. Rice
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

**RE: Riverwatch 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 approval of one of the Buffer Management Plans required as a condition of approval of the use of growth allocation for the Riverwatch Subdivision. On May 4, 2005, the Commission voted to approve the Buffer Management Plan for Lots 1 through 10 on River's Edge Terrace.

As you know, last month, the Commission approved the Town's request for an extension to submit the required plans. They extended the deadline for submittal through June 1, 2005. The Buffer Management Plans for Lots 11 through 14 on River's Edge Terrace, the Town-owned open space, and the River Watch Community-owned open space should be submitted by May 17, 2005, so that Commission staff can review them and prepare materials for the June Commission meeting.

As discussed with the Commission, the delineation of the Buffer associated with the outstanding Buffer Management Plans is in part dependent on the wetland restoration effort located where the stream ends and discharges into the Potomac River. Information regarding the wetland restoration will be provided with the Buffer Management Plans, so that the Commission can ensure that the Buffer is being accurately delineated from the edge of tidal wetlands after the restoration effort is complete.

At this time, the Commission has no objection to the Town intention to release building permits for Lots 6 through 10. Commission staff has reviewed the "Centex Homes Riverwatch at Indian Head Subdivision Disclosure" regarding the Buffer and the Buffer Management Plan, and it is satisfactory. It is our understanding that this document will be provided to homebuyers on Lots 1 through 14 on River's Edge Terrace.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. John Klein, Coastwatch Engineering and Planning
Mr. Francis Silberholz, Centex Homes

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May 6, 2005

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: Leonardtown Waterfront Park
LE 935-04**

Dear Ms. Miller:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Leonardtown Waterfront Park Project. On May 4, 2005, the Critical Area Commission voted to approve the project with two conditions. The conditions of approval are as follows:

1. The Town shall obtain the required approvals from MDE for all impacts to tidal and nontidal wetlands. Any significant changes to the plans resulting from these authorizations will be submitted to Commission staff, and if necessary, the full Commission for review.
2. The mitigation requirements and mitigation strategies and credits shall be finalized and submitted to Commission staff, and if necessary the full Commission, for review and approval, prior to the Town issuing any permits for development activities on the park or commercial site.

When MDE has completed their review of the project, please provide copies of the State and/or federal authorizations or permits, a full-size set of the final plans, and a final summary of the mitigation strategies and credits. Once this information has been received and reviewed, you will be notified in writing that the Commission's conditions of approval have been satisfied. If you have any questions about the mitigation proposals, please do not hesitate to contact me at (410) 260-3480. Thank you for your cooperation in the preparation of the materials for the Commission meeting, and I look forward to seeing the completed project design.

Sincerely yours,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Sam Crozier, Crozier Associates
Mr. Rob Filippi, WBCM, LLC



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MEMORANDUM

DATE: May 3, 2005
TO: Matt Bucchin, Resource Planning
FROM: Mary Owens, Critical Area Commission
SUBJECT: Nanjemoy Natural Resource Management Area
Land Unit Implementation Plan

Thank you for providing the draft plan for my review. I have reviewed the document and made changes on pages 9, 20, and 21. It is saved in your file in the H-Transfer drive, as "Nanjemoy NRMA LUIP ID Team [Mary Edits]." In addition to these changes, I have the following comments:

1. In page 10, in the paragraph "Wetlands," there is discussion about wetlands, but there is no differentiation between tidal and nontidal wetlands. Both types of wetlands are found on the various properties, and different regulations apply to the two types. Perhaps, some additional description would provide some clarification.
2. On page 20, in the paragraph "Environmental Restoration Area," it is my understanding that this area is not located within the Critical Area. In general, any forest removed within the Critical Area must be replaced at no less than a one-to-one ratio.
3. On page 26, in the paragraph "Initial Plan Approval," there appears to be some text missing.
4. It is my understanding that this document represents the "masterplan" for the Nanjemoy Natural Resource Management Area. Historically, the Department of Natural Resources has submitted masterplans for various State-owned lands within the Critical Area to the Critical Area Commission for review and approval. After this level of review of the draft Land Unit Implementation Plan is complete, it seems that it may be appropriate for the Plan to be reviewed by the Commission.



5. Appendix C lists the applicable laws and regulations affecting the Nanjemoy NRMA. The following are the applicable Critical Area provisions: Annotated Code of Maryland, Natural Resources Article 8-1801 et seq. (Critical Area Act) and COMAR 27.02.01 et seq. (Critical Area Criteria).
6. Appendix C does not include the sections of the Annotated Code of Maryland, Environment Article, which would be applicable to this project with regard to impacts to wetlands and managing stormwater.

currently exists only on the Virginia side of the Potomac River, primarily through the utilization of the C&O towpath. The balance of the 700-mile trail exists only conceptually on maps except for a few small segments that are in place (NPS, 2004). The conceptual trail corridor runs from the West Virginia line on the Maryland side, through the District of Columbia, and along the tidal shorelines of both Maryland and Virginia (CMP, 2004). The Potomac Heritage Trail Association is working to complete the entire proposed trail which will trace outstanding natural and cultural features of the Potomac River Basin in Virginia, Maryland, Pennsylvania and the District of Columbia (NPS, 2004). Upon completion of this plan, BLM will formally designate their section of the trail.

NATURAL RESOURCES

This section of the plan details how the site specific existing natural resources affected implementation plans.

Critical Area

For purposes of protecting the Chesapeake Bay and regional waterways, shorelines, and related habitats, Maryland law requires stringent review and approval of land use changes on properties located within the Critical Area. The Critical Area is defined as waters of and lands under the Chesapeake Bay and its tributaries and all land and water areas, wetlands, and tributary streams within 1000 feet of the mean high water line of tidal waters and the landward edge of tidal wetlands. In addition, the first 100-feet of the Critical Area has further restrictions, and is known as the Critical Area 100-foot Buffer. This 100 ft. buffer expands when adjacent to steep slopes (greater than 15 percent), wetlands, highly erodible soils, or sensitive habitats (CMP, 2004).

A significant portion of the planning area is located within the Critical Area. All proposed development, uses, and activities, must comply with the Critical Area Regulations, including removal of vegetation and protection of Forest Interior Dwelling Species (FIDS) habitat.

Fisheries & Submerged Aquatic Vegetation

The important recreational and commercial fisheries resources are mainly confined to the Potomac River mainstem. However, some of the highest quality fish habitat on the Lower Potomac is found at Mallows Bay. It is only one of three areas on the Lower Potomac that consistently produce higher numbers of juvenile bass. A primary reason for this is the high quality Submerged Aquatic Vegetation (SAV) grassbeds that exist within the inlet area between the shoreline and Mallows Bay.

Although motorized and non-motorized boat ramps are proposed at Wilson Farm, site design reviews and use regulations will ensure protection of this high quality fishery habitat for the future. Annual monitoring by MDNR Fisheries Service will be used to determine if stricter measures will need to be implemented in the future.

Rare, Threatened and Endangered (RTE) species

The special status species (also known as RTE species) are listed by the U.S. Fish and Wildlife Service and the State of Maryland.

One Federally and State-listed species is known to nest in the planning area (bald eagle), another may occur in freshwater tidal wetlands (sensitive joint-vetch), and one species occurs adjacent to the planning area (dwarf wedge mussel). The planning area includes habitat for numerous species that are rare, threatened or endangered in Maryland (CMP, 2004).

Areas that contained RTE species were considered sensitive areas. Placing activities and/or infrastructure in these areas was either avoided or impacts will be mitigated during the design or on-the-ground implementation phases.

Soils and Steep Slopes

Soil types in the planning area are basically sand, silt or clay or a combinations thereof. The soil types present affect drainage, vegetation, and stability. Problem soils usually are wet or highly erodible. Soil type can affect the location of

MR 12 Allow natural development of a stratified understory layer. Retain snags, standing dead trees, and coarse woody debris on the forest floor, except in instances where public safety may be an issue. In such cases, where woody debris may need to be removed, it is to be distributed in the adjacent forest floor area.

MR 13 In cooperation with the MDNR Forestry Service, the BLM Fire Management Division and the County Fire Department should develop a fire management plan that is consistent with this plan, while protecting public safety. All plans will be submitted to MDNR Resource Planning for an interdisciplinary review prior to implementation.

MR 14 The BLM will work with MDNR and other partners to prepare a proposal to designate some or all of the Douglas Point SRMA an Area of Critical Environmental Concern (ACEC). This designation will allow the BLM to give special management attention to activities which would protect natural or cultural values, or human health. The designation would require an amendment to the CMP. The designation proposal will be completed by September 30, 2006.

Aquatic Habitat and Species

Goal: Maintain or enhance the existing high quality aquatic habitat for fish in one of the most productive fisheries in the region.

Management Recommendations:

MR 15 The BLM, MDNR, and County will maintain the integrity of the remaining old boats in Mallows Bay, by leaving them as they are. They provide structure which has become an integral part of the aquatic ecosystem and provide habitat for both fish and invertebrates.

MR 16 The BLM, MDNR, and County will leave woody debris on the shoreline of the Potomac wherever possible to support fish and shoreline species habitat.

MR 17 Restrict the speed and routes of power boats with signs as they enter or leave from the boat ramp at Mallows Bay NRMA.

MR 18 Protect and conserve the SAV grasses that provide quality habitat for fish propagation and shelter as they grow.

Environmental Restoration Area

Goal: As funds are available, the State will restore xeric meadow/grassland habitat on the Douglas Point NRMA, that supported several rare plant species in the past.

Management Recommendations:

MR 19 The MDNR Natural Heritage Program will develop a restoration plan that will be included as a part of the Annual Work Plan. All plans will be submitted to MDNR Resource Planning for an interdisciplinary review prior to implementation.

MR 20 The MDNR will increase suitable habitat for rare plant species by removing Virginia pine and initiate prescribed burns in the opening after the pine is removed. Soil disturbance will be minimized in order to reduce the potential for encroachment of weeds as a result of this clearing.

MR 21 The State will conduct periodic prescribed burns in order to control woody vegetation.

Critical Areas

Goal: Minimize adverse impacts on water quality and fish habitat from development identified in this plan, and conserve fish, wildlife, and plant habitat within the Critical Area.

Management Recommendations:

MR 22 All development within the Critical Area and 100 ft. Buffer must be approved by the Chesapeake Bay Critical Area Commission.

MR 23 The Mallows Bay NRMA, leased and managed by the County, is still State property, and thus any development plans by the County will have to be submitted

and approved by both the MDNR Resource Planning and the Critical Area Commission prior to implementation.

MR 24 Potential for reutilizing the footprint of previous facilities within the Critical Area Buffer should be explored with the Critical Area Staff for potential "grandfathering" eligibility.

MR 25 Non-water-dependent uses are not permitted within the Critical Area Buffer; however reasonable accommodation for public access to the water may be permitted. Generally, clearing of existing vegetation and grading within the 100-foot Critical Area Buffer is not permitted; however, it may be allowed when necessary to provide access to a water-dependent facility or to install shore erosion control measures should be avoided if it cannot be avoided, then it must be mitigated. Removal of individual trees may also be permitted with approval of a Buffer Management Plan.

CULTURAL & PALEONTOLOGICAL RESOURCES

MR 26 Any cultural (historic, prehistoric, or archeological) or paleontological artifacts found by private citizens anywhere in the Nanjemoy NRMA must leave the artifacts where they are and alert the appropriate agency immediately. Artifacts found on public lands will be placed in repositories where they will remain the property of all Americans. Exceptions will be made for those who have acquired permits issued by MDNR and the Maryland Historical Trust (MHT).

Cultural Resources

Goal: Protect Cultural Resources while providing an opportunity for the public to learn about the historic and prehistoric past of the area.

Management Recommendations:

MR 27 The BLM will complete the Chiles Homesite project, which will result in a recommendation of eligibility for the site

for inclusion on the National Register of Historic Places.

MR 28 The BLM will create an interpretive plan for the Chiles Homesite. The interpretive plan will include possible themes to be presented, selection of interpretive media, and design and construction plans for associated facilities. These products will then become the subject of a consultation between the BLM and the Maryland State Historic Preservation Officer (SHPO) under sections 106 and 110 of the National Historic Preservation Act, which will be completed in early 2006.

MR 29 For the remainder of the trail system on BLM lands, which includes 1,010 feet of new trail construction for the Blue Banks Beach spur trail, and 10,930 feet of trail development on existing roads, a Phase I cultural resources survey must be conducted, which will involve walking either side of the roads to look for cultural resources on the surface within a 10 meter corridor, and doing shovel test sampling within this corridor. The results of this survey will be used by the BLM to make a determination of affect of the trail development on cultural resources. Determination will be made and submitted to the Maryland SHPO by the end of 2005.

MR 30 Parking areas and trailheads to be constructed on the BLM side of Route 224, totaling approximately 4,000 square feet of disturbance within the existing highway right of way, will also require Phase I surveys completed and determinations of affect on historic resources made by the BLM by the end of 2005.

MR 31 In addition to the above steps, the following language will be put into all contracts and project specific construction plans: "In the event that historic, prehistoric, or paleontological resources are found during construction excavation on BLM lands, excavation will stop immediately, and the Lower Potomac Field Station Manager will be immediately notified."

May Reale

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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May 2, 2005

Honorable Glenn L. Bramble, President
Dorchester County Council
County Office Building
P.O. Box 26
Cambridge, Maryland 21613-0026

Honorable Cleveland L. Rippons, Mayor
City of Cambridge
P.O. 255
Cambridge, Maryland 21613-0255

Honorable Edward E. Watkins, President
City of Cambridge, City Commission
P.O. 255
Cambridge, Maryland 21613-0255

RE: Little Blackwater River Watershed Study

Dear Councilman Bramble, Mayor Rippons, and Commissioner Watkins:

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays recently requested that I write to you regarding the comprehensive feasibility study for the Little Blackwater River Watershed. I believe that a contract for the study has been awarded; however, the study has not been initiated yet because the effort is not fully funded. I am writing to urge you to appropriate the necessary funds to accomplish this important effort now, so that the information collected can be used to guide the significant land use decisions facing Dorchester County and the City of Cambridge in the next year.

I understand that the study will consist of four elements: 1) a floodplain study that includes analysis of future hydrology as it relates to stormwater management and storm events of varying frequencies; 2) a characterization of the subwatershed that provides baseline data and a conservation areas assessment; 3) a review of the two proposed development projects in the watershed and potential approaches to meeting stormwater management goals; and 4) a phased approach to the development of a sustainable watershed protection plan that can be effectively implemented.

Mr. Bramble, Mayor Rippons, and Mr. Watkins

May 2, 2005

Page 2

As you know, the Critical Area Commission recently reviewed two growth allocation projects in Cambridge and has been briefed on two other growth allocation projects. One of the projects, Blackwater Resort Communities, borders the shoreline of the Little Blackwater River for approximately 2.6 miles and involves 3,200 residential units, an 18-hole golf course, a conference center, and retail and commercial uses on 1,080 acres. These projects have the potential to substantially change the character of the City of Cambridge and portions of Dorchester County. They also may dramatically alter the stormwater volume, hydrology, flood risk, and water quality of the Little Blackwater River and its surrounding watershed.

When making decisions on growth allocation projects, involving the reclassification of lands designated as Resource Conservation Areas (RCA) to Limited Development Area (LDA) or Intensely Developed Areas (IDA), Section 27.01.02.06 of the Code of Maryland Regulations directs local governments and the Commission to use specific guidelines. One of these guidelines states that, "*New IDAs and LDAs should be located in order to minimize impacts to habitat protection areas as specified in COMAR 27.01.09 and in a manner that optimizes benefits to water quality.*" Because these projects represent significant growth and development affecting a large portion of the watershed of the Little Blackwater River, the data generated by the study will be extremely useful to the Commission.

The Commission is interested in this important effort and hopes that the study will be underway as soon as possible. The study should provide a basis for sound decision making that accomplishes the County's and the City's goals for growth and economic development, as well as the goals of the Critical Area law to protect the Chesapeake Bay and its tributaries.

Thank you for your consideration of this request. If you have any questions, or if I or a member of the Commission staff can assist you with the study in any way, please contact me at (410) 260-3467, or Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Honorable Kenneth P. Knox, City Commissioner
Honorable Gilbert Cephas, City Commissioner
Honorable La-Shon M. Brooks, City Commissioner
Honorable Walter Lee Travers, City Commissioner
Honorable David Yockey, County Council Member
Honorable William V. Nichols, County Council Member
Honorable Thomas A. Flowers, County Council Member
Honorable Effie M. Elzey, County Council Member
Jim Newcomb, Dorchester County Soil Conservation District
Steve Dodd, Dorchester County Planning and Zoning Office
Anne Roane, City of Cambridge Department of Public Works and Planning

Robert L. Ehrlich, Jr.
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CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 27, 2005

Ms. April Bahner
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: Aldridge Variance
05- 386**

Dear Ms. Bahner:

Thank you for providing information regarding the Aldridge variance. The applicant is requesting a variance to the 100-foot Buffer to permit the construction of a single-family dwelling.

The Commission does not oppose the proposed variance to impact the Buffer, as the proposed dwelling reduces the current Buffer intrusion by about 10 feet. The demolition and subsequent construction of the proposed dwelling will also result in a reduction in impervious surface within the Buffer. The applicant cannot move the home and reduce the Buffer intrusion any further due to the location of a septic tank outside of the Buffer.

If the variance request is approved, the Commission recommends that mitigation be provided for the variance in accordance with the provisions of the St. Mary's County Critical Area regulations. 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) 260-3460.

Sincerely yours,

A handwritten signature in cursive script that reads "Michael A. Paone".

Michael A. Paone,
Program Planner

cc: SM-461-05

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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July 26, 2005

Ms. Ramona Plociennik
Anne Arundel County
Dept. of Planning and Code Enforcement
2664 Riva Road
Annapolis, MD 21401

**RE: Barnett Variance
2005-508-V**

Dear: Ms. Plociennik

Thank you for providing information regarding the Barnett variance. The applicant is requesting a variance to permit a dwelling with less setback than required. The proposed dwelling is located entirely within the 100 – foot Critical Area Buffer and will replace an existing dwelling in the same location.

The Commission does not oppose the proposed variance. The Paradise Beach community is designated as a Buffer Exempt Area and the property is an existing grandfathered lot. The property is severely constrained by the 100-foot Buffer. The proposed structure maintains the existing 40' setback from the shoreline but needs a variance to the side yard setback of 7' minimum/20' combined yard requirement. If the variance request is approved, the implementation of a Critical Area Planting Agreement to offset adverse impacts to water quality and habitat is recommended.

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) 260-3460.

Sincerely yours,

A handwritten signature in cursive script that reads "Michael A. Paone".

Michael A. Paone,
Program Planner

cc: AA-508-05