

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

December 28, 2005

Mr. Robert Cuthbertson
Water Management Administration
Tidal Wetland Division
Maryland Department of the Environment
1800 Washington Blvd, Room 430
Baltimore, MD 21230

RE: Inner Harbor West, LLC
200565938-WL-0393

Dear Mr. Cuthbertson:

This office has reviewed the applicant's proposal to construct and backfill 1,479 feet of new bulkhead within a maximum of 25.4 feet channelward of the mean high water line. The purpose of this project is to confine chemical contaminants on site. This project is located in the Middle Branch of the Patapsco River in Baltimore City.

There is a permanent Conservation Easement around the shoreline which is not referenced in the application. According to my records, the Conservation Easement agreement shows that the easement is the length of the shoreline along the property. This Conservation Easement was created approximately 15 years using City, State and private funds. This easement should be considered in your evaluation of this proposal as it may affect what can be done.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Ren Serey
Regina Esslinger
Corp File

Robert L. Ehrlich, Jr.
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December 28, 2005

Mr. Peter Loyka
Principal Engineer
Drum, Loyka and Associates, LLC.
209 West Street, Suite 203
Annapolis, MD 21401

RE: Bishop Stadium – Phase II
United States Naval Academy

Dear Mr. Loyka:

Thank you for providing notification for "Federal Consistency Determination" in accordance with the Federal Coastal Zone Management Act. We understand that all phased projects are for improvements to the United States Naval Academy (USNA) baseball field/stadium, known as Bishop Field.

Phase II is for the installation of new bleachers, walls, bathroom facilities and a batting cage. The Phase II improvements will result in a slight decrease in impervious area due to the proposed grassed plaza areas behind the dugouts which previously were surfaced with gravel. We understand that any decrease in impervious areas will be included in the 10% pollutant reduction calculations.

This office does not oppose Phase II of this project. For Phase I, we understand that you are awaiting an answer from the Maryland Department of the Environment (MDE) on whether artificial turf can be used as a Best Management Practice (BMP) for stormwater credit. Please notify us when MDE has made a decision.

If there are any questions, please feel free to call at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Elder Ghigiarelli
Jim Tracey
Regina Esslinger
Federal File 47-05

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December 23, 2005

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8 th Floor
Baltimore, Maryland 21202

RE: Eastern Avenue Pumping Station
Public Works Museum

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to construct a generator building on an existing parking lot. The site is 0.76 acres, in an Intensely Developed Area and within the 100-foot Buffer.

Since this project is on City owned land, it must be submitted as a Consistency project. Please submit a letter summarizing the project and having the City confirm that it is consistent with the City's program. Because a portion of this project is in the Buffer, the applicant must pay into the Buffer Offset Fee as per Duncan Stuart's recommendation. Please note that the application contains the old 10 % phosphorus reduction worksheet. The worksheet from the 2003 guidance manual must be used.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 808-05

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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December 23, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Carr-Lowery Grading Permit
2201-2203 Kloman Street

Dear Mr. Stuart:

This office understands that the applicant is proposing to cap the site with clean fill soil to contain contaminants under the Maryland Department of the Environment's Brownfield's Remediation Voluntary Clean-up Program. The site is 18.24 acres with 0.983 acres in an Intensely Developed Area. This office does not oppose the grading and stockpiling of soil on site as necessary to contain contaminants.

We understand from the consultant that fill will not be placed in the existing Conservation Easement as this time. We also understand from a conversation with the consultant during our December 19, 2005 site visit that the City is currently reviewing how the Conservation Easement will fit into the applicant's proposed development, including a proposal to bulkhead and fill in the Conservation Easement. We are reviewing the Conservation Easement in light of this proposed development and the prior use of Buffer funds to establish the easement vegetation.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 781-05

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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November 22, 2005

Mr. Nick Walls
Environmental Planner
Harford County Dept. of
Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Dennis Mezzanotte Variance
200 Bridge Drive

Dear Mr. Walls:

This office has reviewed the applicant's proposal to build an addition to an existing house. We understand that this variance request involves the rear-yard setback. No variance is being requested in the Critical Area. This office does not oppose this project and has no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HC 716-05

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor



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December 20, 2005

Mr. Jay Bautz
City of Havre de Grace
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: 601 Otego Street

Dear Mr. Bautz:

This office has reviewed the applicant's subdivision to build seven single-family attached dwellings. The site is 0.301 acres and in an Intensely Developed Area. This office does not oppose the proposed development. However, Worksheet A for the 10 % pollutant reduction requirements must be corrected as outlined in my fax sent to you yesterday.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HG 791-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

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Executive Director

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December 19, 2005

Mr. John Mitchell
Project Manager
Project Delivery Group
Washington Sanitary and Sewer Commission (WSSC)
14501 Sweitzer Lane
Laurel, Maryland 20707

RE: WSSC Western Branch Wastewater
Treatment Plant Ultraviolet Disinfection
Project

Dear Mr. Mitchell:

On December 7, 2005, the Critical Area Commission granted conditional approval for WSSC's proposal to add a new 48-inch effluent line and new paved access drive in the 100-foot Buffer with the condition that:

1. The Washington Sanitary Sewer Commission shall submit a Buffer mitigation plan to Critical Area staff to satisfy the impacts in the 100-foot Buffer.

I would like to thank you for working with Commission staff. If there are any changes in development within the area on site, please notify us immediately at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Terry Valentine
Regina Esslinger
State WSSC File

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
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Executive Director

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November 17, 2005

Mr. Ken Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, Suite 100
Baltimore, Maryland 21201

RE: Canton Maritime Services
Piers 6, 7, & 8 Grading

Dear Mr. Hranicky:

Thank you for the October 27, 2005 site visit. This office has reviewed the applicant's proposal to replace an existing warehouse with a 168,000 square foot warehouse on piers 6, 7, and 8. All three piers total 8.2312 acres, will contain the 100-foot Buffer, are in an Intensely Developed Area, and are entirely impervious.

This office does not oppose the grading on all the piers. The project will be phased; the current proposal is for grading on piers 6 and 7. We understand that the applicant has an existing MDE wetland license for grading. All grading will be confined to pier 6 and 7 until all permits have been obtained on Pier 8.

For the development of the site, it is unclear as to the perviousness of the subsurface once the surface concrete is removed. The application references possible burial of the removed concrete and paving and the boring logs also indicated a mixture of subsurface materials. Please provide additional information on this for our review of the second phase of this project.

Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: David Booth
Duncan Stuart
Regina Esslinger
BA 675-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 16, 2005

Mr. Dirk Geratz
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: 608 Melvin Street

Dear Mr. Geratz:

Thank you for providing information on the above site plan. The applicant is proposing to build a new office and residential building, parking lot, driveway and sidewalks. The property is 0.48 acres and in an Intensely Developed Area.

The site plan shows a proposed underground stormwater management infiltration system. It is not clear whether this Best Management Practice is being used to satisfy the 10 % pollutant reduction requirements. Please submit Worksheet A for our review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Regina Esslinger
AN 676-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 14, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Dog's World Project
200 West McComas Street

Dear Mr. Stuart:

This office has reviewed the additional information that was sent into our office. The applicant has satisfied the revised 10 % calculations and we have no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 194-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 10, 2005

Mr. Frank Pine
Project Director
EA Engineering, Science &
Technology
Mid & South Atlantic Region
15 Loveton Circle
Sparks, MD 21252

RE: Masonville Test Pit Surveys

Dear Mr. Pine:

Thank you for providing additional information concerning our site visit and your last letter dated October 3, 2005. We understand that you will change the sampling methods pending a site review by MDE Non-tidal Wetlands Division. The purpose of the sampling is to investigate and characterize the chemical nature of the material dumped in the observed "mounded" Areas C and E. Your team will be assessing the sites on foot in Area E from Frankfurst Avenue and Area C near the ATC property to the east of the site.

In conducting this work, we understand:

1. That no trees or shrubs will be removed or damaged while using hand augers at five locations within the designated areas;
2. That some ground cover will be disturbed at each designated sample locations;
3. That all material removed during the sampling will be replaced back in the holes; and,
4. That the Natural Heritage Program was contacted to determine the types of species are of special concern.

Continued, Page Two
Masonville Test Pit Surveys
November 10, 2005

This office has determined that the proposed disturbance is minor therefore approval by the Commission is not necessary. If there are any changes in disturbance that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Frank Hamon
Steve Storm
Meg Andrews
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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November 10, 2005

Mr. Peter Loyka
Principal Engineer
Drum, Loyoka and Associates, LLC.
209 West Street, Suite 203
Annapolis, MD 21401

RE: Bishop Stadium – Phase I
United States Naval Academy

Dear Mr. Loyka:

Thank you for providing notification for "Federal Consistency Determination" in accordance with the Federal Coastal Zone Management Act. We understand that the project is for improvements to the United States Naval Academy (USNA) baseball field\stadium, known as Bishop Field.

This project is in two phases. Phase I is the conversion of the existing grassed field to artificial turf, with Phase II being submitted later. Phase I will involve the excavation of approximately 2,000 square yards of the existing grass\topsoil. We understand that two gravel layers will be installed and then covered with the artificial turf.

This office does not oppose the above development activity. However, the applicant must remove 0.33 pound of phosphorus since the pollutant removal requirement has not been met. You can obtain additional pollutant removal credit by planting the area where impervious surface was removed. This would equate to 66 trees or 3 shrubs for every three trees which totals 198 shrubs. (*See Option 4: Reducing the Impervious of an Existing Property, Page 6-5*) If the stormwater offset option does not work, you can use other offset opportunities outlined in Chapter Six of the Critical Area 10% Rule Guidance Manual.

Continued, Page Two
Bishop Stadium Project (USNA)
November 10, 2005

Please let us know what stormwater offset option you select. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Elder Ghigiarelli
Jim Tracey
Regina Esslinger
Federal File: 47-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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November 10, 2005

Mr. Roby Hurley
Critical Area Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801

RE: Town of Greensboro - Miscellaneous Text Amendments and
Annexation of Parcel 50 and Parcel 51

Dear Mr. Hurley:

On November 2, 2005, the Critical Area Commission concurred with the Chairman's determination that the Town of Greensboro's text amendments and the annexation of Parcel 50 and Parcel 51 could be approved as refinements to the Town's Critical Area Program.

The zoning ordinance text amendments include the required revisions resulting from the 2004 legislation passed by the General Assembly. The map amendment reflects the annexation of Parcel 50 and Parcel 51 into the corporate limits of Greensboro.

In accordance with §8-1809(p)(4), please incorporate these changes into the Town of Greensboro Critical Area Program within 120 days of the date of this letter. Please provide two copies of all required documents or revised pages to Commission staff as soon as they are available, as well as copies of the Critical Area Maps reflecting the annexation.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jeanette Delude
Mary Owens
GR Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 8, 2005

Mr. Kevin Clark
Zoning Administrator
Caroline County Planning & Zoning
Health & Public Service Building
403 South 7th Street, Suite 210
Denton, MD 21629-1335

RE: Leo McLelland Variance
#05-018 V

Dear Mr. Clark:

Thank you for providing information on the above variance application. The applicant is proposing to construct a new dwelling within the 100-foot Buffer and within the front and side yard setbacks. The property is 0.70 acres and in a Limited Development Area.

After reviewing the site plan, this office does not oppose the variance. It appears that the proposed house cannot be moved out of the Buffer because of the sewage disposal area. If a variance is granted, this office recommends that disturbance to the 100-foot Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

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

Sincerely,

A handwritten signature in black ink that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 745-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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November 8, 2005

Mr. Kevin Clark
Zoning Administrator
Caroline County Planning & Zoning
Health & Public Service Building
403 South 7th Street, Suite 210
Denton, MD 21629-1335

RE: Leroy Frase Variance
05-017 V

Dear Mr. Clark:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 30 x 40 detached garage which does not meet the side yard setback. The site plan currently shows a one story house with a porch and garage, and a septic system and paved driveway. The property is 1.291 acre, contains the 100-foot Buffer and in a Limited Development Area; however, the proposed garage is not in the Buffer.

This office does not oppose the above variance request. However, no information was provided regarding existing impervious surface and proposed impervious surface. This information should be provided to ensure no impervious surface variance is necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 744-05

Robert L. Ehrlich, Jr.
Governor

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November 4, 2005

Mr. Nick Walls
Environmental Planner
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Robert Copenhaver Consistency Report

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County's Critical Area Program. The County is proposing to replace an existing 192 square foot concession stand that is in a state of disrepair. The new 240 square foot building will be placed in the same location as the existing structure at the Robert Copenhaver Park in Joppatowne. The project is in a Resource Conservation Area.

Critical Area Commission staff understands:

1. That no vegetation will need to be removed in order to install the building;
2. That new impervious surface will total approximately 48 square feet;
3. That native plantings will be used for mitigation between the structure and the Buffer; and,
4. That impacts associated with the demolition of the structure will be limited to an area of about 10 feet around the perimeter of the structure.

Continued, Page Two
Copenhaver Consistency
November 4, 2005

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 705-05

Critical Area Commission

STAFF REPORT

November 2, 2005

APPLICANT: Town of Greensboro

PROPOSAL: Town of Greensboro Ordinance 2005-O-6
Text Amendment and Map Amendment for Annexation of
Parcel 50 and Parcel 51

JURISDICTION: Town of Greensboro

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Chapter 526 of the 2004 Laws of Maryland: "Chesapeake
and Atlantic Coastal Bays Critical Area Protection Program
– Miscellaneous Enforcement Provisions", Chapter 546 of
the 2004 Laws of Maryland: "Chesapeake and Atlantic
Coastal Bays Protection Program – Dwelling Units" and
Natural Resources Article §8-1809(h)

DISCUSSION:

On September 5, 2005, the Town Council of Greensboro approved Ordinance 2005-O-6 which amended the Town's zoning ordinance and also approved an amendment to the Town's Critical Area Maps. The zoning ordinance text amendments were necessary to address the changes to the Critical Area Law that were made by the General Assembly in 2004. The Town's ordinance includes changes to several definitions, amendments to the standards for approving variances, amendments to the language pertaining to fines, and language regarding reasonable accommodations for the needs of disabled citizens. The map amendment reflects the annexation of Parcel 50 and Parcel 51 into the corporate limits of Greensboro.

2004 Maryland General Assembly – Changes to the Critical Area Law

In the 2004 legislative session, the General Assembly enacted Chapter 526 and Chapter 546 of the 2004 Laws of Maryland, which primarily restored components of the Critical Area Law that were undermined by the Maryland Court of Appeals in the Lewis vs. Department of Natural Resources decision. This legislation accomplished the following:

- Reaffirmed the 1984 and 2002 legislative findings that establish the importance of the 100-foot Buffer as a protected area;
- Defined the term "unwarranted hardship" as it applies to variances;
- Restored the original intent of the Law regarding the standards and procedures for considering Critical Area variances;
- Moved the definition of Buffer to the "Definitions" section of the Natural Resources Article of the Annotated Code of Maryland to clarify its application;
- Inserted provisions for establishing the Buffer in the Natural Resources Article of the Annotated Code of Maryland;
- Increased fines for Critical Area violations;
- Provide for assistance from the Attorney General and the Commission for enforcement actions.

The General Assembly also passed House Bill 1345/Senate Bill 795, which provided a definition of dwelling unit. These companion bills also provided flexibility for local governments to permit one additional dwelling unit in the RCA to be considered part of the primary dwelling unit for density calculations in the RCA. If a local government chooses to allow an additional dwelling unit through these provisions, it must maintain records of all building permits issued and incorporate specific language into its Critical Area Program that limits the location and size of these units.

Governor Ehrlich signed these bills into law, effective June 1, 2004; therefore, all local governments have made or will be making revisions to their Critical area Programs in order to be consistent with the changes to the Critical Area law.

Town of Greensboro Text Changes

Bill No. 2005-O-6 includes the following revisions to the Town of Greensboro zoning ordinance:

- Revises the definition of "Buffer" and "dwelling unit;"
- Adds the definition of "unwarranted hardship;"
- Clarifies the variance standards and adds provisions pertaining to testimony and after-the-fact variance requests;
- Adds provisions regarding approval of reasonable accommodations for the needs of disabled citizens;
- Adds violation and penalty provisions that allow the County to assess fines for Critical Area violations up to \$10,000;
- Adds provisions regarding the public notice process for adding new Habitat Protection Areas determined to be necessary to address the protection and conservation of habitats of species that are not currently listed by the State or federal government as endangered, threatened, or in need of conservation.

Town of Greensboro Map Amendment

The Town has amended their Critical Area maps to reflect the annexation of Parcel 50 and Parcel 51 with both parcels located partially within the Critical Area and a designated Resource Conservation Area (RCA).

A copy of Ordinance No. 2005-O-6 is attached for your review. The Chairman has determined that these changes to the Town's zoning ordinance and Critical Area Maps may be handled as a refinement to the Town's Critical Area Program and is seeking your concurrence.

ORDINANCE NO. 2005-O-6

AN ORDINANCE OF THE TOWN OF GREENSBORO
AMENDING THOSE PORTIONS OF CHAPTER 158 (ZONING ORDINANCE)
WHICH APPLY TO THE CRITICAL AREA

Sponsored by _____.

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF
GREENSBORO:

SECTION 1. That Chapter 158 of the Code of the Town of Greensboro is hereby amended by the additional of those matters shown in bold text and the deletion of those matters shown as stricken through.

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Section 158-14.B. Definitions *

“Buffer” means an existing naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances. * * *

DWELLING UNIT IN THE CRITICAL AREA - A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

UNWARRANTED HARDSHIP, in the Critical Area, 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.

Section 158-49.C. Program Enforcement *

3. **Violations.** In addition to any other penalty applicable under state or municipal law, a person who violates a provision of Natural Resources Article, Title 8, Subtitle 18, or the Town’s Critical Area Program, ordinance, or regulations is subject to a fine not exceeding \$10,000. In determining the amount of the penalty to be assessed under paragraph (c), the Town may consider the following:

- a. The gravity of the violation
- b. Any willfulness or negligence involved in the violation; and
- c. The environmental impact of the violation

Section 158-49.D. [Page 60] — Add the following language to this section and recodify as necessary:

7. **Reasonable accommodations for the needs of disabled citizens.** The Board of Appeals may make reasonable accommodations to avoid discrimination on the basis of a physical disability. Reasonable accommodations for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in the following paragraphs.

(1) An applicant shall have the burden of demonstrating the following:

- A. The existence of a physical disability;**
 - B. Literal enforcement of the provisions of this ordinance would result in discrimination by virtue of such disability;**
 - C. A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this ordinance;**
 - D. The accommodation requested will not substantially impair the purpose, intent, or effect of the provisions of this ordinance as applied to the property;**
 - E. Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the particular disability of the applicant.**
- (2) The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.**
- (3) The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this ordinance. Appropriate bonds may be collected or liens placed in order to ensure the Town's ability to restore the property should the applicant fail to do so.**

Section 158-49.G.3.d. [Page 66] —Delete the last sentence which reads, ~~“Non-industrial activities which support surface mining, agriculture, and forestry may be established or expanded provided they conform with the other requirements of this Chapter.”~~

* Section 158-23.E.4.a. Variances [Page 27] — Add the following language to paragraph (a) as indicated,” ... variance may be obtained. **In considering an application for a variance, the Town shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of the Town’s Critical Area Program. The provisions for granting such a variance ...”**

* Section 158-23.E.4.b. (4) Variances [Page 27] — Add the following language to paragraph (b)(4) as indicated, “... which are the result of actions by the applicant, **including the commencement of development activity before an application for a variance has been filed, nor does the request arise from ...”**

* Section 158-23.E.4.c. Variances [Page 27] — Add the following language to paragraph (c) as indicated,” ... the Board of Appeals shall make **written** findings reflecting analysis of each standard. **The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in paragraph (a) above. The Town shall notify the ...”**

* Section 158.E.4. Variances [Page 28]— Add the following language to this section and recodify existing subparagraphs d and e as e and f.

(d) Findings. Based on competent and substantial evidence, the Town shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in paragraph (a) above. With due regard for the person’s technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

- (1) The applicant;**
- (2) The Town or any other government agency; or**
- (3) Any other person deemed appropriate by the Town.**

Section 158-49.U.5. Public notice [Page 83] — Delete the second and third sentences, ~~“Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If additional habitat areas are designated in the future, as desired by the local government or if the Secretary of the Department of Natural Resources designates additional species and/or habitat areas, a public hearing, as appropriate, shall be held to consider comments on these areas and protection measures~~

proposed.” Add the following, “If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, additional local public hearings, as appropriate, shall be held to consider comments on the protection measures proposed for these species.”

Section 158-49.V. Plant and Wildlife Habitat and Nontidal Wetlands Protection [Page 86] —
Add the following provisions as paragraph (6):

6. 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.

SECTION 2. That this ordinance shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption or July 5, 2005, whichever is later.

Yea or Nay

Gerald P. Garey, Councilman

Alex W. Herzberg, Councilman

David A. Spencer, Councilman

Timothy D. Boyd, Councilman

ATTEST:

Shelley E. Pacello, Clerk/Treasurer

Thomas L. Riddleberger, Mayor

Introduced and read the first time	_____	2005
Read the second time and passed by the Council	_____	2005
Approved by the Mayor	_____	2005

Note: Asterisks indicate issues which are the result of the passage of two pieces of Maryland legislation that affect implementation of Critical Area Programs. The changes represent required amendments to local Critical Area Programs results from House Bill 1009 and House Bill 1345.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

November 1, 2005

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Ritz-Carlton Residences

Dear Mr. Hranicky:

Thank you for providing additional information on the above project. This office understands that the applicant is proposing condominiums, a restaurant, a parking garage, a promenade, a marina office building, and marina.

To satisfy the 10 % pollutant reduction requirements, this office understands that the applicant will pay a stormwater offset fee. However, it appears the applicant does not meet the 50 % credit for the Buffer Offset requirements under Section V, H.2 of the City's program because the project does not meet the 10% pollutant reduction requirement.

This office has no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 321-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 27, 2005

Mr. Gary Letteron
Planner
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Locust Point Townhouse Community

Dear Mr. Letteron:

This office has reviewed Worksheet B for the 10 % calculations. The applicant meets the City's Critical Area Program and we have no additional comments. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 545-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 27, 2005

Mr. Kevin Clark
Zoning Administrator
Caroline County Planning and Zoning
Health and Public Service Building
403 South 7th Street, Suite 210
Denton, Maryland 21629-1335

RE: Thomas & Catherine Eaton (McKee) Project

Dear Mr. Clark:

This office has reviewed the applicant's proposal to build a single family house with a detached garage. The site is 6.82 acres, in a Resource Conservation Area, and is outside of the 100-foot Buffer. This project meets the impervious surface limit. We have no comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 647-05

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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October 19, 2005

Mr. Roby Hurley
Critical Area Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801

RE: Town of Greensboro - Miscellaneous Text Amendments and
Annexation of Parcel 50 and Parcel 51

Dear Mr. Hurley:

Thank you for providing information on the proposed changes to the Town of Greensboro Critical Area Program. Based on the information submitted, we understand that on September 1, 2005, the Town Council approved several changes to the Town's zoning ordinance and also approved an amendment to the Town's Critical Area Maps. The zoning ordinance text amendments include the required revisions resulting from the 2004 legislation passed by the General Assembly. The map amendment reflects the annexation of Parcel 50 and Parcel 51 into the corporate limits of Greensboro.

The Critical Area Commission staff received your letter on October 6, 2005 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Mary Owens
Jeanette Delude

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/

October 14, 2005

Mr. Nathaniel Brown
Harbor Development
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: Masonville DMCF
Masonville Cove Educational Center

Dear Mr. Brown:

This office has received your letter dated September 23, 2005 and the conceptual Masonville Cove Plans. This office understands that Harbor Development is proposing an educational center with a parking lot, various trails that will impact the 100-foot Buffer, a crabbing and fishing pier, a canoe launch, a bird sanctuary, a 0.8 acre proposed created beach, 5.1 acres of wetland creation restoration and two observation decks in the Buffer. The site is currently 54 acres in size and contains both Intensely Developed Area and Resource Conservation Area. The entire site is 124 acres, with 54 acres of land and 70 acres of open water.

As you know, development on the site will need Critical Area Commission approval. For your information, I have enclosed a copy of our Public Walkways guidance paper to help you as you develop your plans. I recommend that we get together and go over the plan and your timeframe; after we meet we may want to take it to the Project Subcommittee for feedback before plans are finalized.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Frank Hamons
Steve Storms
Meg Andrews
Ren Serey
Regina Esslinger
Enclosure

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 11, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: W.R. Grace Rip Rap Project
5500 Chemical Road

Dear Mr. Stuart:

This office has received a proposal to add riprap along a 400 feet bulkhead and remove invasive vegetation at the northwest area of the site. The riprap will help to stabilize the bulkhead and protect existing structures. The site is 59 acres and in an Intensely Developed Area.

Between 8,000 to 10,000 square feet of vegetation will be disturbed during construction. The applicant proposes to plant 30,000 square feet of area with 65 trees as specified in the City's program. (See Table 3, page 39 "Forest Mitigation Specifications for Baltimore City Critical Area Program".) The mitigated area will cover the trees planted and the reseeding of the affected Buffer area when the proposed rip rap is constructed. The City will reseed the Buffer area with a grass and woody shrub seed mix as outlined in the City's program. (See Table 4, page 39 and 40, "Woody Shrub and Grass Seed Mix").

This office has determined that proposed development activity are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 607-05

Critical Area Commission

STAFF REPORT

October 5, 2005

APPLICANT: Maryland State Highway Administration

PROPOSAL: MD- 404 Bridge Denton By-Pass

JURISDICTION: Caroline County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval with Conditions
(Buffer Impacts)

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 - State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION: The State Highway Administration (SHA) is proposing to widen MD 404 in Caroline County from south of Double Hills Road to approximately 1,000 feet south of Sennett Road. This project includes the construction of a new bridge over Watts Creek and the reconstruction of a two-lane segment of MD 404 within the project limits to create a four-lane divided highway. The existing bridge consists of 13.4 acres of impervious surface and is designated an area of intense development.

The proposed construction of the new roadway and new bridge over Watts Creek will increase the impervious surface within the Critical Area. The proposed widening of MD 404 will impact approximately 2.2 acres of Buffer which includes 1.03 acres of non-forested Buffer and 1.17 acres of forested Buffer. SHA is proposing to mitigate at a 3:1 ratio for all Buffer impacts. The non-forested Buffer impacts of 3.09 acres will be mitigated to enhance existing or create new FID habitat.

Continued, Page Two
MD-404 Bridge Denton By-Pass
Buffer Impacts
October 5, 2005

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

The following are the responses of the applicant:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project from being implemented;

This project is the fifth and final segment needed to complete the Denton Bypass. Four segments, beginning at Holly Road and ending at the intersection of MD 404 and Double Hills Road, were previously completed and open to traffic. This final section of roadway and construction of a new bridge over Watts Creek are needed in order to provide continuity and safe operation of the roadway. SHA is required to maintain its roadways and bridges in a safe operating condition and literal enforcement of the Critical Area regulations would prevent SHA from implementing improvements that would ensure continued and safe use of MD 404. The proposed widening of MD 404 would impact approximately 2.2 acres of Buffer, which includes 1.03 acres of non-forested Buffer and 1.17 acres of forested Buffer.

The impact to the Buffer is unavoidable because existing MD 404 traverses Watts Creek and Buffer areas are impacted as a result of the dualization of MD 404. The dualization crosses Watts Creek and therefore impacts the Critical Area and the Buffer which extends upstream and downstream of the existing crossing of Watts Creek.

(2) That the project otherwise provides substantial public benefits to the Critical Area Program;

The project provides a substantial public benefit to the citizens of the Town of Denton and to the Critical Area Program by reducing traffic congestion within the town and therefore reducing pollution. The removal of beach-bound traffic from the local street system benefits the Town of Denton in numerous ways, such as improved safety for residents, improved flexibility of emergency services, and improved access to local businesses by residents, which would provide a better quality of life for residents. The construction of ten-foot wide shoulders to accommodate bicycles along mainline MD 404 reduces the pollution caused by the use of automobiles. Safety will be improved for both vehicles and pedestrians through the inclusion of the proposed west frontage road, which separates high-speed through-traffic from local traffic.

Continued, Page Three
MD-404 Bridge Denton By-Pass
Buffer Impacts
October 5, 2005

The project also includes the construction of a stormwater management (SWM) facility at the northern section of the project site near Watts Creek. Roadway runoff from eastbound and westbound MD 404 will be filtered by this facility before being released into Watts Creek. The SWM facility will treat roadway runoff in excess of what is required by MDE. Another benefit to the Critical Area Program is the creation of new Buffer as a result of 3:1 mitigation of Buffer disturbance. This mitigation will increase the amount of nearby forested area and will provide additional wildlife habitat.

(3) That the project is otherwise in conformance with this subtitle.

Impacts to the Buffer are minimized through the utilization of the existing break in the Buffer and forest caused by the existing MD 404 roadway and bridge.

Additionally, the project has minimized intrusion into the Buffer by staging the bridge construction activities within the footprint of the proposed bridge or within the median areas of the proposed highway. On the west end of the bridge, temporary sheeting will be used to support a work platform for the construction of the bridge pier and minimize impacts to Watts Creek. On the east end of the bridge, a temporary work trestle is proposed to provide a working platform to the middle of Watts Creek for the construction of the other two piers. As the piers are completed the trestle will be removed.

Required Buffer mitigation that has not been incorporated within the Critical Area, or within the Watts Creek watershed and project limits, will be provided at off-site locations, which SHA will acquire and protect in perpetuity through deed restrictions, conservation easements or restrictive covenants.

The Commission must find that the conditional approval request contains the following:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State project;

SHA is required to maintain its roadways and bridges in a safe operating condition. The completion of the Denton Bypass project and construction of a new bridge over Watts Creek is needed in order to provide continuity and safe operation of the MD 404 roadway. Literal enforcement of these regulations would prevent SHA from implementing improvements that would ensure continued and safe use of the roadway which provides access from the western shore of the Chesapeake Bay.

Continued, Page Four
MD-404 Bridge Denton By-Pass
Buffer Impacts
October 5, 2005

(2) A proposed process by which the project could be so conducted as to conform, insofar as possible, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

SHA has attempted to minimize impacts to the Critical Area Buffer throughout the design of the project. Examples of minimization measures include:

- Impacts to the Buffer are minimized through the utilization of the existing break in the Buffer and in the forest caused by existing MD 404 roadway and bridge.
- Along the eastern approaches to the bridge the impacts to the adjacent watershed were minimized by a reduction in the width of the roadway.
- Encroachment into the Buffer was minimized by providing a bridge that is longer than the existing bridge by 40 feet.
- On the west end of the bridge, temporary sheeting will be used to support a work platform for construction of the bridge pier minimizing impacts to Watts Creek.
- The steepness of the slopes was increased to a 2:1 ratio, which is the steepest grade allowed on the State highway system, and requires less fill required to elevate the roadway, and subsequently requires less right of way impact.
- Beyond the shoulder limits, all safety grading was eliminated and replaced with w-beam traffic barriers.

(3) Measures proposed to mitigate adverse effects of the State-owned lands, on the criteria set forth in COMAR 27.02.05.

SHA will be providing 3:1 mitigation for all Buffer impacts. The remaining 3.09 acres of non-forested Buffer impact will be mitigated in such a way as to enhance existing or created FIDs habitat. SHA will make an effort to exceed 3:1 mitigation, if possible, and will endeavor to locate created Buffer adjacent to existing forested areas, in an attempt to preserve additional FIDs habitat. SHA intends to advertise this mitigation separately and will return to present this to the Commission within nine months.

Continued, Page Five
MD-404 Bridge Denton By-Pass
Buffer Impacts
October 5, 2005

E. The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:

- (1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;
- (2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and
- (3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.

Staff recommends the following conditions:

1. SHA will report back to staff in 3 months and 6 months as to the progress on the mitigation component.

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/

September 28, 2005

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Back Creek Nature Park Consistency

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. This office understands that the City is proposing to make improvements to the shoreline and the adjacent slope at the Back Creek Nature Park. The City is proposing a marsh restoration that involves filling, grading, and planting marsh vegetation along 490-linear feet of eroding shoreline with 207 cubic yards of clean sand placed within a maximum of 22 feet channelward of the mean high water line. They are also placing a 490 feet "biolog" and stone sill within a maximum of 25 feet channelward of the mean high water line. The second phase involves stabilization of an eroding bank along the lagoon.

The park sits on one parcel that is 8.65 acres with 8.11 acres in the Resource Conservation Area (RCA) and the remaining 0.54 acres is in the Intensely Developed Area (IDA). The purpose of this project is to alleviate an existing erosion problem in the Buffer, as well as restore a functioning living shoreline around the lagoon.

Critical Area Commission staff understands:

1. That there will be no new impervious surface coverage;
2. That there will be no disturbance in the Buffer beyond the slope stabilization.
No trees or other vegetation will be removed;
3. That no stormwater management is required for this project;
4. That there are no Habitat Protection Areas of concern on Back Creek Nature Park;
and,

Continued, Page Two
Back Creek Nature Park Consistency
September 15, 2005

5. That this project proposes to stabilize an eroding Buffer and add a living shoreline to the lagoon.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. *(See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).*

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 543-05

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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September 28, 2005

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Blastech Warehouse
2200 Van Deman Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to build a warehouse on an existing industrial site. The existing building will be demolished and a new 38,400 square foot building is proposed. The site plans also shows a proposal to build a future 8,000 square foot service station and additional future paving. The site is 7.84 acres and in an Intensely Developed Area. The applicant will satisfy the 10 % pollutant reduction requirements through the use of two bioretention facilities.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 306-05

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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September 28, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Waterview Overlook Variance
3100 Waterview Avenue

Dear Mr. Stuart:

Thank you for providing information on the above variance application. The applicant is requesting a variance from the Lower Middle Branch Designated Habitat Protection Area to build a total of 119 condominiums and townhouses. (See Chapter VI, C(3), of the City's Critical Area Management Program) The property is entirely wooded, is 9.957 acres in size, and is in an Intensely Developed Area. The applicant is proposing to remove 5.5 acres of forest. After reviewing the application, this office does not oppose the variance. The applicant is proposing 14.03 acres of mitigation both on and off site. We recommend this be a condition of approval.

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

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Otis Rolley
Regina Esslinger
BA 609-05

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/

September 28, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Waterview Overlook Subdivision
3100 Waterview Avenue

Dear Mr. Stuart:

Thank you for providing additional information on the above subdivision application. We have no additional comments on the subdivision if the variance is granted. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 393-04revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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September 23, 2005

Mr. Otis Rolley
Director
Baltimore City Department of Planning
413 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Fort Armistead Pier Consistency

Thank you for providing "Notification of Certification" that the above project is consistent with Baltimore City Critical Area Program. This office understands that the City is proposing to replace a pier that was damaged during Hurricane Isabel. There is no pavement or structure being built on land. The pier is utilizing an existing concrete bulkhead that is a remnant from the previous pier. The proposed pier is in a Resource Conservation Area and is water-dependent.

The proposed replacement pier is 200' by 9' with a 100' by 20' "T" head and a 52' by 4' ramp. The proposed project will not modify the existing drainage area to the Critical Area or permanently impact any environmental resources.

Critical Area Commission staff understands:

1. That there are no pavement or structures being built on land;
2. That all of the proposed project's surfaces are pervious consisting of a wood slatted pier;
3. That the pier will impact the 100-foot Buffer by being attached to an existing bulkhead;
4. That there are no known Federal or State threatened or endangered plant or wildlife species present; and,
5. That the construction will result in no net increase in impervious surface.

Continued, Page Two
Ft. Armistead Pier Consistency
September 23, 2005

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Ken Hranicky
Regina Esslinger
BA563-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 21, 2005

Mr. Kenneth Hranicky
Planner
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Burman Subdivision
1525-1527 Aliceanne Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to subdivide into two lots and build two townhouses. The site is 0.051 acres, is in an Intensely Developed Area and is currently a vacant lot. The applicant will pay an offset fee to satisfy the pollutant reduction requirements.

I note that the proposed plantings do not match between the Final Development Plan and the Planting Plan. Please clarify which is correct.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 542-05

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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September 20, 2005

Mr. Kenneth Hranicky
Planner
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Victory Steel Project
6400 Beckley Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to keep an existing industrial warehouse building and add new paving for loading and storage of steel and truck parking. The site is currently 10.6 acres and in an Intensely Developed Area. The applicant will satisfy the 10 % pollutant reduction requirement through the use of swales.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 546-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 19, 2005

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and
Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Ordinance: 01-04 Minor Text Changes
Ordinance: 10-05 Clarification of Determining Density in the RCA

Dear Mr. Smith:

On September 7, 2005, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the City of Annapolis Ordinance O-01-04 and Ordinance O-10-05 could be approved as refinements to the City's Critical Area Program.

Ordinances O-01-04 amends Title 21, Chapter 21.54 of the City of Annapolis Municipal Code. The amendments addressed by this ordinance involve editorial changes and clarifying provisions. Ordinance O-10-05 clarifies the methodology that the City will use to determine the maximum density for subdivisions and residential planned communities that involve land designated Resource Conservation Area (RCA).

In accordance with §8-1809)(p)(4), please incorporate this refinement into the City of Annapolis Critical Area Program within 120 days of the date of this letter. Please provide two copies of all required documents or revised pages to Commission staff as soon as they are available.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Mary Owens
AN Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Waterview Overlook Variance
3100 Waterview Avenue

Dear Mr. Stuart:

Thank you for providing information on the above variance application. The applicant is requesting a variance from the Lower Middle Branch Designated Habitat Protection Area to build 81 condominiums and townhouses. (See Chapter VI, C(3), of the City's Critical Area Management Program) The property is entirely wooded, is 9.957 acres in size, and is in an Intensely Developed Area. The applicant is proposing to remove 5.5 acres of forest. After reviewing the application, this office does not oppose the variance. The applicant is proposing 14.03 acres of mitigation both on and off site. We recommend this be a condition of approval.

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

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Otis Rolley
Regina Esslinger
BA 609-05

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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September 15, 2005

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Village of Eastport
401 & 409 Chester Street

Dear Mr. Smith:

This office has reviewed the additional information that was sent on September 13, 2005. This office does not oppose this project and has no additional comments. If there are any questions, please feel free to call me at (410) 260 -3 483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Dirk Geratz
Regina Esslinger
AN 172-03

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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September 12, 2005

Mr. Nick Walls
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Unique Motors Variance

Dear Mr. Walls:

This letter is in reference to the additional information sent to us in your e-mail dated August 23, 2005. This office understands that the Board of Appeals previously granted a variance to impact the Buffer due to the alignment of the a lot.

This office is satisfied with the additional information send to us. We understand that the new variance request is to add a 0.2654 acres piece of land acquired from the State Highway Administration. We also understand that the applicant will abandon plans to impact the Buffer as previously planned. Stormwater management will be provided by the bioretention.

As stated in your e-mail, we will be looking for a copy of the 10 % pollutant reduction calculations for our review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in black ink that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelewicz
Regina Esslinger
HC 483-05

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/

September 12, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Universal Contracting Industrial Park Project
6100 Chemical Road

Dear Mr. Stuart:

This office has reviewed the additional information we requested in our December 17, 2004 letter. This office does not oppose this project and has no additional comments. Please feel free to call me at (410) 260-3483 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 888-04

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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September 12, 2005

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Locust Point Town Homes
Decatur and Beason Street

Dear Mr. Letteron:

This office has received the site plan for the 71 proposed townhouses at Locust Point. The Critical Area portion of the site is 2.84 acres, is partially in the Intensely Developed Area, and is currently a vacant lot.

This office does not oppose this proposal. The applicant will satisfy most of the 10 % pollutant reduction requirement by using four underground sandfilters, and is proposing to pay an offset fee to satisfy the remainder of 10 % phosphorus reduction requirement.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 324-05

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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September 9, 2005

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Village of Eastport
401 & 409 Chester Street

Dear Mr. Smith:

This office has reviewed the additional information as per several phone calls to Sigma Engineering in the last few weeks. The consultant used old Worksheet A; The correct Worksheet A for Lots 1-4 will show a pollutant removal requirement of 0.0947 pounds of phosphorus that needs to be forwarded to our office.

Please forward the revised information to our office for review. If there are any questions, please feel free to call me at (410) 260 -3 483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 172-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

September 6, 2005

Mr. Gary Letteron
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Tidewater at Port Covington

Dear Mr. Letteron:

Gary:
We have received the revised site plan and 10% Rule calculations for the Tidewater at Port Covington project. The calculations are correct, and a fee-in-lieu payment is proposed. I note that the plans submitted to us in June 2005 showed two underground sand filters. The current application gives no indication as to why on site treatment is no longer proposed. As we discussed today, the local Critical Area regulations require an applicant to show that on site treatment is not feasible before fees in lieu can be considered. Without additional information regarding the sand filters, we cannot support the use of fees in lieu.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Dawnn McCleary
BA410-05

Robert L. Ehrlich, Jr.

Governor

Michael S. Steele

Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

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

August 30, 2005

Mr. Duncan Stuart
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, MD 21202-3416

RE: Lofts at Harborview

Dear Mr. Stuart: *Duncan:*

I have reviewed the site plans for the proposed residential Lofts at Harborview. The site is 1.46 acres, is in the IDA, and is currently used as a parking lot. The proposal includes 49 condominiums and 30 townhouses. The applicant is proposing the pay an offset fee to address the 10% phosphorus reduction requirement. This office does not oppose this proposal.

Please call me at (410) 260-3479 if you have any questions.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Dawnn McCleary
BA544-05

3951

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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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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August 23, 2005

Ms. Jackie Rouse
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Katherine Property Annexation

Dear Ms. Rouse:

Thank you for submitting the subdivision history and correct acreage as per our June 10, 2005 letter for the annexation of the Katherine Property. This office is satisfied with the additional information sent to us.

However, we understand that the annexation will need to be approved by the City Council including the changes we recommended on Page 2, line 45 in the City Council Resolution No.R-12-05 document as outline in our June 10 letter. Following that approval, you will be sending us a copy of this annexation, as a change to the City's maps, for Critical Area Commission approval. The Commission will review it as a change to the City's Critical Area maps.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Tom Smith
Ren Serey
Mary Owens
An Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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(410) 260-3460 Fax: (410) 974-5338
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August 23, 2004

Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Code Amendment to City of Annapolis
Critical Area Program

Dear Mr. Smith:

Thank you for providing information on the proposed changes to sections in the City of Annapolis Municipal Code. Based on the information submitted, we understand that the City Council of Annapolis approved Ordinance O-01-04 on May 9, 2005 and O-10-05 on July 11, 2005.

Ordinance O-01-05 reorganizes and rewords a few minor changes to Title 21, Chapter 21.67 of the City's Critical Area Program within the City of Annapolis Municipal Code. Chapter 21.54 will now replace 21.67 of the City Critical Area Code. Ordinance O-10-05 clarifies the methodology in determining the density requirements for subdivisions and residential planned developments that incorporate Resource Conservation Area (RCA) lands.

The Critical Area Commission staff received your letter on August 10, 2005 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Mary Owens
City of Annapolis Comprehensive Files

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
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August 22, 2005

Ms. Elizabeth Krempasky
Director
Caroline County Planning and Zoning
403 South 7th, Suite 210
Denton, Maryland 21629-1335

Dear Ms. Krempasky:

Several weeks ago, we received a phone call about tree clearing in the 100-foot Buffer at 6632 Bell Creek Road. During our follow-up, we discovered that the property owner subdivided the Resource Conservation Area (RCA) parcel in 2004 into three lots. It is our understanding that Lot 1 has since been developed with a single-family house. Lot 2 and Lot 3 have not been developed at this time.

According to our records, we did not receive notification of this subdivision entitled "Kip J. Fulks". COMAR requires that all subdivisions in the RCA must be sent to the Commission prior to any local approvals. Please advise us if this subdivision was sent to us under a different name.

The Code of Maryland Regulations 27.03.01.03 states:

A.) Developments, Subdivisions, and Site Plans Requiring Project Approval.

(1) The local approving authority, or the applicant, shall send copies of applications for all developments, subdivisions, and site plans wholly or partially within the critical area, except those specified in §A(2), below.

(2) The following types of developments, subdivisions, and site plans are exempted from §A(1), above, if the proposed development, subdivision, or site plan does not result in a physical disturbance to the buffer:

(a) The following developments, subdivisions, or site plans that would occur wholly or partially within the IDAs:

(i) A single family dwelling unit,

(ii) A structure which is necessary to a single family dwelling unit which may include, but is not limited to, a pool, garage, porch, shed, or tennis courts,

(iii) Development in which the land disturbance does not exceed 15,000 square feet,

(iv) Subdivisions resulting in 10 lots or less, or two dwelling units or less;

(b) The following developments, subdivisions, or site plans that would occur wholly or partially within LDAs:

(i) Those listed in §A(2)(a)(i)—(iii), above,

(ii) A subdivision resulting in three lots or less which does not affect the local jurisdiction's growth allocation;

(c) Developments, Subdivisions, or site plans occurring wholly or partially within RCAs for which the land disturbance does not exceed 5,000 square feet.

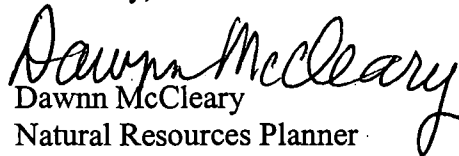
Subtitle 18, § 8-1811 of the Natural Resources Article states:

The local approving authority may not process an application of which a copy must be sent to the Commission until the local approving authority has received notice of receipt from the Commission, and any action of the local approving authority in violation of this paragraph shall be void.

Continued, Page Three
August 22, 2005

Please contact me by September 1, 2005 in regard to this matter. If you have any questions, call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Kevin Clark
Ren Serey
Regina Esslinger
General File - 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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August 18, 2005

Ms. Phyllis Grover
Director of Planning and Zoning
City of Aberdeen
60 North Parke Street
P.O. Box 70
Aberdeen, Maryland 21001

RE: City of Aberdeen Critical Area Program

Dear Ms. Grover:

Following our meeting last spring regarding the City of Aberdeen's annexation of land within the Critical Area, I went out with Adam Knubel, formerly of your staff to review several parcels that we believed were potentially in the Critical Area. At that time, Mr. Knubel told me that he was leaving his position with the City and that he was unsure of what the next steps would be. Mr. Knubel and I confirmed that several of the identified parcels were in fact, within the Critical Area. As we discussed in the spring, all jurisdictions with land within the Critical Area must adopt a Critical Area Program and appropriate regulations to implement and enforce the State Critical Area law and Criteria.

At this time, I would like to follow up with you to see if we can move forward with developing a Critical Area Program and appropriate regulatory provisions for the City of Aberdeen. It is my understanding that Mr. Knubel contacted the staff of Harford County, and that they agreed to assist the City with confirming the Critical Area designation of the parcels and the development of appropriate maps.

I would like to meet with you to discuss the mapping efforts that have been started and to discuss how the Commission can assist you in developing the City's Critical Area Program. I will contact you next week to schedule a meeting in September. In the interim, if you have any questions, please contact me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: The Honorable Douglas Wilson, City of Aberdeen
Ren Serey
Mary Owens
General File

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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August 10, 2005

Mr. Kenneth Hranicky
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Grainger Warehouse Project
2100 Haines Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to build an addition to the existing warehouse. The existing building, parking lot, and trees will remain. The site is 1.88 acres and in an Intensely Developed Area. The applicant is proposing to use a bioretention facility as a Best Management Practice (BMP) to satisfy the 10 % pollutant requirements.

The 10 % calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 517-05

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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August 10, 2005

Mr. Kenneth Hranicky
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Lopez Building
512 South Collington Avenue

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to redevelop an attached dwelling. The project is 0.04 acres and in an Intensely Developed Area.

The applicant is proposing to reduce the amount of impervious surface, and will pay a stormwater offset fee to satisfy the 10 % pollutant reduction requirement. The proposal also includes providing plantings on the adjacent lots, which are owned by the applicant.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 535-05

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/

August 10, 2005

Mr. Mark Kreadle
Port Manager
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: Cruise Ship Terminal
at South Locust Point Marine Terminal

Dear Mr. Kreadle:

On August 3, 2005, the Critical Area Commission unanimously approved the proposed conversion of the existing shed to a Cruise Terminal at South Locust Point Marine Terminal. Along with the shed conversion, the Port is proposing to replace a parking lot with sidewalks and remove several sheds and trailers. The new parking area and sidewalk will occur on top of existing pavement. The approval included the following conditions:

1. That prior to commencement of construction, the Maryland Port Administration receives a letter from the Heritage Division of the Maryland Department of Natural Resources concerning threatened and endangered species; and,
- 2) That prior to commencement of construction, the Maryland Port Administration receives all required authorizations from the Maryland Department of the Environment.

If there are any changes in development within the area on site, please notify us immediately at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: David Steward
Regina Esslinger
State 19-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 10, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Fleet Street Townhouses
2016 & 2024 Fleet Street

Dear Mr. Stuart:

This office has reviewed the applicant's subdivision and site plan to demolish an existing building and construct 11 townhouses. The site is 0.41 acres and in an Intensely Developed Area. The applicant proposes to use an underground sandfilter as a Best Management Practice (BMP) to satisfy the 10 % pollutant requirements.

This office has determined that the 10 % calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 537-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 9, 2005

Mr. Mark Schneidman
Project Manager
Maryland Department of General Services
301 West Preston Street, Suite 1405
Baltimore, Maryland 21201

RE: Calvert Street Garage

Dear Mr. Schneidman:

On August 3, 2005, the Critical Area Commission unanimously approved the 1.39 acres five-story parking garage. I would like to thank you, Mr. Michael Killian from Coakley Williams Construction and Damion Lampley from HSMM for working with the Commission staff. If there are any changes in development within the area on site, please notify us immediately at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Michael Killian
Damion Lampley
Regina Esslinger
State 03-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 9, 2005

Mr. Otis Rolley
Director
Department of Planning and Zoning
417 East Fayette Street, Suite 100
Baltimore, Maryland 21202

RE: West Shore Park Consistency

Dear Mr. Rolley:

Thank you for providing the corrected Worksheet A for the 10 % Rule for the above project. After reviewing the information, this office found that the 10 % calculations are correct.

The Commission staff has determined that the above proposed development: 1) as environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483:

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 445-05 revised

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/

August 9, 2005

Mr. Kenneth Hranicky
Planner
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Gilbert Sapperstein Project
2000 Fleet Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to construct a dwelling. The existing house will be torn down and replaced. The site is 0.02 acres and in an Intensely Developed Area. The applicant will pay a stormwater offset fee to satisfy the 10 % pollutant reduction requirement.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 535-05

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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August 5, 2005

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Chesapeake Avenue, Phase III

Dear Mr. Letteron:

Thank you for providing "Notification of Certification" that the above project is consistent with the City's Critical Area Program. This office has reviewed the applicant's proposal to replace an existing box culvert under the an existing parking lot and road. The purpose of the project is to reconstruct Chesapeake Ave from west of Sun Street to the CSX Railroad. The project is 0.643 acres in size, in an Intensely Developed Area and will disturb 1,500 square feet of the 100-foot Buffer.

Critical Area Commission staff understands:

1. That a Buffer fee for disturbance to the 100-foot Buffer will be collected into the City's Buffer offset program;
2. That there are no existing trees within the portion of the project limits and no increase in impervious surface within the Critical Area;
3. That there are no known Federal or State threatened and endangered plant or wildlife species present; and,
4. That there will be no change in impervious surface and the applicant will pay into the City's Stormwater offset fund to satisfy the 10% pollutant reduction requirements.

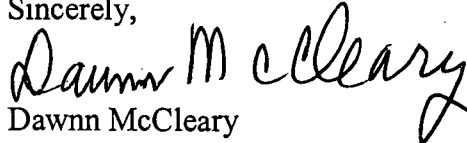
The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located,

Continued, Page Two
Chesapeake Avenue, Phase II
August 5, 2005

2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. *(See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).*

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 460-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 5, 2005

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Accent Metal Services
2220 Langley Street

Dear Mr. Letteron:

This office has received and reviewed Worksheet A for the 10 % Rule; the 10 % calculations are correct. We have no additional comments.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 324-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 5, 2005

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Montgomery Park Project
1900 Washington Blvd

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to remove two acres of asphalt from an existing parking lot. The site is 3.67 acres in size and in an Intensely Developed Area.

The 10 % pollutant reduction requirements have been met with the removal of the asphalt to create green space. We understand topsoil and seed will be used to replace the asphalt around the parking lot. Landscaping with trees will also be used around the parking lot.

This office has determined that the proposed redevelopment activity and the 10 % calculations are correct. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 520-05

Critical Area Commission

STAFF REPORT

August 3, 2005

APPLICANT: Maryland Port Administration (MPA)

PROPOSAL: South Locust Point Marine Terminal
Cruise Ship Terminal

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 - State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

The Maryland Port Administration is proposing to convert an existing shed to a Cruise Terminal at the South Locust Point Marine Terminal in Baltimore. The Port is proposing to replace a parking lot with sidewalks, remove several sheds and trailers and replace a 1,400 square foot slab with paving. A new parking area and sidewalk will occur on top of existing pavement. The entire 18.2 acres are in the Critical Area but outside the 100-foot Buffer. The total area disturbed is 0.83 acres.

In order to satisfy the 10% pollutant reduction requirement for development in the IDA, MPA must remove 0.193 pounds of phosphorus. This requirement will be achieved through MPA's Critical Area Institutional Plan. At this time, no specific offset has been selected.

MPA has submitted plans to the Maryland Department of the Environment and a letter to the Maryland Department of Natural Resources for the presence of threatened and endangered species and is awaiting approval. We anticipate full approval by August 3, 2005.

Critical Area Commission

STAFF REPORT

August 3, 2005

APPLICANT: Department of General Services

PROPOSAL: Calvert Street Garage

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 - State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

The Department of General Services (DGS) is proposing a five-story parking garage on the corner of Rowe Blvd. and Calvert Street in Annapolis. The 1.59 acre site is currently a parking lot entirely in an Intensely Developed Area, and outside the 100-foot Buffer. There are no Habitat Protection Areas on site.

To meet the 10 % pollutant reduction requirement for the IDA, DGS is proposing to install an underground sand filter. DGS is anticipating full approval by the Maryland Department of the Environment by the August 3, 2005 Commission meeting.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 27, 2005

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Key Highway Convenience Store
1465 Key Highway

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build a convenience store and gas station with car wash in the Critical Area. The site is 1.162 acres in size and in an Intensely Developed Area. The applicant is proposing to use a sandfilter to satisfy all but 0.24 pounds of the 10 % pollutant reduction requirement. The applicant will pay a stormwater offset fee to satisfy the remainder. We concur with their calculations and proposal.

This office has no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 459-05

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. Jackie Rouse
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Rodgers Property Annexation

Dear Ms. Rouse:

Thank you for submitting the subdivision history and correct acreage as per our March 30, 2005 letter for the annexation of the Rodgers Property. This office is satisfied with the additional information sent to us. We understand that the annexation will need to be approved by the City Council and following that approval, you will be sending us a copy of this annexation for Critical Area Commission approval. The Commission will review it as a change to the City's Critical Area maps.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Megan Owen
Tom Smith
Mary Owens
An Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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July 18, 2005

Ms. Peg Breeding
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Brian Keith & Lisa Bilbrough
05-010V

Dear Ms. Breeding:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 12' x 18' breezeway with a 28' x 54' attached garage in the 100-foot Buffer. The property is 1.188 acres in size and is in the Limited Development Area. The house is currently in the Buffer. A driveway has been penciled in on the site plan, but no driveway is shown to the proposed garage. This should be shown to determine whether it will impact the Buffer and the impervious surface calculations.

After reviewing the site plan, this office does not oppose the variance for both additions. However, it appears that the garage with attached breezeway can be reduced in size to minimize impacts to the 100-foot Buffer. If a variance is granted, this office recommends that any disturbance to the 100-foot Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

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

Sincerely,

A handwritten signature in black ink that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Betsy Krempsky
Regina Esslinger
CR 473-05

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. Peg Breeding
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Norman & Shannon Anderson
05-011V

Dear Ms. Breeding:

Thank you for providing information on the variance application to the side yard setback. The applicant is proposing to construct a 30' x 30' second story addition with a 16' x 24' front porch. The property is 0.482 acres in size and is in the Limited Development Area.

After reviewing the site plan, this office does not oppose the variance. The application form indicates that an impervious surface variance is necessary but from the impervious surface variance figures provided, an impervious surface variance is not necessary.

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

Sincerely,

A handwritten signature in cursive script that reads "Dawn McCleary".

Dawn McCleary
Natural Resources Planner

cc: Betsy Krempasky
Regina Esslinger
CR 446-05

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

Mr. Otis Rolley
Director
Department of Planning and Zoning
417 East Fayette Street, Suite 100
Baltimore, Maryland 21202

RE: West Shore Park Consistency

Dear Mr. Rolley:

Thank you for providing "Notification of Certification" that the above project is consistent with Baltimore City's Critical Area Program. This office understands that the City is proposing to remove existing trailers and buildings, and pavement to create a new park. The City is also proposing to reconstruct an existing parking area, new sidewalks and landscaping. The project is partially in the 100-foot Buffer, totals 3.41 acres and is in an Intensely Developed Area.

This office understands:

1. That there will be a small net increase of impervious surface, therefore the City will pay the stormwater offset fee to meet the 10% Rule for phosphorus reduction;
2. That there are no known Federal or State threatened or endangered plant or wildlife species present on this site; and,
3. That 35 existing trees on-site will be removed and 112 trees will be planted for mitigation.

In order to complete my review for the 10% pollutant reduction requirement, please forward to us a breakdown in Worksheet A, Letter A, No.2 (a) for existing development and No. 2 (b) for post-development.

Continued, Page Two
West Shore Park Consistency Report
June 29, 2005

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
BA 445-05

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

Mr. Otis Rolley
Director
Baltimore City Department
of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Offset Fee Project Requests

Dear Mr. Rolley:

I am responding to your June 5, 2005 letter to Mr. Ren Serey requesting formal approval for the use of the City's offset fees on several projects in Baltimore City. Based on the information provided, the Commission has the following comments:

1. School Greening

The Commission supports the use of \$3,653.15 to cover offset fee cost overruns for the School Greening Project. We understand that the project is complete, and the final paper work and reports have been written. The total cost for the project will now be \$403,653.15 instead of the \$400,000 Commission staff initially approved in 2002.

2. GIS Maps

The Commission supports the use of \$1,450 in Buffer Offset Fees to digitize pierhead lines, bulkhead lines and points of intersections and to create refined maps. We understand that this mapping effort has not been done before as part of the City's GIS mapping. These GIS maps will supplement the newly created Critical Area maps and the City zoning maps and provide details on pier and bulkhead zoning restrictions. The end product will be eight maps and additional index maps.

Mr. Rolley
Offset Fee
Jun 28, 2005

3. Impervious Surface Removal at John Eager Howard

The Commission supports the use of \$76,021.53 in stormwater offset fees for the removal of concrete and asphalt from the shared space between the John Eager Howard Elementary School, the Recreation Center and the Park. We understand that the Department of Recreation and Parks will partner with other groups to renovate, restore and landscape the area after the asphalt and concrete is removed.

I would like to schedule a site visit with Mr. Letteron to see some of the school greening projects we approved back in 2003. Thank you for the opportunity to comment. If there are any questions, feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Gary Letteron
Mary Owens
Ren Serey

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 27, 2005

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Key Highway Convenience Store
1465 Key Highway

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build a convenience store and gas station with car wash in the Critical Area. The site is 1.162 acres in size and in an Intensely Developed Area. The applicant is proposing to use a sandfilter to satisfy all but 0.24 pounds of the 10 % pollutant reduction requirement. The applicant will pay a stormwater offset fee to satisfy the remainder. We concur with their calculations and proposal.

This office has no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 459-05

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 27, 2005

Mr. David Stewart
Project Manager
STV, Incorporated
7125 Ambassador Road, Suite 200
Baltimore, Maryland 21244

RE: Cruise Terminal
South Locust Point Marine Terminal

Dear Mr. Stewart:

Thank you for sending additional information on the above project. We understand that the Maryland Port Administration is proposing to convert an existing shed to a Cruise Terminal. In Phase I, the primary work involves converting existing pavement to sidewalk. Phase 2 will add a parking lot. The entire project is in the Critical Area but outside the 100-foot Buffer and totals 18.2 acres. The total area disturbed is 0.58 acres.

As per my phone conversation with you several weeks ago, we will need the 10 % calculations. Before we can get this project on the Commission's agenda, we will need to know the status of Maryland Department of the Environment permits. Our files indicate that the 10 % calculations were addressed for the 300,000 square foot shed only and not for the parking lot.

Please forward this information to our office. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Mark Kreafler
Regina Esslinger
State-MPA 19-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

June 24, 2005

Mr. Tom Smith
Chief of Current Planning
Department of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Longergan Subdivision
Local Case Number: 2005-6-543

Dear Mr. Smith:

This office has reviewed the planned unit development application to create 32 lots and build 8-single family houses and 24 townhouses. The site is 3.25 acres and is in an Intensely Developed Area.

Please provide the 10 % pollutant reduction calculations and a letter from the Department of Natural Resources, Heritage Division verifying that there are no impacts to rare, threatened, or endangered species.

Please forward this information to our office for review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 435-05

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 23, 2005

Ms. Betsy Krempasky
Caroline County Planning and
Codes Administration
Health & Public Service Building
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Collins Point Subdivision
Adams Landing Road

Dear Ms. Krempasky:

This office has received the Collins Point Subdivision proposal. The entire site is 57.54 acres with 56.067 acres in the Limited Development Area. I have the following comments:

1. Please specify on the site plan how much forest clearing will occur. Currently, 0.388 acres of mitigation is shown, but it appears clearing will be greater.
2. Please provide the impervious surface limits for each lot. We recommend this be provided in a chart on the plat.
3. The subdivision plan indicates areas of wetlands on the site; however, it is not clear if the wetlands are tidal or nontidal. It is also not clear how the wetlands were identified and delineated. For Critical Area purposes, field verification should be used to identify tidal and nontidal wetlands. A field delineation may also be required to determine the exact boundaries of wetlands and to distinguish between State and private tidal wetlands. Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary and to determine if the wetlands are State or private. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area.

Continued, Page Two
Collins Point Subdivision
June 23, 2005

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.

4. A letter from Department of Natural Resources, Heritage Division must be obtained before any approvals are granted, verifying that there are no impacts to rare, threatened, or endangered species. Please provide us with a copy of the letter.
5. Please identify the structures shown on Lot 26 note on the plat if they are to remain.
6. Please provide information on soils.

We will have additional comments once we receive the above information. We will have additional comments once we receive the above information. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Sean Callahan
Regina Esslinger
CR 400-05

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

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Accent Metal Services
2220 Langley Street

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build an addition to the existing metal fabrication building. The site is 1.32 acres in size and in an Intensely Developed Area.

In order to complete our review, please forward Worksheet A for the 10 % pollutant reduction calculations. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resource Planner

cc: Duncan Stuart
Regina Esslinger
BA 342-05

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

Mr. Gary Letteron
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Tidewater at Port Covington
103 East Cromwell Street

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build a retail building, an office building, a parking lot, a marine repair facility building, and piers. The site is 8.78 acres and in an Intensely Developed Area.

Please be advised that the total site area for the 10% calculations should be 8.78 acres. Wood piers used as part of the marina are generally pervious and are not considered part of the site for our stormwater calculations. The macadam pier should be included. Please provide a revised 10 % pollutant reduction worksheet and forward this information to our office for review.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 410- 05

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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June 16, 2005

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Federal Place
1301 Covington Street

Dear Mr. Hranicky:

This office has reviewed the additional information you sent by e-mail clarifying that the proposed stormfilter is actually an underground sandfilter. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 306-05

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

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Harbor Point Temporary Promenade
South Alignment

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to put a temporary promenade at the above project. The site is 0.518 acres in size and in an Intensely Developed Area.

After reviewing the site plan and the 10% calculations, this office does not oppose the temporary promenade. We understand that the permanent promenade will be part of the final development plans and these final development plans along with the final 10 % calculations will be sent to us for review.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 399-05

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

Ms. Jackie Rouse
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Katherine Property Annexation

Dear Ms. Rouse:

Thank you for providing information on the annexation of the Katherine Property, identified as Parcels 213, 246, 248, 301 on Tax Map 51, Parcel 93 on Tax Map 10Z, Parcel 101 on Tax Map 10Z, Parcel 201 on Tax Map 51 and Parcel 202 on Tax Map 51 from Ann Arundel County into the City of Annapolis. The majority of the property is presently vacant and undeveloped except for a residence, equestrian center, horse stables and other facilities. I understand the City Council will be reviewing the annexation in the coming months.

The annexed property totals 179.6581 with approximately 45.2626 acres within the Critical Area. However, there appears to be a discrepancy in the Critical Area acreage in two of the documents provided to the Commission. In the "Petition for Annexation Katherine Properties" document, on page 12, Section (I), in the second paragraph, it is stated that the Resource Conservation Area (RCA) acreage is 35.0569 acres and the Limited Development Area (LDA) acreage is 10.2660 acres. In the "Property Identification" document, on Page 2, in the third paragraph, it is stated that the RCA acreage is 35.0331 acres and LDA acreage is 10.2295 acres. Please clarify which acreage is the correct Critical Area acreage. The materials submitted describe future development of the property which may require growth allocation to change the portions of the property designated RCA to LDA or IDA; however, it is my understanding that this issue will be addressed at a later date.

In order for the Commission to review this Critical Area map change, the following additional information is needed:

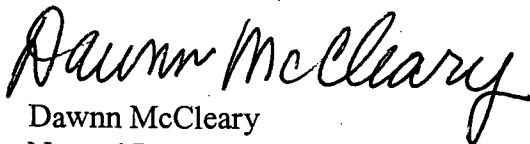
1. A written request for approval of the annexation by the Critical Area Commission;

2. A subdivision history of each of the parcels from August 1988 (date of adoption of Anne Arundel County's Critical Area Program) in order to determine which parcels may have a grandfathered development right within the RCA;
3. A copy of the City Council bill once approved; and,
4. An Anne Arundel County map showing the designated Buffer Exemption Areas.

After reviewing the information submitted and discussing it with City staff, I believe that there is an error regarding the Critical Area zoning classification on Page 2, line 45 in the City Council Resolution No. R-12-05 document. It is my understanding that this section should read, "... and a Critical Area zoning classification of Limited Development Area (LDA) and *Resource Conservation Area (RCA)* for the property" and not read "...and a Critical Area zoning classification of Limited Development Areas (LDA) and *Intensely Developed Area (IDA)* for the property ...".

If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Megan Owen
Mary Owens
AN Amendment File -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. Nick Walls
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Rezoning Applications
Issue Number: A036, E042, F020, F020-1 & F021

Dear Mr. Walls:

I have received the information you provided regarding the proposed rezoning of five properties located within the Critical Area. It is my understanding that the County is currently reviewing 336 applications for rezoning; however, only five properties were found to be in the Critical Area.

A036 – 101 Philadelphia Road

The first property proposed for rezoning is A036 located at 101 Philadelphia Road in Joppatowne. The current zoning for the 0.618 acre property is R-1 (low density residential) with 0.0413 acres (approximately 1800 square feet) in the Resource Conservation Area (RCA). The existing use on this site is residential with one single-family house and a small accessory structure. The applicant is requesting a zoning change to B-1 (neighborhood business). If the applicant proposes to change the use of the Critical Area portion of this property to a commercial use, then it is likely that growth allocation will be required.

E042 – Richards Lane

The second property proposed for rezoning is E042 (Tax Map 59, Parcel 157) located off of Richards Lane in Aberdeen. This parcel is designated a Resource Conservation Area (RCA), is currently used for agriculture purposes, and totals 256 acres with 150 acres in the RCA. The applicant is requesting to rezone 12.196 acres of the parcel within the Critical Area from R1 (low density residential) to RR (rural residential). The 12.196 acres includes portions of the 100-foot Buffer and a small area of Forest Interior Dwelling Bird Species (FIDs) habitat.

Mr. Walls
June 6, 2005
Page 2

There does not appear to be any apparent conflict between the proposed zoning classification and the RCA designation. This office understands that the applicant wants to create four additional residential lots clustered on the 12.196 acres. If the applicant creates additional lots on the 12.196 acres, then at the time of subdivision, appropriate deed restrictions and plat notes will be necessary to ensure that development on the site does not exceed the allowable RCA density of one dwelling unit per 20 acres. The area to be developed should be adequate to ensure that impacts to FIDs habitat are avoided and that all dwellings, roads, septic systems, etc. can be located outside the Buffer.

F020, F020-1, and F021 – Philadelphia Road

The remaining three properties proposed for rezoning are F020, F020-1 and F021 (Tax Map 62, Parcel 180, Lots 1 and 2) located in the 4000 block of Philadelphia Road. This office understands that these properties were included in the Critical Area in 2000 as a result of the approved expansion of the Critical Area boundary to include adjacent floodplain areas. All three properties are requesting a B3 zoning change. F021 is currently zoned R1. F020 and F020-1 are currently split zoned with a B1 and R1 zoning on portions of the properties. It is my understanding that the B3 zoning category allows a variety of intense commercial uses. Because new commercial uses are generally not permitted within the RCA, redevelopment of this property that would involve a change in use would require the use of growth allocation.

All three properties include portions of FIDs habitat, and there is a mapped tributary stream that will require a 100-foot Buffer that impacts a small area of F020-1 and a larger portion of F020. Because of the presence of these Habitat Protection Areas, development of these properties may be constrained, and therefore the County may want to carefully consider if the site is suitable for growth allocation. If the rezoning is approved and commercial development proposed, any application for growth allocation will need to address protection and conservation of these Habitat Protection Areas (HPA).

Thank you for the opportunity to provide comments on these proposals. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudalkewicz
Mary Owens
Harford County Rezoning-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. Mark Kreaflle
Port Manager
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: Hawkins Point Leachate Treatment Facility

Dear Mr. Kreaflle:

As per my phone conversation with you yesterday, the Memorandum of Understanding (MOU) referenced in your May 16, 2005 letter with the Critical Area Commission and the Department of Transportation has been superseded by the MOU signed on December 3, 2003. The current MOU has no provisions for the Port's activities at this time. Therefore, the road stabilization and shore erosion work must be submitted to this office for review given that work has already occurred. Please provide this information as soon as possible.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Doug Matzke, MPA
Meg Andrews, MDOT
D. Ferguson, MES
Ren Serey, CAC
Regina Esslinger, CAC
State Project

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. Tom Smith
Chief of Current Planning
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Performance Cruising
7364 Edgewood Road

Dear Mr. Smith:

This office has reviewed the revised site plan for the above project. The applicant has reduced the impacts compared to the previous submittal. However, this office understands that the applicant is proposing a sandfilter instead of a bioretention facility to satisfy the 10 % pollutant requirements. Please forward Worksheet A for the 10 % pollutant reduction calculations for our review.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 126-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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May 25, 2005

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Federal Place
1301 Covington Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to build 49 townhouses. The site is 2.29 acres and in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the re-development of this site. The applicant proposes to use a "stormfilter" as a Best Management Practice (BMP) to satisfy the 10 % pollutant requirements. Please clarify what a stormfilter is; all BMPs used must be found in our 10 % manual. If a stormfilter is not of a type listed, the applicant must provide a different BMP.

Please forward this information to our office. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 306-05

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

Mr. Kenneth Hranicky
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: 701 South Eden Street Apartments

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to remove existing paved surface and construct a multi story apartment complex and public sidewalk, curb and gutter. The site is 1.3596 acres and is in an Intensely Developed Area. There are no Habitat Protection Areas or 100-foot Buffer on-site.

The applicant has proposed a sandfilter to meet the 10 % pollutant requirements. If the Department of Public Works determines the sandfilter will not work on this site, please notify me as to what will be acceptable to the Department of Public Works. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in black ink that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 299-05

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. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: 836 South Bond Street Project

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal for a new concrete porch and exterior stairs for new primary egress with modifications to exterior façade of existing garage. The project is 0.0674 acres in size and in an Intensely Developed Area.

This office does not oppose the redevelopment activity on-site. The applicant will pay a stormwater offset fee to satisfy the 10 % requirements. The proposed redevelopment activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 292-05

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. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Canton Crossing Master Plan

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal for Phase 2 and Phase 3 of the Canton Crossing complex. Phase 1 was the development of a bank and office building. Phase 2 will be a parking garage with retail and residential towers. Phase 3 will be an office tower, power plant, residential, retail, and parking garage complex, and a hotel, restaurant and office complex. The entire site is approximately 10.07 acres and is in an Intensely Developed Area.

The applicant proposes 8 bioretention facilities on site to meet the 10 % requirements. We understand from your e-mail dated May 11, 2005, that the City's Public Works Department has determined bioretention is feasible on site.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 293-05

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

Mr. Douglas E. Matzke
Director of Engineering
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224

RE: Masonville Marine Terminal – Phase II

Dear Mr. Matzke:

On May 4, 2005, the Critical Area Commission granted a conditional approval to the Masonville Phase II vehicle storage lot which includes parking, surface sand filters and grassed swales in the expanded Buffer. The approval included the following conditions:

- 1) That prior to commencement of construction, the Maryland Port Administration submits a letter from the Heritage Division of the Maryland Department of Natural Resources concerning the appropriateness of the proposed mitigation site to Commission staff;
- 2) That prior to commencement of construction, the Maryland Port Administration receives all required authorizations from the Maryland Department of the Environment. If additional impacts are required as a result of MDE's erosion and sediment control or stormwater management requirements, those impacts must be reviewed and approved by Commission staff; and,
- 3) That the Commission staff will work with the Maryland Port Administration to verify the most recent expanded Buffer delineation. If any changes are needed, mitigation will be adjusted as necessary. Staff will report back to the Commission Subcommittee once all items are addressed.

Continued, Page Two
Masonville Marine Terminal – Phase II
May 12, 2005

If there are any changes in development within the area on site, please notify us immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark Kreafler
Regina Esslinger
State 40-03

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

Mr. Douglas E. Matzke
Director of Engineering
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224

RE: Cell 5 Expansion
Masonville Marine Terminal – Phase 2

Dear Mr. Matzke:

On May 4, 2005, the Critical Area Commission granted a conditional approval for the paved parking lot, fence and pond outfall within the 100-foot Buffer with the conditions that:

- 1) The Maryland Port Administration shall report back to the Project Subcommittee within 60 days to address, in accordance with its Critical Area Institutional Plan, a phosphorus removal deficit of 2.22 pounds associated with this project;
- 2) That a mitigation plan shall be finalized and submitted to Commission staff for review and approval, prior to commencement of construction; and
- 3) That the Maryland Port Administration shall receive all required permits from Maryland Department of the Environment prior to commencement of construction. If additional impacts are required as a result of MDE's erosion and sediment control or stormwater management requirements, those impacts must be reviewed and approved by Commission staff.

We received a proposed planting location map for Thoms Cove for the offsite mitigation for Buffer impacts. We will review this information and follow up when we complete our review.

Continued, Page Two
Cell 5 Expansion, Phase 2
May 12, 2005

I would like to thank Phil Lee and Craig Huntley from Moffatt & Nichol Engineers for working with the Commission staff. If there are any changes in development within the area on site, please notify us immediately at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Mark Kreadle
Craig Huntley
Phil Lee
Regina Esslinger
State 44-04

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

Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Harris Creek Trash Interceptor
Consistency Report

Dear Mr. Hranicky:

This office has reviewed a proposal for a trash interceptor installation at the mouth of Harris Creek at the Lakewood Avenue outfall. Installation will consist of a floating debris collector, anchor and access system.

This office understands:

1. That this project will not modify the existing drainage area to the Critical Area, add impervious surface or permanently impact any environmental resources;
2. That there are no negative impacts to submerged aquatic vegetation beds or tributary streams; and,
3. That there will be no pavement or structures being built on land.

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. (*See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs*).

Continued, Page Two
Harris Creek Trash Interceptor Consistency Report
May 12, 2005

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 288-05

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/
May 11, 2005

Mr. Nick Walls
Environmental Planner
Harford County Dept. of
Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Mullins BMX Bike Track
Consistency Report

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with the Harford County Critical Area Program. This office understands that the Department of Parks and Recreation is proposing to create a BMX Bike Park at the former Mullins Landfill. All 102.3 acres is Resource Conservation Area. 4.85 acres will be disturbed; 2 acres will be used for the development of the bike track and structures. The park will include bleachers, portable restrooms, an admissions stand and storage shed, dirt racetrack and parking spaces. The sites 0.30 acres of impervious surface will be removed. There are no impacts to the 100-foot Buffer or Habitat Protection Areas.

This office understands:


1. That a portion of the site is being utilized as a forest conservation mitigation site;
2. That 14 trees will be planted in the 100-foot Buffer;
3. That there will be no clearing; and,
4. That there are no State or Federal listed threatened or endangered species in the project area. However, in a letter dated April 11, 2005, the Fisheries Service has documented anadromous fish species in the Chesapeake Bay near the project site and has made recommendations on protection.

Continued, Page Two
Mullins BMX Bike Track
Consistency Report
May 11, 2005

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. *(See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).*

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HC 243-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

May 11, 2005

Mr. Nick Walls
Environmental Planner
Harford County Dept. of
Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Swan Harbor Farm Pier
Consistency Report

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with the Harford County Critical Area Program. The Department of Parks and Recreation is proposing to construct a pier, observation gazebo, and handicapped parking area.

The site is 465 acres and designated in Resource Conservation Area. Construction will require the disturbance of 28,949 square feet, with 7,674 square feet of new impervious surface to be created. Only the walkway to the pier will be in the 100-foot Buffer.

This office understands:


1. That the project will provide public access to the shoreline;
2. That no impacts to anadromous fish are anticipated;
3. That no trees and woodlands will be disturbed by the proposed project; and,
4. That 19 canopy trees and 57 understory shrubs will be planted in the 100-foot Buffer.

Continued, Page Two
Swan Harbor Farms Consistency
May 11, 2005

The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located, 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development. *(See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).*

Therefore, approval of the above project by the Commission is not necessary. If there are any changes in development that may affect the habitat within the area on site, this office would like to be notified immediately at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HC 244-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

May 7, 2005

Mr. Dirk Geratz
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: 401 & 409 Chester Street Site Plan

Dear Mr. Geratz:

This office has reviewed the revised site design application. The applicant is proposing to rebuild two existing single-family houses on 401 Chester Avenue (Lot 53; Parcel 584) and 409 Chester Avenue (Lot 4, Parcel 749). 401 Chester Avenue is 0.0985 acres and 409 Chester Avenue is 0.2684 acres, totaling 0.3658 acres with both lots in an Intensely Developed Area and in a Buffer Exemption Area.

Please provide the 10 % pollutant reduction worksheet and forward this information to our office for our review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawn McCleary".
Dawn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 172-03 revised

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 6, 2005

Mr. Kenneth Hranicky
Planner
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: 1800 South Clinton Street Boatel

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to construct two buildings on a former warehouse site. The applicant proposes to build a 29,960 square foot boat storage boatel and a 10,080 square foot boat repair shop. The remaining portion of the site will serve as a boat staging and storage area. The site is 2.31 acres, in an Intensely Developed Area and partially within the 100-foot Buffer.

After reviewing the site plan, this office does not oppose the proposed development. This office understands that due to site constraints such as high water table, the applicant will pay a stormwater and Buffer offset fee to satisfy the 10% rule and impacts in the 100-foot Buffer.

This office has determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 255-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

May 5, 2005

Mr. Gary Letteron
Planner
Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Auto Barn
2356 Washington Blvd.

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build an auto repair center. The applicant is proposing to remove the existing building and replaced it with a building and parking lot. Based on our phone conversation today, you indicated that the five lots shown on the site plan have been consolidated into one lot.

We have received several phone calls from citizens concerning impacts to a stream in the Critical Area on or near this site. Our records do not show such a stream on or near the above lot. Please provide any information your office has concerning the presence of a possible stream on or near the site. A Buffer may be necessary if a stream is present.

The applicant is proposing an underground sandfilter to meet the 10 % pollutant reduction requirements. This office has determined that the proposed redevelopment activity and the 10 % calculations are correct.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 215- 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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April 29, 2005

Mr. Tom Smith
Chief of Current Planning
Department of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Park Place Special Exception Amendment
West Street, Westgate Circle & Taylor Avenue

Dear Mr. Smith:

This office has reviewed the special exception amendment to add additional property to the Planned Unit Development and the revised site plan for the proposed mixed-use development in an Intensely Developed Area.

This office does not oppose the special exception. However, the following information is needed to complete our review of the site plan.

1. The updated acreage changes in the Critical Area;
2. Information regarding the status of the Maryland Department of the Environment application to fill the non-tidal wetlands; and,
3. The 10 % pollutant reduction calculations.

Please forward this information to our office. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 59-00

Robert L. Ehrlich, Jr.

Governor

Michael S. Steele

Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

April 26, 2005

Mr. George Wedge
State Highway Administration
Office of the Engineer
2323 West Joppa Road
Brooklandville, Maryland 21022

RE: State Highway Administration
BG&E Gas Main Replacement
US 40 Pulaski Highway\Otter Point Creek

Dear Mr. Wedge:

Thank you for submitting the State Highway Administration's (SHA) proposal to replace and install approximately 1,280 feet of a faulty 4-inch gas main along U.S.40 near Otter Point Creek near the picnic area and parking lot. The work will take place on the paved 12-foot eastbound shoulder. There will also be 16 square feet of disturbance in the 100-foot Buffer for a testing station which is adjacent to where the line is being installed on the paved shoulder. The new gas main will tie into the existing main. Disturbance will be minimized by using directional boring for installation.

Critical Area Commission staff has reviewed this project in accordance with the Memorandum of Understanding between the Chesapeake Bay Critical Area Commission and the Maryland Department of Transportation. Staff has determined that the proposal is consistent with Exhibit B1, A (3)(b).

Therefore, formal approval of this project by the Commission is not necessary. If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately.

Continued, Page Two
BGE Gas Main Replacement
US 40 near Otter Point Creek
April 26, 2005

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Ron Zellner
Regina Esslinger
HC 198-05

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/

April 26, 2005

Mr. Bruce Gray
Deputy Director
Office of Planning
and Preliminary Engineering
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: US 40: MD 152 to MD 24
Resurfacing

Dear Mr. Gray:

Thank you for submitting the State Highway Administration's (SHA) proposal to resurface US 40 from MD 152 to MD 24 and to provide landscape improvements within the median, intersection and sidewalk areas. The eastern extent of the project, falls within the Critical Area. SHA revised the planting plan so that the proposed planting of the Winterberry shrubs will remain outside the existing tree line to prevent clearing in the 100-foot Buffer. All planting will take place in the 100-foot Buffer. No new impervious area will be created and the quantity and quality of runoff will remain the same.

The Critical Area Commission staff has determined that this project is consistent with Exhibit B1, A (3)(b) of the Maryland Department of Transportation and the Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Karen Arnold
Regina Esslinger
HA General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

April 15, 2005

Mr. Tom Smith
Chief of Current Planning
Department of Planning
City of Annapolis Planning and Zoning

RE: Childs Point Estates Subdivision
1826 Woods Road (S-56-2005)

Dear Mr. Smith:

This office has reviewed the applicant's subdivision and site plan to create six new lots for five single family dwellings with one existing single family dwelling to remain. The total site is 8.83 acres in size with 4.6 acres in the Critical Area and Resource Conservation Area (RCA). There are a total of three lots in the Critical Area.

No new development activities are permitted in the RCA portions of the new lots. It appears that the applicant will be providing 1.0778 acres of tree plantings on Lot 1 to fulfill the afforestation requirement.

It appears that all three Critical Area lots comply with the impervious surface limits, with a reduction of impervious surface on Lot 1. The plat should state the impervious surface limits for the Critical Area lots.

Thank you for the opportunity to review the subdivision. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 193-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 12, 2005

Mr. Joe Kincaid
Tidal Wetlands
Water Management Administration
Maryland Department of the Environment
407 Race Street
Cambridge, Maryland 21613

RE: MD State Highway- Caroline County - MD 404
Denton at Double Hills Road to Sennett Road
(200561930/05-NT-2013 and -5-WL-1075)

Dear Mr. Kincaid:

This office understands that State Highway Administration (SHA) is proposing to dualize a portion of MD 404 in Caroline County south of Denton from Double Hills Road to Sennett Road. This proposal also includes a new bridge northbound over Watts Creek.

The proposed work will impact the Critical Area and 100-foot Buffer. Critical Area staff is currently working with SHA to provide enough information for our office to review proposed impacts in the Critical Area. We may have comments once we receive this information.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
SHA File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 12, 2005

Ms. Elizabeth Krempasky
Director
Caroline County Planning and Zoning
403 South 7th, Suite 210
Denton, Maryland 21629-1335

RE: Ashworth Subdivision, Growth Allocation

Dear Ms. Krempasky:

This office has reviewed the revised final plat and Buffer Management Plan for the above growth allocation. The revised final plat submitted accurately shows the location of the expanded Buffer. We concur with the proposed Buffer Management Plan, in which an area in the Critical Area but outside the existing woodlands and Forest Conservation Area, will be planted and allowed to regenerate to forest.

Therefore, the applicant has satisfied the two conditions of the Commission's March 2, 2005 approval. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Barry Griffith
Regina Esslinger
Mary Owens
CR amendment File

Critical Area Commission

STAFF REPORT

April 8, 2005

APPLICANT: Maryland Port Administration

PROPOSAL: Masonville Marine Terminal
Phase II

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or
Local Agency Programs in the Critical Area

DISCUSSION:

The Maryland Port Administration (MPA) is proposing construction of a vehicle processing short-term storage lot within the previous Masonville dredged spoil disposal facility. The project site, designated as 'Intensely Developed Area' according to the critical area guidelines, is bordered on west, north and east sides by the Patapsco River and on the south side by the existing Masonville Phase I vehicle-processing facility. Approximately 50 acres of the 70-acre site is proposed for development, including approximately 40 acres of impervious surface. All paved surfaces constructed under this project will be serviced by best management practices, including five surface sand filters and perimeter trapezoidal grass channels.

The following 100'-Buffer disturbances will be incurred as a result of this project:

- Approximately 0.23 acre for riprap drainage ditches and culverts
- Approximately 0.30 acre for vegetated ground cover.

Additionally, the following expanded buffer disturbances will occur:

- Approximately 4.25 acres for paved parking area,
- Approximately 0.13 acres for the surface sand filters
- Approximately 1.42 acres for vegetated ground cover and grass channels.

These impacts will be located in previously disturbed areas devoid of trees and shrubs.

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

- (1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;**

Although no portion of the proposed paved parking lot will be constructed within the 100' buffer, some buffer impacts will occur as a result of the installation of drainage piped outlets and surface ditches. In addition, since the former spoil disposal facility was composed of a perimeter dike system constructed at a 2 foot horizontal to 1 foot vertical slope within the 100' buffer, the expanded buffer (due to steep slopes) extends well beyond the top of the diked embankment. Reduction of the project scope to avoid construction within the expanded buffer would greatly reduce the useful surface area available for the vehicle storage facility, thus endangering the construction project.

- (2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;**

The project will occur within a former dredged spoil disposal facility. Runoff from this site is currently unmanaged and drains unabated to the Patapsco River. Soil testing at the site verifies that due to high silt and moisture contents within the spoil soils, the site currently is virtually impervious. The proposed construction project will include installation of perimeter grass channels and five surface sand filters to mitigate the pollutants in the surface runoff prior to entering the Patapsco River. In addition, the existing stand of phragmites will be reduced and/or eliminated within the stormwater management areas and replaced with appropriate vegetative ground cover.

- (3) That the project or program is otherwise in conformance with this subtitle.**

The project is otherwise in conformance with the State Criteria and Baltimore City's Critical Area Program.

Commission must find that the conditional approval request contains the following:

- (1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;**

A literal enforcement of the provisions would prevent the Port from utilizing a significant portion of the site for Port-related activities.

- (2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

The proposed construction of storm drain outlets and storm drain ditches are not consistent with the Criteria; however, the Buffer impacts will be minimal. The expanded buffer impacts are also not consistent with the Criteria; however, avoidance would not be possible due to the current artificial topography of the site.

- (3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

The Masonville Phase 2 Site has been evaluated for the Critical Area and stormwater management requirements. All SWM for MDE requirements can be accomplished on-site. Total pollutant removal requirement is 64.2 lbs/year. Removal on-site is 30.1 lbs/year, via implementation of grass channels and surface sand filters, as well as planting vegetative ground cover within all proposed pervious areas. Therefore, 34.1 lbs/year (64.2 lbs/year – 30.1 lbs/year) remains to be addressed. In accordance with the adopted *Chesapeake Bay Critical Area Institutional Management Plan*, we are requesting that the 34.1 lbs/year of pollutant to be removed be off-site. The MPA has been working with City Schools to remove playground pavement to obtain credits for the SWM and Critical Area requirements. MPA has received credits for the work that MPA will be removing pavement and greening this summer at Ben Franklin Junior High School and Franklin Square Elementary School. The City has identified 178 potential schools for pavement removal.

Within the expanded buffer, 5.8 acres will be impacted by the construction of SWM, storm drain outfalls and slope grading. Regardless of how the amount of disturbance in the Buffer is calculated, the mitigation will be off-site. The Maryland Port Administration will work with the Critical Area staff to quantify the impacted phragmites and vegetated areas to be mitigated. There is no space on-site, within or adjacent to the existing buffer and within the Critical Area. Off-site Mitigation is proposed within and adjacent to the existing Buffers. Alternative off-site locations considered are the Masonville Cove, Thoms Cove, and Department of Natural Resources shoreline properties. MPA will coordinate with the Critical Area Commission Staff to determine the most appropriate site(s).

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

March 30, 2005

Ms. Jackie Rouse
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Rodgers Property Annexation

Dear Ms. Rouse:

Thank you for providing information on the annexation of the Rodgers Property, identified as Parcels 63 and 64 on Tax Map 52 from Anne Arundel County into the City of Annapolis. The annexed property totals 6.0623 acres with the entire property located within the Critical Area and designated an Intensely Developed Area (IDA). It is my understanding that the Planning and Zoning office is requesting comments pertaining to the annexation.

In order for the Commission staff to provide comments on this Critical Area map change, the following additional information is needed:

1. A subdivision history of the property from August 1988 (date of adoption of Anne Arundel County's Critical Area Program);
2. The correct acreage on Parcels 63 and 64 which currently totals 5.32 acres not, 6.0623 acres as stated.

We understand that the City Council will be reviewing the annexation pending our comments. Once the annexation is approved by the City Council, you will be sending us a copy of the approved annexation for Critical Area Commission approval as a change to the City's Critical Area maps.

Continued, Page Two
Rodgers Annexation
March 30, 2005

If there area any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Megan Owens
Tom Smith
Mary Owens
An Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 17, 2005

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

RE: U.S. Army Corps of Engineers –
Draft Tiered Environmental Impact Statement (EIS)
Baltimore Harbor and Channels Dredged Material Management Plan and

Dear Mr. Mendelsohn:

Thank you for the opportunity to review the above project. This plan analyzes dredged material placement from channels necessary for navigation for the Port of Baltimore. The plan and EIS make no mention of Critical Area. As stated in COMAR 27.02.05.04B(3),

Evidence that the factors listed in COMAR 27.02.05.04(B)(2), have been considered in planning for new or expanded water-dependent facilities shall be included in the agency's project description and statement of findings as provided in Regulation 27.02.05.02 of this chapter.

The Maryland Port Administration (MPA) must provide this information to us for our review. We understand that three sites were selected by MPA Harbor Team that was formed several years ago. After attending the January 26, 2005 Joint Evaluation Meeting with your agency, it was brought to our attention that the MPA is proposing to construct a dredge material containment facility (DMCF) at Masonville in City of Baltimore and create a restoration/environmental enhancement of Masonville Cove which would impact the Critical Area. Such a proposal by MPA will need formal approval from the Critical Area Commission.

Continued, Page Two
Baltimore Harbor and Channels
Dredged Material Management Plan
March 17, 2005

Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Roland Limpert
Chairman Martin Madden
Ren Serey
Regina Esslinger
LeeAnne Chandler
Meg Andrews
BA General Files - 05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 15, 2005

Mr. Ray Dintaman
Director of Environmental Review Unit
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

RE: U.S. Army Corps of Engineers –
Baltimore Harbor and Channels Dredged Material Management Plan and
Draft Tiered Environmental Impact Statement (EIS)

Dear Mr. Dintaman:

Thank you for the opportunity to review the above project. This plan analyzes dredged material placement from channels necessary for navigation for the Port of Baltimore. The plan and EIS make no mention of Critical Area. As stated in COMAR 27.02.05.04B(3),

Evidence that the factors listed in COMAR 27.02.05.04(B)(2), have been considered in planning for new or expanded water-dependent facilities shall be included in the agency's project description and statement of findings as provided in Regulation 27.02.05.02 of this chapter.

This information must be provided for our review. We understand that three sites were selected by the Harbor Team formed several years ago. After attending the January 26, 2005 Joint Evaluation Meeting with the Corps of Engineers, it was brought to our attention that the Maryland Port Administration is proposing to construct a dredge material containment facility (DMCF) at Masonville in the City of Baltimore and create a restoration/environmental enhancement of Masonville Cove which would impact the Critical Area. Such a proposal will need formal Commission approval.

Continued, Page Two
Baltimore Harbor and Channels
Dredged Material Management Plan
March 15, 2005

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Roland Limpert
Chairman Martin Madden
Ren Serey
Regina Esslinger
Lee Ann Chandler
Meg Andrews
BA General Files - 05



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

*Roland
Limpert (B-3) #1*

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
C. Ronald Franks, Secretary

February 8, 2005

Memorandum

To: LTC Daniel Hughes, NRP
Regina Esslinger, CAC
Peter Dunbar, RAS
Tim Larney, WHD
Matthew Fleming, WS
Bob Beckett, PS
Arnold Norden, LWCS
RCD

From: Ray C. Dintaman, Jr., Director, Environmental Review Unit

Subject: U.S. Army Corps of Engineers - Draft EIS - Baltimore Harbor and Channels Dredged
Material Management Plan and Tiered Environmental Impact Statement

Enclosed please find a request for comments from the U.S. Army Corps of Engineers regarding the above referenced document with copies of the cover page, Table of Contents and Executive Summary. A copy of the full document is available in our office and on a CD if you wish to consult it or make copies of a particular section. Please review the submitted materials and provide us with any comments you may have by March 9, 2005. If no comments are received by that date we will assume that you have none. If you have any questions, please contact Roland Limpert of my staff at X-8333.

Check one:

☒ Comments are attached.

☐ No Comments.

Signature -

Dauna Mcleary

Agency -

Critical Area Commission

Date -

March 15, 2005

RECEIVED

RCD:RJI

Enclosures

FEB 8 2005

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 11, 2005

Mr. Kevin Scott
Land Use Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Port Annapolis Marina
7074 Bembe Beach Road

Dear Mr. Scott:

Thank you for the opportunity to review the above project. The applicant is proposing to remove existing accessory structures and decaying bulkhead, old piers, gravel access areas and structures, and replace the bulkhead approximately 7 feet landward. This project lies within the Intensely Developed Area, is Buffer Exempt and totals 2.72 acres.

After reviewing the site plan, buffer management plan and planting plan, this office does not oppose the proposed redevelopment. The BEA policy standards and buffer management plan have all been met and is consistent with the City's Critical Area program.

Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN 142 - 05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 8, 2005

Ms. Marti Sullivan
Program Open Space
Tawes State Office Building
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local POS # 4689-26-162 (Reedbird Park,
4690-26-163 (Reedbird Median), and # 4691-26-164 (Arnold Sumpter Park)
Land Acquisition for Land Conversion – Baltimore City

Dear Ms. Sullivan:

Thank you for the opportunity to review the above projects. Baltimore City Department of Recreation and Parks is proposing to convert 29.21 acres of public parkland for private use by the National Aquarium for the development of a new Center for Aquatic Life and Conservation. This office understands that the replacement land consists of three parcels totaling 30.09 acres.

If any development activities are proposed on those parcels in the Critical Area, the parcels will be subject to Baltimore City's Critical Area provisions.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
General File – POS

CLEARINGHOUSE REVIEW

RECEIVED

February 28, 2005

MAR 1 2005

TO: Arnold Norden, Greenways and Resources Planning (E-4) CRITICAL AREA COMMISSION
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
Mark Chaney, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honeczy, Forestry (E-1)
David Goshorn, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., MD 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4690-26-163; Reedbird Median Acq. (2) For Land Conversion; POS #818-26-24, Baltimore City

Baltimore City Department of Recreation and Parks is proposing to convert 29.21± acres of public parkland for private use by the National Aquarium for the development of a new Center for Aquatic Life and Conservation. The replacement land consists of three parcels totaling 30.09± acres parcel. The above project represents one parcel consisting of 5.83± acres.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

✓

DM 3/7/05

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

CLEARINGHOUSE REVIEW

February 28, 2005

RECEIVED

MAR 1 2005

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

CRITICAL AREA COMMISSION

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4691-26-164; Arnold Sumpter Pk. Acq. (3); For Land Conversion POS #818-26-24, Baltimore City

Baltimore City Department of Recreation and Parks is proposing to convert 29.21± acres of public parkland for private use by the National Aquarium for the development of a new Center for Aquatic Life and Conservation. The replacement land consists of three parcels totaling 30.09± acres parcel. The above project represents one parcel consisting of 2.761± acres.

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

CHECK ONE AND INITIAL

CHECK

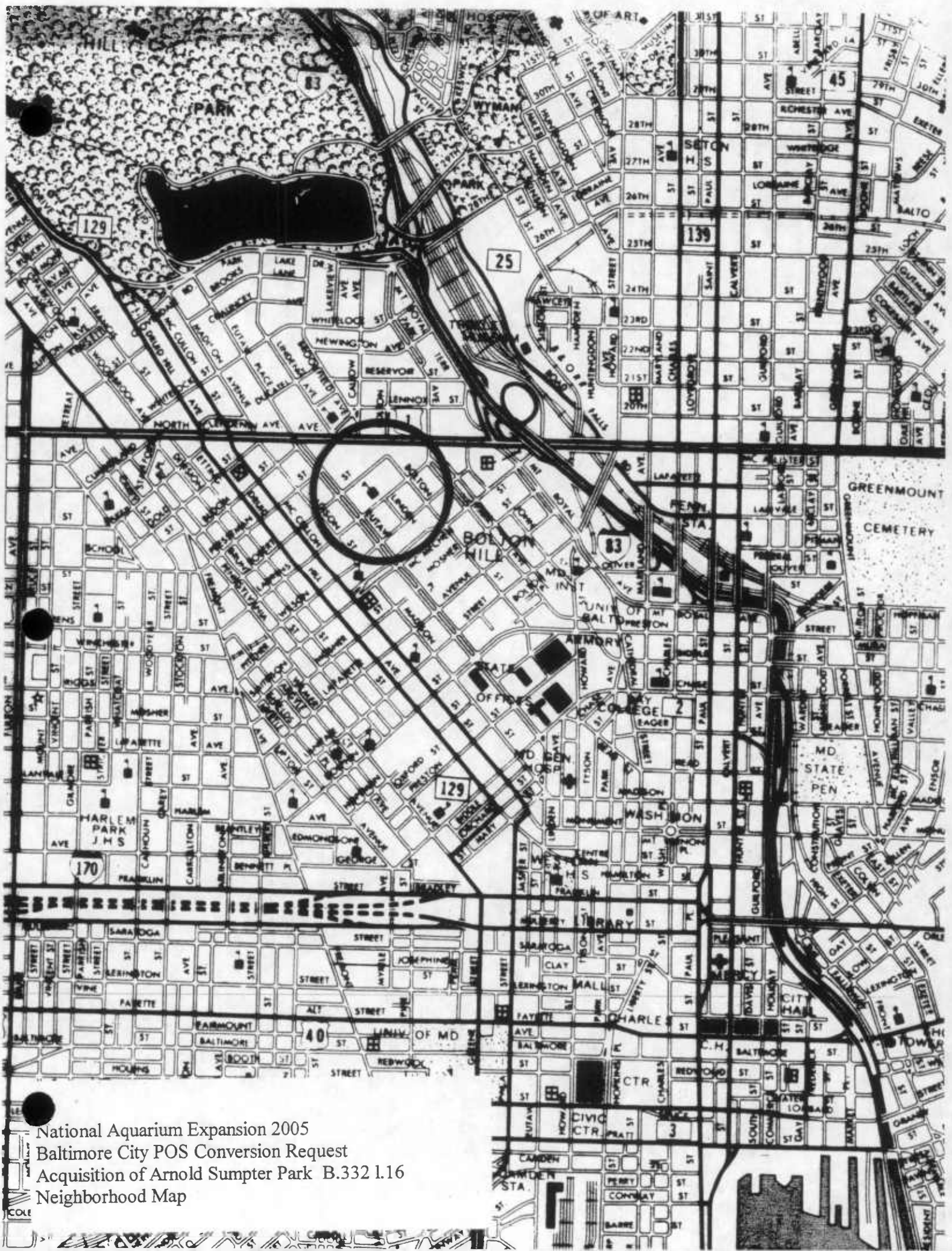
INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

✓

Dm 3/7/05

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



National Aquarium Expansion 2005
Baltimore City POS Conversion Request
Acquisition of Arnold Sumpter Park B.332.1.16
Neighborhood Map

REVISIONS

BLOCKS 332 (199) REVISED PER RLS (A, PR, C, E, H, T) 1012

334

BOLTON

66

ST.

ST.

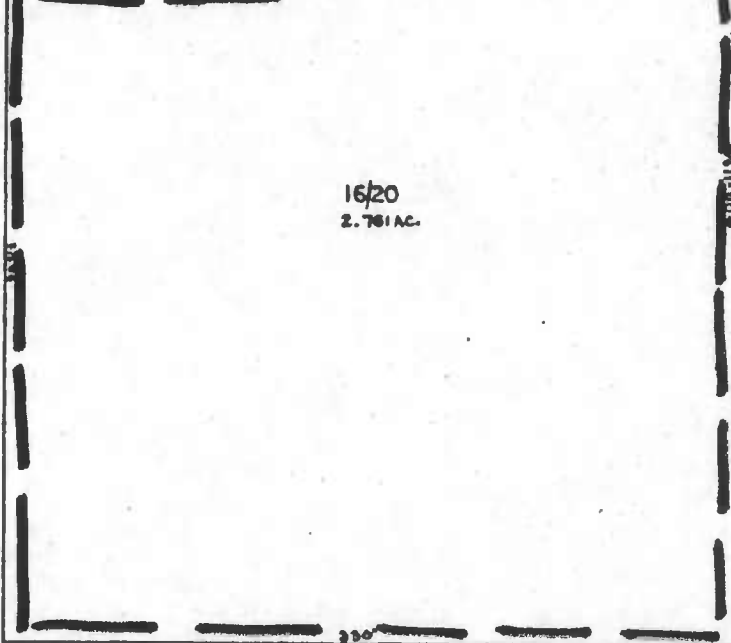
ST.

1825	1824	1823	1822	1821	1820	1819	1818	1817	1816	1815	1814	1813	1812	1811	1810	1809	1808	1807	1806	1805	1804	1803	1802	1801
17-6	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4	17-4
27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45						

10' ALLEY 10'

21	22	23	24	25	26
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10' ALLEY 10'



JORDAN 24' ST.

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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1825 1827 1825 1825 1821 1816 1817 1815 1815 1811 1809 1807 1805 1803 1801

EUTAW PLACE

331 NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER

NOTE FOR OLD CONDITIONS SEE SHEETS 343

National Aquarium Expansion 2005
Baltimore City POS Conversion Request
Acquisition of Arnold Sumpter Park B.332 1.16
Block Plat

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 14 SECTION 3
BLOCK 332
SCALE 1" = 50 FT. DATE JULY 1999

326

LINDEN AVE

325

ROBERT

LINDEN AVE

LAURENS

TRACED BY D. GREEN

CHECKED BY D.C.

CHECKED BY

CLEARINGHOUSE REVIEW

RECEIVED

February 28, 2005

MAR 1 2005

TO: Arnold Norden, Greenways and Resources Planning (E-4) CRITICAL AREA COMMISSION
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
Mark Chaney, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honecny, Forestry (E-1)
David Goshorn, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., MD 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # POS # 4689-26-162; Reedbird Pk.
Acq. (1) For Land Conversion; POS #818-26-24, Baltimore City

Baltimore City Department of Recreation and Parks is proposing to convert 29.21± acres of public parkland for private use by the National Aquarium for the development of a new Center for Aquatic Life and Conservation. The replacement land consists of three parcels totaling 30.09± acres parcel. The above project represents one parcel consisting of 21.5± acres.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

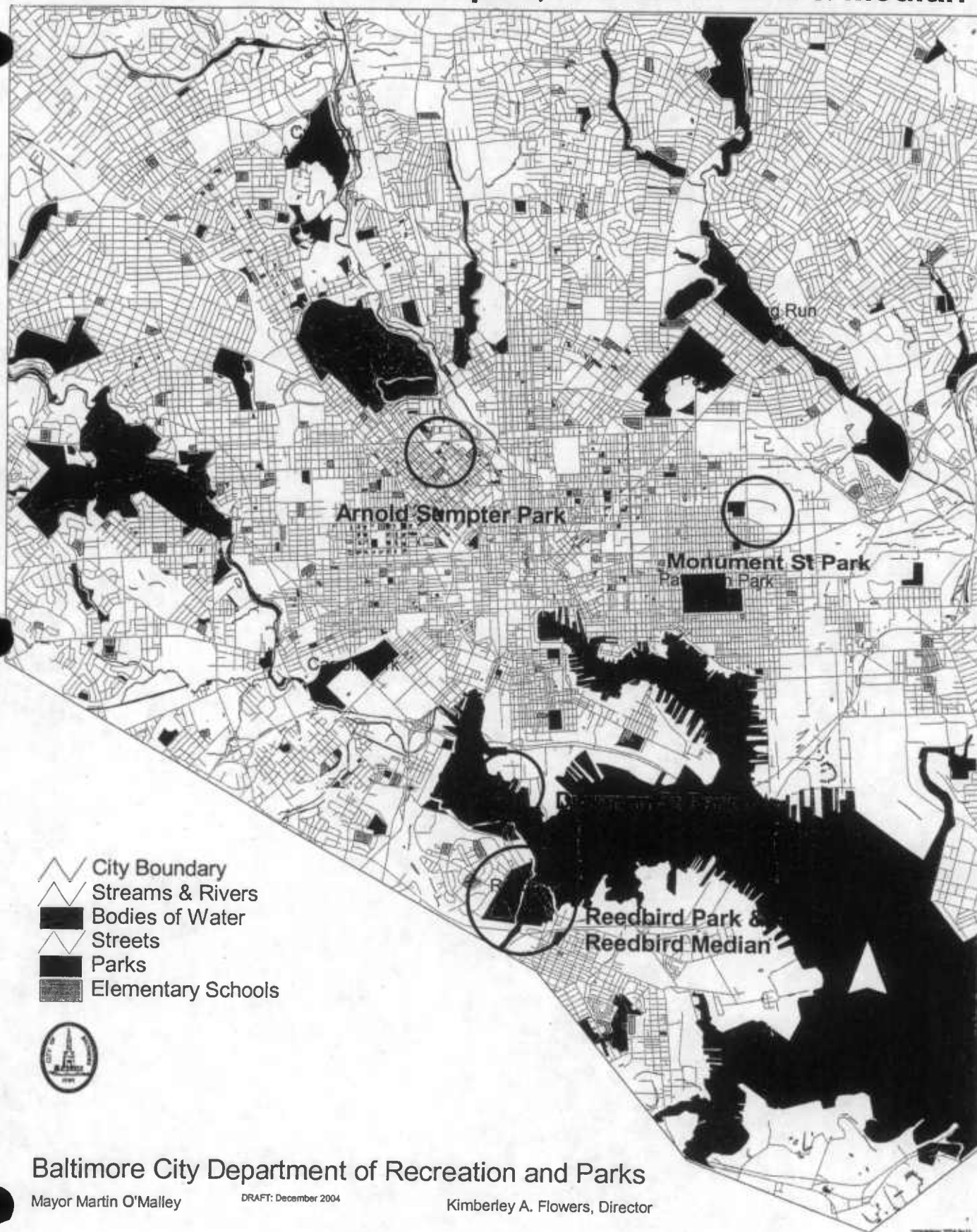
1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

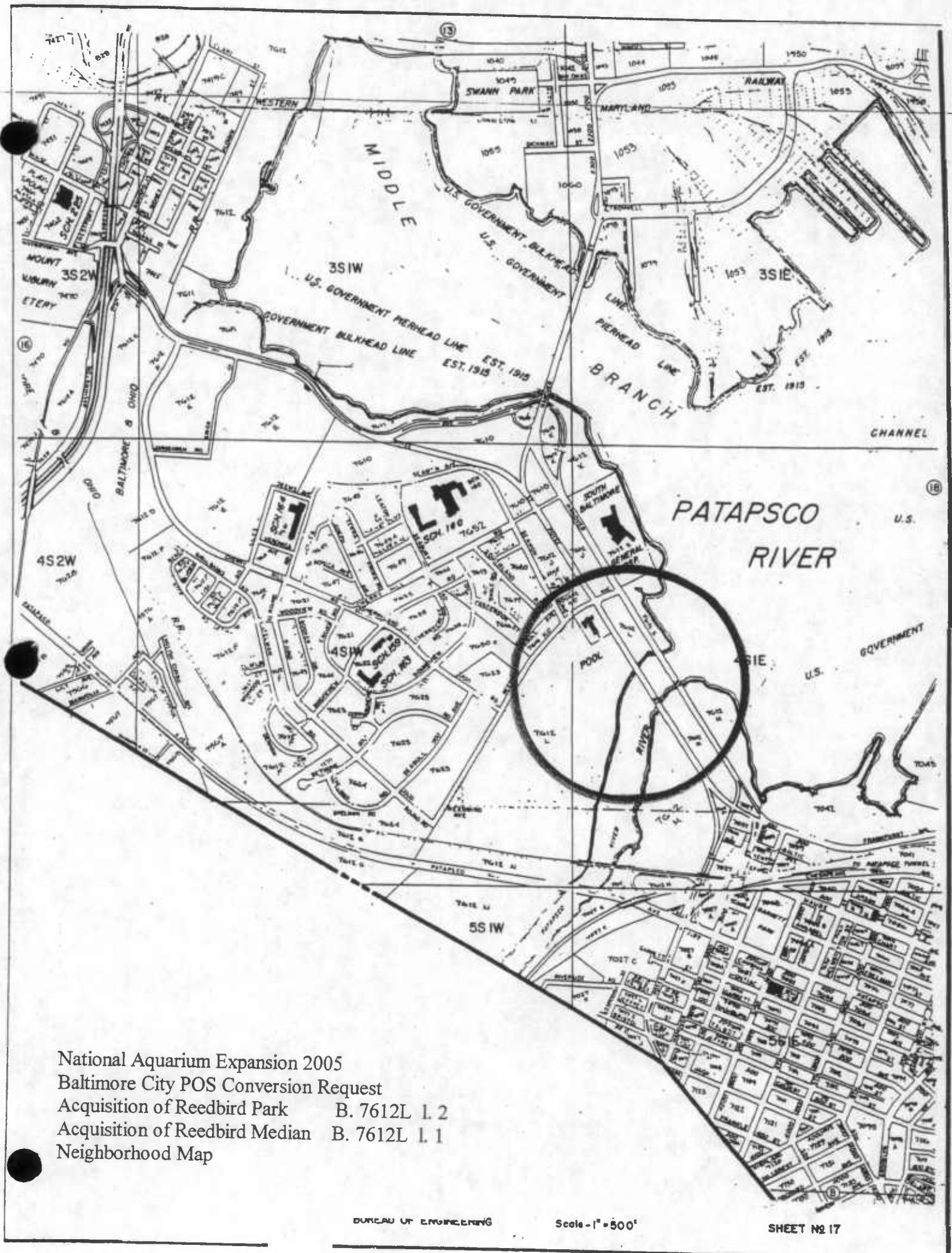
✓

Dm 3/7/05

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

National Aquarium Expansion POS Conversion 2005 Acquisition of Arnold Sumpter, Reedbird Park & Median





National Aquarium Expansion 2005
 Baltimore City POS Conversion Request
 Acquisition of Reedbird Park B. 7612L 1.2
 Acquisition of Reedbird Median B. 7612L 1.1
 Neighborhood Map

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 8, 2005

Ms. Marti Sullivan
Program Open Space
Tawes State Office Building
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local POS # 4685-5-133
Hillsboro Town Park – Pavilion and Playground, Caroline County

Dear Ms. Sullivan:

Thank you for the opportunity to review the above project. This proposal is to construct a picnic pavilion and install playground equipment. Since this park is in the Critical Area, this project will be subject to County's Critical Area provisions.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Elizabeth Kempansky
Roby Hurley
Regina Esslinger
General File- POS

CLEARINGHOUSE REVIEW

February 16, 2005

RECEIVED

FEB 21 2005

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

FROM : James W. Price, Director, Program Open Space

SUBJ : POS # 4685-5-133

Hillsboro Town Park - Pavilion and Playground, Caroline County

This project proposes to construct a picnic pavilion and install playground equipment for the enjoyment of local residents and visitors. The existing playground equipment does not meet current safety standards and ADA requirements.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

✓

DM 3/3/05

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

CAROLINE COUNTY, MD.

INDEX TO MAPS

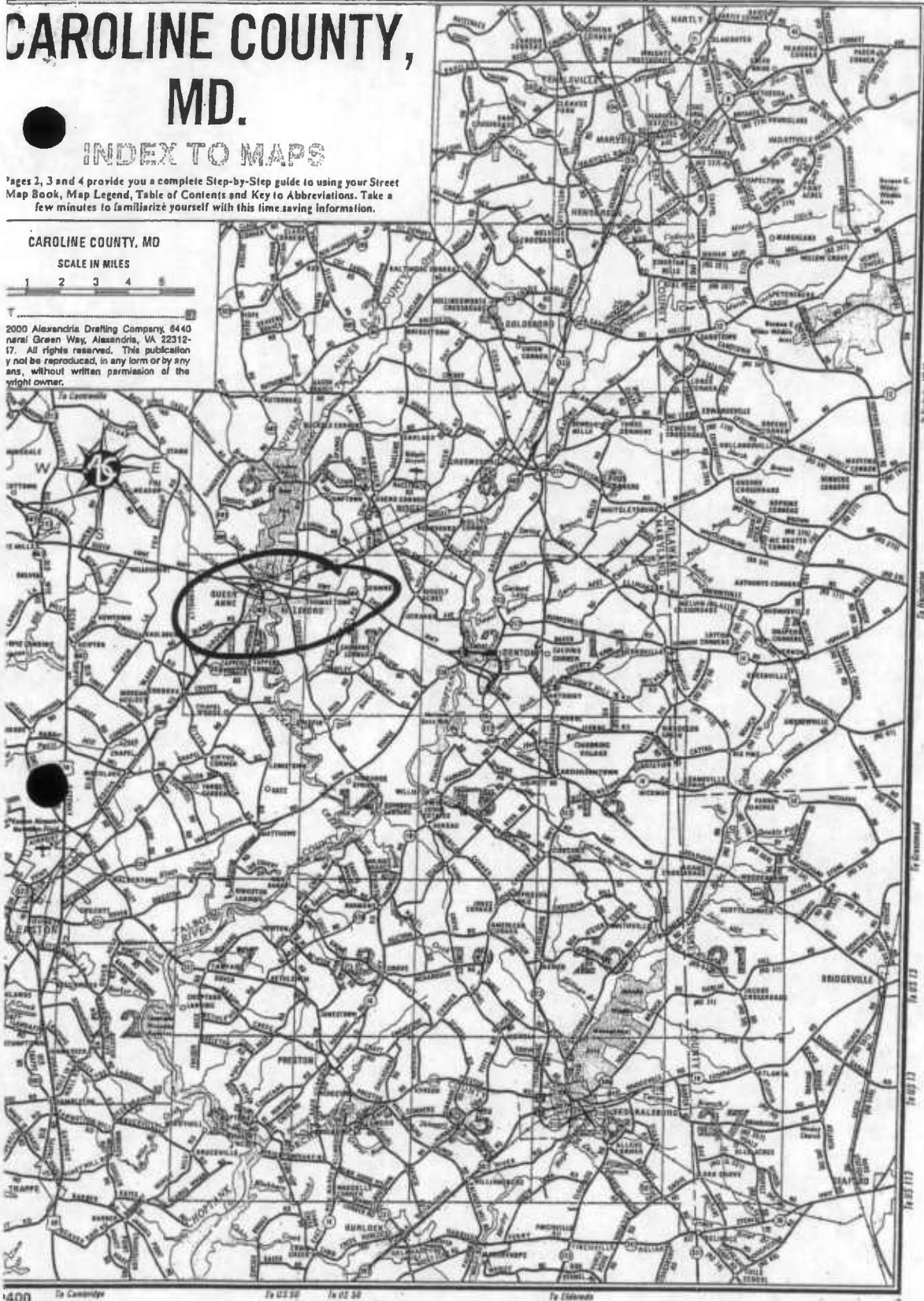
Pages 2, 3 and 4 provide you a complete Step-by-Step guide to using your Street Map Book, Map Legend, Table of Contents and Key to Abbreviations. Take a few minutes to familiarize yourself with this time-saving information.

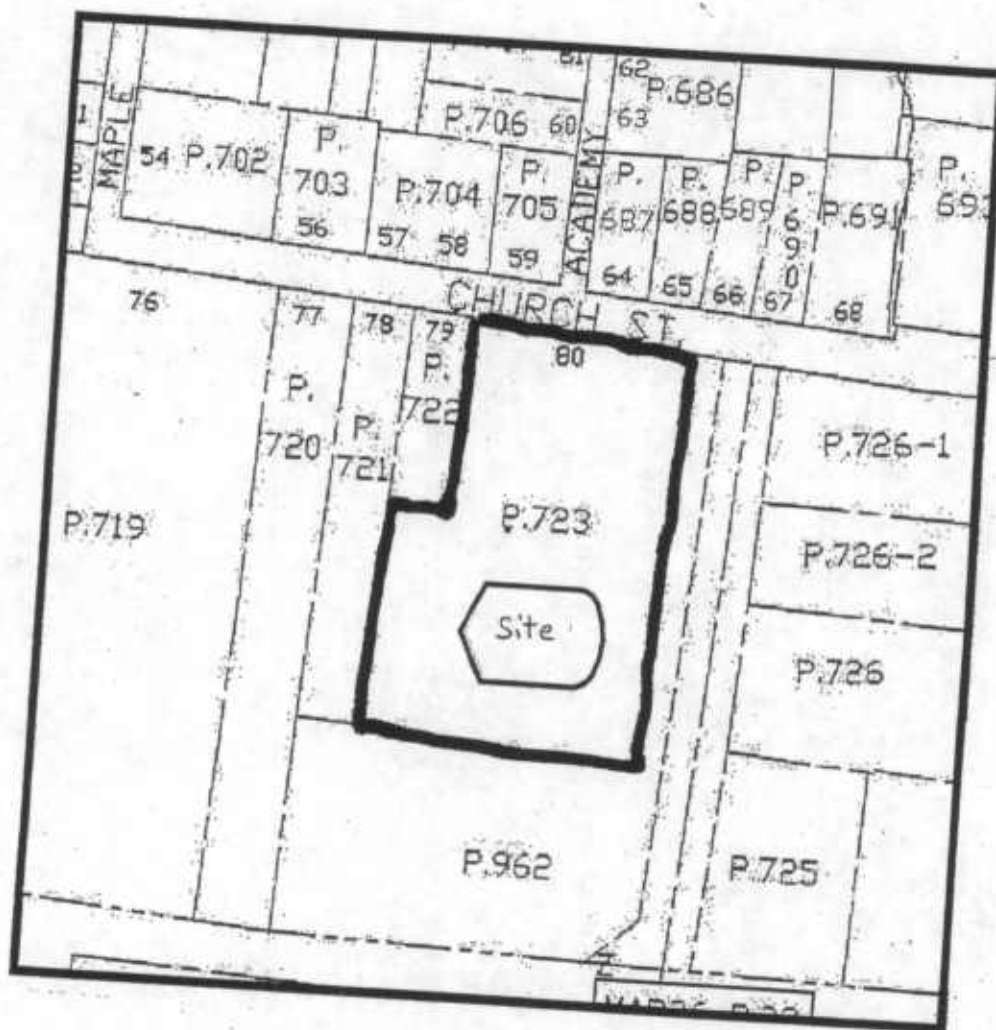
CAROLINE COUNTY, MD

SCALE IN MILES



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nara Green Way, Alexandria, VA 22312-
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ans, without written permission of the
right owner.

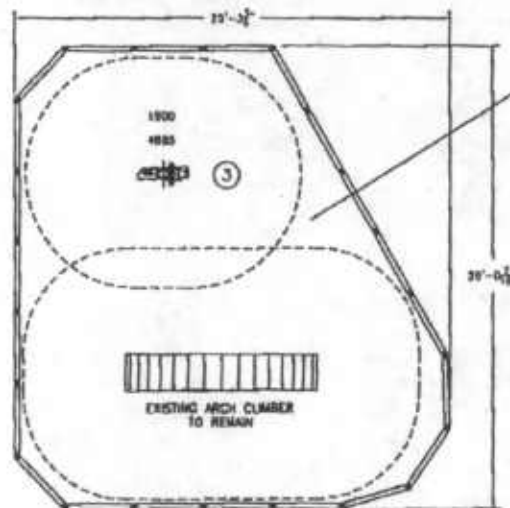
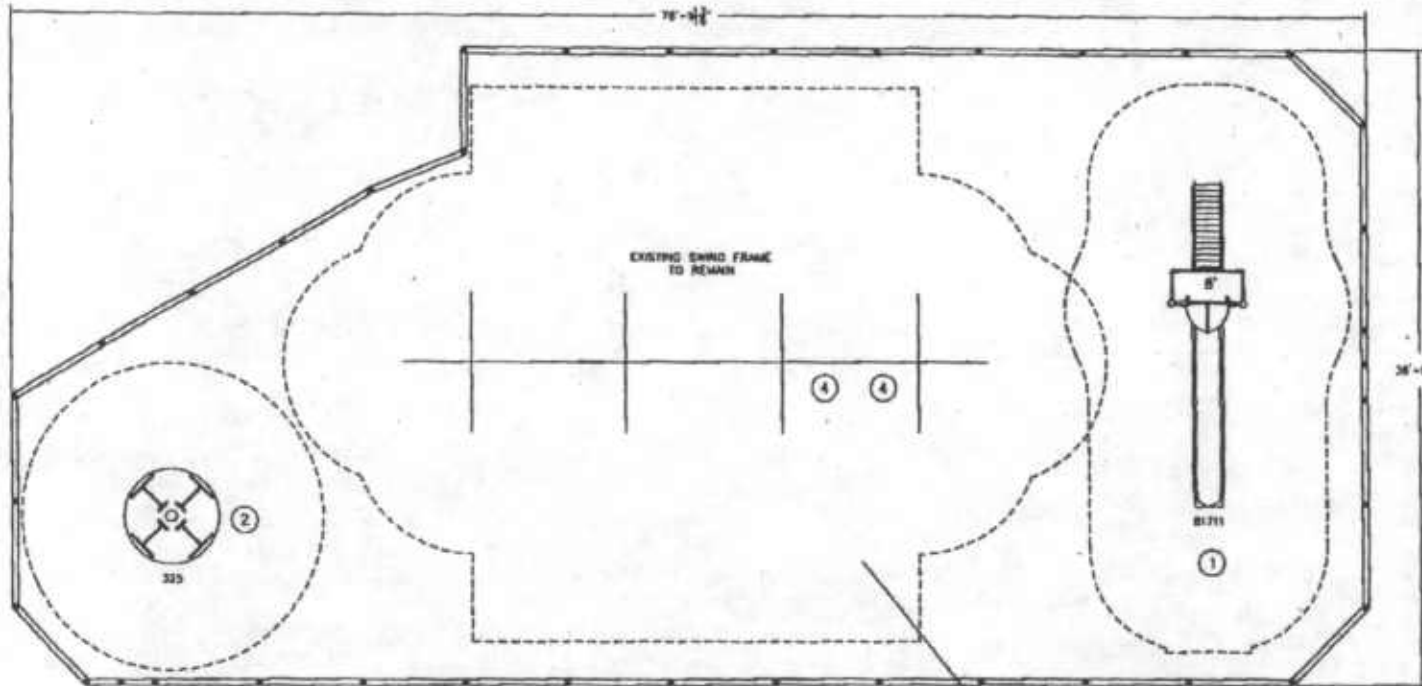




Caroline County



MD Department of Natural Resources
 Program Open Space
 Hillsboro Town Park
 SPM 21A Parcel 723
 ± 5.0 Acres



ADA ACCESSIBLE SAFETY SURFACING:

- 540 SQUARE FEET REQUIRED
- GOMPAK ENGINEERED WOOD FIBER
- 30" COMPACTED DEPTH
- SINGLE LAYER OF GEOTEXTILE FABRIC
- 8" MAXIMUM FALL HEIGHT

GAMETIME PLAYCURB BORDER SYSTEM:

- (2) MODEL 1900 - 4' X 4' X 8" TALL STRAIGHT CURBS (BLACK)
- ALL ANCHORED WITH 3/4" X 30" GALVANIZED STEEL STAKES AT THE CENTER OF EACH 4' CURB AND AT EACH END.

ADA ACCESSIBLE SAFETY SURFACING:

- 240 SQUARE FEET REQUIRED
- GOMPAK ENGINEERED WOOD FIBER
- 30" COMPACTED DEPTH
- SINGLE LAYER OF GEOTEXTILE FABRIC
- (5) RUBBER WEAR MATS TO BE PLACED BENEATH WOOD FIBER AT SLIDE, HOT AND MELTING SEATS.
- 10" MAXIMUM FALL HEIGHT

GAMETIME PLAYCURB BORDER SYSTEM:

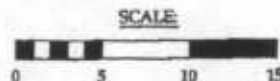
- (4) MODEL 1970 - 8' X 4' X 12" TALL STRAIGHT CURBS (BLACK)
- (4) MODEL 1970 - 2' X 4' X 12" TALL STRAIGHT CURBS (BLACK)
- ALL ANCHORED WITH 3/4" X 30" GALVANIZED STEEL STAKES AT THE CENTER OF EACH 8' CURB AND AT EACH END.

EQUIPMENT LIST

ITEM	QUANTITY	MANUFACTURER	PART NUMBER	DESCRIPTION
1	1	GAMETIME	18711	FREESTANDING CYBERSLIDE FOR AGES 5-12
2	1	GAMETIME	325	MINIATURE WHIRL WITH BRAKE FOR AGES 2-5 OR 3-12
3	1	GAMETIME	1900 & 1985	ALUMINUM CLIFFORD SADDLEBACK WITH INGROUND MOUNT COIL SPRING
4	2	GAMETIME	8530	ENCLOSED TOT SWING SEATS (NOT SHOWN) FOR USE WITH EXISTING CHAINS



THE PLAY COMPONENTS IDENTIFIED IN THIS PLAY AREA ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487-01.



TOWN OF
HILLSBORO
Playground Renovations
Caroline Co, MD

PROVIDED BY:

WEST RECREATION, INC.
P.O. BOX 487
QUEENSTOWN, MD 21658
PHONE: (800) 233-0529
FAX: (410) 827-8855

No. Revision Date

This play equipment is recommended for children ages 2-5 OR 5-12

Soft, resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614.

Enriching Childhood Through Play.

Drawn By: BLO Scale: AS SHOWN

Date: 12-06-04
Drawing Name: OPTION A2B

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 8, 2005

Mr. Mike Hild
Chief of Engineering Division
Maryland Port Administration (MPA)
2310 Broening Highway
Baltimore, Maryland 21224

RE: Masonville\Fairfield Marine Terminal Connector Road
Baltimore City

Dear Mr. Hild:

On March 2, 2005, the Critical Area Commission unanimously approved the proposal to construct a 300 foot long by 36 foot wide (3 -12 foot lanes) connector road to link the existing Masonville and Fairfield Marine Terminals, with the condition that time of year restrictions are in place and work not be conducted between March 15 – June 30.

I would like to thank you, Mark Kreadle of your office and Harry Canfield from JMT Engineering for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Mark Kreadle
Harry Canfield
Regina Esslinger
State File: 26-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

March 7, 2005

Ms. Elizabeth Krempansky
Director
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Critical Area Program Growth Allocation Amendment
Ashworth Subdivision (former Tribett Farm\Caroline Fields).
Parcel 12 & 507 (Local No.04-15)

Dear Ms. Krempansky:

The purpose of this letter is to notify you of the Critical Area Commission's action regarding the proposed growth allocation request for the Ashworth Subdivision. On March 2, 2005, the Commission concurred with the Chairman's determination that the growth allocation request proposed by the County be approved as a refinement to the Caroline County Critical Area program.

1. The 100-foot Buffer shall be delineated from the edge of the stream, and where there are contiguous steep slopes, the Buffer shall be expanded four feet for every one percent of slope as required by COMAR Section 27.01.09.01.C (7). A revised plan shall be submitted to the Commission staff for review before the plat is recorded.
2. The applicant shall prepare a Buffer Management Plan indicating how the expanded 100-foot Buffer on Lots 11-14 will be established in natural forest vegetation as required by COMAR Section 27.01.09.01C (6). This plan shall be submitted to Commission staff for review and approval before the final plat is recorded.

Continued, Page Two
Ashworth Subdivision Growth Allocation Refinement
March 7, 2005

This change shall be incorporated into the County's Critical Area Program within 120 days of the date of this letter. Please forward a copy of the revised Critical Area map as soon as it is available. Thank you for your assistance in this process. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Barry Griffith
Mary Owens
CR Refinement File

CLEARINGHOUSE REVIEW

February 16, 2005

RECEIVED

FEB 01 2005

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

FROM : James W. Price, Director, Program Open Space

SUBJ : POS # 4684-5-132

Jonestown Community Park, Caroline County

This project proposes the acquisition of 3.72 acres adjacent to a small community park that is only big enough for a small playground. This acquisition will enable the county to provide more recreational opportunities for the local community.

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

CHECK ONE AND INITIAL

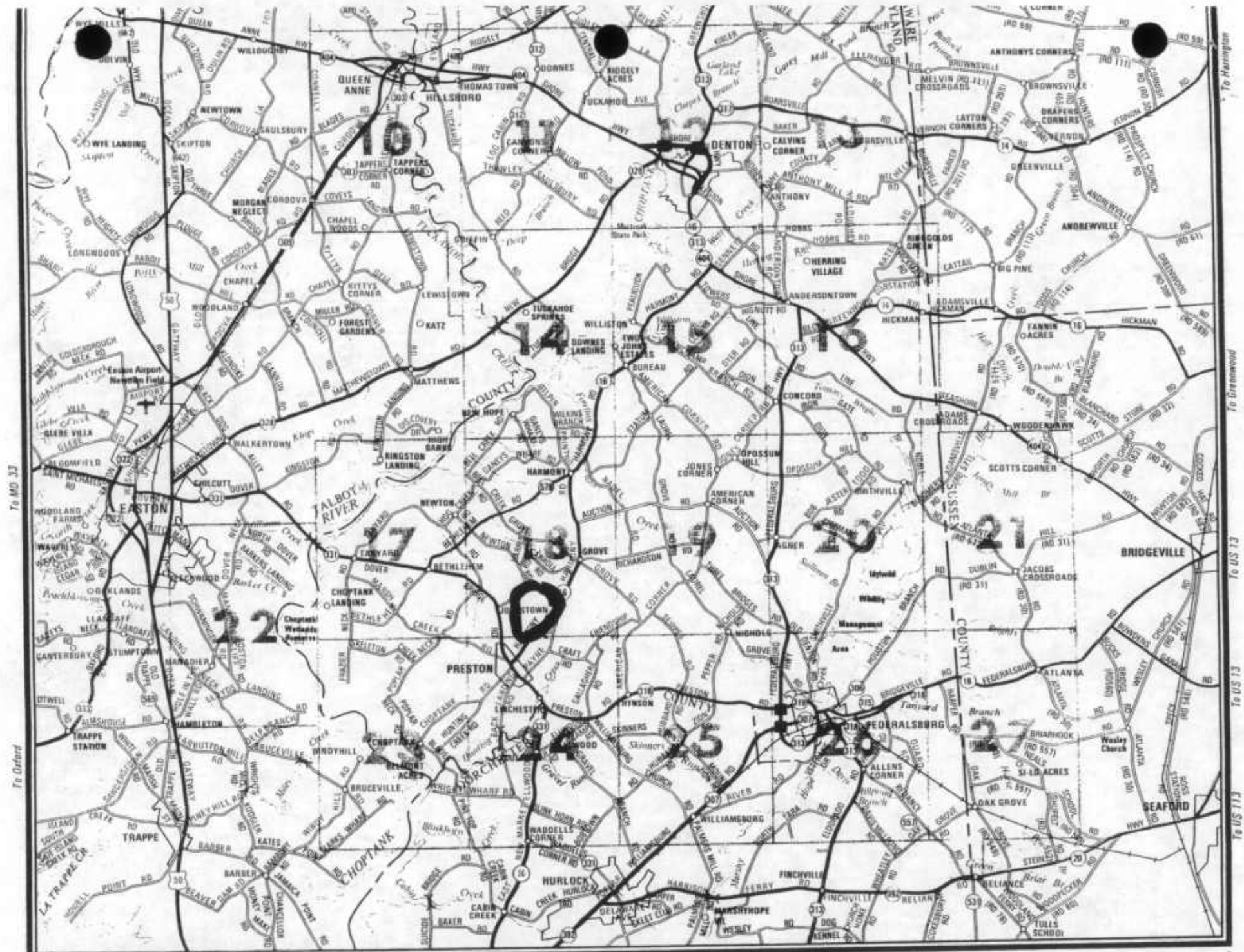
CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

<u>✓</u>	<u>Dm 3/3/05</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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



Stock No 22400

To Cambridge

To US 50

To US 50

To Eldorado

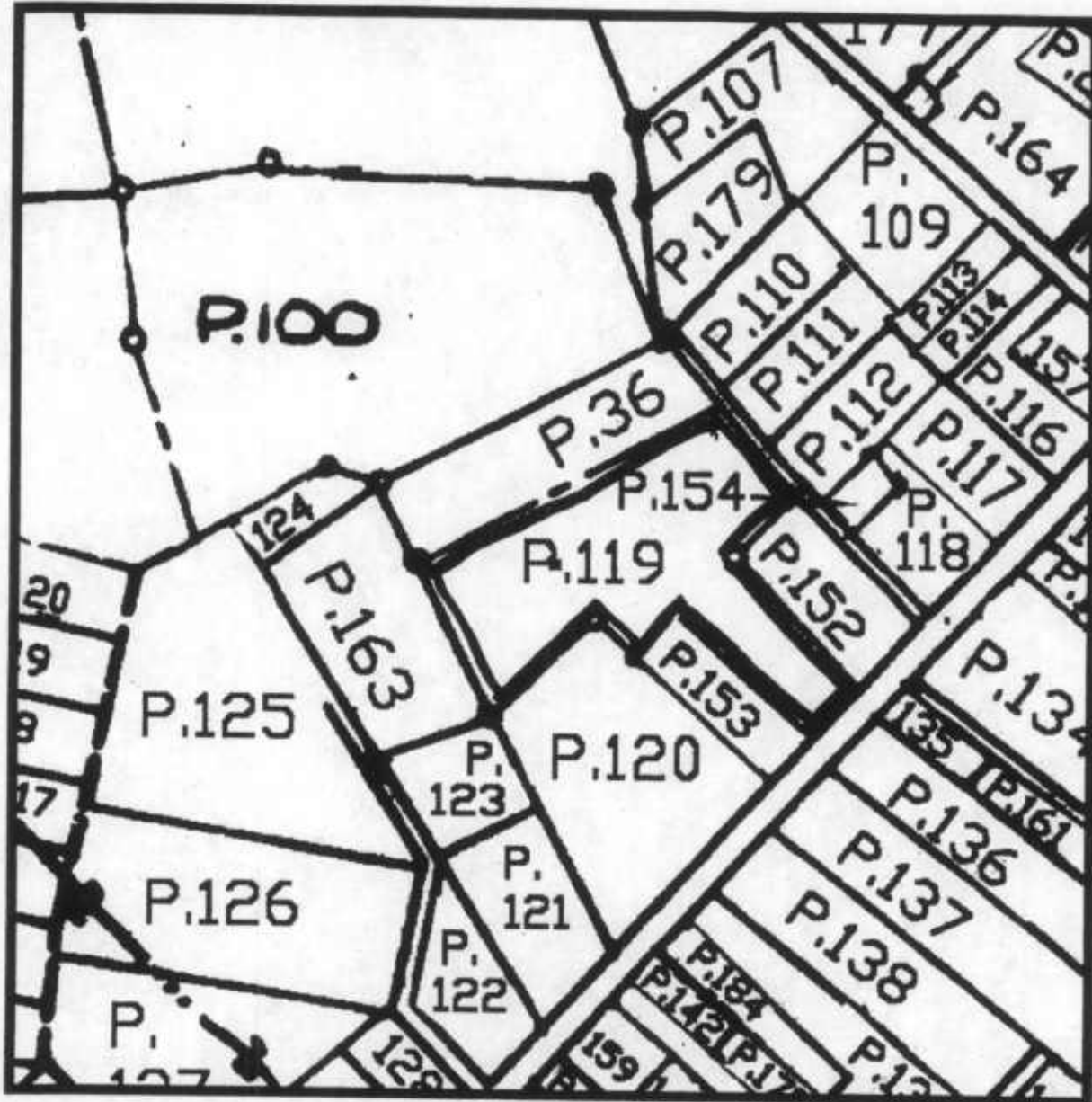
For additional ADC Maps and Charts please see the inside back cover.



Maryland Department of Assessments and Taxation
CAROLINE COUNTY
Real Property Data Search

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District - 04 Account Number - 008715



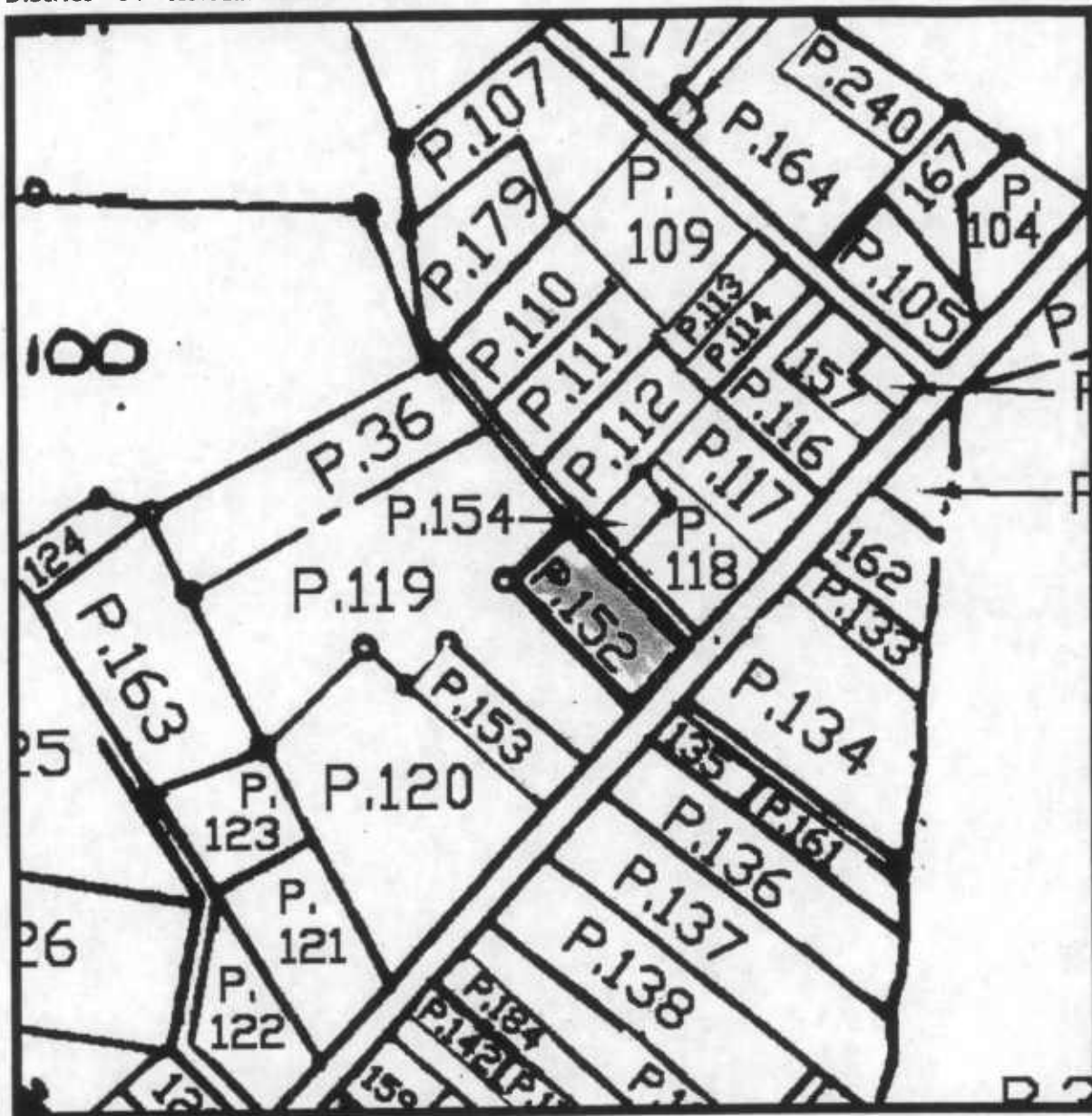
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Critical Area Commission

STAFF REPORT

March 2, 2005

APPLICANT: Department of Transportation - Maryland Port Administration

PROPOSAL: Masonville\Fairfield Marine Terminal Connector Road

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 - State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

The Maryland Port Administration (MPA) plans to construct a 300 foot long by 36 foot wide (3-12 foot lanes) connector road linking the existing Masonville and Fairfield Marine Terminals to allow for the use of both facilities by the client. The project is located in southwest Baltimore City, north of the I-895 toll plaza and is located within an intense area of development. The entire site is in an area of intense development, 1.02 acres in size with approximately 0.9182 acres (40,000 square feet) being disturbed. The project will not impact nor disturb the 100-foot Buffer or tidal wetlands.

The property primarily consists of asphalt road, parking areas and other developed land. The western area (Masonville side) contains an existing stormwater management pond, a fuel tank area and is dominated by grasses and light brush. The eastern (Fairfield side) is essentially an existing roadway with a large rip-rap drainage ditch. Between the two ditches is a small area of trees and brush. A Total of 2,200 square feet of forest will be cleared during the construction of the Masonville Connector Road.

There are no rare, threatened or endangered plant or animal species within the project area. However, the Heritage Division of the Dept. of Natural Resources shows a breeding record for the "Hooded Merganser" within the vicinity. DNR recommends that work in wetlands not be conducted between mid-March and the end of June.

Continued, Page Two
Masonville Connector Road Staff Report
March 2, 2005

For stormwater management, the existing pond currently provides treatment of 43.457 acres of impervious surface area within its 58.191 acre drainage area. The portion of the proposed connector road which drains to the existing wet pond will account for 0.120 acres of new impervious surface. The two proposed perimeter sandfilter will provide the remaining required water quality treatment in order to compensate for areas of new impervious surface which do not drain to a water quality facility.

This project will increase impervious surface by 0.254 acres. To satisfy the 10 % pollutant reduction requirements, The total phosphorous removal requirement for the above project is 0.42 pounds. MPA is proposing to use the existing wet pond and two proposed perimeter sandfilters as best management practices that will remove 0.52 pounds of phosphorus. Therefore The existing wet ponds and the two proposed perimeter sandfilter within the project limits will be utilized to reduce the existing pollutant by 10%.

A total of 2, 200 square feet of forest will be cleared during the construction of the connector Road. MPA is proposing to reforest 2,200 square feet, at a 1:1 ratio on site within the Critical Area along the Arundel Corp property line near Frankfurst Ave. The reforestation site is located entirely within the Critical Area.

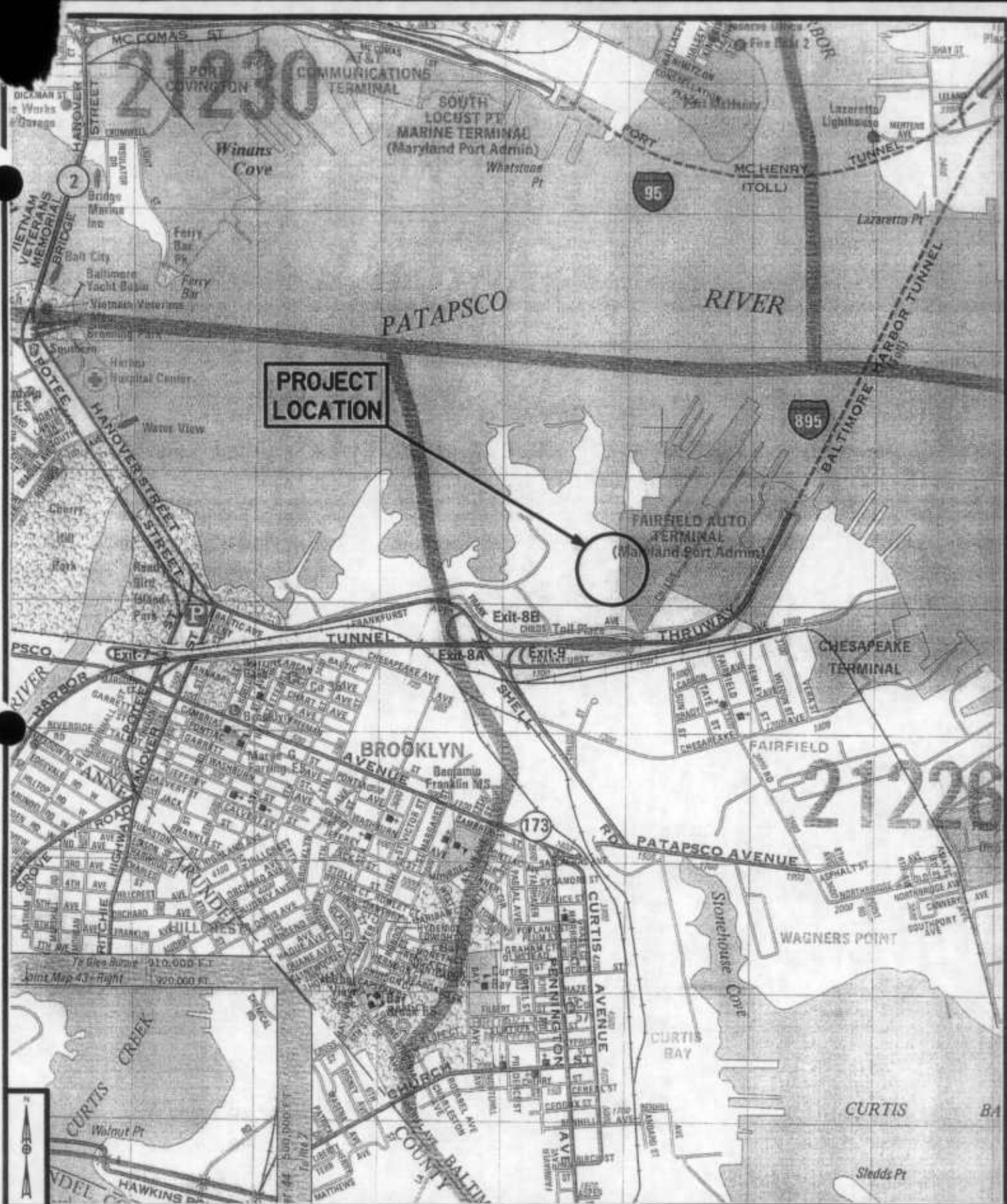


FIGURE 1
VICINITY MAP

ADC STREET MAP OF
BALTIMORE COUNTY, MARYLAND SHEET 43

MASONVILLE CONNECTOR ROAD
BALTIMORE CITY, MARYLAND
MARYLAND PORT ADMINISTRATION

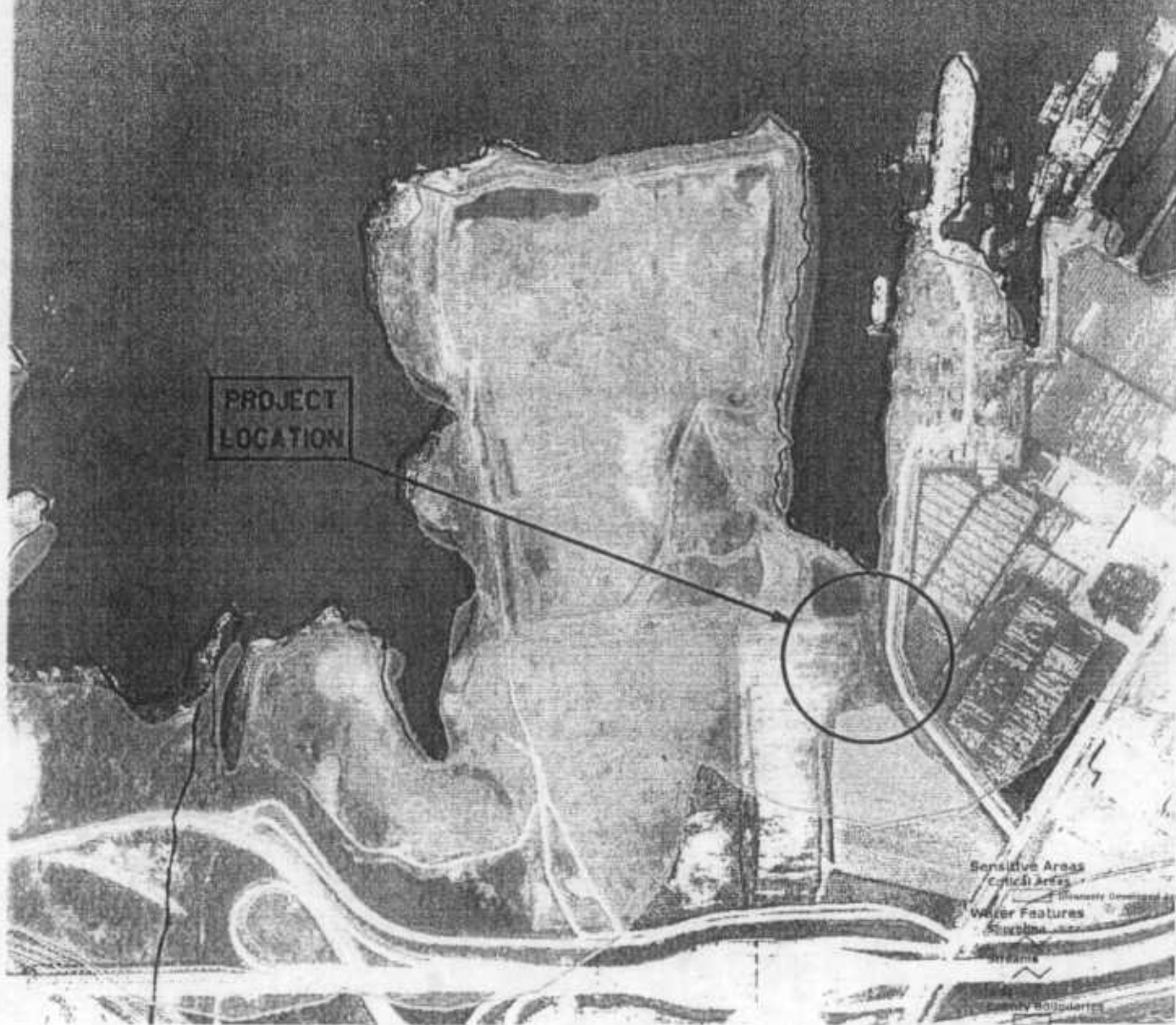
Copyright ADC The Map People
Permitted Use No. 21203196

SCALE: 1" = 2000'

DATE: MAY 2004



JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
72 Landon Circle, Baltimore, Maryland 21202-0549



N 175486.63m E 435609.74m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters

© Copyright 2003, Maryland Department of Natural Resources, www.mdmerlin.net
Created with TNTserver™ from Microlimages, Inc

Photo 1998 1m
Curtis Bay NW 3.75' B/W 1998-2000

Baltimore East SW 3.75' B/W 1998-2000

FIGURE 5

MASONVILLE CONNECTOR ROAD
BALTIMORE CITY, MARYLAND

CRITICAL AREA MAP

MARYLAND PORT ADMINISTRATION

SCALE: AS SHOWN ABOVE

DATE: MAY 2004



JOHNSON, MIERMAN & THOMPSON
Engineering A Brighter Future
72 Lorton Circle Baltimore, Maryland 21202-0549

FILE: c:\smd\303531_Masonville.SP\CAD00\critarea.dwg
DATE: 03-May-04 1458

Critical Area Commission

STAFF REPORT

March 2, 2005

APPLICANT: Caroline County Planning and Zoning

PROPOSAL: Refinement -Ashworth Subdivision
Growth Allocation

JURISDICTION: Caroline County

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval with conditions

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.02.06 Location and Extent of Future
Intensely Developed and Limited Development Areas

DISCUSSION:

The County Commissioners of Caroline County have approved the use of 11.212 acres of growth allocation and passed Ordinance #2004-005 on November 16, 2004. This action involves the use of growth allocation to change the Critical Area designation of Parcels 12 and 502 on Zoning Map 28 from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). (The County uses the designation RCD and LDD). The entire site consists of 54.261 acres, and is proposed for development as a 33-lot subdivision of single-family dwellings. Approximately seven lots are located within the Critical Area portion of the site. Currently, the property consists of agricultural fields and forest. If this growth allocation request is approved, the County will have 418 acres of growth allocation remaining.

The applicant has provided documentation from Department of Natural Resources (DNR) the Heritage Division that indicated a possibility of a State-listed endangered species within the area. The applicant hired a private consultant to survey the site, and the consultant concluded that there was no evidence of the plants species on the site.

The new 11.212 acres of LDD contain no tidal wetlands or tidal waters, but do include a perennial stream and adjacent non-tidal wetlands. There are also contiguous steep slopes.

With the application of the two recommended conditions, this project appears to be generally consistent with the Critical Area law and the County's local Critical Area Program. Staff recommends this growth allocation request be reviewed as a refinement to Caroline County's Critical Area Program.

In the Criteria, when locating new Intensely Developed or limited development areas, local jurisdictions shall use these guidelines:

1. New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
2. New Limited Developed Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
3. No more than one half of the allocated expansion may be located in Resource Conservation Areas;
4. New Intensely Developed Areas and Limited Development Areas should be located in order to minimize impacts to habitat protection areas as specified in COMAR 27.01.09 and in an area and in manner that optimizes benefits to water quality;
5. New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
6. New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

Conditions:

1. The 100-foot Buffer shall be delineated from the edge of the stream, and where there are contiguous steep slopes, the Buffer shall be expanded four feet for every one percent of slope as required by COMAR Section 27.01.09.01.C(7). A revised plan shall be submitted to the Commission for review before the plat is recorded.
2. The applicant shall prepare a Buffer Management Plan indicating how the expanded 100-foot Buffer on Lots 11-14 will be established in natural forest vegetation as required by COMAR Section 27.01.09.01C(6).

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/

February 15, 2005

Ms. Elizabeth Krempansky
Director
Caroline County Planning and Zoning
403 South 7th, Suite 210
Denton, Maryland 21629-1335

RE: Critical Area Program Growth Allocation Amendment
Ashworth Subdivision (former Tribbett Farm\Caroline Fields),
Parcel 12 & 507 (Local Case No.04-15)

Dear Mr. Krempansky:

On February 9, 2005, we received from the consultant, additional information on the above referenced growth allocation request and we will be accepting the information as a complete submittal. The DNR Heritage letter dated July 7, 2004 along with other supporting information has satisfied our request for additional information from the Department of Natural Resources.

The County's Ordinance # 2004-005 is a request to use 11.212 acres of growth allocation to change the Critical Area designation of Parcels 12 and 502 on Zoning Map 28 from RCD to LDD (RCA to LDA). The growth allocation will be used to develop the Ashworth Subdivision. This subdivision will create 33 residential lots on a 54.262 parcel.

Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Mary Owens
Caroline County Amendment Files - 05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

February 11, 2005

Ms. Nancy Lipski
Site Plan and Permit Review
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Bush River Village

Dear Ms. Lipski:

Thank you for sending us the Bush River Village proposal to reconfigure four commercial lots into three commercial lots. The proposed lots total 2.17 acres, are in an Intensely Developed Area (IDA) and in a Buffer Exemption Area.

The site plan must show the location of the three stormwater management facilities proposed to satisfy 10 % pollutant reduction calculations. The plan must also show the 100-foot Buffer. The applicant needs to demonstrate that the project complies with the County's Buffer Exemption provisions, including mitigation requirements.

I will provide additional comments once we receive this information. Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
Pat Pudalkewicz
Regina Esslinger
HC 63 - 05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 10, 2005

Mr. Mark Kreif
Assistant Chief Engineer
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224-6621

RE: Proposed Temporary Sprung Structure
Fairfield Marine Terminal

Dear Mr. Kreafle:

This office has reviewed the Maryland Port Administration's (MPA) proposal to erect a 70' x 105' stressed membrane structure at Fairfield Marine Terminal. The structure would be in place for a maximum of two (2) years. Mitigation for the installation of the structure will not be necessary since it is temporary. If the structure remains longer than two years, mitigation will be necessary. It is our understanding that a permanent facility is being designed for this site and will be sent to us for approval once the design is complete.

When a start date has been set for installation for the structure, please notify us so that we can start the clock on the two-year period. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Mike Hild
Regina Esslinger
State MPA 09 - 05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 10, 2005

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: Donner Project
2684 Choptank Main Street
#05-005V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to build an addition to an existing house. The variance request is to the side yard setbacks; there are no Critical Area variances requested. This office does not oppose the variance.

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

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 59 - 04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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February 4, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Hawkins Point Trailer Facility
2201 Hawkins Point Road

Dear Mr. Stuart:

Thank you for providing the mitigation planting plan that we requested in our December 9, 2004 letter. This office does not oppose the proposed planting mitigation plan for phase 1 and the proposed 20,000 square foot rental office building for phase 2. This office has determined that both development activities are correct and consistent with the local Critical Area Program.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Eugene Cauley
Regina Esslinger
BA 77 - 04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 26, 2005

Mr. Tim Madden
Morris & Richie Associates, Inc.
14280 Park Center Drive, Suite A
Laurel, Maryland 20707-7395

RE: Calvert Street Garage Project
Preliminary Review

Dear Mr. Madden:

This office has received and reviewed the existing and proposed plans for the above project. The property is located on Calvert Street in Annapolis. The site is entirely in the Critical Area, totals 1.59 acres and outside the 100-foot Buffer. This office does not oppose the proposed development activity.

We understand that when the preliminary plans are finalized and all MDE permits have been satisfied, a copy of the final plans and MDE approvals will be submitted to our office for Critical Area Commission approval.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Mark Schneidman
Regina Esslinger
DGS 3-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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January 25, 2005

Ms. Anna Von Lunz
Office, Cultural Resources Manager
United States Department of Interior
National Park Service
Fort McHenry National Monument & Historic Shrine
Baltimore, Maryland 21230-5393

RE: Fort McHenry Monument and Historic Shrine DCP, EA\AOE

Dear Ms. Von Lunz:

Thank you for seeking additional comments for the proposed concept plan at Fort McHenry National Monument and Historic Shrine. This review includes the education\ administrative facility, development concept plan, and the environmental assessment.

We do not oppose the concept plan outlined in the above plan. This office understands that your office will address stormwater management during the design phase by addressing the 10 % pollutant reduction calculations on site. We look forward to reviewing the final site plan, 10 % calculations, and landscaping plans when they are available.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Scott Smizik
Duncan Stuart
Regina Esslinger
Federal 07 - 04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 21, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Ritz-Carlton Landscaping Plan
801 - 821 Key Highway

Dear Mr. Stuart:

This office has received and reviewed the landscaping plans for the above project. This office does not oppose the landscaping plan. However, there are several exotic species on the plan; we encourage the applicant to use more native species

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resource Planner

cc: Regina Esslinger
BA 321-01

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

January 20, 2005

Mr. Nick Walls
Environmental Planner
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: 4100 Philadelphia Road

Dear Mr. Walls:

Thank you for sending us information on the above project. The applicant is proposing to construct a single commercial building with site improvements. The property is 0.5338 acres in size, is designated a Resource Conservation Area (RCA), and has been historically used a commercial site.

After reviewing the site plan, this office does not oppose the project. It appears that the proposed development is within the impervious surface limit and that the commercial use is permitted in the RCA as outlined in the County's Critical Area program.

If there are any questions, please feel free to call me at (410) 260-3483

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudalkewicz
Regina Esslinger
HC 10 - 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/

January 19, 2005

Mr. Tom Smith
Senior Planner
City of Annapolis Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Baywoods Variance
2004-12-777

Dear Mr. Smith:

Thank you for providing information on the above variance application. The applicant is proposing to stabilize the waterside slope with erosion control boulders and build a crush stone path to replace the previous mulch path all within the 100-foot Buffer. The property is 13.3 acres in size and is designated a Limited Development Area.

This office does not oppose the variance. However, if granted, we recommend that opportunities be explored to remove existing impervious surfaces elsewhere on site. We understand that the vegetated area damaged by Hurricane Isabel was planted as mitigation for a prior variance. This office recommends that this area be restored with native plantings appropriate for the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 04 - 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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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

January 19, 2005

Ms. Elizabeth Krempansky
Director
Caroline County Planning and Zoning
403 South 7th, Suite 210
Denton, Maryland 21629-1335

RE: Critical Area Program Growth Allocation Amendment
Ashworth Subdivision (former Tribbett Farm\Caroline Fields),
Parcel 12 & 507 (Local Case No.04-15)

Dear Mr. Krempansky:

Thank you for submitting Growth Allocation Ordinance #2004-005 in which the County is requesting to use 11.212 acres of growth allocation to change the Critical Area designation of Parcels 12 and 502 on Zoning Map 28 from RCD to LDD (RCA to LDA). The growth allocation will be used to develop the Ashworth Subdivision. This subdivision will create 33 residential lots on a 54.262 parcel.

This office understands that the new 11.212 acres of LDD contain no tidal wetlands or tidal waters. The proposed development will utilize 11.212 acres of the County's remaining 418 acres of Critical Area GA. The entire acreage of the property within the Critical Area is proposed to be deducted.

The Critical Area Commission received your letter on January 6, 2005 and cannot accept the information for processing as a change to the County's Critical Area Program because the applicant has not provided a response from the Heritage Division of the Department of Natural Resources as outlined in our letters date July 12 & 14 2004. This information must be provided prior to the Critical Area Commission's review of the growth allocation request.

Page Two
Ashworth Subdivision Growth Allocation
January 19, 2005

Also in our July letters, we found that there are still other outstanding issues that have not been addressed. They are:

1. The 100-foot Buffer is not provided on Lot 11 and the Buffer had not been expanded for steep slopes. Also, the Buffer must be expanded on Lots 12-14 and labeled on the plan;
2. The Buffer shall be established when agriculture uses ceases and lands are proposed to be converted to other uses;
3. The final subdivision plat should include notes prohibiting development activities, land disturbance, and all clearing or removal of natural vegetation within the 100-foot Buffer; and,
4. The final subdivision should include notes prohibiting clearing or removal of natural vegetation within the Critical Area, outside the Buffer, without appropriate authorization and/or permit approval from the County.

Once we receive the Heritage letter, we will be able to accept the growth allocation request. Within 30 days of the Commission's acceptance of the proposal, Chairman Madden will determine whether the request will be reviewed as an amendment or a refinement, and the County will be notified.

If you need more information or have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Edwin Richards
Mary Owens
CR Files

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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January 13, 2005

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: JWL, Inc.
05 - 003V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to build a 28' x 46' single family dwelling, a 24' x 24' attached garage and a 12' x 6' front porch all partially in the Critical Area. The property is 0.175 acres in size and is designated an Intensely Developed Area (IDA).

After reviewing the site plan, this office does not oppose the variance for the new house, garage and porch. Please note that the 10 % pollutant reduction calculations must be performed since the lot is in the IDA.

We look forward in reviewing Worksheet A. Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 975-04

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/

January 11, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: BG & E Westport Substation
2100 Kloman Street

Dear Mr. Stuart:

We have reviewed the additional information sent by Mr. Kappler regarding the Westport Substation. BG & E proposes to satisfy its requirement to remove 1.12 pounds of phosphorus at the site by deducting this amount from excess phosphorus removal associated with previous projects at its Spring Gardens facility.

The Critical Area 10 % Rule Guidance Manual does not include a mechanism for transferring phosphorus removal from one project to another, and the City's Critical Area Program does not provide for such transfers. We are interested, however, in working with you and BG & E to develop the necessary accounting and review provisions for this type of activity if you desire. Such provisions could include banking excess phosphorus removal from certain sites and crediting the pollutant removal to development activities on other sites.

As a one-time interim measure until a comprehensive phosphorus management program is developed and approved, we would support the crediting of 1.12 pounds of phosphorus from the Spring Gardens site to satisfy pollutant-reduction requirements on the Westport Substation site. Any additional use of assumed excess phosphorus from the Spring Gardens site, or other sites, would be inappropriate absent completion of a phosphorus management program.

Continued, Page Two
BG & E Westport Substation
January 11, 2005

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Otis Rolley
Gregory Kappler
Regina Esslinger
BA 768-04

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 4, 2005

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: American Can Company Landscaping Plans
2500 Boston Street

Dear Mr. Stuart:

This office has received the landscaping plan for the above project and has determined that they are consistent with the Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3484.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 912-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 3, 2005

Mr. Dave Decker
Engineer
Engineering and Construction
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Canoe Launch at Susquehanna State Park
Mitigation Plan

Dear Mr. Decker

Thank you for submitting the mitigation plan for impacts to the 100-foot Buffer. After reviewing the mitigation plans, Critical Area staff is satisfied with the various trees and shrubs we talked about and the location and area where they will be planted as outlined in the site plan.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Randy Harrill
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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December 8, 2005

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Application 05-001 - Amendment to Buffer Modification Area Map for
Little Island in the Magothy, Owner: Daryl Wagner

Dear Ms. Gawel:

The Critical Area Commission has received *Application 05-001, an Amendment to the County's Buffer Modification Area (BMA) Maps for Little Island in the Magothy (owner: Daryl Wagner)*.

The Commission is not accepting this amendment to the BMA maps for processing as an amendment to the County's Critical Area program. We understand that the decision of the Planning Officer is pending on appeal within the administrative appeal process of Anne Arundel County. Upon completion of the County's administrative appeal process, the County may resubmit a request for a program amendment.

Please contact me at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".
Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 1, 2005

Honorable Paula C. Hollinger, Chair
Senate Education, Health and Environmental Affairs Committee
2 West, Miller Senate Building
Annapolis, Maryland 21401

Honorable Maggie L. McIntosh, Chair
House Environmental Matters Committee
141 Lowe House Office Building
Annapolis, Maryland 21401

Honorable Roy Dyson, Senate Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
102 James Senate Office Building
Annapolis, Maryland 21401

Honorable Barbara Frush, House Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
210 Lowe House Office Building
Annapolis, Maryland 21401

Dear Senator Hollinger, Delegate McIntosh, Senator Dyson and Delegate Frush:

The Maryland General Assembly in its 2004 session enacted House Bill 1345 and Senate Bill 795 entitled *Chesapeake and Atlantic Coastal Bays Critical Area – Dwelling Units*. The bills define the term *dwelling unit* as it applies to the Critical Area, and require the 63 local Critical Area jurisdictions, including 16 counties, Baltimore City and 46 municipalities, to include all dwelling units within the calculation of residential density in the Resource Conservation Area. This density is limited to one dwelling unit per 20 acres.

Page 2
November 1, 2005

The bills further provide for an exception to the density limit. The exception permits, at the local jurisdiction's discretion, one additional dwelling unit per lot or parcel in addition to the primary dwelling if the additional dwelling meets certain criteria for size, location, and waste disposal.

Local jurisdictions are required to maintain records of additional dwelling units permitted under the exception and to report this information to the Critical Area Commission on a quarterly basis. The law became effective June 1, 2004.

As of September 30, 2005 Kent, Worcester and Charles Counties have amended their local Critical Area Programs to include the optional exception to allow an additional dwelling unit in the Resource Conservation Area. Charles County's exception is not yet effective because the County has not submitted a program amendment to the Commission for approval. No jurisdictions have reported the approval of any such dwelling units under the new provisions of the law.

The Critical Area Commission greatly appreciates the support of the Committees and looks forward to working with you in the future. If you have questions about the program or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Honorable Thomas V. Mike Miller
Honorable Michael E. Busch
Karl S. Aro, Department of Legislative Services

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 1, 2005

M. Michael Hickson, Esq.
Banks, Nason & Hickson
113 South Baptist Street
P.O. Box 44
Salisbury, Maryland 21803-0044

Re: Request for Information: Miles Point III

Dear Mr. Hickson:

Pursuant to your request for information I am forwarding by fax the following documents:

1. Settlement Agreement of the Midland Companies, Inc. and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
2. Critical Area Commission staff report of September 7, 2005.
3. Settlement Agreement plans: Conceptual Shoreline Buffer Plan; Typical Section 2 (sectional view); plant list.
4. Minutes of Critical Area Commission meeting of September 7, 2005.
5. Comments of Fogg Cove Homeowners' Association.

If you have questions about the materials listed above, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".
Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 31, 2005

Charles R. Schaller, Esq.
Schaller & Gorski, L.L.P.
204 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Request for Information: Projects involving excavation of uplands in the "buffer" or impacts to the buffer involving water dependent facilities.

Dear Mr. Schaller:

I am writing in response to your above referenced request for public records. The Critical Area Commission's records of development projects and local Critical Area Program amendments include more than 15,000 entries in a computerized file listing. The entries are categorized by applicant name at the time of submittal, jurisdiction and agency name. They are further categorized by approval type: subdivision, site plan, rezoning, special exception, variance and floating zone. The computerized file system cannot be sorted by land areas such as the Critical Area Buffer, by development type such as water dependent facilities, or by development activities such as excavation.

Our project and program amendment files and other relevant records will be made available to you if you wish to review them. Please contact me directly at (410) 260-3462 so that I can make appropriate arrangements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 31, 2005

Ms. Sarah M. Schoenfelder
Schaller & Gorski, L.L.P.
204 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Request for Information: A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000.

Dear Ms. Schoenfelder:

I am writing in response to your request for public records related to development by the Critical Area Commission of the above referenced document. I have assembled the relevant records and they are available for your inspection at the Commission office.

Please contact me directly at (410) 260-3462 to arrange a time to inspect the records.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 31, 2005

Charles R. Schaller, Esq.
Schaller & Gorski, L.L.P.
204 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Request for Information: Herrington Harbor South

Dear Mr. Schaller:

I am writing in response to your request for public records related to expansion of the marina at Herrington Harbor South in Anne Arundel County. The Critical Area Commission has one file on this project. I have copied the entire file and enclosed it with this letter.

The original file is contained in our microfiche system. If you would like to read the original materials on our microfiche reader, please contact me directly at (410) 260-3462 so that I can make appropriate arrangements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".
Ren Serey
Executive Director

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/

October 28, 2005

Mr. Calvin Dize
City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Howard Property Variance
Tax Map 102, Parcel 173

Dear Mr. Dize:

This letter is in response to the faxed letter we received on October 27, 2005 from the City of Crisfield. Based on the information provided, it is my understanding that the Crisfield Board of Zoning Appeals granted a fifteen-foot variance to the City's rear setback requirements at the above referenced property. This action was taken at the August 31, 2005 Board of Zoning Appeals hearing.

As you are aware, the Howard property, also referred to as the Maryland Crab Meat Company property, lies within the Critical Area. Any request for a variance on the property to the City's Critical Area regulations is a type of project of which, under State law, the Critical Area Commission must receive notification. More specifically, the Critical Area law (Natural Resources Article, Section 8-1811), and the Critical Area Criteria (COMAR 27.03.01.02 F) state that the local approving authority, or the applicant, shall submit to the Commission a copy of all applications for variances from the local critical area program.

Natural Resources Article, Section 8-1811 (b) (3) provides that:

"The local approving authority may not process an application of which a copy must be sent to the Commission until the local approving authority has received notice of receipt from the Commission, and any action of the local approving authority in violation of this paragraph shall be void."

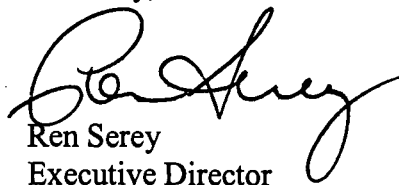
The Commission and the Critical Area Circuit Rider were not notified of the above referenced variance application as required by State law and regulation. Therefore, the variance granted for the Howard property is void.

Cabbie Dize
October 28, 2005
Page 2

The City should notify the applicant immediately. Should the applicant wish to proceed with a new variance request in accordance with State law and local Critical Area regulations, it will be necessary to submit a new application in accordance with the local zoning requirements. This application must then be forwarded to Tracey Gordy, Circuit Rider for the City of Crisfield. Additionally, the variance must be readvertised and rescheduled before the Crisfield Board of Zoning Appeals.

Thank you for your prompt attention to this matter. Should you have any questions, please contact me at (410) 260-3462.

Sincerely,



Ren Serey
Executive Director

Cc: Honorable Richard Scott, Mayor
Martin D. Madden, Chairman
Tracey Gordy, MDP
Marianne Mason, Assistant Attorney General
Kevin Anderson, Critical Area Commission
City Council Members
Robin Cockeye, City Attorney

Ren-Read

Robert L. Ehrlich, Jr.

Governor



Michael S. Steele

Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 20, 2005

Ms. Cecilia Lammers
County-Wide Planning Division
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Ms. Lammers:

I am writing in regard to the Subdivision Review Committee's consideration of the River's Edge project. In 2002 staff from the Department of Environmental Resources (DER) and the Maryland National Capital Park and Planning Commission (MNCPPC) discussed certain aspects of this project with the Critical Area Commission's Program Subcommittee. The Subcommittee raised concerns about the proposed configuration of a new area of Limited Development Overlay (LDO) on this site and the extension of new growth allocation lots into the Resource Conservation Overlay (RCO).

The configuration of new LDO presented to the Subcommittee in 2002 appeared to conflict with the Critical Area Commission's long standing practice regarding the approval of growth allocations. Specifically, the Commission has required the following:

- Deduction of the entire area of new Critical Area lots from the jurisdiction's growth allocation.
- Mapping of all the acreage deducted from growth allocation.

In reviewing the current proposal for the River's Edge Subdivision, our staff positions is that the proposed development will be inconsistent with the Prince George's County Critical Area regulations with regard to the following provisions:

1. In Section 27-213.13 of the County Code, the provisions for expansion of IDO and LDO zones are discussed with references to the expansion of boundaries, specific locational criteria, and the total growth allocation. It would appear then, that this type of change involves not only a change on a map, but a change involving a deduction from the total acres of the County's growth allocation. Like any zoning map amendment, growth allocation is generally considered to affect a specific area that can be shown on a map, as well as a specific number of acres that can be quantified, making it essential that the acreage of the area that was rezoned match the acreage

TTY for the Deaf

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

shown on a map. The County's proposal is inconsistent in that it contemplates using growth allocation acreage to "rezone" an area, but not amending the zoning map to reflect this.

2. Section 27-213.13(ii)(bb) states that new LDO zones shall, "Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the RCO zone, except for water-dependent uses." Section 27-213.13(ii)(cc) states that new LDO zones shall, "minimize impacts on Habitat Protection Area and land in RCO zones." It appears that the intent of these provisions was to maintain a minimum three hundred foot wide protective setback adjacent to tidal waters or tidal wetlands. Although not specifically stated, allowing individually-owned lots that are designated LDO to extend into this protective setback does not meet the intent of these provisions nor optimally provide for the protection of Habitat Protection Areas.
3. Section 27-195 (b)(1)(E) states that the applicant shall demonstrate that "Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District." The creation of lots that involve two different Critical Area classifications on the same lot, RCO and LDO, does not seem to reflect compatibility between land uses, regardless of any additional restrictions or easements that may be placed on the RCO portions of the lots. It is the Commission's experience that enforcing restrictions on disturbance, clearing, and development activity, within privately-owned setbacks and even the 100-foot Buffer can be extremely difficult, and efforts are often ineffective. It appears that this problem would only be exacerbated when property owners purchase a waterfront lot, expecting to be able to use the entire lot in manner that is consistent with that of neighboring properties which may not be similarly restricted, only to discover that the lot itself is restricted by two different Critical Area overlay zones in addition to other restrictive covenants.

In summary, it appears that the application as proposed is inconsistent with the spirit and intent of the County's Critical Area Program and regulations and the Commission's historical evaluation of growth allocation projects. If it is the County's desire to use growth allocation to permit the creation of a subdivision that includes waterfront lots, then the County Code should be amended to permit the use of growth allocation adjacent to the water, so that the overlay zone of the entire area of the lots can be changed and deducted. To ensure consistency with the Critical Area Commission's practice, and avoid conflict with the County's regulations, staff recommends that the new Critical Area lots be contained entirely within the new LDO rather than extend through the RCO to the shoreline or that the County amend its regulations to allow the use of growth allocation adjacent to the shoreline.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 12, 2005

Honorable Cecilia Januszkiewicz, Secretary
Department of Budget and Management
45 Calvert Street
Annapolis, Maryland 21401

Dear Madam Secretary,

Thank you for your time yesterday and your consideration of the Critical Area Commission's FY 2007 budget request.

As you requested, I have attached summaries of the Commission's annual grants to four representative Critical Area counties. The attached budget summaries are from Baltimore County, St. Mary's County, Kent County, and Queen Anne's County.

Each packet contains the following:

- **A proposed Scope of Work for FY 2006 submitted to the Commission by the County.** The Scope sets out how the County intends to use the grant for implementation of the local Critical Area Program. Each scope describes various tasks including the review of development projects; management of the local approval process; and enforcement of regulations.
- **A contract between the Critical Area Commission and the County for FY 2005.** The contract sets out the County's responsibilities for administering the local Critical Area Program; managing the grant funds; and reporting activities to the Commission.
- **Two sets of grant management guidelines.** These guidelines contain standard State of Maryland requirements concerning receipt and use of State funds and a model reporting format specific to the Critical Area Commission.

Honorable Cecilia Januszkiewicz
October 12, 2005
Page 2

- **Invoices from the County to the Commission requesting reimbursement for funds spent FY 2005 in support of the contract.** The invoice packets contain descriptions of the work tasks completed, and timesheet and payroll verifications for local personnel who have worked on the tasks.

Local governments depend on these grants to help with the costs of implementing their individual Critical Area Programs. The Critical Area, which is measured 1,000 feet inland from tidal waters and tidal wetlands, encompasses approximately 10% of the State. Sixteen counties, Baltimore City, and 46 municipalities have land within the Critical Area.

Under State law, the local jurisdictions are responsible for implementing State requirements for land development, water quality protection, and wildlife habitat conservation within the Critical Area. While the Commission is required by statute to provide both technical and financial assistance to the jurisdictions, these grants are vital to fulfill this role.

Thank you again for your time and consideration...it is very much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Madden", written in a cursive style.

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 3, 2005

Mr. Paul Shortall, Jr., Chairman
Talbot County Board of Appeals
Court House
11 N. Washington Street
Easton, Maryland 21601

Re: Helish Special Exception: Bella Luna Italian Market
Appeal # 1379

Dear Mr. Shortall:

I am writing in regard to the application for Special Exception filed by Barbara Helish for the Bella Luna Italian Market in Royal Oak. The application is to operate the existing facility as a full-service restaurant. The site is designated Limited Development Area within the Talbot County Critical Area.

It appears from the application materials and the site plan provided that there will be no impact to Critical Area resources. Therefore, the Critical Area Commission has no comment on this application. As I know you are aware, if the facility expands in the future, all County Critical Area requirements must be met.

Thank you for the opportunity to comment. If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

September 26, 2005

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

Re: Variance 2005-0267-V Mary Boss and Patricia Hanson

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling, pool and grading with disturbance to the 100-foot and expanded Buffer and with disturbance to steep slopes. The property is .669 acres in size, designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling with a shed, patio and retaining wall.

We note that this property was the subject of a previous Administrative Hearing Case (Variance 2002-0297-V, October 3, 2002) whereby the applicants were granted approval of a variance request to construct a dwelling on steep slopes and within the expanded Buffer. As a component of this original request, the applicants had initially included a similar pool proposal, which this office opposed (letter dated October 2, 2002, subsequent letter dated October 3, 2002 noted that the pool had been removed). The Hearing Officer approved the total proposed impervious coverage of 5,026 square feet. The current design shows a proposed impervious coverage of 5,109 square feet.

In 2002 and 2004, the Maryland General Assembly strengthened the Critical Area Law and reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values, emphasizing the importance of the 100-foot and expanded Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area Law. The State law provides that variances to a local jurisdiction's Critical Area Program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the County's variance standards, including that of "unwarranted hardship". The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot". Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area Law.

The applicant must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented. In this case, the applicant is proposing to place approximately 975 square feet of dwelling, decking and pool within the expanded Buffer and grade within 70 feet of the tidal wetlands for the pool. Approximately 392 square feet of new development is from the pool and its associated decking. Because pools are accessory structures not permitted in the Buffer, the applicant must present competent and material evidence to satisfy the burden of proof on each of the variance standards described below. Under the law established by the General Assembly, even if there is nowhere else on the lot to site the proposed pool, the variance cannot be granted unless the applicant proves and the Administrative Hearing Office finds, that without the variance, the applicant would suffer an unwarranted hardship, that is, "denial of reasonable and significant use of the entire parcel or lot". We do not believe that this standard is met in this case and accordingly, the variance should be denied. I have discussed each one of the standards 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 stated above, the General Assembly defined "unwarranted hardship" to mean that an applicant must prove that, without the requested variance, the applicant would be denied reasonable and significant use of **the entire parcel or lot**. Based on the information in our file, we do not believe that the County has evidence on which to base a favorable finding on this factor.
2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.* The applicants have reasonable use of this property for residential purposes and, therefore, they would not be denied a right commonly enjoyed by their neighbors. In addition, accessory structures, such as swimming pools, are not permitted in the Buffer. Even if other properties have swimming pools, certain structures that existed prior to December 1, 1985 or the effective date of the Anne Arundel County Critical Area regulations are considered grandfathered and do not convey a right for similar structures to be built in the Buffer in the future. The General Assembly made this clear in the 2002 amendments to the Critical Area Law, as discussed above. We do not believe that the applicants have met this standard.
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 variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to place more development in the Buffer where alternative locations and configurations exist, would confer a special privilege on the applicant. The applicant

has the burden of proof and the burden of persuasion to overcome the presumption that the proposed variance does not conform to the Critical Area Law. We do not believe that the applicants have overcome this burden.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* According to the application submitted by the applicants, it is our understanding that this variance request is not based upon conditions or circumstances that are a result of actions by the applicants, or arise from any neighboring conforming condition.
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. It appears that approximately 975 square feet of new development and consequential disturbance to the land will occur, which results in increased stormwater and sediment runoff within the Buffer and the loss of essential infiltration opportunities. The 2002 and 2004 amendments to the State Critical Area Law place increased emphasis on the importance of maintaining the Buffer in a fully vegetated state.

In conclusion, it is our position that, unless the Administrative Hearing Officer finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of nonconformance and the burden to prove that the applicants have met each one of the County's variance standards, the Administrative Hearing Officer must deny this application.

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

Sincerely,



Ren Serey
Executive Director

RS/jjd

cc: Gary Green
AA514-05

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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August 24, 2005

Ms. Donna M. P. Wilson, Director
Prince George's County
Department of Environmental Resources
9400 Peppercorn Place, Suite 500
Largo, Maryland 20774

Re: Prince George's County Critical Area Program

Dear Ms. Wilson:

I would like to take this opportunity to thank you and your staff for continuing to administer the County's Critical Area Program in such a dedicated manner. Over the past several years we have seen and appreciated the effort it takes for local government staff to handle the increase in permit activity while still maintaining the same level of service. Many other local governments in the Critical Area have experienced similar situations.

As you know, the success of the Critical Area Program is dependent on the unique State and local partnership forged by the Critical Area Law. In that regard, I would like to meet with you and your staff, and the staff of the Maryland National Capital Park and Planning Commission, to discuss several important aspects of the County's Program. These matters include the status of the County's comprehensive Program update, the schedule for incorporating the recent changes in State law into the local Program, the County's process for notifying the Critical Area Commission of project applications and the enforcement of the County's Program. I have outlined these issues briefly below.

Six-year Required Comprehensive Review

In regard to the comprehensive review of the local Program, we would like to determine a timeframe for completion, since the comprehensive review is several years past its due date. The last time County staff proposed program changes to the County Council was in 2002. Since the

Ms. Wilson
August 24, 2005
Page Two

change in administration, we have received no indication that a review is being conducted. An update of the local Program has not been accomplished since June 2, 1993. State law requires regular updates every six years. The Commission's Chairman, Martin G. Madden, and the Commission itself consider this required review and updating as a high priority matter.

2004 Legislative Changes to the Critical Area Law

Last year your office received a letter dated June 22, 2004 from Chairman Madden that outlined changes to the Critical Area law made by the General Assembly during the 2004 legislative session. Some of these changes relate directly to the County's ability to administer its Program properly. Included in the letter was language sufficient to meet the State law changes, and which should be incorporated into your existing ordinance language. We have worked with many local governments over the past year to smoothly incorporate these changes into their local Programs and we are ready to assist you in the same way.

Notification Requirements

Within the past year, it has also come to our attention that the County may not be properly submitting certain classes of projects to the Commission for review as required by the Code of Maryland Regulations 27.03.01, Notification of Project Applications. This has become apparent when we review the County's quarterly and six-month reports. The information in these reports indicates that certain variances were approved, but notification to the Commission occurred after local approval.

A more recent example regarding notification occurred in the last quarterly report for fiscal year 2005, which stated that the County issued a grading permit for the National Harbor project. We did not receive notice of an application for land disturbance as required of the County under COMAR 27.03.01. These provisions of COMAR apply to land disturbance over 15,000 square feet in the County's Intensely Developed Overlay district. Although the Commission has been involved in various aspects of the National Harbor project for several years, the notification provisions in COMAR are a separate requirement intended to assure that actual land disturbance and development of the site meet the requirements of the County's Critical Area Program, as well as State law and regulations. Notification to the Commission prior to local approval of this type of permit allows the Commission to conduct the oversight responsibilities regarding local Program implementation set out for it by the General Assembly. The Critical Area law, in Natural Resources Article, Section 8-1811 (b) (3), states that "the local approving authority may not process an application of which a copy must be sent to the Commission until the local approving authority has received notice of receipt from the Commission, and any action of the local approving authority in violation of this paragraph shall be void." While this is a serious issue, we believe in this instance it may be resolved fairly simply and would like to discuss it further with you.

Ms. Wilson
August 24, 2005
Page Three

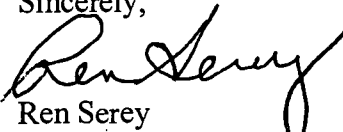
Enforcement

Finally, we would like to discuss the possibility of meeting with the County's inspectors in order to understand their role as defined by the County so that we can explain the types of assistance we may require of them. For example, our staff occasionally receives calls from the public concerning certain development projects. This requires us to contact County staff and seek information. I believe the flow of information would be improved if staffs from the various County agencies and the Commission better understand each other's role. We have had success in this regard with enforcement personnel in Anne Arundel County, which has set up a tracking system available on the County website. This type of information assists the public and the Commission. In the past, Mr. Dehan has invited Commission staff to meet with the County inspectors and we feel this is necessary again.

Since its inception, the Prince George's County's Critical Area Program has served as a model in many ways for other local governments. The County has a deserved reputation for environmental leadership and we believe the local Critical Area Program can continue to be seen as innovative and comprehensive.

Thank you for your time and attention to these matters. Please contact me at your earliest convenience so we can schedule a mutually convenient time to meet. I look forward to working with you, and if you have any questions, or need additional information, please call me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

cc: Fern Piret, Director - Planning, MNCPPC
Cecilia Lammers, Supervisor - Environmental Planning, MNCPPC
Jim Stasz, MNCPPC
Jeff Dehan, Assistant Associate Director - Code Enforcement, DER
Richard Thompson, DER
Martin G. Madden, Chairman - Critical Area Commission

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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August 12, 2005

Honorable Joseph F. Cupani, President
Honorable Gene Ransom III
Honorable Michael S. Koval
Honorable Benjamin F. Cassell, Jr.
The Liberty Building
107 North Liberty Street
Centreville, Maryland 21617

Dear Commissioners:

Thank you for your letter recommending Mr. Loring Hawes as a member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. As you noted, there is no current vacancy for Commission representative from Queen Anne's County.

I have forwarded your letter to the Honorable Lawrence J. Hogan, Jr., Secretary of the Governor's Appointments Office. Under Section 8-1804 of the Critical Area Act, members of the Commission are appointed by the Governor with the advice and consent of the Senate. If you have specific questions about the official nomination process, I suggest that you contact Secretary Hogan at 16 Francis Street, Jeffrey Building, 5th Floor, Annapolis, Maryland 21401 or (410) 974-2611. As always, if you have questions or need information about the Commission or the Critical Area program, I will be glad to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 27, 2005

Mr. Mark Kreadle, P. E.
Manager of Permits and Special Projects
Maryland Port Administration
Maritime Center II
2310 Broening Highway 21224-6621

Re: Maryland Port Administration Buffer Exemption

Dear Mr. Kreadle:

I am writing in response to your questions concerning Buffer Exemption Areas on State owned land in the Critical Area. You have asked about the Critical Area Commission's regulations for State owned lands as they relate to the Buffer, and specifically about the Commission's authority to review and approve projects of the Maryland Port Administration in regard to the Buffer.

COMAR 27.02.05.09 B (8) provides that State agencies may request Buffer Exemption Area status from the Commission for portions of their lands located in the Critical Area. This section requires that agencies proposing industrial, port related water-dependent facilities, and certain other types of development, shall request Buffer Exemption status from the Commission. There is, however, no automatic Buffer Exemption for any particular State agency, land use or type of State owned land.

The Buffer Exemption provisions in COMAR contain two important requirements for Commission approval of a State-agency request: 1) "it must be sufficiently demonstrated that the existing pattern of development in the Critical Area prevents the Buffer from fulfilling" its functions; and 2) if the Commission approves the exemption, the requesting agency "shall propose other measures for achieving the water quality and habitat protection objectives" of the Buffer.

The mitigation measures outlined in your letter fall far short of those the Commission has approved on other State owned lands. Measures you describe as "reasonable" would

Mr. Mark Kreadle, P.E.
July 27, 2005
Page 2

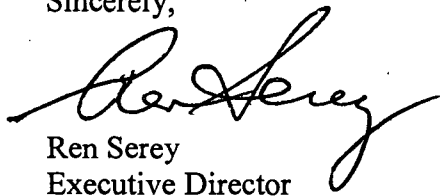
provide for "reduction in impervious surface whenever possible, on-site stormwater management best management practices whenever practical, or off-site mitigation when on-site improvements are not feasible..." It appears that the only actual mitigation would be "for loss of buffer in areas that are not currently impervious and may be providing habitat." These types of development standards and Buffer mitigation practices do not reach the level of alternative measures anticipated under COMAR.

You also state that the Commission's policies for Buffer Exemption do not fit the Port's land uses or its activities considering the frequency of tenant turnover and specific tenant needs. Since the Commission adopted its first Buffer Exemption policy in 1993 it has provided local jurisdictions and State agencies the means and assistance to design alternative Buffer Exemption provisions to accommodate individual situations and land uses. The flexibility exists, and has always existed, to tailor a Buffer Exemption Area in this manner.

Several years ago Commission staff encouraged the Port Administration to develop classifications of Buffer Exemption Areas and corresponding development standards, or site-specific measures, if the Port desired, to accomplish the agency's goals and meet its tenants' needs. We worked closely with your staff over a considerable period of time, but never received a final submittal or an explanation as to why the effort was abandoned. Much time and expense on subsequent and current projects could have been saved if the Port had proceeded with its original plan for an agency-specific Buffer Exemption program. In this regard, I recommend that the Port restart the project and make use of the work already completed.

We remain available to provide guidance and technical assistance.

Sincerely,



Ren Serey
Executive Director

cc: Martin G. Madden, Chairman
Meg Andrews, Commission Member

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

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

Dear Ms. Elliott-Rossing:

Thank you for your letter of June 24, 2005 regarding the Critical Area violations at Corsica River Estates.

The actions by the owner of Lots 11 and 12 were significant and I believe that you have outlined positive steps to restore the site and mitigate for the violations. In addition, you have proposed short term procedures for handling violations, and a time table for completing the comprehensive review of the County's local program. As we discussed, it was essential to undertake these actions as soon as possible. I appreciate your commitment to improving local enforcement of the Critical Area law.

We have reviewed the proposed Buffer Management Plan for Lots 11 and 12 that you provided. You will receive by separate letter a list of planting and maintenance measures that the County should require for full and successful Buffer restoration of the site. In addition, the County should retain a bond for an extended period of time to cover survival of the plants. Please provide us with a copy of the approved Buffer Management Plan.

We also have consulted with the Department of the Environment in regard to the proposed shore erosion control measures on these lots. As you know, the Department does not review for land disturbance above Mean High Water or outside of tidal wetlands. Therefore, any local approval of the revetment should specify the means of access to the shoreline and be conditioned on final County approval of the Buffer Management Plan.

In regard to the overall Program update, our staff is available to assist in any way possible to expedite the process. When work begins on the ordinance, I recommend regularly scheduled work sessions between County and Commission staff to ensure timely progress. This is especially important given the recognition that the County's ordinance does not properly include all requirements related to Buffer establishment. We will continue to support the County in

Ms. Elliott-Rossing
July 14, 2005
Page 2 of 2

addressing this requirement on a case-by-case basis. However, if problems in implementation arise, the Commission may need to require immediate correction of omissions in the County's Program.

As you requested, we will provide you with sample Buffer Management Plan forms that have been useful in other jurisdictions. Additional information on planting densities and other planting options will also be forthcoming.

Thank you for your prompt attention in addressing these serious matters. If you have questions, or need additional information, please contact me at (410) 260-3467 or Executive Director Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: County Commissioners
Paul Comfort, Esq., County Administrator
Rachel Eisenhauer, Assistant Attorney General
Ren Serey
LeeAnne Chandler

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 14, 2005

Mr. Joseph Rutter
Planning and Zoning Officer
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Buffer Modification Map Amendment
Wagner Property

Dear Mr. Rutter:

Thank you for the opportunity to comment on the Buffer Modification Area (BMA) Map amendment request for the Wagner property located on Little Island on the Magothy River. This office is familiar with the site due to the variance application currently pending before the Administrative Hearing Officer. In conjunction with that case, we had the opportunity to visit the site. We are also in receipt of the applicant's letters dated June 3, 2005 and June 27, 2005, which provides information supporting the Buffer Modification Map request for the site. Based on our knowledge of the site, the Critical Area Commission's Criteria for Buffer Exemption Areas, our review of the County's requirements for mapping Buffer Modification Areas and our site visit, this office is unable to conclude that the site qualifies for designation as a Buffer Modification Area.

The Code of Maryland Regulations Section 27.01.09 C (8) states the following:

As part of the local Critical Area program to be submitted to the Commission, local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the functions stated in §B of this regulation.

Section B referenced above sets out the policies that local jurisdictions shall develop in regard to the Buffer. These policies include the water quality and habitat functions of the Buffer.

Mr. Rutter
July 14, 2005
Page Two

Under COMAR and the County's Critical Area regulations, requests for Buffer Modification status must be evaluated based on the condition of the Buffer as it existed in 1985. As you are aware, the current condition of the 100-foot Buffer on this property is the result of unauthorized clearing and development activities; therefore, to evaluate this request based on this current condition would not be appropriate. In addition, the application does not include any acreage figures for the island either for 1985 or the present. We recognize the island has changed since 1985; it appears to be smaller, and riprap was installed along the southern shoreline.

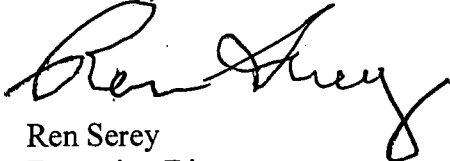
The 1984 photograph provided by your office clearly indicates a functioning Buffer on the island. The 100-foot Buffer consists of natural vegetation including trees and shrubs; therefore, the Buffer appears at that time to have provided the water quality and habitat functions outlined in COMAR. Since the site is an island, it is difficult to establish a pattern of residential development of sufficient scale to justify mapping this site as a Buffer Modification Area. In addition, Buffer Modification Areas are typically not granted with lines extending just in front of a specific structure in Anne Arundel County. Instead, areas were mapped, as was the case with St. Helena island and adjacent shorelines to the site.

We recognize there were structures on the island in 1985 based on the 1984 photograph. We also recognize that these structures were considered grandfathered and could have been redeveloped without a variance provided the same footprint was used. There is no prohibition against redevelopment of existing grandfathered structures, and seeking a Buffer Modification is not necessary to redevelop a site in Anne Arundel County.

The County's decision must be based on the Anne Arundel County Zoning Code 27-13-304, which provides the standards for additions to the Buffer Modification Area maps. We believe that the site does not satisfy these standards.

Thank you for the opportunity to comment. If you have questions or need additional information, please contact me at (410) 260-3460.

Sincerely,



Ren Serey
Executive Director

cc: Ms. Elinor Gawel
Ms. Suzy Schappert

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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MEMORANDUM

TO: John Lacsny and Ken Miller

FROM: Ren Serey, Executive Director

DATE: June 24, 2005

SUBJECT: Critical Area Commission Project Tracking Database

Thank you for your assistance in developing, implementing and supporting the operation of our new database to track projects in the Critical Area. Betty Ann Blanchard and Robert Sears have created a well-designed and extremely user-friendly tool. It provides a significant improvement to our ability to accurately categorize, assess and count projects. This will help us to respond much more promptly and efficiently to inquiries from citizens, legislators, and State and local government officials.

This electronic database greatly expands the capability of the Commission to provide statistical and specific project information about development activity in the Critical Area. We look forward to the ability to assess the level of development in the Critical Area in the various jurisdictions to support the allocation of pass-through general funds awarded as grants to local governments.

We will also be better able to comply with records retention and archiving standards by storing and backing up our data on a secure server.

As we refine the database, we're developing the next phases of the expansion of this project database with Betty Ann, Rob and Kevin Boone. The plan is to include: 1) state and federal projects, 2) program amendments and refinements, and 3) quarterly reports that are now in Access software. We need to tie this data together for more efficient recording and reporting.

As always, I'd appreciate your thoughts for improving our data management.

Again, thank you for your continuing support.

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. Joan S. Kean, Director
Department of Technical and Community Services
11916 Somerset Avenue, Room 211
Princess Anne, Maryland 21853

Re: Somerset Intermediate School, Westover

Dear Ms. Kean:

I am writing in response to your request for information concerning development of the Somerset Intermediate School in the Chesapeake Bay Critical Area. You have asked whether expansion of the school into the Resource Conservation Area will require Somerset County to use a portion of its growth allocation. Based on the requirements of the County's Critical Area program, the Commission's regulations for local government development projects, and the preliminary information you provided, I believe that it would not be necessary for the County to deduct growth allocation for this project.

The Somerset County Critical Area program directs new intense development out of the Critical Area whenever possible. The school proposal does not appear to be characteristic of intense development and, therefore, may be permitted in the Critical Area as a local government project if it complies with the County's Critical Area regulations including, among others, requirements for impervious surfaces, stormwater management and Habitat Protection Areas.

The Critical Area Commission's regulations for local government projects are found at COMAR 27.02 et seq. Section 27.02.01 defines projects of local significance as those that cause "environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which the development is located." The Commission's review process for these types of projects is described in Section 27.02.02 B. This section specifies that the agency proposing development (the School Board) shall obtain certification from the local Critical Area implementing agency that the project meets the requirements of the County's program. Following submittal of this

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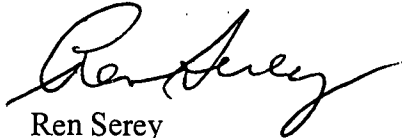
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Joan S. Kean
May 18, 2005
Page 2

information, the Critical Area Commission will determine whether the project will be reviewed as one of local or major significance. In our discussions on the proposal, and in your letters, you have indicated that you consider the project to be of local significance and that, except for the question of growth allocation, it appears consistent with the County's local program.

I recommend that you advise the School Board to provide you, as soon as possible, with appropriate site information, including a preliminary site plan, so that you can complete your analysis and provide a certification of consistency. Our staff is available to assist you and provide further information regarding our review process. If you have questions, please contact me, Kerrie Gallo, or Regina Esslinger at 410-260-3460.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

cc: Kerrie Gallo
Regina Esslinger

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

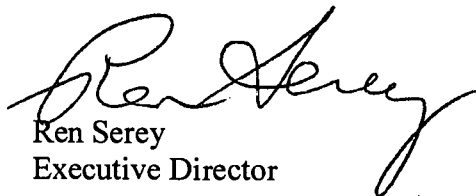
Mr. Charles LaHatte
Ms. Kathryn LaHatte
612 Oakdean Road
Baltimore, Maryland 21220

Dear Mr. and Ms. LaHatte:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,


Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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April 22, 2005

Ms. Patricia Stephens
Ms. Diana Canapp
2213 Holly Neck Road
Baltimore, Maryland 21221-2025

Dear Ms. Stephens and Ms. Canapp:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written over a horizontal line.

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 18, 2005

Ms. Debra A. Pueschel
1432 Kent Road
Baltimore, MD 21221-6025

Dear Ms. Pueschel:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

TTY for the Deaf

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Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 18, 2005

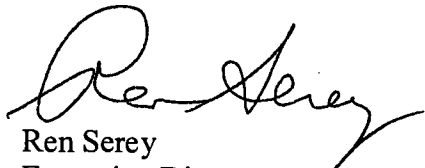
Ms. Mary S. Roney
9 N. Prospect Avenue
Catonsville, MD 21228

Dear Ms. Roney:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,


Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

April 18, 2005

Mr. and Mrs. Gallagher
340 George Avenue
Baltimore, MD 21221

Dear Mr. and Mrs. Gallagher:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

A handwritten signature in cursive script, reading "Ren Serey".

Ren Serey
Executive Director

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/

April 18, 2005

Ms. Gail Roth
245 Cedarmere Circle
Owings Mills, MD 21117

Dear Ms. Roth:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written over a horizontal line.

Ren Serey
Executive Director

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/

April 18, 2005

Mr. and Mrs. Steven Anderson
1113 Flamingo Drive
Halethorpe, MD 21227

Dear Mr. and Mrs. Anderson:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

If you have questions about the Critical Area or the Commission's growth allocation review process, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

A handwritten signature in cursive script, reading "Ren Serey".

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2005

Ms. Faith Elliott-Rossing, Director
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

Re: Corsica River Estates Lots 11 and 12

Dear Ms. Elliott-Rossing:

On March 29, 2005 Ms. LeeAnne Chandler of the Critical Area Commission staff received a telephone call from Ms. Eileen McLellan, the Chester Riverkeeper, in regard to tree clearing and grading along the shoreline of Tilghman Cove adjacent to Corsica River Estates. Ms. McLellan reported that she had contacted both your office and the Maryland Department of the Environment (MDE).

Ms. Chandler immediately contacted Mr. Jim Barton in your office to inquire about the reported activity and to arrange a site visit with County inspectors for the next day. The site visit also included MDE enforcement personnel.

I understand that there have been two previous violations on this site. I am concerned about the apparent history of non-compliance and I am especially concerned about the current situation. Our records indicate that the final plat of Corsica River Estates included specific plat notes that required establishment of the Buffer when the lots were developed, and further provided protection of the existing forest along the shoreline. The current situation on Lots 11 and 12 graphically illustrates that the development is not in compliance with the recorded plat.

As you know, local governments are the primary enforcement authority for violations of the Critical Area law. I understand that the County has assessed a \$500 fine on each of the two lots where the illegal clearing occurred. You may recall that in 2004 the Commission worked closely with the Maryland General Assembly to authorize local

TTY for the Deaf

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

Ms. Faith Elliott-Rossing
April 14, 2005
Page 2

governments to assess fines up to \$10,000 per violation, which was signed into law. Section 8-1808 (c)(xiv)(2) of the Critical Area law now provides that in assessing a higher penalty for unauthorized clearing, a local jurisdiction may consider the gravity of the violation; any willfulness or negligence involved; and the environmental impact.

The Critical Area Commission also has certain enforcement authority under the law. In this regard, I would appreciate your responses to the following questions.

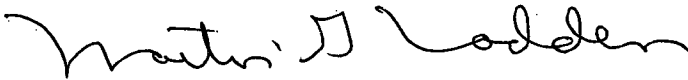
Did the County approve a Buffer Management Plan for the clearing and disturbance to the Buffer prior to commencement of the current activity?

Under the requirements of the Critical Area Criteria violations must be mitigated at three times the area disturbed. If the County is requiring an after-the-fact Buffer Management Plan, how will the required 3:1 mitigation be calculated and monitored?

In addition to mitigation, how will the County assure restoration of the site? Does the County intend to file a civil action to compel restoration, and if so, when does the County propose to file the action(s)?

I would appreciate hearing from you by April 25, 2005. If you have questions concerning this request, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,



Martin G. Madden
Chairman

cc: Honorable Joseph Cupani, President
Honorable Rodney "Nemo" Niedomanski, Vice President
Honorable Benjamin F. Cassell, Jr.
Honorable Michael S. Koval
Honorable Gene M. Ransom, III
Paul Comfort, Esq.
Marianne D. Mason, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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April 4, 2005

Mr. Ryan Showalter
Miles & Stockbridge
101 Bay Street
Easton, MD 21601-2718

Re: Public Records Request

Dear Mr. Showalter:

I am writing in response to your public records request received March 3, 2005 and your revised request received March 18, 2005. I have listed below records we have assembled from our files and which will be made available for your inspection. I also have described other records contained in our files that may relate to your requests. These files will be made available to you if you wish to review them. The item numbers below refer to those listed in your requests.

Items 1-5: You withdrew these items in your March 18, 2005 revised request.

Item 6: You modified this item in your March 18, 2005 revised request.

The Critical Area Commission's records of development projects and local Critical Area Program amendments include more than 15,000 entries in a computerized file listing. The entries are categorized by applicant name, jurisdiction and agency name. They are further categorized by approval type: subdivision, site plan, rezoning, special exception, variance and floating zone. The computerized file system does not include land use types such as golf course, residential, commercial or industrial. We have searched the file listing for the term golf course and assembled the files that contain the term in the title or name of the project or amendment. We also have assembled records of other golf course projects with which we are familiar, but which do not include the term in the title.

Mr. Ryan D. Showalter
April 4, 2005
Page 2

Our files may contain records of other golf course projects. These files, the majority of which are on microfiche, will be made available for your research.

Item 7: We have assembled the Commission's guidelines and policies relating to growth allocation. Statements and opinions on this topic may be contained in our project and program amendment files which will be made available for your research.

Item 8: We have assembled guidelines and policies relating to development envelopes. Statements and opinions on this topic may be contained in our project and program amendment files which will be made available for your research.

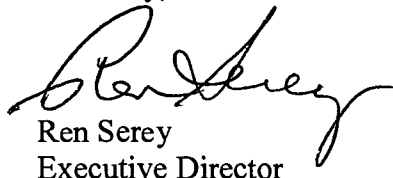
Item 9: We have assembled guidelines and policies relating to golf courses. Statements and opinions on this topic may be contained in our project and program amendment files which will be made available for your research.

Item 10: You modified this item in your March 18, 2005 revised request. We have assembled guidelines and policies relating to uses permitted in the RCA. Statements and opinions on this topic may be contained in our project and program amendment files which will be made available for your research.

Item 11: We have assembled guidelines and policies relating to stormwater management. Statements and opinions on this topic may be contained in our project and program amendment files which will be made available for your research.

Due to the significant commitment of staff time that will be required to accommodate your inspection of the assembled records and your research of the other files outlined above, it will be necessary for you to schedule an appointment. Please contact me directly at (410) 260-3462 so that I can make appropriate arrangements.

Sincerely,



Ren Serey
Executive Director

cc: Marianne D. Mason, Assistant Attorney General

April 1, 2005

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

Re: Growth Allocation Request for Glen Eby (GA 04-25)

Dear Ms. Kean:

I am writing in response to your request for clarification regarding the pending growth allocation request for Mr. Glen Eby.

During our recent conversation, and in a subsequent letter, you relayed questions and concerns from the Planning Commission regarding the use of growth allocation. Specifically, the Planning Commission asked if the entirety of a 13.93 acre parcel designated Resource Conservation Area (RCA) must be deducted from Somerset County's growth allocation reserve to accommodate a proposed subdivision of 2.18 acres for a new home site. Secondly, you expressed the Planning Commission's concern that such a deduction, creating an area of Limited Development Area (LDA) surrounded by RCA lands, could encourage further subdivision in the area.

As we discussed, I believe that in this instance 13.93 acres of growth allocation would need to be deducted from the County's growth allocation. The original parcel is grandfathered and is entitled to one dwelling even though the parcel size is less than 20 acres. However, locating a second dwelling on the site further reduces the RCA character of the entire parcel and is properly accommodated through the use growth allocation. This deduction would be consistent with the County's established growth allocation procedures, prior growth allocations in the County, and the Critical Area Commission's long-standing position on incorporating development envelopes into the RCA.

The Commission adopted the concept of a development envelope for growth allocations in 1988 at the urging of several counties and their local Commission representatives. The intent was to recognize situations where deducting less than the full parcel (as the parcel existed on December 1, 1985) furthered the goals of the law. The Commission reasoned that the RCA character of a site could be maintained if the RCA's basic component, an area of 20 acres, remained after deduction of growth allocation. Since 1988 the Commission has reviewed its growth allocation

Ms. Joan Kean
April 1, 2005
Page 2

policy and practices on numerous occasions and revised the policy in 1993 and 1995. However, the Commission has continued to emphasize the importance of the development envelope by leaving the definition unchanged. The development envelope includes "individually-owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, and any additional acreage needed to meet the development requirements of the criteria." The County's definition of development envelope is similar; the only differences involve references to additional County requirements.

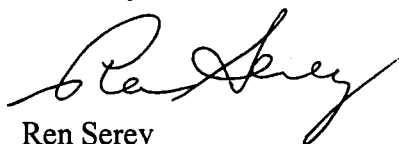
The relationship between the size of an original parcel and a proposed development envelope has been incorporated into the County's Critical Area program. The County Program states that "a single development envelope must be specified, the acreage of which will be counted against the County's Growth Allocation." The Program further provides that

"The remainder of the parcel will not count against the County's Growth Allocation if it is contiguous and at least twenty (20) acres in size, retained in its natural features or its use by resource utilization activities (agriculture, forestry, fisheries activities, or aquaculture) and is restricted from future subdivision through restrictive covenants, conservation easements, or other protective measures approved by the County Commissioners. The remaining minimum twenty (20) acre residue outside of the development envelope may be developed at a RCA density unless permanent protection is in place."

The Planning Commission's concern that changing the parcel to LDA may encourage further subdivision in the area is an appropriate issue for that body. While I agree that additional growth allocation requests could result, that possibility should not lead to an exception to the County's growth allocation provisions. In light of the potential for additional development, the Planning Commission and County Commissioners may decide to evaluate whether growth allocation in this particular location is desirable.

I hope this information is helpful. If you have further questions or need additional information, please contact me at (410) 260-3462.

Sincerely,



Ren Serey
Executive Director

cc: Kerrie Gallo

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

March 29, 2005

Mr. Jerry W. Crowell
Mrs. Betty Crowell
1242 E. Riverside Ave.
Baltimore, MD 21221

Dear Mr. and Mrs. Crowell:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. We will include your letter in this file.

If you have questions, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

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/

March 29, 2005

Ms. Carol Trela
P.O. Box 88
Baldwin, MD 21013

Dear Ms. Trela:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. We will include your letter in this file.

If you have questions, you are welcome to contact me at the above address or by phone at 410-260-3462.

Sincerely,

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Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 29, 2005

Ms. Susan Johnson
Mr. Herb Johnson
903 Baltimore Yacht Club Road
Baltimore, MD 21221

Dear Ms. and Mr. Johnson:

I am writing in response to your letter to Martin G. Madden, Chairman of the Critical Area Commission, in regard to the proposed development on the Holly Neck peninsula. At this time, the Commission has not received a formal request from Baltimore County to amend the local Critical Area program in order to award growth allocation for this project. We are, however, aware of the project and are maintaining a file of relevant materials. Chairman Madden has asked me to include your letter in this file until we receive a request from the County. At that time your letter will be reviewed and considered by the Commission.

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Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 25, 2005

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

RE: Critical Area Program issues

Dear Mr. Houston:

I am writing to follow up on several Critical Area issues that require action or response by the Town to ensure compliance with the Critical Area Law. We discussed these issues previously at the December 13th 2004 meeting amongst our staff in Cambridge.

1. The first issue is the omission of a section of the Critical Area Criteria from the Town's Program that prohibits certain uses within the Critical Area except under specific circumstances. The language in the enclosure with this letter, stemming from COMAR 27.01.02.02 (F) and (G), must be inserted into the local Critical Area ordinance.
2. The issue above came to our attention when we received information about the proposed improvements at the Town's solid waste transfer station. (Expansion of solid waste collection or disposal facilities is one of the uses limited by the section referenced above.) While it appears that the project could be permitted, it is not fully consistent with the Town's Critical Area Program due to impacts to the 25-foot setback. This project requires a conditional approval from the Critical Area Commission in accordance with COMAR 27.02.06.
3. Implementation of the limit on the number of slips at a community pier in accordance with Section 30-556 of the Town Code continues to be a concern. It is our understanding that the Board of Port Wardens has approved applications for projects that are inconsistent with this section of the Town Code. Further, we have not been informed of any applications for variances from the slip limits that would be required

Mr. Jesse Houston
March 25, 2005
Page 2

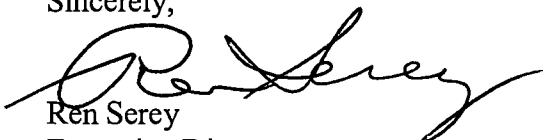
prior to issuance of a building permit for such a facility. Please provide information on how this section of the Code is being implemented.

4. Lastly, the issue of Buffer mitigation for single-family dwellings should be resolved. It is our understanding that Ordinance 2004-25, containing text amendments to Chapter 98, was approved by the City Council and Mayor. This ordinance has significant impact to the Buffer mitigation provisions of the Town's Critical Area Program. At the time of Program development, the Town's existing requirement to provide landscaping at a value of 2% the cost of construction was presented as a means of ensuring that the Town's narrow setbacks would be offset by adequate mitigation and substantial fees-in-lieu. The ordinance changed the 2% requirement to providing a minimum 15% landscaping over the entire parcel. While we understand that the 2% requirement is still being applied to waterfront projects, the issue requires resolution.

At the time of the meeting in December, the Town was going to gather information on Buffer mitigation provided on some actual projects, comparing the mitigation for single-family projects to multi-family/commercial projects. (A table listing the information needed was e-mailed to the Town on January 5, 2005. A copy is attached.) The information was going to be used to assess if single-family development was bearing a greater burden for Buffer mitigation than other types of development under the 2% scenario and how the change to the Program might change the overall Buffer Management Area provisions. This information has not been received to date.

Thank you for your attention to these issues. Please respond by April 22, 2005 to ensure we can discuss these issues as necessary with the Commission's Program Subcommittee at the May 4th Commission meeting. Please contact me at (410) 260-3460 if you have questions or if you would like to discuss these issues further.

Sincerely,



Ren Serey
Executive Director

cc: Blaine Smith, Zoning Administrator
Gail Blazer, Environmental Engineer
LeeAnne Chandler

Activities not permitted except in IDA. Certain new development, redevelopment or expanded activities or facilities, because of their intrinsic nature or because of their potential for adversely affecting habitats or water quality, may not be permitted in the Critical Area except in Intensely Developed Areas under regulations of this section and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:

- (1) Non-maritime heavy industry;
- (2) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); or
- (3) Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100 foot-Buffer;
- (4) The Town may preclude additional development activities that it considers detrimental to water quality or fish, wildlife, or plant habitats within the Critical Area.

Activities not permitted. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature or because of their potential for adversely affecting habitat and water quality, may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:

- (1) Solid or hazardous waste collection or disposal facilities, including transfer stations; or
- (2) Sanitary landfills.

Continuation of existing, permitted facilities. Existing, permitted facilities of the type noted in Section 1-105 (e) (1) and (2), above shall be subject to the standards and requirements of the Department of the Environment, under COMAR Title 26.

Multi-family/Commercial Projects:

[illegible]

Residential Projects

[illegible]

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 7, 2005

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

Re: Patapsco Homes Subdivision – Phase I

Dear Mr. Dodd:

Thank you for providing a copy of the Preliminary Plan for Phase I of the Patapsco Homes Subdivision. The proposal is to create eight lots on Pig Neck Road, fronting on the Northeast Branch of Fishing Creek. The Critical Area designation of the site is Limited Development Area (LDA).

Our office previously commented (January 12, 2004) on the Sketch Plan for this site. At that time 22 lots were shown in two phases. We noted several items which do not appear to have been addressed in the current Preliminary Plan submittal for Phase I. These are the following:

1. The minimum 100-foot Critical Area Buffer is not indicated on the plan. The plan contains areas that appear to be building envelopes generally set back 100 feet from the property line shown adjacent to Northeast Branch. The applicant's consultant should be directed as follows:
 - The Buffer must be determined in the field, not from mapped sources, and measured from the landward extent of both State and private tidal wetlands, or from the most landward extent of tidal waters where tidal wetlands are not present. In addition, a Buffer must be shown from any tributary streams on the property. For newly subdivided lots, if no distinction is made between State wetlands and private tidal wetlands, then all tidal wetlands should be indicated as State wetlands. These areas should not be included within the boundaries of the new lots.
 - The Buffer must be expanded for adjacent sensitive areas, including any nontidal wetlands.

Mr. Steve Dodd
March 7, 2005
Page 2

- The Buffer must be established in forest vegetation. The most efficient method of assuring establishment of the Buffer is to require the applicant to submit a Buffer Management Plan for all eight lots of Phase I for approval by the Planning Commission or Planning Office. If the Buffer is not to be established until building permits are issued for individual lots, both the Preliminary and final subdivision plan approvals should clearly require individual Buffer Management Plans for each lot. In addition, this requirement should be noted on the subdivision plans.
 - The Preliminary Plan should include notes to the effect that no development is permitted in the Buffer except for water-dependent uses or facilities.
2. A minimum of 15% of the site must be established in forest vegetation. Establishment of the Buffer may be used to satisfy this requirement if it will result in a 15% forest cover within the Critical Area. The November 2003 letter to you from the applicant's consultant which accompanied the submittal of the Sketch Plan indicated a preference by the applicant to accomplish afforestation outside of the Critical Area. There does not appear to be justification or need for such action given the requirement to establish the Critical Area Buffer.
3. The allowable impervious surface per lot should be indicated on the individual lots or in a table on the plat. Each of the proposed lots appears large enough to accommodate a dwelling, garage and other accessory structures. However, the applicant should be made aware that driveways also must be included in the impervious surface calculations.

If you have questions or need additional information, please contact me at (410) 260-3462. When revisions are made to the Preliminary Plan, or when a final subdivision plan is submitted, please provide a copy to the Critical Area Commission.

Sincerely,



Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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February 25, 2005

Mr. Keith Lackie, Administrator
Natural Resources Division
Department of Development Review and Permitting
Worcester County Government Center
1 West Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Mid Delmarva Family YMCA

Dear Mr. Lackie:

I am writing to provide preliminary staff comments in regard to the proposed growth allocation request for the Mid Delmarva Family YMCA. The proposal would change 6.85 acres of Resource Conservation Area (RCA), and .41 acres of Limited Development Area (LDA), to Intensely Developed Area (IDA). The total proposed for deduction is 7.26 acres. Our review of the growth allocation package and the County's Critical Area maps indicates that additional acreage may need to be deducted from the County's growth allocation reserve for this project.

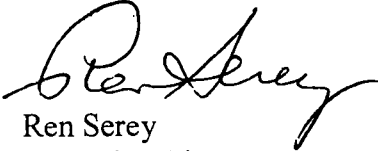
It appears that Revised Parcel 118 has been subdivided subsequent to June 1, 2002, the effective date of Worcester County's Critical Area Program and Ordinance, and that the original parcel as of that date was less than 20 acres. Under the provisions of NR 3-112 (c) (1) of the County Code, titled Growth Allocation, "[t]he date of June 1, 2002 is the date used for the original Atlantic Coastal Bays Critical Area mapping and shall be used as a beginning point of analysis." NR 3-112 (e) (1) further provides that the entirety of parcels existing as of that date must be deducted unless the development envelope concept is used. The development envelope concept is set out in NR 3-112 (e) (2) C. This section requires deduction of the entire parcel of RCA land if the original parcel is less than 20 acres. The section includes exceptions to this requirement but, to our knowledge, the exceptions do not apply.

Mr. Keith Lackie
February 25, 2005
Page 2

We have received the existing conditions plan and conceptual site plan. These plans do not include stormwater design information, so we are unable to provide comments at this time concerning stormwater management. We note, however, that the developer's application package to the County Commissioners includes a statement of assurance that the project will comply with the 10% pollutant reduction requirement for new development in the IDA. We may have additional comments concerning the 10% requirement and the site plan at a later date if the County awards growth allocation to the project.

Thank you for the opportunity to comment at this stage of the growth allocation review. If you have questions about our comments, or need additional information about the Critical Area Commission's procedures, please contact me at (410) 260-3462 or LeeAnne Chandler at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

February 2, 2005

Ms. Mary Kay Verdery
Assistant Planning Director
Talbot County Office of Planning and Zoning

Dear Ms. Verdery:

I am writing in response to your questions concerning provisions of the Critical Area Criteria. Specifically, you have asked 1) if the Buffer and Afforestation provisions of the Criteria are derived from the same goals, and 2) if they should be similarly applied. The short answer is that both provisions of the Criteria are derived from the same goals and, while they are generally applied the same way, there are certain flexibilities that may be useful from the standpoint of site design.

The Critical Area law was enacted by the General Assembly in 1984. The law created the Critical Area Commission and charged it with designing a set of regulations, the Criteria, to direct counties and municipalities in developing their local Critical Area programs. The goals of the Critical Area law are:

- 1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) To conserve fish, wildlife, and plant habitat; and
- 3) To establish land use policies for development in the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts. Natural Resources Article, Section 8-1808 (b).

The law also required that the Criteria contain provisions for buffer areas along shorelines within which agriculture would be a permitted use if best management practices were employed. The Criteria were approved by the General Assembly by Joint Resolutions in 1986. By 1990 the Critical Area Commission had approved local programs for all Critical Area jurisdictions, including Talbot County.

Ms. Mary Kay Verdery
February 2, 2005
Page 2

In addition to regulations for development, water-dependent facilities, surface mining, commercial timber harvesting and other activities, the Criteria include provisions to establish a minimum 100-foot Buffer along tidal waters, tidal wetlands, and tributary streams in the Critical Area. The Buffer is defined in COMAR 27.01.09.01 A as

“an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.”

This type of buffer is not required on farmland as long as the agricultural use is active and a Soil Conservation and Water Quality Plan is in place. However, when agricultural lands are converted to residential subdivisions or other development-related uses, the Criteria require the following:

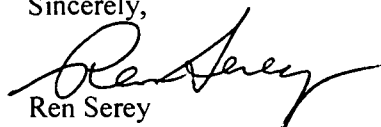
“Where agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in the policies of this chapter.” COMAR 27.01.09.01 C (6).

Your question concerned whether the Buffer, defined in COMAR 27.01.09.01 A above, is different from afforested non-Buffer areas required by other Criteria provisions. In general, they are the same: both are intended to provide water quality and habitat protections. However, in Buffer situations homeowners and developers often take more time to design and manage a Buffer so that its natural functions provide views to the water as an accessory benefit. This can be an acceptable practice if accomplished through a Buffer Management Plan approved by the County.

Buffer Management Plans should contain either drawings or text or a combination of each that clearly indicate the species of trees, understory and herbaceous plants to be sited in the Buffer; the spacing of these plants; and the trimming and pruning practices necessary to maintain Buffer functions and the health of the plants. It is not necessary to have a landscape architect or other professional prepare a Buffer Management Plan, but the plan must demonstrate that the water quality and habitat goals listed above in Section 8-1808 (b) of the law will be carried out. Often, a planning office can provide a homeowner with generic guidance that can be modified on a site-by-site basis as long as the plan is approved by the planning office.

I know this information is general and may not answer your questions fully. I would be glad to meet with you, the Planning Commission, or anyone else you suggest to discuss Buffer Management Plans, afforestation, and other provisions of the Critical Area Criteria if you think it would be helpful. Please contact me at your convenience at (410) 260-3462 or by email at rserey@dnr.state.md.us

Sincerely,


Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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February 17, 2005

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

Re: 2004-783: Shaner Variance

Dear Ms. Kean:

I am writing to provide revised comments on the above-referenced variance. After speaking with you and the applicant, we understand that there may have been miscommunications concerning the original application for a building permit. Nevertheless, a variance is required for disturbance to Somerset County's Critical Area Buffer because the applicant is proposing approximately 900 square feet of new impervious surface for an addition to an existing dwelling and associated grading in this area.

All variances granted by the Board of Appeals in the Critical Area should be the minimum necessary to provide relief to the applicant, and should assure that impacts to the Buffer are minimized. Therefore, in regard to this variance request, we recommend that the Board's consideration of the unwarranted hardship standard include a determination whether the portion of the addition proposed in the Buffer can reasonably be reduced or moved outside of the Buffer. Following such a determination, if a variance is granted, we recommend that any grading or disturbance related to the construction activities, and any permanent impervious surfaces or structures, be mitigated on site, within the Buffer, at a ratio of 3:1 using native trees and plants.

If you have questions concerning our recommendations, or need additional information, please contact me at (410) 260-3462. Please notify the Commission of the Board's decision and include this letter in the official record of this variance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ren Serey".
Ren Serey
Executive Director

cc: Mr. Russell E. Shaner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 25, 2005

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

Re: Buffer Management Area Maps - Talbot County Council Bill #970

Dear Mr. Kinney:

Thank you for forwarding County Council Bill #970, which approves the County's Buffer Management Area maps. Before this office can accept your request to process this bill, we will need the written findings that should have accompanied the maps when approved by the County Council. Once we receive the written findings we can consider this a complete submittal.

In addition to the written findings, Commission staff would like to discuss and visit three Buffer Management Areas to evaluate the Buffer function in these areas. The areas are The Rest, area 8 on map 24, Glebe Villa, area 10 on map 25, and Waverly, area 18 on map 34. Although Commission staff had previously visited these areas with County staff, it is not clear from the information in our files whether a conclusion was reached about these sites.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Andrew Hollis, Talbot County Manager
Mr. Mike Pullen, Talbot County Attorney

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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VIA FAX

January 21, 2005

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

Re: Wye Town Point Subdivision

Dear Ms. Verdery:

I am writing in regard to the proposal to locate piers on the Wye Town Point property. Over the last 18 months the Critical Area Commission staff has commented on five occasions concerning the necessity to apply State law (Natural Resources Article 8-1808.5, Annotated Code of Maryland) to proposed piers on this property. More recently, County Attorney Michael Pullen and Assistant Attorney General Marianne Mason have corresponded on the matter. I am taking this opportunity to reiterate that the placement of piers on the Wye Town Point property is governed by the provisions of State law cited above.

The most recent plat that I have received (latest date revised: July 21, 2004) shows a proposed community pier located on Shaw Bay, and an existing pier, also on Shaw Bay, extending from a portion of Deed Parcel 1, which is part of proposed Lot 8. My understanding is that a third pier will extend into Shaw Bay from proposed Lot 1, as the lot is indicated on this plat.

On January 11, 2005 I received a fax from Mr. Timothy Wyman, the owner of Wye Town Point. In a subsequent telephone conversation Mr. Wyman explained that the fax shows a portion of the Wye Town Point plat that has been revised since the July 21, 2004 plat referenced above. The portion of the plat Mr. Wyman faxed to me identifies as Revised Parcel 1 the area previously shown on the July 21, 2004 plat as Lot 1. There were no notations included regarding the date of the revision. The revised plat does not

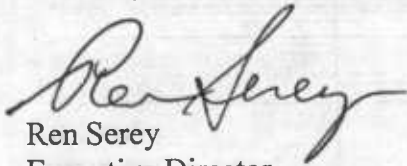
Ms. Mary Kay Verdery
January 21, 2004
Page 2

include the proposed community pier shown on the July 21, 2004 plat. Instead, the revised plat contains the following notation: CONSTRUCTION OF COMMUNITY PIER RESTRICTED TO THIS AREA, with an arrow to the same general area of shoreline where the earlier plat included the community pier.

Our earlier correspondence to your office discussed the provisions of State law specifically in regard to the relationship of community piers to private piers in a subdivision approved under a local Critical Area program. According to provisions of State law, if a private pier is constructed on Lot 1 (as shown on the July 21, 2004 plat) or on Revised Parcel 1 (as shown on the revised plat faxed to me by Mr. Wyman), a community pier may be permitted in the subdivision only by variance. Natural Resources Article, Section 8-1808.5 (e) states that "[a] local jurisdiction may grant a variance from the provisions of this section (community piers) in accordance with regulations adopted by the Commission concerning variances as part of local program development set forth in COMAR 27.01.11 and notification of project applications set forth in COMAR 27.03.01."

If you have questions regarding this letter, or need additional information, please contact me at (410) 260-3462.

Sincerely,



Ren Serey
Executive Director

cc: Mr. Timothy Wyman
Marianne D. Mason, Assistant Attorney General
Michael L. Pullen, County Attorney
Kerrie Gallo