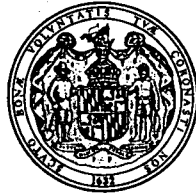


Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

December 5, 2006

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

Re: 2005-0394-V/2005-0395-V

Dear Ms. Rhodes:

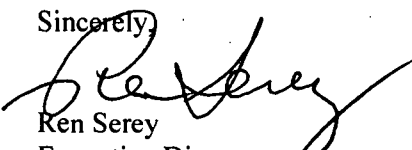
I am writing to provide comments on the latest site plan for the above-referenced variances. Our office previously commented on November 16, 2005 and October 3, 2006.

Both Site 1 and Site 2 have been altered slightly from the previous plan, but the changes do not offer a discernable reduction in potential impacts to the Buffer and the forest resources on the site. The new plan indicates that impervious surfaces have been reduced on Site 2 by 108 square feet, yet increased on Site 1 by 133 square feet. Impacts to forest resources have been reduced overall by 1,339 square feet. Nevertheless, to properly obtain a Critical Area variance in Anne Arundel County, an applicant must show that any variance granted is the minimum necessary to afford relief from a strict application of the Code.

The Board should consider whether meaningful reductions in impervious surfaces are possible. It appears that they are. The footprints of both dwellings could be reduced to lessen stormwater impacts to the Buffer from impervious surfaces. The importance of such reductions could be significant, but the site plan does not appear to indicate how stormwater will be managed. Further, the Board should consider whether additional shoreline setbacks could result from reducing the living space in each dwelling in order to reconfigure or reduce the proposed septic fields. If such minimizations are possible, they should be a factor in the Board's decision. As proposed, the variances do not appear to reflect the minimum disturbance necessary and should be denied.

Thank you for the opportunity to comment. 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

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December 5, 2006

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Thank you for the opportunity to comment. If you have questions or need additional information, please contact me at 410-260-3462

Sincerely,


Ren Serey
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MEMORANDUM

December 1, 2006

TO: Department of Budget and Management

FROM: Martin G. Madden, Chairman
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

SUBJECT: Commission Staffing

As Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, I propose to add two new staff functions that are necessary for proper implementation of the Critical Area Law.

The Commission has a pressing need for a Coordinator of Conservation Planning and Education and a Technical Assistant. I have outlined the responsibilities of the positions below. A Detailed Funding Request for each position is attached.

There are 15 authorized employees of the Critical Area Commission including my position as the full-time Chairman of the 29 member Commission.

Several years ago, before the General Assembly added the Atlantic Coastal Bays to the State's Critical Area, the Commission had 21 employees. The General Assembly's inclusion of the Atlantic Coastal Bays as part of Maryland's Critical Area in 2002 and the rapid growth in the Coastal Bays region has brought significant new responsibilities to the Commission, adding 15% to the workload with no corresponding staff increase for project reviews, coordination with local landowners, or travel time. Since then, positions have been lost over the years due to budget cuts and staff consolidations at the Department of Natural Resources. We frequently have two or three vacant positions at the same time; as the surrounding jurisdictions pay 30-40% higher salaries than the State for comparable experience and education.

We have an extremely hard-working and dedicated staff. As a measure of the dedication of the current staff, please refer to the attached sheet which shows that five of our employees will lose between 67-111 hours each of annual leave due to the workload and the detailed technical nature of the work. In other words, these five employees have accrued from 67-111 hours of overtime and because of their dedication to their jobs, they don't want to take the time off to which they are entitled and thus will forfeit this time at the end of this month. These requests I am making are the minimum necessary to assure that the Critical Area Commission can perform its functions the way the public expects.

Coordinator of Conservation Planning & Education - Grade 18 Step 8

I. Public Education Activities

Maryland's Critical Area includes the Chesapeake Bay, the Atlantic Coastal Bays, all tidal tributary rivers and their wetlands, and approximately 10% of the state's land area in 16 counties, Baltimore City and 46 municipalities. The Commission's Conservation Planning and Education Coordinator will be responsible for all of the Commission's public education activities including managing training events and workshops; making presentations to citizens and community groups; participating in conferences and symposiums; responding to citizen requests for information; and developing publications and web-based content.

One of the primary efforts of the Coordinator will be to identify enforcement issues that result from a lack of information or knowledge about the Critical Area. Often, Critical Area violations take place because homeowners, maintenance workers, and contractors are unaware of, or are unclear on, local Critical Area regulations. The Coordinator will develop and implement appropriate training materials and forums to address the most common enforcement problems.

II. Public and Private Conservation Partnerships

The Coordinator will work with various public and private organizations to facilitate conservation of significant habitat areas within the Chesapeake Bay and the Atlantic Coastal Bays watersheds. Conservation of these habitats will address mitigation requirements for development within the Critical Area, including mitigation for large-scale growth allocation projects, which involve Commission approval of amendments to local Critical Area programs.

The Coordinator will work with organizations such as the Maryland Environmental Trust, the Nature Conservancy, the Eastern Shore Land Conservancy, and other locally-managed land trusts to identify partnership opportunities that advance the goals of the Critical Area Law relating to the protection of water quality and the conservation of fish, wildlife, and plant habitat.

III. Local Government Assistance

The Coordinator will work with local governments to collect development related fees-in-lieu of mitigation when on-site or alternative mitigation is not practical. The position will develop training and management programs for the collection and expenditure of these local funds. The Coordinator will assist local governments in the development of appropriate regulatory and fiscal mechanisms to collect and track fees-in-lieu for stormwater management, reforestation, Buffer impacts, and variances. Local governments may also request assistance from the Coordinator to identify appropriate projects and programs financed fully or partially with fees-in-lieu to mitigate the adverse impacts of development and promote the goals of the Critical Area Program.

Technical Assistant - Grade 11/ Step 9

I. Mapping Assistance & Analysis

The Technical Assistant will collect, input, extract and arrange data for Commission reports and planning staff use; coordinate with the Department of Natural Resources and other agencies' Geographic Information Systems (GIS) Divisions; train planning staff in scanning maps, photographs and exhibits; and create maps of Commission related data in support of planning staff and official Commission actions. The position will also assist planning staff with GIS questions and train planners in basic GIS usage.

II. Database Management

The Assistant will input and extract data from Commission databases; provide Unit support, project tracking, reporting, and integration with GIS data; provide interpretation, retrieval, and printout of data analysis and reports; instruct employees in specific database tasks and techniques for data entry and as a resource tool; continue development of database structure and reporting by designing new data analysis formats and reports to support planning staff.

III. Records Management

Manage records for most efficient use of office space by developing and maintaining a records retention schedule in order to ensure prompt and orderly transfer or disposal of records not required by the day-to-day operations; analyze and determine files to be purged or archived; coordinate the transfer of files to Maryland State Archives and the Records Management Division of the Department of General Services.

Reasons for the Positions

When the Chesapeake Bay Critical Area law was enacted in 1984, it established a new partnership between the State and local jurisdictions that bordered the Chesapeake Bay and its

tidal tributaries. The law called for local implementation of State criteria for the protection of water quality and wildlife habitats along Maryland's tidal shorelines. The law has become a cornerstone of environmental protection in Maryland, and in 2002 the General Assembly expanded the State's Critical Area to include the Atlantic Coastal Bays in Ocean City and Worcester County.

Recent events have created the need for the State to rededicate itself to the partnership with local governments and to emphasize education, enforcement and long-range planning.

- Court rulings in 2005 challenged the Commission's ability to effectively implement the Critical Area law by restricting the Commission's review authority regarding proposed amendments to local Critical Area programs. In the 2006 legislative session, the General Assembly unanimously enacted SB 751, directing that "the Commission shall ensure that...the purposes, policies, goals and provisions" of the Critical Area law and Criteria are applied in a uniform and consistent manner in the review of local program amendments.
- In May 2006 the University of Maryland's Environmental Law Clinic completed its study of local enforcement of the Critical Area law. Among its findings, the law school concluded that local jurisdictions do not have sufficient resources to 1) enforce the law properly against willful violators, and 2) educate landowners, developers and citizen groups on the specific requirements of the law.
- In 2006 the Commission's review of the proposed Blackwater Resort Communities project in Cambridge highlighted the significant public interest in large-scale development projects in the Critical Area. More than 140 people attended the Commission's public hearing on the proposal, and more than 6,000 commented by email. Following the Commission's official decision denying the project, more than 600 people sent emails thanking the Commission for its decision and the thoroughness of its review.

Additional large-scale project submittals are expected in 2007. For example, the Charles County Commissioners have submitted a growth allocation proposal to the Commission for a major redesign and intensification of the Swan Point project on the Potomac River. New development at Swan Point includes several hundred residences, a hotel, conference center and marina. The proposal has generated considerable public interest in Charles County. An important component of the project is a 400-acre mitigation requirement for impacts to the habitat of Forest Interior Dwelling Birds.

- The General Assembly's inclusion of the Atlantic Coastal Bays as part of Maryland's Critical Area in 2002 strengthened the State's commitment to the protection of tidal waters and the important habitats of adjacent shorelines. This expansion of Critical Area protections acknowledged the ecological significance of the Coastal Bays and the difficulty of balancing the demand for new homes and businesses in this area with the limited capability of the shoreline to absorb the expected development. Rapid growth in

the Coastal Bays region has brought significant new responsibilities to the Commission, adding 15% to the workload with no corresponding staff increase for project reviews, coordination with local landowners, or travel time.

Thank you for your consideration of this proposal. I look forward to discussing it with you. Please let me know if you have questions or need additional information.

N	Name		%	Max Carry	ANNUAL LEAVE			Warning	Personal Leave	
					Current Balance	Projected Balance	Projected Loss		Current Balance	Warning
			100	400	17.33	60.38	0.00		0.00	
			100	400	41.28	62.84	0.00		21.00	*
			100	400	8.34	51.39	0.00		3.00	*
			100	400	57.76	79.32	0.00		0.00	
			100	400	468.37	511.42	111.42	*	0.00	
			100	400	34.05	55.61	0.00		2.77	*
			100	400	101.41	122.97	0.00		8.00	*
			100	400	448.96	502.79	102.79	*	31.00	*
			100	400	424.85	467.90	67.90	*	48.00	*
			100	400	441.30	484.35	84.35	*	36.00	*
			100	400	48.05	69.61	0.00		18.00	*
			100	400	441.11	494.94	94.94	*	8.50	*

**FISCAL YEAR 2008
DETAILED FUNDING REQUEST**

TITLE OF REQUEST: CAC Coordinator of Conservation Planning & Education

PLEASE EXPAND THIS FORM TO INCLUDE THE ENTIRE REQUEST

						EXPENDITURES							
					Number of	FY 2007	FY 2008 IN BASE	FY 2008 OVER TARGET	FY 2009 OVER TARGET	FY 2010 OVER TARGET	FY 2011 OVER TARGET	FY 2012 OVER TARGET	
<u>program</u>	<u>object</u>	<u>sub-program</u>	<u>sub-object</u>	<u>Position Classification</u>	<u>Positions</u>	<u>Appropriation</u>	<u>In CSB Base</u>	<u>Request</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	
KA10.01	01		0101	Natural Resources Planner IV	1			57,112	58210	59331	60473	61638	
					<u>Rates</u>								
Total Positions & Salaries						1	0	0	57,112	58210	59331	60473	61638
<u>program</u>	<u>object</u>	<u>sub-program</u>	<u>sub-object</u>	<u>sub-object title</u>	<u>Rates</u>								
KA10.01	01	00	0151	Social Security	7.31%			4,175					
KA10.01	01	00	0152	Health Insurance	8600			8,600					
KA10.01	01	00	0154	Retiree Health Insurance	35.24% of 0152			3,031					
KA10.01				Employee Retirement	6.83%			3,901					
KA10.01	01	00	0174	Unemployment	.20/\$100 of payroll			114					
				Subtotal Benefits		0	0	19,821	0	0	0		
KA10.01	01	00	0189	Turnover (25% 1st yr then agency rate)	5%	0	0	5%	0	0	0	0	
TOTAL SALARIES & BENEFITS						0	0	76,933	58210	59331	60473	61638	
<u>program</u>	<u>object</u>	<u>sub-program</u>	<u>sub-object</u>	<u>sub-object title</u>	<u>Rates</u>								
Item 1			0301	Postage				4,200					
Item 2			0302	Telephone				767					
Item 3			0401	In-State Routine				2,100					
Item 4			0404	Out-State Conferences				2,100					
Item 5			0807	Printing & Reproduction				20,000					
Item 6			0808	Equipment Rental				5,000					
Item 7			0811	Food Service				10,000					
Item 8			0819	Other Contractual Services				12,000					
Item 9			0901	Office Supplies				2,000					
Item 10			1107	Educational Equipment				4,300					
Item 11			1115	Office Equipment				9,600					
Item 12			1304	Subscriptions				500					
Item 13			1305	Association Dues				500					
Item 14													
Item 15													
SUBTOTAL OPERATING EXPENSES								73,067					
TOTAL ESTIMATED EXPENDITURES						-	-	150,000	58,210	59,331	60,473	61,638	
REVENUE													
General Funds													
Special Funds													
Federal Funds													
Reimbursable Funds													
TOTAL FUNDING REQUEST						0	0	150,000	0	0	0	0	

Form No. DBM-DA-21, Part 2 (revised 5/06)							FISCAL YEAR 2008							Priority Number:	
DETAILED FUNDING REQUEST															
TITLE OF REQUEST: CAC Technical Assistant							PLEASE EXPAND THIS FORM TO INCLUDE THE ENTIRE REQUEST								
EXPENDITURES															
				Number of		FY 2007	FY 2008	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012			
program	object	sub-program	sub-object	Position Classification	Positions	Appropriation	In CSB Base	Request	Estimate	Estimate	Estimate	Estimate			
KA10.01	01		0101	Administrative Specialist II	1			37,256	37,940	38,638	39,349	40,074			
					Rates										
Total Positions & Salaries					1	0	0	37,256	37,940	38,638	39,349	40,074			
program	object	sub-program	sub-object	sub-object title	Rates										
KA10.01	01	00	0151	Social Security	7.31%			2,723							
KA10.01	01	00	0152	Health Insurance	8600			8,600							
KA10.01	01	00	0154	Retiree Health Insurance	35.24% of 0152			3,031							
KA10.01				Employee Retirement	6.83%			2,545							
KA10.01	01	00	0174	Unemployment	20/\$100 of payroll			75							
Subtotal Benefits						0	0	16,973	0	0	0				
KA10.01	01	00	0189	Turnover (25% 1st yr then agency rate)	5%	0	0	5%	0	0	0	0			
TOTAL SALARIES & BENEFITS						0	0	54,229	37,940	38,638	39,349	40,074			
Item 1															
Item 2			0301	Postage				200							
Item 3			0302	Telephone				767							
Item 3			0401	In-State Routine				2,100							
Item 4			0404	Out-State Conferences				2,100							
Item 5			0807	Printing & Reproduction				2,000							
Item 8			0819	Other Contractual Services				2,000							
Item 9			0901	Office Supplies				2,000							
			0941	Software				2,000							
Item 11			1115	Office Equipment				2,600							
Item 12			1304	Subscriptions				200							
Item 13			1305	Association Dues				200							
Item 14															
Item 15															
SUBTOTAL OPERATING EXPENSES								16,167							
TOTAL ESTIMATED EXPENDITURES								70,396	37,940	38,638	39,349	40,074			
REVENUE															
General Funds															
Special Funds															
Federal Funds															
Reimbursable Funds															
TOTAL FUNDING REQUEST						0	0	70,396	0	0	0	0			

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

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

VIA FAX

November 27, 2006

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

Re: 2006-0348 V
Kenneth Macleay Variances (Revisions)

Dear Ms. Cotter:

Thank you for providing information on the revised site plan for the above-referenced variances.

The applicant has sufficiently addressed the concerns we raised in our letter of October 16, 2006, and therefore, we do not oppose the variances as currently proposed.

Thank you for the opportunity to comment. Please include this letter in the official file for the variances, and notify the Commission of the decision in these cases.

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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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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VIA FAX

October 23, 2006

Honorable Gerald W. Donovan
Office of the Mayor and Town Council
8200 Bayside Road
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Chesapeake Beach Railway Trail and
Forest and Developed Woodland Mitigation Plan

Dear Mayor Donovan:

I have received your letter of October 12, 2006 in regard to the Railway Trail and the Forest and Developed Woodland Mitigation Plan.

The Critical Area Commission's Program Subcommittee has reserved time on its November 1, 2006 agenda to discuss these matters with Town representatives. The Subcommittee meets from 10:30 a.m. until 12:00 noon. In addition to the Chesapeake Beach matters, there are two items from Queen Anne's County on the agenda. I do not know the order in which the Subcommittee will decide to take up the agenda items.

The Commission and the Program Subcommittee meet at the Maryland Department of Housing and Community Development in Crownsville, Maryland in the main conference room on the first floor. Please contact the Commission at (410) 260-3460 if you need directions to the meeting location.

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
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VIA FAX

October 16, 2006

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

Re: 2006-0348 V
Kenneth Macleay Variances

Dear Ms. Cotter:

Thank you for providing information on the above-referenced variances. The applicant is proposing to develop single-family dwellings on two recently reconfigured residential lots. I understand that in their previous configuration, the lots were grandfathered under Anne Arundel County's original Critical Area Program.

This office cannot support the variances as proposed. The Critical Area Act provides for local jurisdictions to permit impervious surfaces up to 31.25% for these types of lots. However, even under this more flexible procedure, an applicant for a variance bears the responsibility to minimize impacts. Here, it appears that the applicant has not minimized the requests.

On Lot 175RR, the applicant has proposed a site design with 4,382 square feet, or 29.2%, of impervious surface. We recognize that the applicant has proposed to eliminate some existing impervious surfaces, while other impervious areas must remain, including the community tennis courts and the common driveway that serves other lots. Nevertheless, the applicant proposes a swimming pool with impervious decking for this lot, design features that do not appear essential to redevelopment of the site.

Lot 177RR is proposed with a dwelling significantly larger than the dwelling on Lot 175RR. This lot also is proposed with a swimming pool and impervious decking, and the total proposed impervious surface is 4,646 square feet, or 33.35% of the lot. The

Ms. Pam Cotter
October 16, 2006
Page 2

opportunities are even greater on this lot to reduce impervious coverage, and thereby minimize the variance requests. The proposed dwelling has a footprint of 2,436 square feet, almost 800 square feet larger than the dwelling on Lot 175RR. The applicant has provided no information in the submittal we reviewed (the most recent revisions were received today) concerning why the lot cannot be redeveloped within the maximum limits of 31.25% set out in the Critical Area Act. Additional reductions, including elimination of the swimming pool and pool deck, and modification of the dwelling footprint, should be required to meet both the letter and spirit of State law, and the provisions of the Anne Arundel County Code.

Thank you for the opportunity to comment on these variances. Please include this letter in the official file for the variances, and notify the Commission of the decision in these cases.

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



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October 3, 2006

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

Re: 2005-0394-V/2005-0395-V

Dear Ms. Rhodes:

This office previously reviewed the above-referenced variance applications when they were before the Administrative Hearing Officer. I have reviewed the Hearing Officer's decision and reasoning in these cases and offer additional comments on the applications before the Board of Appeals.

The Hearing Officer points out that reductions to the footprints of the proposed dwellings would reduce the impacts to forest resources on site and the amount of impervious surface within the Critical Area Buffer. We agree. We believe that the variance applications as proposed do not present the minimum relief necessary and that there are opportunities on both sites to bring the applications into compliance with the spirit of the Critical Area Act and the local Anne Arundel County Critical Area Program.

Specifically, it appears that the dwelling on Site 1 can be reduced and moved north toward the property line. If a variance is needed to the side yard setback in order to accommodate a shifting of this dwelling, such a variance should be considered if it would result in less disturbance to the Buffer and less forest clearing. In a similar manner, the dwelling on Site 2 can be reduced and shifted toward the north property line. In addition, the Board should require the applicant to address whether a reduction in dwelling sizes would result in a corresponding reduction in the need for additional septic reserve areas.

Thank you for the opportunity to comment. 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
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Martin G. Madden
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www.dnr.state.md.us/criticalarea/

October 2, 2006

Honorable Gerald W. Donovan
Town of Chesapeake Beach
8200 Bayside Road
P.O. Box 400
Chesapeake Beach, Maryland 20732

Dear Mayor Donovan:

I am writing in regard to the Town of Chesapeake Beach Forest and Developed Woodland Mitigation Plan and the Railway Trail project.

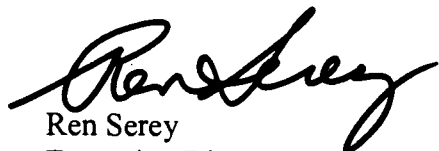
When we met in your office on August 22, 2006, we discussed various alternatives to the fee-in-lieu provisions of the then-current draft Forest Mitigation Plan. I said I would investigate your alternatives and provide you with a draft plan that Commission staff would support. I did so and forwarded a staff-supported plan to you on September 15th. In my letter I said the Critical Area Commission could include this version of the plan on its October 4, 2006 agenda if the Town could complete its approval process for the Plan and the corresponding changes to the local Critical Area Program prior to the meeting.

In your letter of September 19, 2006, you described your disagreement with certain provisions of the draft Plan that I provided. I understand your concerns and the reasons behind them. They can best be discussed with the Commission's Program Subcommittee. However, the Memorandum of Understanding (MOU) between the Town and the Commission clearly specifies the process for Commission review of the Plan. Under the terms of the MOU, the Town must submit to the Commission a Town-approved Forest Mitigation Plan, and its required Critical Area Program changes, as program amendments, or as program refinements, in accordance with the Critical Area Act. Once the Commission approves a Forest Plan, it can address the Railway Trail project. Unfortunately, because the Commission does not have before it a locally-approved Forest and Developed Woodland Mitigation Plan and the Plan's necessary implementing ordinances, there are no Town items on the Commission's October 4, 2006 agenda.

Honorable Gerald W. Donovan
October 2, 2006
Page 2

If you would like to meet with the Program Subcommittee at its November 1, 2006 meeting to discuss your concerns about the draft plan, I will schedule sufficient time for you on that date. Please let me know by October 13, 2006 if you wish to meet with the Subcommittee.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written in a cursive style.

Ren Serey
Executive Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

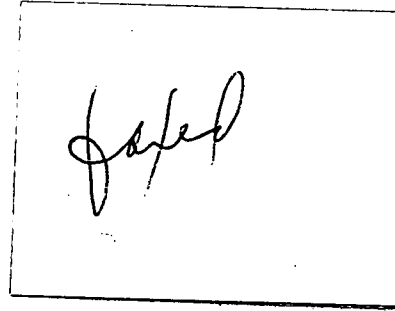
**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

September 15, 2006

The Honorable Gerald Donovan
Town of Chesapeake Beach
PO Box 400
Chesapeake Beach, MD 20732

Re: Chesapeake Beach Railway Trail Mitigation &
Forest and Developed Woodland Master Plan



Dear Mayor Donovan:

The Critical Area Commission has received a mitigation plan for the Town's proposed railway trail project. A component of the Commission's February 3, 2005 conceptual approval of the trail layout included several conditions necessary for the trail to receive final approval. One of the conditions required the Town to submit a detailed mitigation plan for review by Commission staff as well as approval by the full Commission.

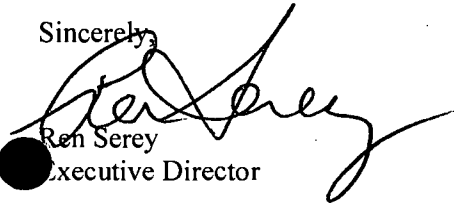
We met with Chris Jakubiak recently to discuss the trail mitigation plan. During this conversation, we inquired about the status of the Forest and Developed Woodland Master Plan. As you know, the Town signed a Memo of Understanding (MOU) with the Commission on February 19, 2004. This MOU expressly states that no final approvals for any development project in the Town requiring mitigation for impacts within the Critical Area may be given by the Town or Commission until the final Forest Plan and the required Town Critical Area Program changes are approved by the Commission.

While Commission staff has begun review of the trail mitigation plan and could accommodate presentation of the plan to the Commission at its October 4, 2006 meeting, the MOU requires that the Forest and Developed Woodland Master Plan must first be approved by the Commission. We anticipate that this approval could be handled jointly with the final approval of the railway trail.

I have provided to the Town office a draft version of the Forest and Developed Woodland Plan that the Commission staff is prepared to recommend for approval to the Critical Area Commission. I believe this version of the Plan includes the range of alternative mitigation measures that you requested. In order for us to place the Forest plan on the October 4th agenda, we need to know that the Town is able to approve it prior to that date.

Please notify us by the close of business on September 19, 2006 whether the Town will be able to officially approve the Forest Plan and the required Town Critical Area Program changes prior to October 4, 2006. Thank you in advance for your cooperation in this matter. Please call me with any questions 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

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August 30, 2006

Mr. Jay Parker
Town Manager
Town of Princess Anne
30489 Broad Street
Princess Anne, Maryland 21853

Dear Mr. Parker:

I am writing in regard to a few outstanding issues related to the Critical Area Program in Princess Anne. To begin, I am very pleased that the growth allocation process for Beckford Manor and St. Stephens has been completed and resolved by the Town. I understand that the Town has already followed through on most of its obligations and trust the remainder will be completed as well.

The outstanding issues I wish to discuss are the Hayman's Purchase subdivision and the Manokin Town Park. As you are aware, the Town has worked diligently to eliminate violations at the Hayman's Purchase subdivision. Tracey Gordy has kept us well informed of your efforts to develop a structural inventory of the subdivision in order to field verify lots and the subsequent corrective measures the Town has taken on all outstanding violations. However, it does appear that homeowners continue to have questions related to appropriate activities in the Critical Area and in the 100-foot Buffer. I would like to remind you that the Town has previously agreed to organize a Critical Area informational meeting with the community. In addition, I would suggest the Town do a second mailing to waterfront property owners. I understand that one recent property owner invested a significant amount of money in shoreline work that subsequently had to be removed. A continued emphasis on educational opportunities would greatly assist the residents of Hayman's Purchase and, I hope, prevent such losses by future homeowners.

The second issue I wish to raise relates to the Manokin Town Park. I am not sure if you are aware, but in 1999 a Buffer Management Plan was prepared by the Town with the assistance of Tracey Gordy for the town park. The intent of the Buffer Management Plan is to provide a way for the Town to remove invasive and non-native species in the Buffer and replace them with native trees and shrubs. The reason for this plan was to assist the Town in accessing the shoreline to remove trash and debris, improve the scenic view, and to maintain the structural integrity of the shore. As a part of this plan, the Town received its share of \$600 from the Somerset County forest conservation funds to purchase trees and shrubs which were planted by community members in an Arbor Day celebration. Unfortunately, it would appear that much of this work has been lost over the last five years and the

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 4, 2006

Honorable Glenn L. Bramble
Dorchester County Office Building
501 Court Lane
Cambridge, Maryland 21613

Honorable Cleveland L. Rippons
City Hall
307 Gay Street
P.O. Box 255
Cambridge, Maryland 21613

Dear Council President Bramble and Mayor Rippons:

As you know, the Critical Area Commission is currently reviewing a growth allocation request for the Blackwater Resort Communities project submitted jointly by the Dorchester County Council and the Mayor and Commissioners of Cambridge.

On August 20, 2006 a Panel of Commission members conducted a public hearing on the proposal. Approximately 140 people attended the hearing, many of whom presented testimony. Written comments were accepted until July 28th and there now exists an extensive official public record for this matter.

Under the procedural requirements of the Critical Area Act, the Commission has 90 days to review and act upon a proposed amendment. The review period for the Blackwater Resort amendment began on June 14, 2006. Due to the volume of material in the public record, and the technical and scientific nature of many of the exhibits, the Panel has requested an additional 90-day period for completion of its review and action by the full Commission. The additional time period would extend until December 11, 2006.

I believe that an additional 90-day period will enable the Commission to ensure a thorough review of the issues before it and I greatly appreciate your consideration of this request. Please advise me of your decision at your earliest convenience. If you have

Honorable Glenn L. Bramble
Honorable Cleveland L. Rippons
August 4, 2006
Page 2

questions concerning this request, please contact me at (410) 260-3467, or Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin G. Madden". The signature is fluid and cursive, with the first name "Martin" and last name "Madden" clearly distinguishable.

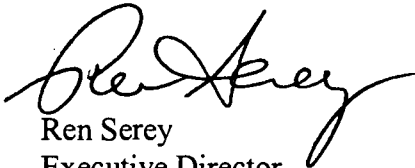
Martin G. Madden
Chairman

Buffer Management Plan has not been followed. In fact, as you are aware, significant clearing of the Buffer took place this past spring.

Keith Lackie, the MDP Circuit Rider, and Kate Schmidt, met with you shortly after the violation took place and were assured that the Town wanted to create a management and development plan for the Park as a whole. You asked that any replanting be incorporated into that broader plan. Neither this office nor Keith Lackie has received any further information from you regarding this plan. Therefore, I am requesting that you contact Kate Schmidt at 410-260-3475 to resolve the clearing violation at the Town Park by September 15th. I am enclosing a copy of the existing Buffer Management Plan for your use.

Thank you for your sincere and quick attention to these matters. We are happy to assist you in any way we can and look forward to hearing from you.

Sincerely,



Ren Serey
Executive Director

cc: Keith Lackie, MDP
Tracey Gordy, MDP
Kate Schmidt, CAC

Enclosure

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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VIA FAX

August 1, 2006

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

Re: Kathy Piera Variance
2005-0173-V

Dear Ms. Rhodes:

I am writing in regard to the above-referenced variance application for after-the-fact approval of a carport, driveway extension and path system. The Critical Area Commission opposes the requests for the carport and driveway extension.

From a review of the information provided, it appears that the applicant enjoys reasonable and significant use of the property by way of the existing residence, garage, pool and deck. The carport and driveway extension have added new impervious surfaces to the Critical Area Buffer and to steep slopes. Variances for disturbance to these features can be properly granted only upon a showing by the applicant that all variance standards have been met, including the standard that unwarranted hardship would result from the denial of the requests. Given the existing uses of the property, it is our opinion that the applicant cannot satisfy the necessary standards.

Please include this letter in the record for this case and notify the Commission regarding the Board's decision. Thank you.

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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June 22, 2006

Ms. Wanda Cole, Environmental Planner
Dorchester County Department of Planning and Zoning
County Office Building
P.O. Box 26
Cambridge, Maryland 21613

Re: Bentz Variance
Case # 2294

Dear Ms. Cole:

Thank you for providing information on the above-referenced variance. The applicants are proposing to construct an addition of 324 square feet to an existing home within the Critical Area Buffer to tidal wetlands on Back Creek.

Any variance application to locate a structure in the Critical Area Buffer must be reviewed carefully to determine if unwarranted hardship would result from denial of the request. If the Board makes such a finding in this case, it would then determine whether the variance requested is the minimum necessary to afford relief from a literal interpretation of the regulations. If the Board grants a variance following these determinations, all disturbance to the Buffer should be mitigated by planting native species at a ratio of 3:1.

Feel free to contact me at (410) 260-3462 if you have questions or need additional information. Please make this letter part of the record for this case and notify the Commission in writing of the outcome of the hearing.

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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June 19, 2006

Margaret Witherup Tindall, Esq.
Gordon Feinblatt, LLC
233 East Redwood Street
Baltimore, Maryland 21202-2332

Re: Chesapeake Hyatt Resort, Cambridge

Dear Ms. Tindall:

I am responding to your request for public records relating to the Chesapeake Hyatt Resort in Cambridge, Maryland.

You are welcome to inspect the records of the Critical Area Commission relating to this project. The records are retained at our office located at 1804 West Street, Suite 100, Annapolis, Maryland. We have copying facilities on site for most of the records. If you wish to obtain copies of large site plans, we will need to send the originals off site to be reproduced and will provide copies to you within three or four days.

Please call Ms. Shirley Bishop at (410) 260-3472, or me 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

cc: Ms. Shirley Bishop

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 22, 2006

Honorable James Brochin
221 James Senate Office Building
Annapolis, Maryland 21401

Dear Senator Brochin:

Thank you for your letter of May 9, 2006 regarding the golf course at the Blackwater Resort Communities project in Cambridge. In your letter, you expressed concern that the design of the course and the application of chemicals could cause harm to local water quality and the Chesapeake Bay.

The Critical Area law requires that when land is developed as an Intensely Developed Area (IDA), pollutants resulting from present stormwater runoff must be reduced a minimum of 10% below existing levels. An additional protection in the case of golf course development is the required Water Quality Certification issued by the Maryland Department of the Environment (MDE). In order to obtain this certification, an Integrated Pest Management plan must address the types of fertilizers to be used on the course and their application rates. Further information on the specifications of an Integrated Pest Management plan may be obtained from Mr. Gary Setzer at MDE. Mr. Setzer is the Director of the Wetlands and Waterways Program and represents the Department on the Critical Area Commission. His contact information is:

Mr. Gary Setzer, Director
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230
(410) 537-3744

You also asked the Critical Area Commission to mandate that the design of the Blackwater Resort golf course meet the standards of the Commission's policy for golf courses in the Resource Conservation Area. Our policy provides guidance to the local jurisdictions concerning golf courses developed with or without growth allocation. Over

Honorable James Brochin

May 22, 2006

Page 2

the years, the Commission has approved four courses in the Critical Area. Three of these were incorporated into large residential and commercial projects which required deduction of growth allocation; the fourth was a stand-alone course that did not need growth allocation. The proposed golf course at the Blackwater Resort, as part of a larger project that includes a hotel and conference center, would, if approved, require growth allocation and be required to meet the standards for new development in the Intensely Developed Area. In addition to reducing pollutants from stormwater 10% below current levels, the IDA standards require that permeable areas are planted to the extent practical, and that all sensitive habitats are protected. Please be assured, however, that all golf courses require the establishment of a minimum 100-foot forested Buffer. Therefore, the Blackwater Resort project, if approved, would include the establishment of Buffers along the shoreline of the Little Blackwater River and on each side of the streams that run through the property to the river.

The forested Buffers required are modeled after the Department of Natural Resources' guidelines for riparian forests. These Buffers consist of three tiers of vegetation including a shrub layer, understory and canopy layers. The plants provide for nutrient uptake to help improve water quality, as well as a diversity of wildlife habitats.

I hope this information is helpful. If you have questions or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin G. Madden".

Martin G. Madden
Chairman

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 14, 2006

Honorable Frank White, President
Town Commissioners
Town of Princess Anne
30489 Broad Street
Princess Anne, Maryland 21853

Dear President White:

Thank you for your letter of April 11, 2006 providing information on the status of the Beckford Manor and St. Stephen's Corner subdivisions. You and the other Town Commissioners have taken important steps to assure that these, and future, projects are consistent with State law and the Town's local Critical Area Program.

I am encouraged that the Town has formally requested growth allocation for these projects from the Somerset County Commissioners. The joint hearing process that you propose for the Town Commissioners and the Planning Commission should help streamline the local approval process. And the new tracking procedures you have instituted for correspondence and project reviews will ensure that project-specific issues identified by plan reviewers will be addressed in a timely manner.

In light of the Town's actions, I believe it is appropriate for you to release those permits for Beckford Manor and St. Stephens Corner that you requested in your letter. Specifically, the permits for Beckford Manor are Occupancy Permits for the Tawes and McCready units. For St. Stephens Corner, the permits are Occupancy Permits for Lots 23, 24, and 25; and Building Permits for Lots 21 and 22 subject to the additional requirements you have instituted.

I appreciate the seriousness with which the Town has responded to these matters. I look forward to continuing to work with you as these projects progress through the approval process. If you have questions or need additional information, please contact me at (410) 260-3467 or Ren Serey at (410) 260-3462.

Sincerely,

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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February 21, 2006

Honorable Wayne T. Gilchrest
315 High Street, Suite 105
Chestertown, Maryland 21620

Dear Congressman Gilchrest:

I am writing in response to your letter to Martin Madden, Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. You inquired about a proposed development project at the U.S. Naval Academy, and the Chairman asked me to provide information to you about the project.

The project is proposed on Greenbury Point, across the Severn River from the main grounds of the Academy. The Naval Academy Athletic Association plans to construct a recreation complex there which will include an ice hockey rink and tennis courts among other facilities.

The Critical Area Commission does not have specific approval authority for development on federal lands. However, through provisions of the federal Coastal Zone Management Act, our staff will review the project and submit comments and recommendations to the Maryland Department of the Environment regarding consistency of the proposal with the Critical Area law. The Department will provide the State's final recommendations to the National Oceanic and Atmospheric Administration.

To date, we have reviewed one set of plans and suggested reductions in the amounts of impervious surface proposed and forest areas to be cleared. We are waiting to receive a set of revised plans. I know that your constituents are concerned also about increased traffic, particularly in relation to expected impacts from the David Taylor site. Although the Critical Area law does not authorize us to consider the effects of traffic, I would be glad to speak to your constituents and refer them to appropriate officials in the Anne Arundel County Department of Planning and Zoning.

Honorable Wayne T. Gilcrest
February 21, 2006
Page 2

Please feel free to forward my name and contact information. I can be reached at (410) 260-3462 or by email at rserey@dnr.state.md.us

If you have questions or need additional information, please let me know.

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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January 20, 2005

Mr. C. Peter Gutwald
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

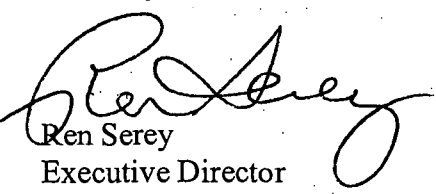
Re: Brittney Quarters Subdivision

Dear Mr. Gutwald:

I am forwarding you a copy of a recent Critical Area subdivision letter written by our staff to help acquaint you with the type of coordination and review our two agencies undertake on Critical Area projects. I would be happy to discuss this or any other project with you when we get together to talk about the Commission and your appointment. I look forward to meeting with you soon and working with you on the Commission.

Please call me at (410) 260-3460 if you have any questions.

Sincerely,


Ren Serey
Executive Director

Enclosure

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 14, 2006

Mr. Otis Rolley, III
Director
City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21215

RE: Elmley Park Offset Fee Request

Dear Mr. Rolley:

This office received your letter dated February 24, 2006 requesting comments from the Critical Area Commission regarding the use of \$51,337.19 for stormwater offset fees for the removal of concrete and asphalt from Elmley Park. The park is approximately 1.399 acres, is not in the Critical Area and the proposed impervious surface removal will disturb approximately 1.15 acres. The park is entirely paved and the proposed project will reduce impervious surface by approximately 29,054 square feet (0.667 acres) which will result in a reduction in pollutant loading by 1.47 pounds.

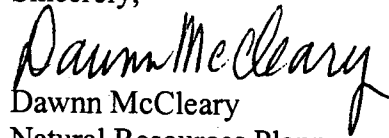
The Baltimore City Department of Parks and Recreation will remove most of the impervious surface, except the existing basketball court which will remain. The City plans on replacing the concrete with top soil, seeding the area and then installing a playground over a pervious area. Also, the Office of Park Conservation and Community Outreach will assist the community with tree plantings and other forms of landscaping. This office would like a copy of the landscaping plan for review and comment prior to the implementation of the plan.

The total cost of the project is \$80,924.79 with \$51,337.19 being requested from the stormwater offset fee fund. This office is satisfied with the use of the stormwater offset funds for this project because it will meet the Critical Area goals of improving water quality and enhancing habitat by reducing impervious surface on site.

Mr. Rolley
July 14, 2006
Page 2

If there are any changes to the above project, please notify our office. 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: Duncan Stuart
Gary Letteron
Mary Owens
BA General Files

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 13, 2006

Mr. Kevin Scott
Environmental Planner
City of Annapolis Planning
and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Landing at Spa Creek
S.E/PUD 2006-3-552

Dear Mr. Scott:

This office has reviewed the applicant's proposal to demolish the existing poolhouse and construct a new poolhouse at the same location. The total site is 14.64 acres with 13.27 in an Intensely Developed Area (IDA) and 1.37 acres in the Resource Conservation Area. The poolhouse is in the IDA, and impervious surface will increase by 1,123 square feet.

The applicant is proposing a bioretention facility to address the 10 % pollutant reduction requirement. The application was missing all but the first page of Worksheet A; please submit this for our review. Also, in Step 2, A, the calculations for Imperviousness (I) is incorrect in Step 1, A the calculations for Imperviousness (I) are incorrect. 0.6363 replaces 0.5938 for existing Impervious Surface Area and 0.7272 replaces 0.7000 Post-Development Impervious Surface Area.

We will provide additional comments when we receive this information.

Sincerely,

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

cc: Tom Smith
Regina Esslinger
AN 419-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 13, 2006

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

RE: US Gypsum Company 2006 Expansion
5500 Quarantine Road

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to build a new 40,000 square foot building addition, to install new paving, and to restore a rail bed. The expansion of an access road and restoration of a rail bed will disturb 5,000 square feet of the 100-foot Buffer. The site totals 34.34 acres and is in an Intensely Developed Area.

The applicant will be grading in the 100-foot Buffer for rail (4,200 square feet) and an access road (800 square feet). Buffer mitigation is proposed at 3:1 for impacts from the proposed rail and access road. We understand that the applicant is proposing to mitigate on-site near the area of the entrance gate.

To satisfy the 10% pollutant reduction requirements, the applicant is proposing a pocket pond as a Best Management Practice for the area. The proposed development activity and the 10 % calculations are correct and consistent with the Critical Area Program, therefore we have no additional comments.

Please send a plan for the Buffer mitigation 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: Duncan Stuart
Regina Esslinger
BA 413-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 13, 2006

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

RE: Warner Street Trash Interceptor

Dear Mr. Rolley:

Thank you for providing "Notification of Certification" that the above project is consistent with the City's Critical Area program. The City's Department of Public Works is proposing the installation of the City-owned trash interceptor in the Middle Branch of the Patapsco River with the cooperation of the U.S. Army Corp of Engineers (ACOE). This project consists of a floating debris collector, anchoring, and an access system and is located at the headwall of the existing stormdrain outfall at the intersection of Alluvion and Warner Streets. The ACOE will maintain the trash interceptor for the first year and the Department of Public Works will continue the maintenance there after. Please send us a copy of the maintenance agreement with the ACOE and the Department of Public Works.

The project is located in the Upper Middle Branch Designated Habitat Protection Area. This project will not modify the existing drainage area to the Critical Area, or create a permanent negative impact on any environmental resources. The City is giving this project a phosphorus removal credit of 0.01 pounds per outlet treated and will improve overall water quality.

This office understands:

1. That this project has been designed to add minimal impervious surface;
2. That this project will be a positive impact to submerged aquatic vegetation beds and habitat areas;

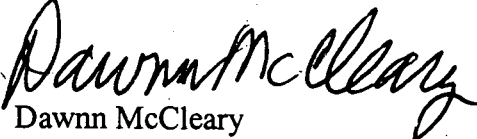
Continued, Page Two
Warner Street Trash Interceptor Consistency
July 13, 2006

3. That no structures will be built and no fill is being added to the site; and
4. That all surfaces that are in the water are pervious consisting of cables, netting, bouys, and a walkway.

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) 260-3460.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 408-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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July 12, 2006

Mr. Doug Matzke
Director of Engineering
Engineering Division
Maryland Port Administration (MPA)
2310 Broening Highway
Baltimore, Maryland 21224

RE: Fairfield Marine Terminal/Access Road
Security Fence Restoration

Dear Mr. Matzke:

On July 5, 2006, the Critical Area Commission unanimously approved the replacement of the 1,300 linear feet of an eight high chain link fence which will result in 11,290 square feet of clearing in the 100-foot Buffer. This approval includes two conditions:

1. That the MPA shall report back to the Project Subcommittee each month until an adequate mitigation site is selected and approved; and
2. That MPA shall obtain all necessary authorizations from the Maryland Department of Environment prior to the commencement of work.

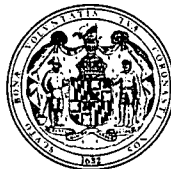
I would like to thank Jesse Lindsey of Whitney, Bailey, Cox and Magnani for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Mark Kreaflé
Jesse Lindsey
Meg Andrews
Regina Esslinger
State MPA 28-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

July 11, 2006

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

RE: Silo Point Phase II
1700 Beason Street

Dear Mr. Stuart:

This office has reviewed new additional information for Phase II of the above project. We understand that the existing impervious coverage has been rearranged resulting in no change in the 10% pollutant reduction requirement for this project. Therefore, we have no additional comments. Please notify us if there are any changes that may affect the Critical Area. If there are any questions, please call me at (410) 260-3438.

Sincerely,

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

cc: Regina Esslinger
BA 856-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 6, 2006

Ms. Marti Sullivan
Program Open Space
Department of Natural Resources
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

RE: Conquest Point Acquisition
POS # 4929-12-245 - Harford County

Dear Ms. Sullivan:

This office has reviewed a proposal to acquire a waterfront property that totals 0.5051 acres. The property is adjacent to the Concord Point Lighthouse and the Havre de Grace Promenade. The water view property is currently unimproved and faces the Chesapeake Bay. We understand that the Town has plans to convert this property into a park to include landscaping, benches and promenade.

It appears from the site plan that the property is in the Critical Area. If so, any future disturbance within the Critical Area will be subject to Critical Area requirements. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Jay Bautz
Regina Esslinger
POS General Files

CLEARINGHOUSE REVIEW

TO : Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Nita Settina, 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)
David Goshorn, Resource Assessment Services (C-2)
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 *JWP*

SUBJ : POS # 4929-12-245

Conquest Point Acquisition, Harford County

This project proposes to acquire a water view property consisting of 0.5051 acres. The property is adjacent to the Concord Point Lighthouse and the Havre de Grace Promenade. This water view property is currently unimproved and has an unobstructed view of the Chesapeake Bay. Future plans for this park include landscaping and benches and will enhance the Promenade.

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

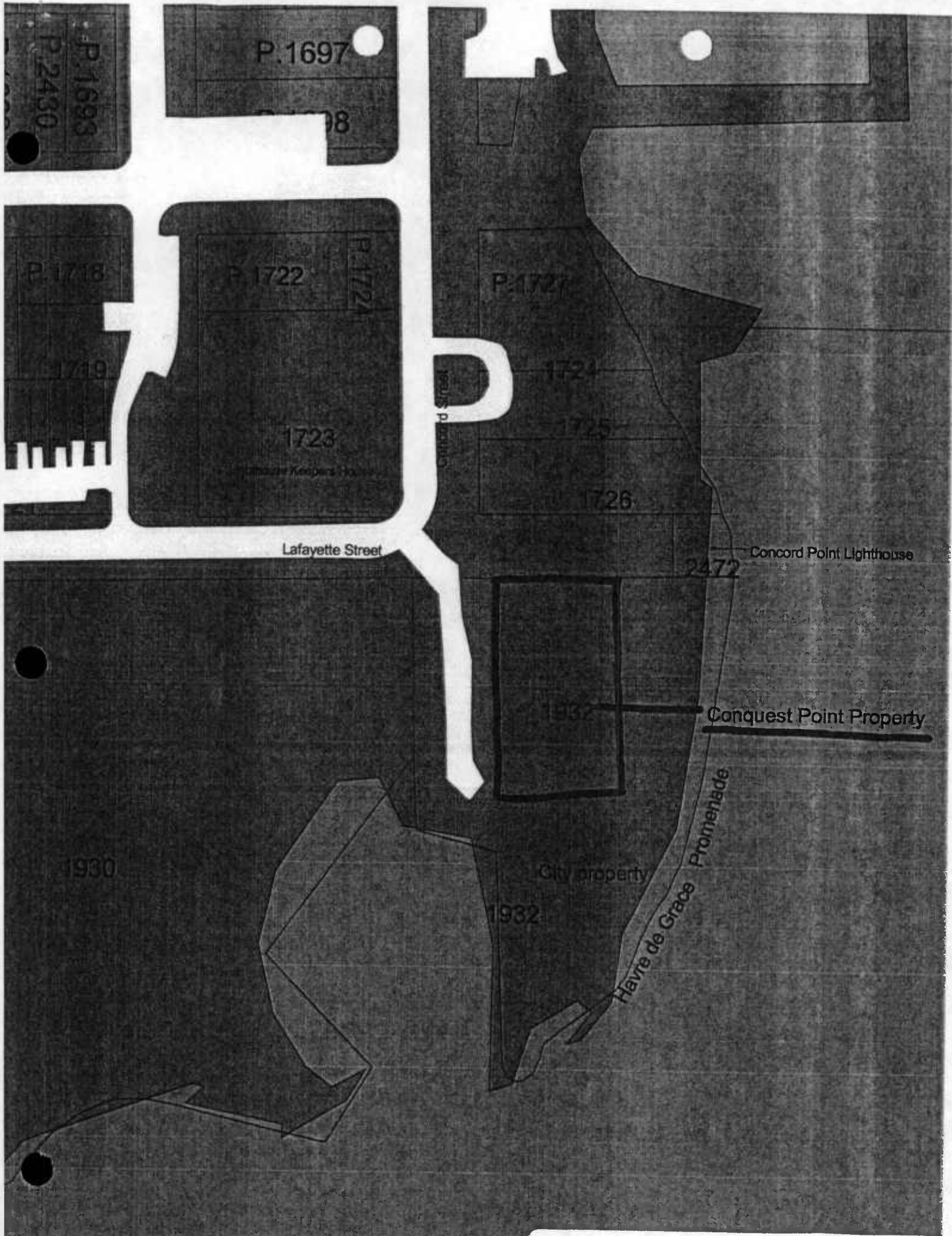
Upon completion of review, please return to Marti Sullivan or Mary Tolodziecki, Program Open Space, Tawes State Office Building - 580 Taylor Ave., (E-4) - Annapolis, MD. 21401

RECEIVED

JUN 28 2006

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

July 6, 2006

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

RE: Sugar Hill Project
719-727 & 733 -735 East Fort Avenue

Dear Mr. Letteron:

This office has reviewed the additional information that was sent to our office. The applicant will use a sandfilter to satisfy the 10 % requirements and we have no additional comments. Please notify us if the City determines that the sandfilter is not feasible for this site. 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 349-06revised



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

June 27, 2006

Memorandum

To: Tim Larney, WHS
Marian Honeczy, FS
Arnold Norden, PL
Pete Dunbar, RAS
Christine Conn, WS
Regina Esslinger, CAC
LTC Daniel Hughes, NRP

From: *RED* Ray C. Dintaman, Jr., Director, Environmental Review Unit (B-3)

Subject: Request for Scoping Comments – Department of the Army Base Realignment and Closure Commission Actions at Aberdeen Proving Ground, Harford County, Maryland.

Please review the attached information concerning the Department of the Army's request for scoping comments relative to the proposed Army Base Realignment and Closure Commission Actions at Aberdeen Proving Ground and send any comments you may have relative to determining the scope of the analyses and significant issues related to the proposed action no later than July 18, 2006.

Please complete the following and return this memorandum with your response:

Check one:

☒ Comments are attached.

☐ No comments.

Dawn McElroy Signature
Critical
Area Commission Unit

If no comments are received by July 18, 2006, it will be assumed that you have none.

Attachments

RECEIVED

JUN 28 2006

CRITICAL AREA COMMISSION

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

July 6, 2006

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

RE: Department of the Army Base Realignment
and Closure Commission Action
Aberdeen Proving Ground (APG)

Dear Mr. Dintaman:

This office has reviewed the scoping request for an EIS for a Base Realignment and Closure (BRAC) at Aberdeen Proving Ground. The alternatives include a technology park, recreational amenities, and a training facility. Critical Area issues must be included in the EIS.

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

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
Pat Pudalkewicz
Regina Esslinger
General File-HC Aberdeen ERU ✓



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

June 27, 2006

Memorandum

To: Tim Larney, WHS
Marian Honecny, FS
Arnold Norden, PL
Pete Dunbar, RAS
Christine Conn, WS
Regina Esslinger, CAC
LTC Daniel Hughes, NRP

From: *RED* Ray C. Dintaman, Jr., Director, Environmental Review Unit (B-3)

Subject: Request for Scoping Comments – Department of the Army Base Realignment and Closure Commission Actions at Aberdeen Proving Ground, Harford County, Maryland.

Please review the attached information concerning the Department of the Army's request for scoping comments relative to the proposed Army Base Realignment and Closure Commission Actions at Aberdeen Proving Ground and send any comments you may have relative to determining the scope of the analyses and significant issues related to the proposed action no later than July 18, 2006.

Please complete the following and return this memorandum with your response:

Check one:

☒ Comments are attached.

☐ No comments.

Dawn McElroy Signature
Critical
Area Commission Unit

If no comments are received by July 18, 2006, it will be assumed that you have none.

Attachments

RECEIVED

JUN 28 2006

CRITICAL AREA COMMISSION

06-M75-116

Commander USAG-APG
Directorate of Safety, Health, and Environment
ATTN: IMNE-APG-SHE-R (Bud Keesee) Building 5650
Aberdeen Proving Ground, MD 21005-5001

RECEIVED

JUN 22 2006

June 20, 2006

Ray Dintaman
Chief, Environmental Review Unit
Maryland Department of Natural Resources
Tawes State Office Building, B-3
580 Taylor Avenue
Annapolis, MD 21401

Subject: Request for scoping comments

Re: Environmental Impact Statement for Department of the Army Base Realignment and
Closure Commission Actions at Aberdeen Proving Ground, Harford County, Maryland

The Mobile District Corps of Engineers is preparing the subject Environmental Impact Statement (EIS) addressing the realignment of certain Department of Defense (DoD) activities to the Aberdeen Proving Ground (APG) Maryland. This EIS is being prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) NEPA regulations (40 Code of Federal Regulations (CFR) 1500 to 1508) and 32 CFR Part 651 *Environmental Analysis of Army Actions*. A Notice of Intent to prepare the EIS was published in the Federal Register on November 23, 2005 (Volume 70, Number 225).

The purpose of this letter is to request your assistance in the scoping process for the EIS. The scoping process is intended to aid in determining the scope of the analyses and significant issues related to the proposed action.

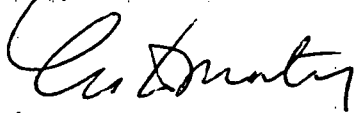
The BRAC actions include the realignment of a number of DoD activities from their current locations to the APG facility. In addition, the EIS will examine the potential impacts from the proposed development of an Enhanced Use Lease (EUL) parcel at APG. The current concept for this EUL is the development of an anti-terrorism and law enforcement training center.

Enclosed is a pamphlet prepared for scoping that describes the proposed action and alternatives at this stage of the EIS process. The Department of the Army requests your agency's assistance by reviewing the materials and providing comments regarding: (1) significant issues related to the action that should be analyzed in the EIS; (2) past, present, or reasonably foreseeable future actions known to your agency that should be considered in the cumulative impacts analysis; and (3) any additional agencies that should participate in the scoping process. Agencies listed in Attachment 1 have also received this package.

The Department of the Army appreciates your input and written comments regarding the proposed action within 30 days of the receipt of this letter. If you would prefer an in-person briefing on this action, or if you have any questions, please contact Mr. Bud Keesee at the address above.

Thank you very much for your assistance with this important project.

Sincerely,



for the
Mobile District BRAC NEPA Support Team

Enclosure:

BRAC 2005 Actions and Lauderick Creek EUL Environmental Impact Statement (EIS) Aberdeen Proving Ground, Maryland



Public Agency Scoping

Purpose of Scoping

The purpose of scoping is to seek input from individuals, community organizations, federally-recognized Indian tribes, and federal, state, and local agencies on issues and concerns relating to the scope of an Environmental Impact Statement (EIS) that is being prepared for implementation of the Base Realignment and Closure (BRAC) actions and the Lauderick Creek Enhanced Use Lease (EUL) at Aberdeen Proving Ground (APG). Specifically, the Army is seeking public input on the alternatives to be analyzed and impacts to be addressed in the EIS.

BRAC Legislation and Process

As a result of changing global security requirements, the United States is reducing and restructuring its forces. The process to determine installations for closure and/or realignment was established by the Defense Closure and Realignment Act of 1990 (Public Law 101-510). The BRAC process was conducted in 1991, 1993, and 1995. A 2002 BRAC law authorized another round of realignments and closures in 2005. The Army is closing installations and realigning functions as mandated by the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107.

The U.S. Army's Enhanced Use Lease (EUL) Program

The National Defense Authorization Act authorizes Department of Defense installations to obtain leasing opportunities. The program is intended to: improve federal property utilization; provide revenue to the installation; reduce installation operating costs; enhance mission performance by fostering cooperation between military services and the private sector; and introduce valuable federal property into the local job market. A lease may be entered into only if the Secretary of the Army considers it advantageous to the United States in terms that promote national defense or are in the public interest.

Comments received during the scoping process are important to ensure that the concerns of the public and government agencies pertaining to the BRAC actions and the Lauderick Creek EUL at APG are appropriately addressed in the EIS.

The National Environmental Policy Act (NEPA)

The preparation of an EIS is required by Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) to document the positive and negative effects of major government actions.

The BRAC Commission's deliberation and decision, as well as the need for closing or realigning a military installation, are exempt from NEPA. The BRAC legislation states that NEPA provisions do not apply to the need for the BRAC actions to realign APG or the need to consider which BRAC realignment actions will or will not occur at APG. However, an appropriate level of NEPA documentation is required to analyze how the BRAC actions will be implemented at APG.

NEPA provisions do apply to the proposed Lauderick Creek EUL.

This EIS addresses consequences resulting from implementing actions and projects associated with the BRAC actions and proposed Lauderick Creek EUL. Comments received will be used by the study team in the preparation of the EIS and Record of Decision for these actions.

Proposed Action: APG will be receiving numerous Department of Defense activities to transform it into a full spectrum research, development, and acquisition center for Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance systems and Defense Chemical and Biological Systems. The Army Test and Evaluation Command Headquarters will also be consolidated at APG. The table on page 5 of this pamphlet describes the major activities being realigned to APG and their operational missions. A detailed description of the Commission's recommendations can be found at <http://www.brac.gov/finalreport.html>. The EIS will address the potential impacts from the implementation of the BRAC actions at APG.

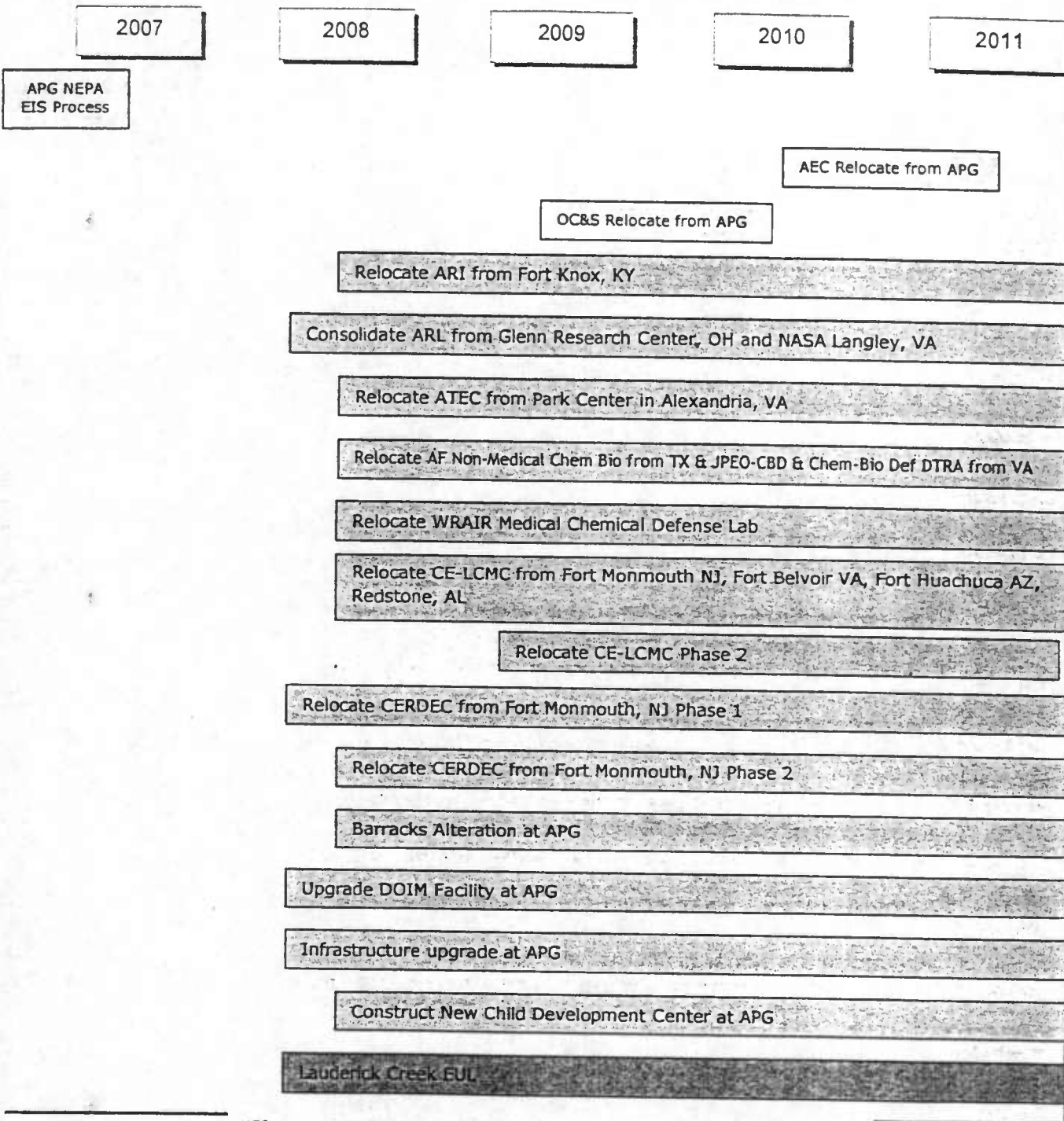
Other EIS Actions: The EIS will also address the potential impacts from the use of an EUL site on APG. The Department of the Army proposes to use the EUL program to lease the 1,300-acre Lauderick Creek area located within APG's Southern Peninsula. The current developmental concept is to create an anti-terrorism/law enforcement (AT/LE) technology park and training center. APG is a suitable location for such a facility because of its history in military training and proximity to the Washington, D.C. region. APG has determined that the Lauderick Creek area offers a potential site for this developmental concept based on existing uses of the area and surrounding features.

Timing of the EIS and BRAC Related and EUL Actions

The graphic on the following page illustrates the expected timing of the BRAC and EUL actions at APG. Draft EIS is anticipated for public agency review in the Fall of 2006. The Record of Decision for the EIS is expected to be signed in the Spring of 2007.

BRAC and Lauderick Creek EUL EIS—Aberdeen Proving Ground, Maryland

Timeline for Planned Actions



AEC	Army Environmental Center
ARI	Army Research Institute
ARL	Army Research Laboratory
ATEC	Army Test and Evaluation Command
CE-LCMC	Communications-Electronics Life Cycle Management Command
CERDEC	Communications-Electronics Research Development and Engineering Center
DOIM	Directorate of Information Management
DTRA	Defense Threat Reduction Agency
JPEO-CBD	Joint Program Executive Office for Chemical and Biological Defense
OC&S	Ordnance Center and School
WRAIR	Walter Reed Army Institute of Research

Proposed Action and Alternatives

ALTERNATIVE 1 — NO ACTION ALTERNATIVE

The No Action Alternative will be included to identify the existing baseline conditions (as of November 2005) against which potential impacts will be evaluated. For realignment actions directed by the BRAC Commission, it will be noted that the No Action Alternative (maintenance of current conditions) is not feasible since the BRAC actions are congressionally mandated.

ALTERNATIVE 2 — BRAC COMMISSION-DIRECTED ACTIONS and LAUDERICK CREEK EUL (THE PROPOSED ACTION)

BRAC Commission-Directed Actions: As a result of the BRAC Commission Report, a number of organizations will be realigned/relocated to APG (see *List of Incoming Activities* on next page). At APG, the actions will be located on both the Northern Peninsula ("Aberdeen Area") and the Southern Peninsula ("Edgewood Area"). This Alternative includes the maximum use of renovation of existing structures supplemented by the construction of new structures in the cantonment area to accommodate incoming BRAC missions.

and

Lauderick Creek EUL: The proposed plan involves the impact assessment of the EUL site on the southern peninsula. The current developmental concept is the construction of an AT/LE training facility at this EUL site. The concept includes activities on three areas of the EUL site:

Development Area 1: Office/flex-space technology development park. Combines traditional office facilities with engineering, developmental, and implementation/testing and "flex" facilities for private sector organizations that are leading or working closely with AT/LE organizations.

Development Area 2: Lodging, dining, fitness, and recreational amenities for use by center trainers, staff, guests, and the rest of the APG community.

Development Area 3: State-of-the-art, realistic, secure, live-fire, training. This area may include: classrooms, firing ranges, live-fire shoot houses, driving courses, urban assault village, maritime, airport, and rail training facilities, and administrative support areas.

ALTERNATIVE 3 — BRAC COMMISSION-DIRECTED ACTIONS and LAUDERICK CREEK EUL

Alternative 3 is similar to Alternative 2 except that it includes the maximum amount of new construction in the cantonment area supplemented by an appropriate amount of renovation of existing facilities to accommodate incoming BRAC missions.

ALTERNATIVE 4 — BRAC COMMISSION-DIRECTED ACTIONS—MAXIMUM RENOVATION

Alternative 4 is similar to Alternative 2 except that the EUL at Lauderick Creek is not included in the Alternative.

ALTERNATIVE 5 — BRAC COMMISSION-DIRECTED ACTIONS — MAXIMUM NEW CONSTRUCTION

Alternative 5 is similar to Alternative 3 except that the EUL at Lauderick Creek is not included in this Alternative.

BRAC and Lauderick Creek EUL EIS—Aberdeen Proving Ground, Maryland

List of Incoming Activities

Organization	Mission	Potential Location
Army Research Institute (ARI)	ARI-Human Systems Research evaluates human behavior and its influence on the design and application of ground combat systems within a network centric warfare context.	Northern Peninsula
Army Research Laboratory (ARL)	ARL supports research and development in aerial vehicle propulsion and structural dynamics. Other ARL directorates currently exist in the Northern Peninsula.	Northern Peninsula
Army Test and Evaluation Command (ATEC)	ATEC supports all Army Test & Evaluation Requirements. ATEC components currently reside in the Northern Peninsula.	Northern Peninsula
Communications-Electronics Life Cycle Management Command (CE-LCMC)	Develop, acquire, field, and sustain Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) systems for the tactical and strategic battle space and the sustaining base.	Northern Peninsula
Communications-Electronics Research Development and Engineering Center (CERDEC)	Develops and integrates C4ISR technologies that enable information dominance and decisive lethality for the networked Warfighter.	Northern Peninsula
Air Force Non-Medical Chem-Bio, Joint Program Executive Office for Chem-Bio Defense (JPEO-CBD), and Chem-Bio Defense Directorate of the Defense Threat Reduction Agency (DTRA)	Chemical and biological defense (CBD) research, non-medical CBD development and acquisition, and point of contact for all chemical, biological, nuclear and radiological detection, and vaccine and medical diagnostic acquisition efforts. Will realign with Edgewood Chemical Biological Center (ECBC) currently at APG.	Southern Peninsula
Walter Reed Army Institute of Research (WRAIR)	Biomedical and laboratory research. Will realign with Medical Research Institute of Chemical Defense (MRICD) currently at APG.	Southern Peninsula
Lauderick Creek Enhanced Use Lease (EUL)	The vision is to create a world-class anti-terrorism/law enforcement (AT/LE) technology park and training center. The project will encompass an AT/LE facility capable of providing state-of-the-art, real world training.	Southern Peninsula

Affected Environment

Several resource areas and issues will be considered in the EIS. These include: land use; aesthetics; air quality; noise; geology and soils; water resources; socioeconomic issues, including community facilities and services; transportation; biological resources, including environmentally sensitive areas such as Chesapeake Bay watershed, threatened and endangered species, and wetlands; site topography and soils; cultural and historic resources; and hazardous and toxic substances. Additional resources and conditions may be identified as a result of this scoping process.

Impact Analysis and Mitigation

The Environmental Consequences section of the EIS will analyze and describe impacts that could reasonably be expected to occur as a result of implementing the proposed actions and related alternatives. For those actions that have the potential to result in significant adverse impacts, the EIS will describe potential ways to mitigate (i.e., avoid, minimize, rectify, reduce or eliminate, or compensate) these impacts.

Potential beneficial and adverse impacts will be described for each resource category. A wide variety of potential issues are expected to be addressed in the EIS. These issues are likely to include: contaminated installation restoration sites; unexploded ordnance; cultural resources, including potential archaeological sites and historical structures; threatened and endangered species (APG hosts the largest concentration of bald eagles on the Chesapeake Bay); wetlands and surface water impacts; forested areas; Chesapeake Bay critical areas; groundwater and source water protection areas; on and off post housing, utilities, transportation, community services; and other issues identified during the EIS process. The EIS will also address cumulative impacts of reasonably foreseeable future actions within the project area.

Other Opportunities for Public Comment

In addition to this initial comment opportunity, agencies will have two additional opportunities to comment:

Fall 2006: The Draft EIS will be completed and will be made available for public review. At that time, a Notice of Availability (NOA) will be published in the *Federal Register*. Notices will also appear in local newspapers. A public meeting will be held to facilitate public comment soon after the Draft EIS is released. Written and oral comments will be accepted for a period of 45 days from the date the NOA is published.

Winter 2007: The Final EIS will be completed and made available for public review. At that time, an NOA will be published in the *Federal Register*. Notices will also appear in local newspapers. Written and oral comments will be accepted for a period of 30 days from the date the NOA is published.

How do I submit comments on the scope of the EIS?

The Department of the Army and APG welcome your input on the issues and concerns that should be addressed in the EIS. Comments may be submitted in the following ways:

Mail

Comments may be mailed to:

Department of the Army
Commander USAG-APG
Directorate of Safety, Health, and Environment
ATTN: IMNE-APG-SHE-R (Bud Keesee) Building 5650
Aberdeen Proving Ground, MD 21005-5001

E-mail

Comments may be e-mailed to: Buddy.Keesee@us.army.mil

Fax

Comments may be submitted by Fax: 410-278-6779

**Comments must be received or postmarked by July 25, 2006
to be considered in preparation of the Draft EIS.**

Comments received after that will be considered to the extent practicable.

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 5, 2006

Mr. Robert Fillippi
Landscape Architect
Whitney, Bailey, Cox and Magnani
849 Fairmount Avenue, Suite 100
Baltimore, Maryland 21286

RE: Masonville Marine Terminal
Phase I Storm Drain Relocation

Dear Mr. Fillippi:

This office has reviewed the Buffer Mitigation Planting Plan for the Masonville Marine Terminal, Phase I, Stormdrain relocation. This office is satisfied with the proposed mitigation plan and we have no further comments. Thank you for the opportunity to comment. If there are any changes that may affect the habitat within the Buffer 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: Mark Kreifle
Meg Andrews
Regina Esslinger
State MPA File

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

June 29, 2006

Ms. Sally Nash, Ph.D.
Planner
City of Annapolis
Department of Planning & Zoning
160 Duke of Gloucester Street,
Annapolis, Maryland 21401

RE: 1 Little Harbor Way

Dear Ms. Nash:

This office has reviewed the applicant's proposed Buffer Management Plan for the above project. We understand that the applicant is proposing to clear 2,800 square feet of invasive vines, Poison Ivy, Multiflora Rose, etc. in the Buffer and to prune existing trees. The planting plan shows 3,020 square feet mitigation, comprising 2,550 square feet of woody vegetation and 470 square feet of herbaceous plants. The proposed Buffer Management Plan is acceptable.

We understand that the applicant is proposing a 4-foot wide woodchip maintenance path in the 100-foot Buffer. This office will not support the adding of a path in the 100-foot Buffer on Lot 1. A community pedestrian water access path was created when the subdivision was approved in 2003, and there were substantial discussions with the developer about how there would be no other Buffer impacts.

Thank you for the opportunity to comments. If there are any changes 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: Tom Smith
Regina Esslinger
AN 387-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 27, 2006

Mr. Tony McClune
Deputy Director
Harford County Department of
Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: 1217 Bush Road Variance
Board of Appeals # 5551

Dear Mr. McClune:

This office has reviewed the applicant's request to create a second lot on a panhandle. The original Lot 1 is 8.85 acres; proposed Lot 4 will be 1.09 acres and the revised Lot 1 will be 7.76 acres. 5.15 acres of Lot 1 are in the Critical Area, and there is no Critical Area in Lot 4. A house and pool currently exist on Lot 1. The variance request is for the creation of a new panhandle lot; therefore, 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: Nick Walls
Pat Pudalkewicz
Regina Esslinger
HC 381-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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June 27, 2006

Ms. Betsy Walk
Board of Zoning Appeals
Caroline County Department of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Donner Variance
2684 Choptank Main Street

Dear Ms. Walk:

Thank you for providing information on the above variance application. The applicant is proposing a variance to build an 824 square foot addition closer to the side property line than allowed. The lot currently has an existing house, porch, walkway, and garden shed. The new parcel with lot line adjustment is now 9,560 square feet. There is no Critical Area variance requested.

The site plan shows the impervious surface limit as 2,390 square feet. The correct impervious surface limit is 2,987.50 square feet ($9,560 \times 31.25\% = 2,987.5$). With the proposed addition to the existing house, the total impervious surface on site would be 2,077 square feet. Therefore, the applicant has not exceeded the impervious surface limits. We have no other comments on this 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: Kevin Clarke
Shane Johnson
Regina Esslinger
CR 59-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 27, 2006

Ms. Betsy Walk
Board of Zoning Appeals
Caroline County Department of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Preston Taylor Variance
7737 Westerly Drive

Dear Ms. Walk:

Thank you for providing information on the above variance application. The applicant is proposing a variance to build a 29 x 41 square foot garage closer to the side yard property line than allowed. The property currently has an existing house, swimming pool, and driveway. The property is 1.0746 acres and in a Resource Conservation Area. There are no Critical Area variances requested.

The applicant has not provided information on the amount of existing and proposed impervious surface. To determine whether this project meets the impervious surface limits, please forward this information to our office for review. If the proposal meets the impervious surface limits, we have no additional comments on 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,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Kevin Clarke
Shane Johnson
Regina Esslinger
CR 375-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 22, 2006

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

RE: Branches Offset Fee Project Request

Dear Mr. Rolley:

This office understands that your office is requesting comments from the Critical Area Commission regarding the use of \$22,500 of Buffer Offset Fund monies to support the Building Resources and Nurturing Community Health and Environmental Stewardship program (BRANCHES) for eight areas within the City's Park System. The City's goal is to restore and enhance 1.5 linear miles of riparian buffer.

We understand that the BRANCHES program is a summer program that helps maintain and restore the urban forests and riparian buffers in Baltimore's Park System. The eight selected areas are in Druid Hill, Herring Run, Carroll, Middle Branch, Cherry Hill, Farring Bay Brook Parks and along the Gwynns Falls Trail. The purpose of the BRANCHES project will meet the goals of improving water quality and protecting habitat.

The BRANCHES project will include restoration efforts affecting 72.708 acres. We understand that the proposed planting and invasive species removal will far exceed the 9,000 square feet of Buffer impact associated with the collection of \$22,500. (\$22,500/ \$2.50 per square foot (Buffer Offset Fee) = 9,000 Square Feet.)

The total cost of the project for the summer 2006 will be approximately \$76,670.10 with \$ 42,220.10 coming from the Parks and People Foundation, the Department of Recreation and Parks and the Baltimore City Youth Works Program. This money will be used for staff, training, supplies, and food.

Mr. Rolley
June 22, 2006
Page 2

This office is satisfied with the use of Buffer Offset Fund monies for this project because it will meet the Critical Area goals of improving water quality and enhancing wildlife habitat. If there are changes in the proposed project, please notify this office. 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". The signature is written in black ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Gary Letteron
Mary Owens
BA General Files.

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 26, 2006

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

RE: Draft Environmental Impact Statement
Proposed Masonville Dredged Material Containment Facility

Dear Mr. Dintaman:

This office has reviewed the Draft Environmental Impact Statement for the DMCF. The EIS report correctly identified that this project is in the Critical Area and we will continue to participate in the review process for this project.

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
DMCF State File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 14, 2006

Ms. Jennifer Shull
Director
Department of Housing & Community Development
13 North Third Street
Denton, Maryland 21629

RE: Annexation of Properties on Siesta Drive
Resolution No. 665

Dear Mr. Shull:

On June 7, 2006, the Critical Area Commission concurred with the Chairman's determination that the Town of Denton's annexation of the properties on Siesta Drive could be approved as a refinement to the Town's Critical Area maps.

The map amendment for the five properties and road reflects the annexation of Parcels 163,172,173,179 and 216 on Tax Map 105. The annexed properties totals 5.09 acres which consist of a road and five parcels on Siesta Drive and Second Street in an existing residential area served with town water and sewer. There was no change in the Limited Development Area designation when the properties were annexed by the Town of Denton.

In accordance with §8-1809 (p)(4), please incorporate these changes into the Town of Denton's Critical Area Program within 120 days of the date of this letter. Please provide two copies of the amended version of Resolution No.665 and the amended Critical Area Maps to Commission staff as soon as 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: Roby Hurley
Mary Owens
Ren Serey
DE amendment/Refinement File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 14, 2006

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

RE: Bowen Property Annexation Resolution R-23-04(Revised)
and Ordinance No. O-34-04(Revised)

Dear Ms. Rouse:

On June 7, 2006, the Critical Area Commission concurred with the Chairman's determination that the City of Annapolis' annexation of the Bowen Property could be approved as a refinement to the City's Critical Area maps.

The map amendment for the Bowen Property reflects the annexation of Parcels 163 and 335 on Tax Map 51, from Anne Arundel County into the City of Annapolis. The property fronts Maryland Route 665/Aris T. Allen Boulevard near the intersection of Forest Drive.

The acreage annexed is 19.2391 acres with 4.762 acres within the Critical Area. As part of the annexation, the City will maintain the Resource Conservation Area designation. The property is currently underdeveloped and is proposed to be a Planned Unit Development (PUD) with 31 townhouses and 18 single-family houses within the PUD. There will be no development impacts to the Critical Area.

In accordance with §8-1809 (p)(4) of the Critical Area law, please incorporate these changes into the City of Annapolis' Critical Area Program within 120 days of the date of this letter. Please provide two copies of the amended version of Resolution No. R-23-04 (Revised), Ordinance No. O-34-04(Revised) and the amended Critical Area Maps to Commission staff as soon as they are available.

Page 2
Bowen Property Annexation
June 14, 2006

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: Jackie Rouse
Mary Owens
City of Annapolis Amend File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2006

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

RE: Sugar Hill Project
719-727 & 733 -735 East Fort Avenue

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build 28 townhouses. The site plan shows that a small portion of the site is in the Critical Area, totals 0.19 acres and is in an Intensely Developed Area. The small area in the Critical Area consist of a paved area and part of a three story building.

To complete our review of the project, we need the applicant to break down the existing and proposed impervious surface in Step 1, A 2(a), and 2(b) of Worksheet A for the 10 % pollutant reduction calculations. Please forward this information to our office for review. 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: Ren Serey
Regina Esslinger
BA 349 -06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2006

Ms. Betsy L. Walk
Board of Zoning Appeals
Caroline County Department of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Joan Lunney Variance
Local Case No: 06-012V

Dear Ms. Walk:

Thank you for providing information on the above variance application. The applicant is proposing to rebuild an existing dwelling located in the Critical Area Buffer. The site currently has an existing house, an existing trailer with a porch and an existing shed. The property is 0.537 acres, is in a Limited Development Area, and is mostly in the 100-foot Buffer.

After reviewing the site plan, this office does not oppose the variance. We understand that the existing house will be removed and a new house replaced in the same footprint of the existing house. There will be no disturbance to the 100-foot Buffer and this project satisfies the impervious surface limits.

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: Kevin Clarke
Regina Esslinger
CR 345-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 13, 2006

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

RE: 20 Dean Street Subdivision

Dear Mr. Geratz:

This office has received the additional information on the minor subdivision that was sent. We understand that the applicant will now create two new lots. One lot will be a new single family attached dwelling and the other lot will be a duplex condominium type unit.

The applicant has not satisfied the 10% calculations because Step 3 and Step 4 are not correct. Step 3 should be 0.170 pounds of Phosphorus for L post and Step 4 should be 0.018 pound of phosphorus for Pollutant Removal Requirements. Step 2 B, Redevelopment should be used and not Step 2 A, New Development. Please forward a revised copy of the 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: Ren Serey
Regina Esslinger
AN 224-06revised

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2006

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

RE: 1159 Riverside Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to tear down an existing house and build a new house. The lot is currently 0.105 acres and in an Intensely Developed Area. 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, therefore 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: Duncan Stuart
Ren Serey
Regina Esslinger
BA 328 - 06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 8, 2006

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

RE: Hospice of Harford County Subdivision

Dear Mr. Walls:

This office has reviewed the applicant's proposal to subdivide an existing lot into two lots. The site is currently undeveloped and the applicant is proposing to build a three story structure on one of the lots. The new created subdivided lots are Lot 1 which is 2.18 acres and Lot 2 which is 54.06 acres. The site is all forested, has non-tidal wetlands, a 75-foot HPA Buffer and a 25-foot wetland Buffer. We understand that the applicant is proposing to clear 1.47 acres. We have the following comments:

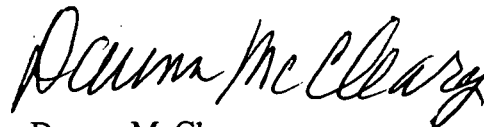
1. The site plan needs to show whether there is FID habitat on-site due to the size of the entire site.
2. The site plan should show the presence of steep slopes and hydric soils. If hydric soils are present, the applicant needs to show the expansion of the Buffer due to hydric soils.
3. Please show the location of the proposed structure and the acreage of the area that will be built on.
4. Please show any proposed impacts to non-tidal wetlands.

Continued, Page Two
Hospice of Harford County Subdivision
June 8, 2006

5. Because of the RCA Area, please have the Department of Natural Resources, Heritage Division send a letter to determine the possible presence of threatened and endangered species on-site.

Please forward this information to our office for review and additional comments. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script, reading "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudlekewicz
Ren Serey
Regina Esslinger
HC 323 -06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 25, 2006

Mr. Elder Ghigiarelli
Deputy Program Administrator
Maryland Department of the Environment
Wetlands and Waterways
1800 Washington Blvd. Suite 430
Baltimore, Maryland 21230

RE: King Hall Repair and Rehabilitation
United States Naval Academy

Dear Mr. Ghigiarelli

This office has reviewed a proposal to renovate a 65,000 square foot one-story building. There will be no exterior demolition. Most of the disturbance is for interior renovation. We understand that a temporary staging area will be on two sides of Smoke Park next to King Hall.

I spoke to Mr. Moran today, and he stated that the only Critical Area impacts will be the removal of approximately 20 trees, in Smoke Park. All tree removal in the Critical Area must be mitigated at a 1:1 mitigation ratio. Please note that we did not receive a landscaping plan that shows any mitigation.

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: M.T. Moran
Brian O'Mara
Federal 22-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 24, 2006

Mr. T.W. Moran
U.S. Naval Academy
Environmental Division
181 Wainright Road
Annapolis, MD 21402

RE: Visitor's Access Center, Gate 1

Dear Mr. Moran:

Thank you for your May 18, 2006 letter summarizing your final landscaping plan. We are satisfied with your plant substitutions and 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: Tom Smith
Regina Esslinger
Federal 04-06

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/

May 26, 2006

Mr. Roby Hurley
Critical Area Circuit Rider
27490 West Point Road
Easton, Maryland 21601

RE: River Walk Terrace Subdivision
Reliance Avenue

Dear Mr. Hurley:

This office has reviewed the subdivision application to build 49 townhouses. We understand that the site was previously a cement plant. The total site in the Critical Area is 6.282 acres with 6.098 acres in the Intensely Developed Area and 0.164 acres in the Resource Conservation Area (RCA). The RCA portion is all expanded Buffer. I have the following comments:

1. We understand that with the exception of a stormwater outfall, there will be no impact to the Buffer. Impacts to the 100-foot Buffer for the outfall will require 3:1 mitigation with native species. Please send a landscaping plan for the Buffer mitigation.
2. The plat note should state that parts of Lot 16 cannot have any development in the RCA.
3. It appears from the site plan that there may be an erosion problem in the area of the steep slopes. Please have the applicant address this.
4. No information was provided regarding 10 % pollutant reduction calculations. Please provide this for our review.
5. Because of the RCA area, please have the Department of Natural Resources, Heritage Division send a letter to determine the possible presence of threatened and endangered species on-site.

Continued, Page Two
River Walk Terrace Subdivision
May 26, 2006

Once we receive the above information, we may have 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". The signature is written in dark ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
FE 302-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 24, 2006

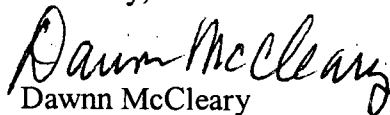
Mr. Gary Letteron
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Tidewater at Port Covington

Dear Mr. Letteron:

This office has reviewed the revised site plan and Worksheet A for the 10 % calculations. 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,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 410-05

MEMORANDUM

TO: Project Subcommittee
FROM: Dawnn McCleary
DATE: May 23, 2006
RE: Six Month - MD 404 Denton By-Pass Update

On October 5, 2005, The Critical Area Commission granted two conditional approvals to State Highway Administration (SHA) for the Denton Bridge By-Pass over Watts Creek to the 100-foot Buffer and Forest Interior Bird (FIDs) Habitat. SHA did not have mitigation areas identified at the time, so the Commission approval included the condition that SHA report back to staff in 3 months and 6 months on the status of their search.

The widening of the MD 404 will impact 2.21 acres of FIDs habitat and 2.2 acres of Buffer. Because impacts to the Buffer overlap with FIDs impacts, SHA will mitigate for both forest Buffer impacts and FIDs together through the creation of new FIDs habitat. SHA will provide 3.51 acres of mitigation for impacts to FIDs habitat and forested Buffer and 3.09 acres of mitigation for impacts to non-forested Buffer.

On February 1, 2006, staff updated the Project Subcommittee on eleven potential mitigation sites. To date, staff has reviewed these sites and provided feedback to SHA. Three of the eleven sites have the highest potential for FID mitigation. Three other sites have moderate potential benefits although they are farther from the project site. The mitigation chart below shows a breakdown of the six out of the eleven potential mitigation sites:

Mitigation Table for Impacts to FID Habitat/Buffer

Highest Potential Benefit Sites	Moderate Potential Benefit Sites	Potential Sites Not Considered
# 1, 3, and 6	# 7, 8, and 11	# 2, 4, 5, 9, and 10

The purpose of this memorandum is to update the Subcommittee on the six potential mitigation sites staff selected for impacts to FID habitat and forested Buffer. The sites were based on their proximity to the project area and the Watts Creek Buffer, their location within the Critical Area boundary and Watts Creek Watershed, and the increased opportunity for water quality benefits.

Please see an attached map showing the location of the six potential sites. SHA has not yet completed the property owner notification process. Once SHA has completed coordination with the property owners, they will contact us to arrange a site visit to verify the suitability of the sites.

File
Copy

MEMORANDUM

TO: Project Subcommittee
FROM: Dawnn McCleary
DATE: May 23, 2006
RE: Six Month - MD 404 Denton By-Pass Update

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The widening of MD 404 will impact 2.21 acres of FIDs habitat and 2.2 acres of Buffer. Because impacts to the Buffer overlap with FIDs impacts, SHA will mitigate for both forest Buffer impacts and FIDs together through the creation of new FIDs habitat. SHA will provide 3.51 acres of mitigation for impacts to FIDs habitat and forested Buffer and 3.09 acres of mitigation for impacts to non-forested Buffer.

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Mitigation Table for Impacts to FID Habitat/Buffer

Highest Potential Benefit Sites	Moderate Potential Benefit Sites	Potential Sites Not Considered
# 1, 3, and 6	# 7, 8, and 11	# 2, 4, 5, 9, and 10

The purpose of this memorandum is to update the Subcommittee on the six potential mitigation sites staff selected for impacts to FID habitat and forested Buffer. The sites were based on their proximity to the project area and the Watts Creek Buffer, their location within the Critical Area boundary and the Watts Creek Watershed, and the increased opportunity for water quality benefits.

Please see an attached map showing the location of the six potential sites. SHA has not yet completed the property owner notification process. Once SHA has completed coordination with the property owners, they will contact us to arrange a site visit to verify the suitability of the sites.

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 23, 2006

Mr. Dirk Geratz
Senior Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21204

RE: Eastport Landing
400 - 406 Chesapeake Avenue

Dear Mr. Geratz:

This office has reviewed the applicant's proposal to raze an existing commercial and residential building and construct a new mixed use building with an underground garage. The site is in an Intensely Developed Area and totals 0.6212 acres.

To complete our review of the project, we need the applicant to break down the existing and proposed impervious surface in Step 1, A 2(a) and 2(b) of Worksheet A for the 10 % pollutant reduction calculations. Please forward this information to our office for review. If you have any questions, please feel free to call me at (410) 260-3493.

Sincerely,

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

cc: Regina Esslinger
AN 292 - 06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 19, 2006

Ms. Jennifer Shull
Director
Department of Housing & Community Development
13 North Third Street
Denton, Maryland 21629

RE: Town of Denton Annexation of Properties on Siesta Drive
Resolution No.665

Dear Ms. Shull:

Thank you for sending us a copy of the final Town Council Resolution No.665 for the Bigelow, Larrimore, Ellwanger and Manlove Property Annexation. We understand that on September 12, 2005, the City officially approved an amendment to the Town's Critical Area Maps to annex five parcels and a road.

The map amendment for the five parcels and road reflects the annexation of Parcels 163,172,173,179, and 216 on Tax Map 105. The annexed properties total 5.09 acres which consist of a road and five parcels on Siesta Drive and Second Street in an existing residential area served with town water and sewer. Four of the lots are improved with single family dwellings. The fifth lot is unimproved and is approximately 0.22 acres (10,000 square feet) in size. There was no change in the Limited Development Area designation when the properties were annexed by the Town of Denton.

The Critical Area Commission staff received your letter on May 15, 2006 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

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

Sincerely,

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

cc: Roby Hurley
Mary Owens

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 16, 2006

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

RE: Bowen Property Annexation

Dear Ms. Rouse:

Thank you for sending us a copy of the final City Council Resolution No. R-23-04 Revised and Ordinance No. O-34-04 Revised for the Bowen Property Annexation. We understand that on April 11, 2005, the City officially approved an amendment to the City's Critical Area Maps to annex the Bowen Property. The property fronts Maryland Rt. 665/Aris T. Allen Boulevard near the intersection of Forest Drive.

The map amendment for the Bowen Property reflects the annexation of Parcels 163 and 335 on Tax Map 51. The annexed property totals 19.2391 acres with 4.762 acres within the Critical Area and designated Resource Conservation Area (RCA). As part of the annexation, the City will maintain the Resource Conservation Area designation.

The Critical Area Commission staff received your letter on May 11, 2006 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,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Mary Owens

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 15, 2006

Mr. Jay Bautz
Deputy Director
Department of Economic and
and Planning
City of Havre de Grace
Havre de Grace, Maryland 21078

RE: City of Havre de Grace
Wastewater Treatment Plant Consistency Report

Dear Mr. Bautz:

Thank you for providing "Notification of Certification" that the above project is consistent with the City's Critical Area program. The City's Department of Public Works is proposing to expand an existing wastewater treatment plant in order to accommodate new development in the City. The project will be built in two phases. The first phase will include the addition of a tank, compost storage pad, pumping station and flow equalization vault. Site clearing will take place in the southern portion of the site to allow for construction of the flow equalization and compost pad storage area and the oxidation ditch reactor. The second phase will include additional structures such as aerations tanks, filters and pumping stations. The plant is in an Intensely Developed Area; the expansion will not impact the 100-foot Buffer.

This office understands:

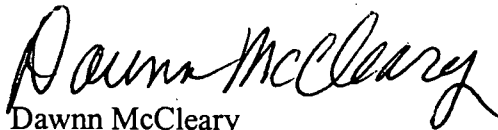
1. That stormwater will be mitigated on-site by reducing pollutant loadings. Dry swales will meet the 10 % pollutant reduction requirement; and,
2. The City is proposing to use an open space area at the site for tree planting to offset the impacts of clearing 4.45 acres.

Continued, Page Two
City of Havre de Grace WWTP Consistency
May 15, 2006

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: Al Henry
Regina Esslinger
HG 225-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 15 2006

Mr. Gary Letteron
Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21401

RE: Royal Farm Store
1530-40 Russell Street

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build a new convenience store with gas pumps and parking area. The site is 0.973 acres, in the Critical Area and in an Intensely Developed Area. The applicant has satisfied the 10 % pollutant requirements by reducing impervious surface on-site. The applicant will be planting 17 trees and 265 shrubs on-site.

This office has determined that the proposed development and 10 % calculations are correct, and we have no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

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 280-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 9, 2006

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

RE: Blastech Warehouse (Revised)

Dear Mr. Hranicky:

This office has reviewed the additional information that was sent to our office. We understand that the City did not approve the two bioretention facilities due to the high water table thus making the facilities ineffective. Therefore, the applicant will pay a stormwater offset fee. Please make sure the pavement being removed is deducted from the proposed impervious area in Step 2(b) of the 10 % calculations.

We have no additional comments; however, if there are any other changes in development within the area on site, please notify us at (410) 260-3483. 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 616-05(revised)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 8, 2006

Mr. Ray Dinatman
Director of Environmental Review Unit
Environmental Review Division
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Greater Aberdeen/Havre De Grace Expanded Enterprise Zone
MD 2006418-0362

Dear Mr. Dintaman:

This office has reviewed the proposed expansion of the Enterprise Zone for Greater Aberdeen/Havre de Grace. After reviewing the report, the maps appear to show that some areas of the expansion will impact the Critical Area in the City of Havre de Grace. If so, all disturbances will be subject to Critical Area requirements. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jay Bautz
Regina Esslinger
POS HG General Files



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

April 24, 2006

Memorandum

To: Regina Esslinger, CAC
From: ^{RCD} Ray C. Dintaman, Jr., Director, Environmental Review Unit
Subject: Greater Aberdeen/Havre De Grace Expanded Enterprise Zone (MD20060418-0362)

Please review the attached information concerning the proposed expanded Enterprise Zone for Greater Aberdeen/Havre De Grace and send any comments you may have relative to the Department's concern to me by May 8, 2006.

Please complete the following and return this memorandum with your response:

Check one:

☒ Comments are attached.

☐ No comments.

Dawn McKeary Signature
Critical Unit
Area Commission

If no comments are received by May 8, 2006, it will be assumed that you have none.

RCD
Attachment

RECEIVED

APR 25 2006

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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May 4, 2006

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

RE: Robert Copenhaver Pump Station Consistency

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with the County's Critical Area program. The County's Department of Public Works is proposing to install 2,600 linear square feet of new force main and a new 28 foot x 37 foot building at the Foster Branch Sewage Pumping Station in the Robert Copenhaver Park in Joppatown. The project will replace an existing sewer line and pump station with a force main and large pump station and connect it to the existing sewer lines. Copenhaver Park is 10.42 acres, with the proposed project, totaling 5.61 acres. The park is in a Resource Conservation Area. The Sewer Pumping Station facility will impact the 100-foot Buffer. Section 261.41.1.G(3)(b) of the County's Critical Area program allows for the facility to impact the Buffer.

This office understands:

1. That 0.13 acres of trees will be cleared for the footprint of the pumping station and an additional 0.07 acres will be cleared for the installation of the sanitary sewer line.
2. That forest mitigation in the amount of 0.21 acres is proposed on-site. A reforestation area is proposed east of the existing entrance, along the Foster Branch tributary. The planting area will total 0.09 acres;
3. That there are no impacts to rare, threatened and endangered species;

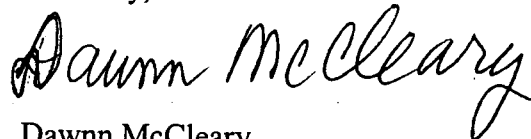
Continued, Page Two
Robert Copenhaver Pump Station Consistency
May 4, 2006

4. That the impacts of the pumping station building in the 100-foot Buffer will be designed to minimize any environmental impacts; and,
5. That the project will maintain its predevelopment pollutant loadings by the use of grass channels and a level spreader.

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: Pete Gutwald
Pat Pudelkewicz
Regina Esslinger
HA 220-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

May 3, 2006

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

RE: 20 Dean Street Subdivision

Dear Mr. Geratz:

This office has reviewed the minor subdivision for the above project. The applicant is proposing to remove an existing building and create three new lots with new attached single family dwellings. The site is 0.085 acres and in an Intensely Developed Area.

Please note that we did not receive the 10 % pollutant reduction calculations. 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: Regina Esslinger
AN 224-06

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 2, 2006

Ms. Betsy L. Walk
Board of Appeals
Caroline County Department of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Needwood Construction LLC Variance
06-011V

Dear Ms. Walk:

Thank you for the opportunity to review the above variance application. The property is improved with a house, driveway, walkway and swimming pool. The applicant is requesting a variance to build a 932 square foot addition to the existing house. The property is 1.008 acres and is designated a Limited Development Area.

The applicant is proposing to build a 932 square foot addition onto the existing house. The current impervious surface on the lot is 7,688 square feet (17.5 %) which is greater than the 15% limit in the State law. The applicant is proposing to increase impervious surfaces to 19.6 %. Because this lot already exceeds the allowable impervious surface limitation, this office opposes the applicant's variance request for the addition and recommends denial of the variance.

We would not oppose the addition if the applicant reduce the existing impervious surface by 932 square feet by eliminating the paving around the pool and reducing the driveway.

As you are aware, 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. The General Assembly required that, in evaluating requests for variances, local zoning boards, "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 this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program." (Annotated Code of Maryland, Natural Resources Article §8-1808(d)(2)) According to the General Assembly, variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden of proof that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship". The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

In particular, the General Assembly reaffirmed the stringent variance standards, including providing a definition of "unwarranted hardship". The General Assembly defined that term as follows: "Without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot".

Because the applicant has already exceeded the impervious surface limits on site, we believe the denial of the variance for a 932 square foot addition would not constitute an unwarranted hardship since the applicant could continue to enjoy reasonable and significant use of the lot without this feature.

For the reasons listed above, we oppose the applicant's request for a variance. I have addressed each of the variance standards as outlined in COMAR 27.01.11 as it pertains to this case below:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

It appears that opportunities exist for the applicant to remove the impervious surface (e.g. portions of the concrete driveway, pool apron and walkways) on site. Since the applicant's lot exceeds the impervious surface limit, denial of this variance would not constitute an unwarranted hardship as the applicant currently enjoys reasonable and significant use of the property.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction.*

This office would not support a similar variance request to increase the impervious surface on a site that already exceeds the limit. Rights commonly enjoyed must be compared to the rights of other similarly situated persons under the Critical Area Program. No one has the right to exceed the statutory limit on impervious surface unless they meet each one of the variance standards.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in similar situations in the County's Critical Area.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

The applicant already has met this standard.

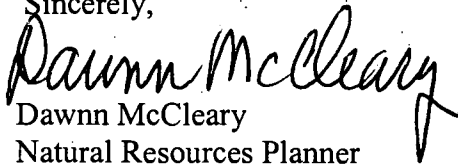
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

In contrast, the granting of this variance is not in harmony with the spirit and intent of the Critical Area law and regulation because the Critical Area Act and Criteria incorporate land planning techniques designed to mitigate the adverse impacts of development on water quality and plant, fish and wildlife habitat. By establishing limits to the area of new impervious surface on project sites in Limited Development Areas (LDAs), water quality of the Bay and its tributaries will not be adversely affected by the proposed development. Granting an impervious surface variance to a site that already exceeds the allowable limits will further degrade water quality and habitat, and is not in harmony with the spirit and intent of the regulations.

Continued, Page Four
Needwood Construction LLC Variance
May 2, 2006

In conclusion, this office believes that the applicant will not meet the requirements for a variance. Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance application. Please provide the Commission with a copy of the written decision of the Board's decision in this case. Please contact me if you have any questions at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Kevin Clark
Shane Johnson
Regina Esslinger
CR 236-06

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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April 28, 2006

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

RE: 602 State Street Variance

Dear Mr. Geratz:

Thank you for providing information on the above variance application. This applicant is proposing to add a 602 square foot addition to the existing house in the 100-foot Buffer. The property is 0.1847 acres and is in an Intensely Developed Area (IDA).

This office does not oppose the variance for the addition in the Buffer since most of the lot is in the 100-foot Buffer. If a variance is granted, this office recommends that disturbance to the 100-foot Buffer be mitigated at 3:1 ratio, using native plantings, on site if possible.

Please note that we did not receive the 10 % pollutant reduction calculations. 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,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 268-06

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 27, 2006

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

RE: Brittney Quarters Subdivision

Dear Mr. Walls:

This office has received the 10 % calculations, drainage area map and your e-mail dated April 14, 2006 in response to my January 17, 2006 letter. We have additional additional comments in response to your e-mail. COMAR 27.03.01.02C authorizes the Commission to request at anytime, additional information if it is necessary for accurate evaluation of the proposed activity.

1. Although the 10 % calculations were submitted, we are concerned about the long term viability of two stormwater management ponds proposed on steep slopes and on highly erodible soils. We continue to strongly recommend the applicant consider alternative measures. Please provide information on what methods have been considered.
2. Based on the information your office provided us previously, the Buffer does not appear to be consistent with the decision in the Board of Appeals Case No. 4197. Please provide the documents your office used to determine that the expanded Buffer is accurate.
3. Please provide additional information explaining how the stormwater management meets the requirements that were established in the Board of Appeals Case No. 4197 and how the applicant addressed conditions # 2, 9, and 10.
4. Please provide a copy of the plat showing all proposed impacts to nontidal wetlands before the final plat and permit are submitted and approved by the County.

Continued, Page Two
Brittney Quarters Subdivision
April 27, 2006

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

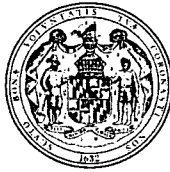
Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pete Gutwald
Pat Pudelkewicz
Regina Esslinger
HC 788-05

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/

April 27 2006

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

RE: Carr-Lowrey Critical Area Conservation Easement

Dear Mr. Rolley:

We have reviewed the conservation easement for the Carr-Lowrey site. The easement language indicated it runs the length of the shoreline along the property. The terms of the easement agreement will need to be amended in order to facilitate the new development. Because conservation easements are generally only amended if there is no loss to conservation value, the new land would be created prior to the easement amendment. We recommend the new amended language for the current conservation easement be as follows:

WHEREAS, Grantor and Grantee entered into a Deed Conservation Easement on November 2, 1990 as recorded among the Land Records of Baltimore City, Maryland at Liber 2739, page 40 (the "*Original Easement*");

WHEREAS, Grantor desires to replace the Property described in the Original Easement with newly created land and Grantee agrees; and

WHEREAS, Grantor and Grantee desires to amend the Original Easement and its terms and restrictions to the newly created land.

Continued, Page Two
Carr- Lowrey Critical Area Conservation Easement
April 27, 2006

A new Exhibit A describing the land will need to be drafted. In the body of the easement amendment, the following language is needed: *"Exhibit A shall be deleted in its entirety and replaced with the attached Exhibit A."*

The City may want to require a letter agreement prior to any action taking place on the property. This would allow you to require the developer to pay for all costs associated with the amendment and new plantings, as well as to give you an opportunity to review and approve the new shoreline planting plan.

Please submit a copy of the amended conservation easement agreement with Exhibit A attached and a shoreline landscaping plan for the proposed development for our review and comments. If you have any questions, please call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart, Planner
Marianne Mason, Asst. Attorney General
Saundra K. Canedo, Asst. Attorney General
Ren Serey, Critical Area Commission
Regina Esslinger, Critical Area Commission
BA 781-05

MEMORANDUM

TO: Project Subcommittee

FROM: Dawnn McCleary, Natural Resources Planner

DATE: April 26, 2006

RE: Masonville Marine Terminal
Stormdrain Relocation – Phase I (Revision)

On April 5, 2006, the Project Subcommittee and full Commission approved the relocation of 2,100 linear feet of stormdrain which would result in impacts to the 100-foot Buffer. Recently, the Maryland Port Administration (MPA) submitted a revision to the original Conditional Approval. MPA is proposing to change the relocation of the stormdrain from 2,100 linear feet to 1,800 linear feet.

This revision will result in 17,926 square feet of impact to the Buffer instead of 25,826 square feet of disturbance for utility installation and surface restoration. The new Buffer mitigation required will be reduced to 1.23 acres (53,778 square feet) mitigation instead of the 1.8 acres (77,478 square feet) of mitigation offsite at 3:1.

Because of the changes, MPA has resubmitted the revised Sediment and Erosion Control Plans to the Maryland Department of the Environment for re-approval.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 25, 2006

Mr. John Mitchell
Project Manager
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

RE: WSSC Western Branch
WWTP UV Project

Dear Mr. Mitchell:

This office has received the Buffer Management Plan as per my December 15, 2005 letter. We are satisfied with the planting plan that shows you are using native plant species in the 100-foot Buffer. 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
Dawnn McCleary
Natural Resources Planner

cc: Terry Valentine
Regina Esslinger
Fed 58-05

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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April 21, 2006

Mr. Kevin Clark
Zoning Administrator
Caroline County Planning and
Zoning
301 South Seventh Street
Denton, Maryland 21629

RE: Hidden Woods Subdivision

Dear Mr. Clark:

This office has reviewed the additional information we received from your office. We are satisfied with the information from the plat that shows the total forest cover in the Critical Area and the Buffer Management Plan that states the applicant will pay a fee-in-lieu to satisfy the mitigation requirements for clearing in the Buffer.

This office does not oppose the pier. Please note that any future platforms or decks attached to the pier in the Buffer will need a variance. We have no additional comments for the above project. Please send us a final plat for our records. 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
Dawnn McCleary
Natural Resources Planner

cc: Rod Gibson
Regina Esslinger
CR 37-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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April 19, 2006

Mr. Jay Bautz
Deputy Director
Department of Economic Development
and Planning
City of Havre de Grace
Havre de Grace, Maryland

RE: City of Havre de Grace
Wastewater Treatment Plant Consistency Report

Dear Mr. Bautz:

This office has reviewed the City's proposal to expand the existing wastewater treatment plant in order to accommodate new development in the City. The project will be built in two phases. The first phase will include the addition of tank, compost storage pad, pumping station and flow equalization vault. The second phase will include additional structures such as aerations tanks, filters and pumping stations.

Since this project is on City owned land, it must be submitted as a Consistency project. Please submit a letter summarizing the project and have the City confirm that it is consistent with the City's program. I have attached an example of a consistency project for your guidance.

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 225-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 18, 2006

Mr. T.W. Moran
Director
U.S. Naval Academy
Environmental Division
181 Wainright Road
Annapolis, Maryland 21402

RE: Visitor's Access Gate
Gate 1

Dear Mr. Moran:

This office has received the additional information as per my February 6, 2006 letter. We understand that the total acreage disturbed in the Critical Area is 2.22 acres and outside the 100-foot Buffer. Your office has also provided the correct 10 % calculations.

However, as per our phone conversation and your office visit last week, this office again strongly recommends that the Naval Academy substitute native plant species outlined in the "Native Plants for Wildlife and Conservation Landscaping" booklet printed by the U.S. Fish and Wildlife Service for the Japanese Bayberry, Winged Euonymus and periwinkle, which are exotic invasive species.

Please submit a revised landscaping plan 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: Elder Ghigiarelli
Regina Esslinger
Federal 04-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 18, 2006

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21201

RE: 6,000 Chemical Road

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to remove the existing concrete slab and stone paving and build a one story building and a parking lot. The site is in an Intensely Developed Area and totals 4.25 acres. 3.78 acres are proposed for the development, all outside the 100-foot Buffer.

This office does not oppose the development. The applicant is proposing to build a bioretention facility and infiltration trenches to satisfy the 10 % pollution reduction requirements. Please notify us if the City determines that the bioretention facilities and infiltration trenches are not feasible for this site.

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

Sincerely,

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

cc: Regina Esslinger
BA 101-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 18, 2006

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21201

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

Dear Mr. Stuart:

Back in October 2005, this office supported the applicant's proposal to plant 65 trees to mitigate for Buffer disturbance. This office understands that there is a proposal to pay \$13,500 into the Buffer offset fund to cover 45 trees that can not be planted because the applicant must install security cameras to comply with Homeland Security.

This office is satisfied with the applicant paying into the Buffer offset fund and the planting of 20 trees. We have no additional comments, however, if there are any other changes in development within the area on site, please notify us at (410) 260-3483.

Sincerely,

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

cc: Regina Esslinger
BA 607-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 18, 2006

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21201

RE: 6,000 Chemical Road

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to remove the existing concrete slab and stone paving and build a one story building and a parking lot. The site is in an Intensely Developed Area and totals 4.25 acres. 3.78 acres are proposed for the development, all outside the 100-foot Buffer.

This office does not oppose the development. The applicant is proposing to build a bioretention facility and infiltration trenches to satisfy the 10 % pollution reduction requirements. Please notify us if the City determines that the bioretention facilities and infiltration trenches are not feasible for this site.

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

Sincerely,

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

cc: Regina Esslinger
BA 101-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 13, 2006

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

RE: Fort Holobird Park Offset Fee Request

Dear Mr. Rolley:

This office understands that your office is requesting comments from the Critical Area Commission regarding the use of \$135,842 of stormwater offset funds to remove concrete and asphalt at Fort Holobird Park. The site totals 29.8 acres and is in the Resource Conservation Area with significant acreage in the 100-foot Buffer. We received your e-mail informing us that the total disturbed area is 78,250 square feet (1.79 acres). The proposed concrete removal will reduce impervious surface by approximately 67,109 square feet, which will result in a reduction in pollutant loading of 3.4 pounds of phosphorus.

We understand that after the asphalt and concrete removal, the City's Forest Enhancement Program will use residents to remove an infestation of Siberian Elms and other invasive plants. Eventually, a tree planting plan for the Park will be implemented by the Department of Parks and Recreation Office of Parks Conservation and Community Outreach. This office would like a copy of the landscape plan for review and comment prior to implementation of the plan.

The total cost of the project is \$175,006, which includes a donation from the Baltimore Development Corporation of \$39,164 to be used for bollards, a fence, and a portion of the impervious surface removal.

This office is satisfied with the use of the stormwater offset funds for this project because it will meet the Critical Area goals of improving water quality and enhancing habitat by reducing impervious surface on site. It should be noted however, that the use of funds in the amount of \$135,842 to obtain a pollutant reduction of 3.4 pounds of

Mr. Rolley
April 13, 2006
Page 2

phosphorus equates to \$39,954 per pound of phosphorus. This amount exceeds the \$35,000 per pound of phosphorus offset fee that is charged by the City. If the City anticipates using stormwater offset fees for similar impervious surface removal and restoration projects in the future, it is recommended that the City evaluate the \$35,000 (per pound of phosphorus) offset fee to determine if it is adequate to meet the pollutant removal requirements of the City's Critical Area Program.

If there are any changes in the proposed development activity, please notify this office and provide the revised development plans. Thank you for the opportunity to comment. If there any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Gary Letteron
Regina Esslinger
Mary Owens
BA General 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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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

April 13, 2006

Mr. Jon Arason
Director
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Katherine and Rodgers Property Annexation

Dear Mr. Arason:

On April 5, 2006, the Critical Area Commission concurred with the Chairman's determination that the City of Annapolis annexation of the Katherine Property and Rodgers Property could be approved as refinements to the City's Critical Area maps.

The map amendment for the Katherine Property reflects the annexation of Parcels 213, 246, 248, 301 on Tax Map 51, Parcel 93 and Parcel 101 on Tax Map 10Z; and Parcel 201 and Parcel 202 on Tax Map 51 from Anne Arundel County into the City of Annapolis. The Critical Area acreage for the LDA is 10.2660 and for the RCA is 35.0569 acres. The Chairman determined that the map amendment for the Katherine Property be approved with the following conditions:

1. The City shall take official action to revise Page 2, line 18 of Resolution No. R-12-05 (Revised) to read, "...and a Critical Area zoning classification of *Limited Development Area (LDA)* and *Resource Conservation Area (RCA)* for the property." This action is necessary to ensure that the resolution is consistent with the official Critical Area maps in order to avoid confusion regarding the Critical Area designation.
2. The City shall verify that the City of Annapolis Critical Area Maps reflect the correct LDA and RCA designations.

The map amendment for the Rodgers Property reflects the annexation of Parcels 63 and Parcel 64 on Tax Map 52 from Anne Arundel County into the City of Annapolis. The annexed property totals 6.0623 acres and has been designated as an Intensely Developed Area. A portion of Parcel 64 is currently designated as a Buffer Exemption Area (BEA).

Mr. Arason
April 13, 2006
Page 2

In accordance with Natural Resources Article §8-1809 (p)(4) of the Annotated Code of Maryland, these changes shall be incorporated into the City of Annapolis Critical Area Program within 120 days of the date of this letter. Please provide two copies of the amended version of Resolution No. R-12-05 (Revised) and the amended Critical Area Maps to Commission staff as soon as they are available. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jackie Rouse
Mary Owens
City of Annapolis Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

April 12, 2006

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 Federalsburg – Ordinance 2006-07
and Revised Critical Area Maps

Dear Mr. Hurley:

On April 5, 2006, the Critical Area Commission concurred with the Chairman's determination that the Town of Federalsburg's Ordinance 2006-07 and changes to the Town's Critical Area Maps 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. They also include minor revisions pertaining to the public notice procedure for Habitat Protection Areas associated with new species not currently listed by the State or federal government. The Town also amended its Forest and Woodland Protection section to change the clearing limits and reforestation standards in the R-3 Zone outside the Critical Area. The map amendment reflects the annexation of Parcel 17 on Map 200 into the Town. A small portion of this property is located within the Critical Area.

In accordance with §8-1809 (p)(4), please incorporate these changes into the Town of Federalsburg's Critical Area Program within 120 days of the date of this letter. Please provide two copies of all revised pages of the zoning ordinance and copies of the amended Critical Area Maps to Commission staff as soon as they are available.

Page 2
Town of Federalsburg Refinement
and Map Amendment
April 12, 2006

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". The signature is written in dark ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resources Planner

cc: George Meyer
Mary Owens
Federalsburg Amend File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 12, 2006

Mr. Doug Matzke
Director of Engineering
Engineering Division
Maryland Port Administration (MPA)
2310 Broening Highway
Baltimore, Maryland 21224

RE: Masonville Marine Terminal
Stormdrain Relocation - Phase I

Dear Mr. Kreafle:

On April 5, 2006, the Critical Area Commission unanimously approved the relocation of 2,100 linear feet of stormdrain, which will result in 25,826 square feet of impact to the 100-foot Buffer. This approval included the condition that MPA will return to the Commission for review and approval of the mitigation plan by the July 5, 2006 Critical Area Commission meeting.

I would like to thank, Mark Kreafle, and Robert Filippi of Whitney, Bailey and Cox and Magnani for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

cc: Mark Kreafle
Robert Filippi
Meg Andrews
Regina Esslinger
State MPA File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



File copy
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 6, 2006

Mr. Vance Hobbs
Chief of Maryland Section North
Operations Division
Regulatory Branch
U.S. Army Corps of Engineers
Attention: CENAB-OP-RMN
P.O. Box 1715
Baltimore, Maryland 21203

RE: Masonville Dredge Management Containment Facility (DMCF)
Environmental Impact Statement (EIS)

Dear Mr. Hobbs:

This office has reviewed the EIS for the Masonville Dredge Management Containment Facility. We understand that the footprint of the area will include open water as well as upland and wetlands. All of the proposed DMCF at Masonville lies within the Chesapeake Bay Critical Area.

This office will review this proposed development activity under COMAR 27.02.05 (State Agency Actions Resulting in Development on State-Owned Lands) and COMAR 27.02.06 (Conditional Approval of State or Local Agency Programs in the Critical Area).

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

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Frank Hamons
Steve Storms
Nat Brown
Ren Serey
Meg Andrews
Regina Esslinger
MPA 16-06

Critical Area Commission

STAFF REPORT

April 5, 2006

APPLICANT: City of Annapolis

PROPOSAL: Resolution No. R-12-05 Revised
Katherine Property Annexation

Resolution No. R-8-05 Revision
Rodgers Property Annexation

JURISDICTION: City of Annapolis

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval with conditions

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article,
Section 8-1809(h) and (I)

DISCUSSION:

On November 28, 2005, the City Council approved two amendments to the City of Annapolis maps. The map amendment for the Katherine Property reflects the annexation of Parcels 213, 246, 248, 301 on Tax Map 51; Parcel 93 and Parcel 101 on Tax Map 10Z; and Parcel 201 and Parcel 202 on Tax Map 51 from Anne Arundel County into the City of Annapolis. The majority of the property is presently undeveloped except for a residence, equestrian center, horse stables and other facilities. The Critical Area acreage is 10.2660 acres of Limited Development Area (LDA) and 35.0569 acres of Resource Conservation Area (RCA). There are 134.3955 acres outside the Critical Area that are included in the annexation.

The map amendment for the Rodgers Property reflects the annexation of Parcel 63 and Parcel 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). A portion of Parcel 64 is also designated as a Buffer Exemption Area (BEA).

Page 2

Katherine and Rodgers Annexations

April 5, 2006

The City Council Resolution No. R-12-05 (Revised) incorrectly indicates that the Critical Area designations for the Katherine Property are Limited Development Area (LDA) and Intensely Developed Area (IDA). The correct designations are Limited Development Area (LDA) and Resource Conservation Area (RCA). The City has confirmed that this was an oversight in the drafting of the resolution.

The Chairman has determined that these map amendments may be approved as refinements to the City of Annapolis Critical Area Program with the following conditions:

1. Revise Page 2, line 18 to read, "...and a Critical Area zoning classification of Limited Development Area (LDA) and Resource Conservation Area (RCA) for the property."
2. Revise City of Annapolis Critical Area maps to reflect the correct LDA and RCA designations.

Critical Area Commission

STAFF REPORT

April 5, 2006

APPLICANT: Town of Federalsburg

PROPOSAL: Town of Federalsburg-Ordinance 2006-07

JURISDICTION: Federalsburg

COMMISSION ACTION: Pending

STAFF RECOMMENDATION: Approval

STAFF: Roby Hurley, 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 March 21, 2006, the Town Council of Federalsburg approved Ordinance 2006-07, which amends the Town's zoning ordinance and Critical Area Map. 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 and to add provisions allowing the local government to make reasonable accommodations for the needs of disabled citizens. In addition the Town amended its Forest and Woodland Protection section to change the clearing limits and reforestation standards the R-3 Zone outside the Critical Area. The Town uses modified Critical Area forest and woodland protection standards outside the Critical Area to meet the requirements of the Forest Conservation Act. The map amendment reflects the annexation of one parcel.

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. The 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 Federalsburg Text Changes

Ordinance 2006-07 includes the following changes to the Town of Federalsburg 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 violation and penalty provisions that allow the Town to assess fines for Critical Area violations up to \$10,000;
- Adds provisions regarding approval of reasonable accommodations for the needs of disabled citizens;
- 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.
- Modifies provisions to its Forest and Woodland Protection provisions that will apply in the R-3 zone outside the Critical Area. The Town of Federalsburg has unique provisions for

forest and woodland protection in the zoning ordinance that merge the requirements of the Forest Conservation Act and the Critical Area Criteria into a single set of standards that apply throughout the Town. Recently the Town initiated the review of a concept plan for a residential subdivision in an R-3 zone outside the Critical Area. It was determined that the standards, which far exceeded the minimum requirements of the Forest Conservation Act, could not be effectively implemented on this site and similar sites in that zoning classification ordinance in an R-3 zone. Staff from the Town, Department of Natural resources Forest Service, critical Area Commission, and Maryland Department of Planning developed minor revisions to this section of the ordinance that will address development in R-3 zone outside of the Critical Area, in Town. The language will be incorporated as Section 1-117 (f) in the Critical Area Zoning Ordinance. Although this revision does not affect the implementation of the forest and woodland protection provisions in the Critical Area, this change is considered an amendment to the Town's Critical Area Program because the provisions are located in the Critical Area section of the Town's zoning ordinance.

Critical Area Map Amendments

The Town is proposing to amend its Critical Area Map to reflect the annexation of Parcel 17 on Map 200 into the Town. The entire area that was annexed is 76.637 acres. Only a small portion of the property is located within the Critical Area. The attached map shows that a small triangular section of the Hill Crest Cemetery adjacent to Laurel Grove Road is located in the Critical Area. The Town has also annexed the adjacent section of Laurel Grove Road, which is also located in the County Critical Area.

The Caroline County Critical Area Map for this property shows Hill Crest Cemetery as being located in the Town of Federalsburg at the time of original mapping; therefore, the County did not designate the property as RCA, LDA, or IDA. The property was not within the municipal boundaries of Federalsburg at the time of original mapping, and no Critical Area designation was assigned to it. The adjacent land in the County is designated LDA and in the Town is designated IDA. In a letter dated February 14, 2006, Commission staff advised the Town that it appeared that the designation of the property most likely should have been LDA for the road and cemetery parcel. The Town Council approved the annexation and the LDA designation.

Critical Area Ordinance Amendments

Language to be removed is shown as ~~strike through text~~ and new language is shown as **bold text**

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Section 1-102. 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 means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Section 1-104. Program Enforcement

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 1-108.(c)(4) [Page 24] – Delete the last sentence which reads, “~~Non-industrial activities which support surface mining, agriculture, and forestry may be established or expanded provided they conform with the other requirements of this ordinance.~~” This provision is not included in the Criteria and could be interpreted in a manner that is inconsistent with other provisions in the ordinance.

■ Section 1-112. Variances [Page 34] – 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 1-112. Variances [Page 34] – 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 1-112. Variances [Page 35] – 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 1-112. Variances [Page 33] – Add the following language to this section and recodify as necessary:

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

- (1) The applicant;

DRAFT

Federalsburg

Section 1-117 Forest and Woodland Protection

- (e) Standards for the alteration of forest and developed woodlands in Limited Development and Resource Conservation Areas with the Critical Area and R-1 and R-2 Zoning and ~~R-3~~ Districts outside the Critical Area.

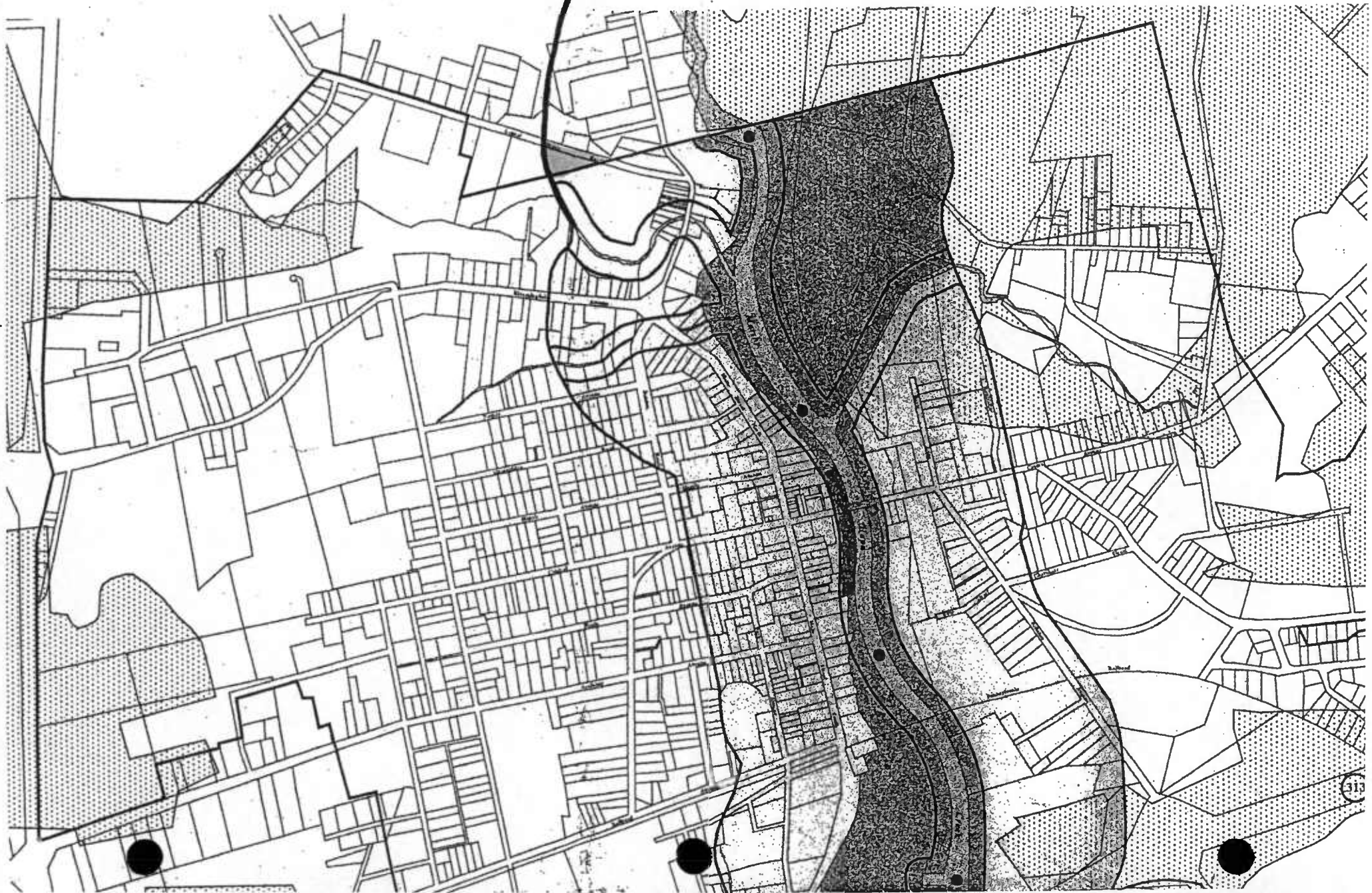
Standards Language (1) through (8) unchanged

Insert new section (f) as follows:

- (f) **STANDARDS FOR THE ALTERATION OF FOREST AND DEVELOPED WOODLANDS IN THE R-3 ZONING DISTRICT OUTSIDE THE CRITICAL AREA.** FOR THE ALTERATION, CUTTING, OR CLEARING OF FORESTS OR DEVELOPED WOODLANDS, THE TOWN SHALL APPLY THE FOLLOWING CRITERIA:
- (1) NO MORE THAN 80 PERCENT OF ANY FOREST OR DEVELOPED WOODLAND MAY BE REMOVED FROM FOREST USE. THE REMAINING 20 PERCENT SHALL BE MAINTAINED THROUGH EASEMENTS, RESTRICTIVE COVENANTS OR SIMILAR INSTRUMENTS REVIEWED BY THE TOWN ATTORNEY; AND
 - (2) IF NO FOREST EXISTS ON PROPOSED DEVELOPMENT SITES, THESE SITES SHALL BE PLANTED TO PROVIDE A FOREST OR DEVELOPED WOODLAND COVER OF AT LEAST 20 PERCENT OF THE TOTAL SITE AREA. THE DEVELOPER SHALL DESIGNATE, SUBJECT TO THE APPROVAL OF THE TOWN, A NEW FOREST AREA ON A PART OF THE SITE NOT FORESTED. THE AFFORESTED AREA SHALL BE MAINTAINED AS FOREST COVER THROUGH EASEMENTS, RESTRICTIVE COVENANTS OR SIMILAR INSTRUMENTS RECORDED AMONG THE TOWN'S LAND RECORDS.
 - (3) TO THE EXTENT PRACTICABLE, NEW DEVELOPMENT SHALL USE CLUSTER DEVELOPMENT AS A MEANS TO REDUCE IMPERVIOUS AREAS AND TO MAXIMIZE AREAS OF NATURAL VEGETATION;

ANNEXATION
TOWN OF FEDERALSBURG

Town of Federalsburg
Critical Area map



Critical Area Commission

STAFF REPORT

April 5, 2006

APPLICANT: City of Annapolis

PROPOSAL: Resolution No. R-12-05 Revised
Katherine Property Annexation

Resolution No. R-8-05 Revision
Rodgers Property Annexation

JURISDICTION: City of Annapolis

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval with conditions

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article,
Section 8-1809(h) and (I)

DISCUSSION:

On November 28, 2005, the Annapolis City Council approved two amendments to the City's official maps. The map amendment for the Katherine Property reflects the annexation of Parcels 213, 246, 248, 301 on Tax Map 51; Parcel 93 and Parcel 101 on Tax Map 10Z; and Parcel 201 and Parcel 202 on Tax Map 51 from Anne Arundel County into the City of Annapolis. The majority of the property is undeveloped except for a residence, equestrian center, horse stables and other facilities. The Critical Area acreage is 10.26 acres of Limited Development Area (LDA) and 35.05 acres of Resource Conservation Area (RCA). There are 134.39 acres outside the Critical Area that are included in the annexation.

The map amendment for the Rodgers Property reflects the annexation of Parcel 63 and Parcel 64 on Tax Map 52 from Anne Arundel County into the City of Annapolis. The annexed property totals 6.06 acres. The entire property is located within the Critical Area and designated an Intensely Developed Area (IDA). A portion of Parcel 64 is also designated as a Buffer Exemption Area (BEA).

Page 2

Katherine and Rodgers Annexations

April 5, 2006

The City Council Resolution No. R-12-05 (Revised) incorrectly indicates that the Critical Area designations for the Katherine Property are Limited Development Area and Intensely Developed Area. The correct designations are Limited Development Area and Resource Conservation Area. The City has confirmed that this was an oversight in the drafting of the resolution.

The Chairman has determined that these map amendments may be approved as refinements to the City of Annapolis Critical Area Program with the following conditions:

1. Revise Page 2, line 18 to read, "...and a Critical Area zoning classification of Limited Development Area (LDA) and Resource Conservation Area (RCA) for the property."
2. Revise City of Annapolis Critical Area maps to reflect the correct LDA and RCA designations.

Critical Area Commission

STAFF REPORT

April 5, 2006

APPLICANT: Maryland Port Administration

PROPOSAL: Masonville Marine Terminal
Stormdrain Relocation – Phase I

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional 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 to re-route the existing storm drain discharges that currently outfall to Masonville Cove in Baltimore City. This project, which is located on Childs Street, is a below grade storm drain utility relocation project with no changes to the existing site surface. Approximately 2,100 linear feet of storm drain will be relocated, resulting in 30,000 square feet of impact to the 100-foot Buffer for utility installation and surface restoration. There will be no change in quantity or location of existing impervious surface. No impacts will take place to existing streams or wetlands, trees, shrubs or forest.

The MPA is currently pursuing various off-site mitigation locations. Two sites that are currently being considered are MPA property at Thom's Cove in Hawkin's Point, and at Holabird Park owned by Baltimore City's Department of Parks and Recreation near Dundalk Avenue, in Dundalk. The MPA will need to mitigate for 1.8 acres or 77,478 square feet. No clearing is being proposed outside the 100-foot Buffer.

There are no stormwater management requirements for water quality because there is no increase in impervious surface. However, MPA has minor issues to address for sediment and erosion control prior to approval by the Maryland Department of the Environment (MDE).

Continued, Page Two
Masonville Marine Terminal
Storm Drain Relocation-Phase I
April 5, 2006

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 responses were approved by the applicant:

- (1) That there exists 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;*

The proposed stormdrain alignment must be located in the 100-foot Buffer in order to collect the drainage from multiple existing stormdrain systems also located in the 100-foot Buffer.

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

The new storm drain system is necessary in order to relocate the discharge from multiple existing storm drain outfalls that currently empty into Masonville Cove, Patapsco River. This relocation will reduce the flushing actions of storm water on existing pollutants in the Cove.

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

The project is otherwise in complete accordance with this subtitle, as well as other State regulations. All water passing through the system has been filtered by existing MDE approved water quality structures. No new development or redevelopment is proposed by this project. All existing surface conditions will be replaced in-kind. Appropriate planting mitigation will be provided for Buffer disturbances.

Continued, Page Three
Masonville Marine Terminal
Storm Drain Relocation-Phase I
April 5, 2006

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

- (1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;*

Literal enforcement of the provision of this subtitle would prevent future development in adjacent areas. Failure to relocate the existing storm drain outfalls at this time will create future conflicts with tenant facilities should the development of projects currently under study be approved to go forward.

- (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; and*

In order to eliminate all Buffer disturbances for this project the entire network of existing storm drains on the property would have to be redesigned. The increased cost of construction, operational inefficiencies for the existing Tenant, and lost revenue to the State, would create an economic hardship for all parties involved.

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

The 1.8 acres of mitigation shall be accommodated offsite at 3:1 for impacts to the 100-foot Buffer. No clearing is proposed outside the 100-foot Buffer. The MPA is currently pursuing various off-site mitigation locations. The MPA has met with Baltimore City Parks and Recreation to discuss the availability of the City owned Holabird Park in Dundalk, as well as any other possible projects on City land. The Maryland Port Administration is looking into mitigation opportunities at the State-owned Thom's Cove in Hawkin's Point, west of the Key Bridge.

**Continued, Page Four
Masonville Marine Terminal
Storm Drain Relocation Phase I**

April 5, 2006

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. Once a mitigation site is selected, MPA will return to the Commission for approval of the site.
2. Address all MDE Sediment and Erosion Control comments before beginning any work.

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 31, 2006

Ms. Barbara Grey
Southern Regional Planning Chief
Public Lands Policy and Planning
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

RE: National Sailing Hall of Fame (NSHOF) Phase-I
Right of Entry – Project Review 2006DNR087

Dear Ms. Gray:

This office has reviewed Phase I-Right of Entry for the above project. We understand that the above phase is only for the right of entry which will allow the NSHOF to utilize the property that the Natural Resources Police currently occupies.

Please be advised that development activities may be subject to State Critical Area requirements. 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: Tad Wood, DNR
Tom Smith, City of Annapolis
Regina Esslinger, CAC
AN General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 31, 2006

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

RE: Aris Allen Boulevard Planned Unit Development (PUD)
S.E. RRD2005-11-547

Dear Mr. Smith:

This office has reviewed the PUD for the above project. The applicant is proposing to build 18 single-family houses and 31 townhouses. The site is currently undeveloped and totals 23.38 acres, with 5.41 acres in an ~~Intensely Developed Area~~. → RCA ^{DM}
Since there will be no impacts to the Critical Area, we have no comments on the subdivision.

However, the site plan shows a proposed 100-foot wide right of way for a future road. If the City decides to go forward with the proposed road, the road will be subject to the City's Critical Area requirements. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Kathryn Dahl
Regina Esslinger
AN 1810-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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March 30, 2006

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 Federalsburg Program and Map Amendment

Dear Mr. Hurley:

Thank you for providing information on the proposed changes to the Town of Federalsburg Critical Area Program and maps. Based on the information submitted, we understand that the Town Council approved several changes to the Town's zoning ordinance and the Town's Critical Area Maps on March 21, 2006. Ordinance 2006-07 amends the Town's zoning ordinance and maps.

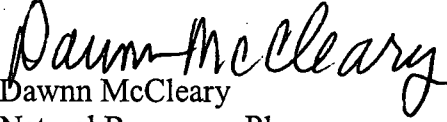
The zoning ordinance text amendments reflect the changes to the Critical Area Law that were made in 2004 by the General Assembly and add provisions allowing the local government to make reasonable accommodations for the needs of disabled citizens. The Town also amended its Forest and Woodland Protection section to change the clearing limits and reforestation standards in the R-3 Zone outside the Critical Area. The Ordinance also amended the Town's Critical Area Map to reflect the annexation of Parcel 17 on Map 200 into the Town.

The Critical Area Commission staff received your letter on March 27, 2006 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 his decision and the procedures for Commission review.

Page 2
Town of Federalsburg Amendment
March 30, 2006

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Mary Owens
George Mayer

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 28, 2006

Ms. Betsy Walk
Board of Zoning Appeals
Caroline County Planning and
Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Louis Marseilles Variance
20731 Ewing Road

Dear Ms. Walk:

Thank you for providing information on the above variance application. The applicant is proposing to add a 942.1 square foot garage and mudroom to the existing house, a portion which will be over 451 square feet of driveway. The property is 0.95 acres in size, is in a Resource Conservation Area and mostly in the 100-foot Buffer.

After reviewing the site plan, this office does not oppose the variance. 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. This project also satisfies the impervious surface limits.

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: Kevin Clarke
Regina Esslinger
CR 183-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 28, 2006

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

RE: Loneragan Property
Subdivision, Special Exception and Site Design Review

Dear Mr. Smith:

This office has reviewed the additional information submitted on March 17, 2006. The applicant has satisfied the 10 % calculations. However, sheet C-3 of 9 shows the alleyways behind the townhouses as partially pervious. Please clarify as the City's policy precludes this.

If there are 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: Kathryn Dahl
Regina Esslinger
AN 435-05.

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

March 28, 2006

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

RE: Eastern Avenue Pumping Station Consistency Report

Dear Mr. Rolley:

This office has received the 10 % pollutant reduction calculations for the above consistency project. 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 consistency project by the Commission is not necessary. If there are any changes in development, 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: Kenneth Hranicky
Regina Esslinger
BA 808-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 27, 2006

Ms. Betsey Walk
Caroline County Department of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: William Shauer Variance
20780 Frazier Point Lane

Dear Ms. Walk:

Thank you for providing information on the above variance application for a guest house. The applicant is proposing to construct a 768 square foot garage and guest house in the Critical Area. This office understands that a 3,200 square foot single family house and three storage sheds currently exist on site. The property is 5.537 acres in size and is designated a Resource Conservation Area (RCA).

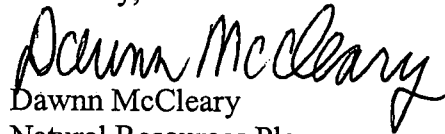
The General Assembly amended the Critical Area act in 2004 to authorize local governments to include provisions in their local Critical Area Programs for dwelling units in addition to those permitted by right in the RCA.

If a local jurisdiction intends to permit an additional dwelling unit, it must do so by including specific provisions in its local program consistent with the Act. Caroline County has not amended its local Critical Area Program to provide for additional dwelling units in the RCA. Therefore, the County cannot process an application if the resulting density would exceed one dwelling unit per 20 acres.

Continued, Page Two
William Schauer Variance
March 27, 2006

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Kevin Clarke
Shane Johnson
Regina Esslinger
CR 178-06

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 23, 2006

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

RE: City of Baltimore Draft Comprehensive
Master Plan

Dear Mr. Dintaman:

This office has reviewed the City's February 2, 2006 Preliminary Draft Plan and Appendices Part 1 and Part 2. After reviewing the plan and appendices for Critical Area elements, there is little information on Baltimore's Critical Area Program. We recommend there be a specific section in the appendix that explains the City's Critical Area provisions.

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 General File



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

March 9, 2006

Memorandum

To: Regina Esslinger, Chesapeake Bay Critical Area Commission
From: ^{RCD} Ray C. Dintaman, Jr., Director, Environmental Review Unit
Subject: City of Baltimore Draft Comprehensive Master Plan

Please review the attached information concerning **City of Baltimore Draft Comprehensive Master Plan** and send any comments you may have relative to any Department concerns to me by March 24, 2006.

Please complete the following and return this memorandum with your response:

Check one:

☒ Comments are attached.

☐ No comments.

Daum McDeary Signature
Critical Area
Commission Unit

If no comments are received by March 24, 2006, it will be assumed that you have none.

RCD
Attachment

RECEIVED

MAR 09 2006

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 21, 2006

Mr. Butch Norden
Natural Resources Planner
Resource Planning
Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401

RE: Flint Furnace Stabilization (2006-DNR-052)
Susquehanna State Park

Dear Mr. Norden:

This office has reviewed a proposal to build a retaining wall to protect the furnace structure from potential erosion. The retaining wall is to be constructed and extended from the mouth of the dry creek to the south bank of Deer Creek. There is also a proposal that the dry creek be widened and realigned at the east side to increase the discharge during capacity during a flood event.

It appears from the site plan that the proposed disturbance is in the Critical Area. Therefore, all disturbances on State lands will be subject to Critical Area requirements. 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: Nick Walls
Regina Esslinger
DNR HC General Files



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

REVIEW AND EVALUATION
OF ACTIVITIES AFFECTING DNR LAND

Date: March 6, 2006

To: John Norbeck Lori Byrne
Michele Hurt Ross Kimmel
Charlie Mazurek Regina Esslinger
David Taylor John Wilson
Charlie Gougeon

From: Butch Norden *Butch*

Subject: Susquehanna SP, Flint Furnace Stabilization (2006-DNR-052)

Review the attached information regarding this project and forward your comments directly to me by March 24, 2006.

Please complete the following and return this memorandum with any additional comments that are pertinent.

Check one: ☒ Comments are attached.

☐ This proposal is consistent with the goals of this program.

Daum McCleary

Signature

Critical Area Commission

Agency

RECEIVED

MAR 14 2006

CRITICAL AREA COMMISSION

Timely processing of this request requires that this memorandum be returned no later than the date given above. If comments are not received by that date I will assume that you have none, and that this proposal is consistent with the goals of your program.

cc: Rusty Ruszin

Tawes State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401

410.260.8DNR or toll free in Maryland 877.620.8DNR • www.dnr.maryland.gov • TTY users call via Maryland Relay

Geotechnical Report Addendum

**Flint Furnace Stabilization
Susquehanna State Park
Harford County, Maryland**

KCI Project No. 01032276.B



RECEIVED

MAR 14 2006

CRITICAL AREA COMMISSION

Prepared for:
**Maryland Department of
General Services**

Prepared by:
KCI Technologies Inc.
January 31, 2006





10 North Park Drive, Suite 200
Hunt Valley MD 21030-1888
Phone (410) 316-7800x1533
FAX (410) 316-7935

January 31, 2006

Mr. Bart L. Thomas, Program Manager
Maryland Department of General Services
State Office Building
301 West Preston Street, Room # 1405
Baltimore, Maryland 21021

Subject: Geotechnical and Structural Engineering Services
Deer Creek Flint Furnace Stabilization
Susquehanna State Park, Harford County, Maryland
KCI Job No. 01-032276-B
m:\2003\01032276\geotech\report\conceptual design\flint furnace geotechnical conceptual design & cost estimation addendum.doc

Dear Mr. Thomas,

KCI Technologies, Inc. (KCI-Geotechnical) is pleased to submit this addendum to the geotechnical report concerning the conceptual design and cost estimation for the proposed Deer Creek Flint Furnace Stabilization in Harford County, Maryland.

The addendum presents the revised conceptual design and cost estimation. KCI recommends a compaction grouting with Imbricated Stone Wall system plus stream bed realignment for this project. The estimated total cost for this option is approximately \$250,000. The cost estimated here is for the proposed construction in the year of 2006. If the project is delayed one or more years, KCI estimates that the increase in cost may be 10% to 15% per year. Therefore, the estimated total cost for the year of 2007 will be approximately \$275,000 to \$287,500.

KCI appreciates the opportunity to provide geotechnical consultation for this project, and we will remain available to answer any questions related to this study. Should you require additional consultation, please do not hesitate to contact our office.

Very truly yours,
KCI TECHNOLOGIES, INC.

A handwritten signature in black ink, appearing to read "Xin Chen".

Xin Chen
Geotechnical Engineer

A handwritten signature in black ink, appearing to read "Kwabena Ofori-Awuah".

Kwabena Ofori-Awuah, P.E.
Chief, Geotechnical Discipline Section

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 21, 2006

Mr. Kevin Clarke
Zoning Administrator
Caroline County Dept. of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Hidden Woods Landing Minor Subdivision
Local Case Number: 05-043

Dear Mr. Clarke:

This office has reviewed the additional information the applicant sent us on March 8, 2006. Total acreage in the Critical Area is 8.147 acres. We understand that Parcels 1, 2, and 3 were platted in 1960. The applicant provided a copy of this plat. Therefore, Parcel 1 has one Critical Area development right and Parcel 2 has one Critical Area development right.

The applicant is not proposing any disturbance to the nontidal wetlands on site. Parcels 1 and 2 will access the water through the easement shown on Parcel 1. Three trees in the 100-foot Buffer were removed for this water access. While we do not oppose this tree removal, mitigation must be provided. We recommend that mitigation occur on site, in the Buffer if possible, at a 3:1 ratio, using native species.

We also understand that your office approved the removal of 10,000 square feet of trees for a building pad on Parcel 1. No clearing has yet occurred. The aerial photographs indicate that all the parcels within the Critical Area are entirely wooded. Please provide the total forest cover in the Critical Area and a note on the site plan stating that all forest clearing and mitigation will comply with COMAR 27.01.02.04 C(3).

Continued, Page Two
Hidden Woods Subdivision
March 17, 2006

Once we receive the above information, we may have 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". The signature is written in dark ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resources Planner

cc: Rob Gibson
Regina Esslinger
CR 0037-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 17, 2006

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

RE: Perryman Park Dredge Material Placement
Consistency Report

Dear Mr. Walls:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County's Program. This office understands that the County is proposing to create a Dredge Material Placement (DMP) containment facility, a paved walkway and a parking area in Perryman Park in Harford County.

The park is 51 acres, with 16.7 acres to be disturbed. A portion of the park is within the Resource Conservation Area and is an established agricultural area. 0.69 acres of impervious surface (30,031 square feet) will be added. Buffer disturbance will be limited to a discharge pipe from the containment facility to the water. We understand that no significant vegetation removal or grading will take place.

The proposal will minimize disturbance and avoid impacts to forested areas. After construction of the DMP, the areas inside will be left to naturally vegetate and the areas outside will become meadows. These meadow areas will be maintained to limit the spread of invasives. This proposal is adjacent to a Habitat of Local Significance (HLS), but no work is proposed in the HLS.

Continued, Page Two
Perryman Park Dredge Material Consistency
March 17, 2006

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

cc: Pat Pudelkiewicz
Regina Esslinger
HC 130-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 8, 2006

Mr. Mark Behe, P.E.
Unit Coordinator
Wasterwater Collection System Group
Washington Surburban Sanitary Commission
14501 Sweetner Lane
Laurel, Maryland 20707-5902

RE: 10000 Indian Queen Pointe Road
Streambank Repair

Dear Mr. Behe:

We received your description of the emergency work in the Critical Area that was performed in September 2005 on Indian Queen Pointe Road in Oxon Hill, Maryland. I have reviewed the WSSC Memorandum of Understanding and concur that the emergency streambank repair falls under the emergency activities section of the MOU, Appendix A, 2 – Emergency Situations. Therefore, 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: Mr. Terry Valentine
Regina Esslinger
WSSC 48-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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March 7, 2006

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

RE: JJ Clarke Enterprises, Inc.
200661779/06-WL-1087

Dear Mr. Cuthbertson:

This office has reviewed the applicant's proposal to construct and backfill 627 feet of replacement steel sheet pile bulkhead channelward of a deteriorated bulkhead. The applicant is also proposing to construct a 410 foot long by 135-foot wide 195 hotel channelward of mean high water line. This project is located in the Northwest Harbor in Baltimore City.

Since the proposed development is in the Critical Area, the proposed hotel may be subject to Critical Area requirements. 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
MDE Files-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 6, 2006

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 Denton – Ordinance 506, Ordinance 507 and
Revised Critical Area Maps

Dear Mr. Hurley:

On March 1, 2006, the Critical Area Commission concurred with the Chairman's determination that the Town of Denton's text amendments and the annexation of Parcels 5, 7, 62, 65, 91, 859 and 860 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. They also include minor revisions pertaining to the public notice procedure for Habitat Protection Areas associated with new species not currently listed by the State or federal government. The map amendment reflects the annexation of the seven parcels listed above into the corporate limits of Denton.

In accordance with §8-1809 (p)(4), please incorporate these changes into the Town of Denton Critical Area Program within 120 days of the date of this letter. Please provide two copies of all revised pages of the zoning ordinance and copies of the amended Critical Area Maps to Commission staff as soon as 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: Jennifer Shull
Mary Owens
Denton Amend File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 6, 2006

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

RE: Katherine and Rodgers Property Annexations

Dear Ms. Rouse:

Thank you for sending us a copy of the final City Council Resolution No. R-12-05 Revised for the Katherine Property and Resolution No. R-8-05 Revised for the Rodgers Property. We understand that on November 28, 2005, the City officially approved an amendment to the City's Critical Area Maps.

The map amendment for the Katherine Property reflects the annexation of Parcels 213, 246, 248, 301 on Tax Map 51; Parcel 93 and Parcel 101 on Tax Map 10Z; Parcel 201 on Tax Map 51 and Parcel 202 from Anne Arundel County into the City of Annapolis. The majority of the property is presently undeveloped except for a residence, equestrian center, horse stables and other facilities. The Critical Area acreage is 10.2660 acres of Limited Development Area (LDA) and 35.0569 acres of Resource Conservation Area (RCA). There are 134.3955 acres outside the Critical Area that are included in the annexation.

The map amendment for the Rodgers Property reflects the annexation of Parcel 63 and Parcel 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). A portion of Parcel 64 is also designated as a Buffer Exemption Area (BEA).

The Critical Area Commission staff received your letter on February 17, 2006 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.

Ms. Rouse
March 6, 2006
Page 2

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". The signature is written in dark ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Mary Owens

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 3, 2006

Mr. Tom Smith
Chief of Current Planning
City of Annapolis Planning and Zoning
Annapolis, Maryland 21401

RE: Lonergan Property
Subdivision, Special Exception & Site Design Review

Dear Mr. Smith:

This office has reviewed the additional information and plans dated February 16, 2006. The applicant proposes to redevelop the site with a mixture of single-family dwellings and multi-family townhouses. The site is in an Intensely Developed Area and totals 3.38 acres. We have the following comments.

1. The applicant is proposing to use pervious pavers for the single family driveways and alley as well as most of the alley for the multi-family dwellings. The City's policy precludes use on this site for the pavers in the multi-family section as there are more than 5 units.
2. At this time, I am unable to verify the impervious surface calculations without a breakdown of the site.
3. The applicant is proposing to clear the entire site. It appears that some of the trees, particularly in the open space area, could be retained, thus reducing the amount of mitigation necessary.

We will provide additional comments when we receive additional information. 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: Kathryn Dahl
Regina Esslinger
AN 435-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 2, 2006


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

RE: Bush River Village
3828 Pulaski Highway

Dear Mr. Walls:

This office has reviewed the revised site plan with enclosed planting plan and the 10 % calculations. Part of the above project is in the County's Buffer Exemption Area. The applicant has satisfied the revised 10 % calculations and the BEA mitigation provisions and 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: 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
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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 2, 2006

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

RE: 306 Annapolis Street Variance

Dear Mr. Geratz:

Thank you for providing information on the above variance application. The applicant is proposing to construct a new dwelling with attached porch and stormwater management trench partially in the 100-foot Buffer. The proposed garage and driveway are all outside the 100-foot Buffer but in the Critical Area. The property is approximately 0.26 acres and is in a Limited Development Area.

After reviewing the site plan, this office does not oppose the variance. It appears that the dwelling has been moved out of the Buffer as much as possible. If a variance is granted, this office recommends that disturbance to the 100-foot Buffer be mitigated at 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 cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 142-06

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/

February 27, 2006

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

RE: Eastern Avenue Pumping Station Consistency Report

Dear Mr. Rolley:

Thank you for providing "Notification of Certification" that the above project is consistent with the City's Critical Area program. This office understands that the City is proposing to construct a generator building on an existing parking lot, add new electrical utilities, and redo the landscaping at the existing pumping station and Public Works Museum. This project is in an Intensely Developed Area and is in the 100-foot Buffer. The Buffer disturbance is contiguous with the promenade and serves as a public accessible front lawn for the Public Works Museum.

To complete our review of the project, we need the 10 % pollutant reduction calculations. Please forward this information to our office for review. If you have any questions, please feel free to call me at (410) 260-3493.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Kenneth Hranicky
Duncan Stuart
Regina Esslinger
BA 101-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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February 23, 2006

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 additional information that was sent into our office. The applicant has satisfied the revised 10 % calculations by paying a stormwater offset fee 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: Duncan Stuart
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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February 14, 2006

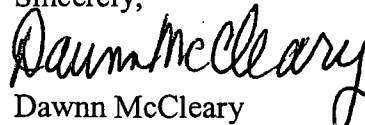
Mr. Kenneth Hranicky
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Fells Point Wholesale Meats, Inc.
1600 South Monroe Street

Dear Mr. Hranicky:

This office has reviewed the additional information that was sent into our office. The applicant has satisfied the revised 10 % calculations by adding a dry swale and 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 820-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

January 17, 2006

Mr. Nick Walls
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014

RE: Brittney Quarters Subdivision

Dear Mr. Walls:

This office has reviewed the applicant's proposed subdivision to create 68 residential lots in which 43 lots are in the Critical Area. The site is 20.28 acres, is in an Intensely Developed Area, and was granted a variance to the expanded Buffer. We have the following comments.

- 1) No information was provided regarding the amount of proposed impervious surface or 10 % reduction calculations. Please provide this for our review.
- 2) The Buffer does not appear consistent with the decision in the Board of Appeals Case No.4197.
- 3) Case 4197 also includes several conditions regarding stormwater management. It does not appear that the applicant has addressed conditions # 2, 9, and 10.
- 4) Given the highly erodible soils and steep slopes, we strongly recommend that applicant consider a stormwater management approach similar to what was approved on the adjacent Old Trails subdivision.
- 5) The site includes a Habitat of Local Significance. The applicant must address the County's provision for this area.

Continued, Page Two
Brittney Quarter Subdivision
January 17, 2006

6) The plat for the adjacent Old Trails subdivision shows nontidal wetlands where the stormwater management outfall is proposed to the west of Lots 31 and 32. This wetland must be shown with appropriate buffers. It appears this proposed outfall could create erosion problems.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudalkewicz
Regina Esslinger
HC 788-05

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

February 15, 2006

Ms. Karen Arnold
Environmental Analyst
Environmental Program Division
State Highway Administration
707 North Calvert Street
Mail Stop C-306
Baltimore, Maryland 21202

RE: MD 24 Slope Failure

Dear Ms. Arnold:

Thank you for updating our office on State Highway Administration's current design plans for the slope failure at MD 24 in Harford County. We understand that the design for a slope failure will be along MD 24 from the CSX Railroad Bridge to the US 40 Connector Road in Harford County. Your e-mail and photographs describe how the slope is sloughing toward the forested wetlands at the toe of the slope east of the MD 24 and west of BGE Electric Tower and a large wetland complex associated with Otter Point Creek. We understand that the slope stabilization project will involve removal of fill material that spilled into the non tidal wetlands and the stabilization of the slope with engineered rip rap.

If there is no adverse impact on downstream habitat or hydrology and is minor in drainage improvements related to safety, flood control or erosion within the existing right of way and easements, then this project falls under 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 slope failure 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) 260-3493.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Holly Shipley
Regina Esslinger
Harford Co. 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
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, 2006

Mr. Kevin Clarke
Zoning Administrator
Caroline County Department of Planning
and Zoning
307 South Seventh Street
Denton, Maryland 21629

RE: Hidden Woods Landing Minor Subdivision
Local Case Number: 05-043

Dear Mr. Clarke:

This office has reviewed the minor seven lot subdivision. The applicant is also proposing to create seven lots and to add Parcel 1 to proposed Parcel A. In our February 2, 2006 conversation, you indicated that Parcel 1 would not perk, therefore it was to be combined with Parcel A. The subdivision is in a Resource Conservation Area and there will be no Buffer impacts. We have the following comments:

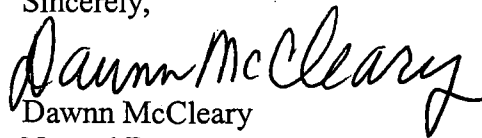
1. Two dwelling units and septic reserve areas are proposed in the Critical Area. One dwelling is associated with Parcel 1 and the second dwelling with Parcel 2 Residue. According to the 1988 tax maps, there was only one parcel (Parcel 89) at the time the Critical Area regulations took effect. Because the acreage in the RCA is not sufficient to support two dwellings units, only one dwelling unit is permitted in the RCA. No development activities, including septic reserve areas, associated with a second lot are permitted in the RCA without the use of growth allocation.
2. Please provide acreage in the Critical Area.
3. We received a copy of your August 9, 2005 letter authorizing forest clearing. All clearing in the Critical Area must comply with the forest clearing and mitigation provisions in COMAR 27.01.02.04 C(3). Please provide information on the amount of forest cover and whether any mitigation was provided for the 2005 clearing.

Continued, Page Two
Hidden Woods Landing Subdivision
February 15, 2006

4. A letter from the Department of Natural Resources, Heritage Division, must be obtained verifying that there are no impacts to any rare, threatened, or endangered species. Plat note # 8 references Delmarva Fox Squirrels (DFS). Coordination with the US Fish and Wildlife Service will also be necessary if DFS habitat is present.
5. The site plan shows non-tidal wetlands on-site. A disturbance to non tidal wetlands will need permits from the Maryland Department of the Environment.
6. The site plans show a water access easement. Please clarify who will be using this easement.
7. Impervious surface limits for the Critical Area should be stated in the plat notes.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Shane Johnson
Regina Esslinger
CR 037-06

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/

February 14, 2006

Mr. Roby Hurley
Critical Area Circuit Rider
27490 West Point Road
Easton, Maryland 21601

**RE: Town of Federalsburg Annexation
Glime Property and Hill Crest Cemetery**

Dear Mr. Hurley:

Thank you for providing information regarding the proposed annexation in the Town of Federalsburg. We understand from your letter that a small portion of the Hill Crest Cemetery property and a portion of Laurel Grove Road is located within the Critical Area and will be affected by the annexation.

Based on the information you provided and a review of the Commission's maps for both Federalsburg and Caroline County, it appears that there was a mistake in the original mapping. The Caroline County maps show the property as within the Town limits of Federalsburg and therefore does not include a Critical Area designation of the property. Adjacent properties, outside the incorrect municipal boundary, are designated LDA. The map for Federalsburg shows the correct municipal boundary and therefore does not include a Critical Area designation of the property.

At the time of original mapping, the property was located within the County, and it appears likely that it would have been designated LDA; therefore, we recommend that the Town consider that the designation of the property for purposes of the annexation is LDA. As requested in our previous letter dated January 12, 2006, clarification regarding the Critical Area acreage of the Laurel Grove Road right-of-way and the Hill Crest Cemetery is needed prior to the Commission's consideration of this map change.

Thank you for requesting guidance from the Commission regarding this map amendment. We look forward to receiving your amendment package that will include an amended map and ordinance changes resulting from the 2004 legislation. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Mary Owens
FE Annexation -06

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 14, 2006

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

RE: Fells Point Wholesale Meats, Inc.
1600 South Monroe Street

Dear Mr. Hranicky:

This office has reviewed the additional information that was sent into our office. The applicant has satisfied the revised 10 % calculations by adding a dry swale 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: Duncan Stuart
Regina Esslinger
BA 820-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

January 12, 2006

Ms. Shirley Greene
Clerk-Treasurer
118 North Main Street
P.O. Xo 471
Federalsburg, MD 21632

RE: Joy and Ronald Glime Annexation
Town of Federalsburg

Dear Ms. Greene:

Thank you for requesting comments regarding the proposed annexation of 76.638 acres of land from Caroline County into the Town of Federalsburg. This office understands that a very small portion of the annexed land (e.g. part of Laurel Grove Road Public Right-of-Way and Hill Crest Cemetery) lies within the Critical Area. It is our understanding that the area is currently designated in Caroline County as a Limited Development Area.

I have received the information submitted and I need the following additional information:


1. It is not clear whether a small portion of Laurel Grove Road and the Hill Crest Cemetery are within the boundaries of Caroline County or the boundaries of the Town of Federalsburg. The Critical Area maps for the two jurisdictions contain conflicting information. Please see the attached maps.
2. The Critical Area Maps for Caroline County and the Town of Federalsburg are not clear regarding the Critical Area designation of the land to be annexed. Please provide the current Critical Area designation of the land and the proposed Critical Area designation of the land. If the designations are different, please provide an explanation.
3. The Critical Area acreage of Laurel Grove Road Right-of-Way and the Hill Crest Cemetery will be needed prior to formal review by the Commission.

Ms. Greene
January 12, 2006
Page 2

4. It is not clear why the proposed information about the annexation of the Glime property indicates the area to be annexed is 62.341 acres, but draft Resolutions No. 2005-21 and No. 2005-22 for the annexation and zoning indicates 76.638 acres.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Shirley Deshields
Roby Hurley
Mary Owens

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/

February 9, 2006

Mr. Marti Sullivan
Program Open Space
Department of Natural Resources
State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

RE: Annapolis Bates Athletic Complex
Weems Welan Field – POS # 4801-2-220

Dear Mr. Sullivan:

This office has reviewed a proposal to grade the playing fields and install irrigation in order to extend the use and safety of the field. It appears from the City of Annapolis Critical Area maps that the proposed disturbance may be in the Critical Area. If so, all disturbances will be subject to Critical Area requirements. 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
POS General Files

CLEARINGHOUSE REVIEW

January 16, 2006

RECEIVED

JAN 26 2006

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)
David Goshorn, Resource Assessment Services (C-2)
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 # 4801-2-220

Annapolis Bates Athletic Complex - Weems Whelen Field, Anne Arundel County

This project proposes to grade the playing fields and install irrigation in order to extend the use and safety of the field.

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 2/6/06
_____	_____

Upon completion of review, please return to Marti Sullivan or Mary Tolodziecki, Program Open Space, Tawes State Office Building - 580 Taylor Ave., (E-4) - Annapolis, MD. 21401

ATTACHMENT 1 City Road Map



**ANNAPOLIS
(EAST)**

verizon

Do you know what dishes put the most popular local restaurants on the map?

We Do.

Browse the specialties of the chefs in our Menu section.

Dining Your Way

A better way for better dining

ERM
 Environmental Planning & Engineering
 Landscape Architecture & Urban Design
 2801 Lacey S.
 Tristram Parkway
 Suite 400
 Annapolis, MD
 21401
 410.256.0006
 410.256.8913

Project:

Annapolis Recreation
 and Parks

Bates Middle School/
 Bates Complex

Scale:
 Date: August 15, 2003

Sheet

ATTACHMENT 2 Site Plan

* All current
 facilities on-site.



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/

February 9, 2006

Mr. Steve Hurt
Real Estate Manager
Maryland Transportation Authority (MdTA)
Division of Strategic Development
2310 Broening Highway, Suite 160
Baltimore, MD 21224

RE: Brandon Shores to Riverside
BGE Transmission Lines

Dear Mr. Hurt:

On February 1, 2006, the Critical Area Commission granted conditional approval for BG & E to install two new steel poles on the Maryland Transportation Authority (MdTA) Property immediately adjacent to two existing towers in the Critical Area in Baltimore City with the condition that BGE submit a landscaping plan to Commission staff that illustrates the amount of mitigation owed in each County and on the MdTA property.

I would like to thank Mr. Mark Paternoster and Mr. R. Joseph Burns from Dewberry and Davis for working with Commission staff. If there are any changes in development within the area on this site or off 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: Mark Paternoster
Robert W. Munley
Regina Esslinger
DOT/MdTA 06-06

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/

February 7, 2006

Mr. Fred Watkins
DNR Waterway Improvement
Program Review
Tawes State Office Complex (E-4)
Annapolis, Maryland 21401

RE: Tier II Baltimore Inner Harbor Marine Center
Marina Renovation

Dear Mr. Watkins:

This office has reviewed a proposal by the applicant to remove an existing marina, piles and floating docks and install a reconfigured floating concrete dock system. We understand that the proposed perimeter floating concrete dock will function as a breakwater to provide a shelter area. The new marina will consist of 132 slips in which 40 will be leased and 92 will be a transient boats.

Since the proposed development is in the Critical Area, the marina development will be subject to Critical Area requirements. 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
DNR Clearinghouse Review



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

January 31, 2006

Ms. Regina Esslinger
Project Evaluation Division Chief
Department of Natural Resources
Chesapeake Bay Critical Area Commission
1804 West St., Suite 100
Annapolis, MD 21401

RECEIVED

FEB 02 2006

CRITICAL AREA COMMISSION

SUBJ: DNR CLEARINGHOUSE REVIEW

Re: Tier II Baltimore Inner Harbor Marine Center - Marina Renovation

The DNR Waterway Improvement Program is submitting documentation for proposed improvements at the Baltimore Inner Harbor for the Baltimore Inner Harbor Marine Center. The proposed project is being submitted to the U.S. Fish & Wildlife Service for federal funding to cover 49% of the project cost under the Boating Infrastructure Grant Program. Local funds have been secured for the remaining 51%.

Project Description:

The existing 30-year old marina will be removed in its entirety, including the piles and floating docks. A new, re-configured floating concrete dock system will be installed. The perimeter floating concrete dock will also function as a breakwater to provide a sheltered area. This dock will provide wave attenuation to allow for consistent freeboard for embarking/disembarking. There will be two; 800-foot long floating docks (see Figure 2). These two docks will be connected to a 200-foot floating dock from which a gangway will then connect to the landside.

The completed marina will have 132 slips of which 40 will be permanently leased and 92 will be designated to transient boats. Seventy-two of the transient slips will be located within the perimeter of the protected marina and twenty slips will be located on the outboard side of the breakwater. Each slip will have sanitary pump-outs and service pedestals. At selected locations, additional pedestals will be installed along the outside of the breakwater.

The projected construction schedule is for the work to begin November 2006 and completed by March 2007. The new state-of-the-art marina would be available for occupancy by February 2007.

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 understood 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.

✓

DM 2/7/06

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

Upon completion of review, please return to my attention at DNR Waterway Improvement Program Division, Tawes State Office Building (E-4) Annapolis, MD 21401. Please call me at 410-260-8452 or e-mail me at fwatkins@dnr.state.md.us if you should have any questions.

Respectfully,


Fred Watkins

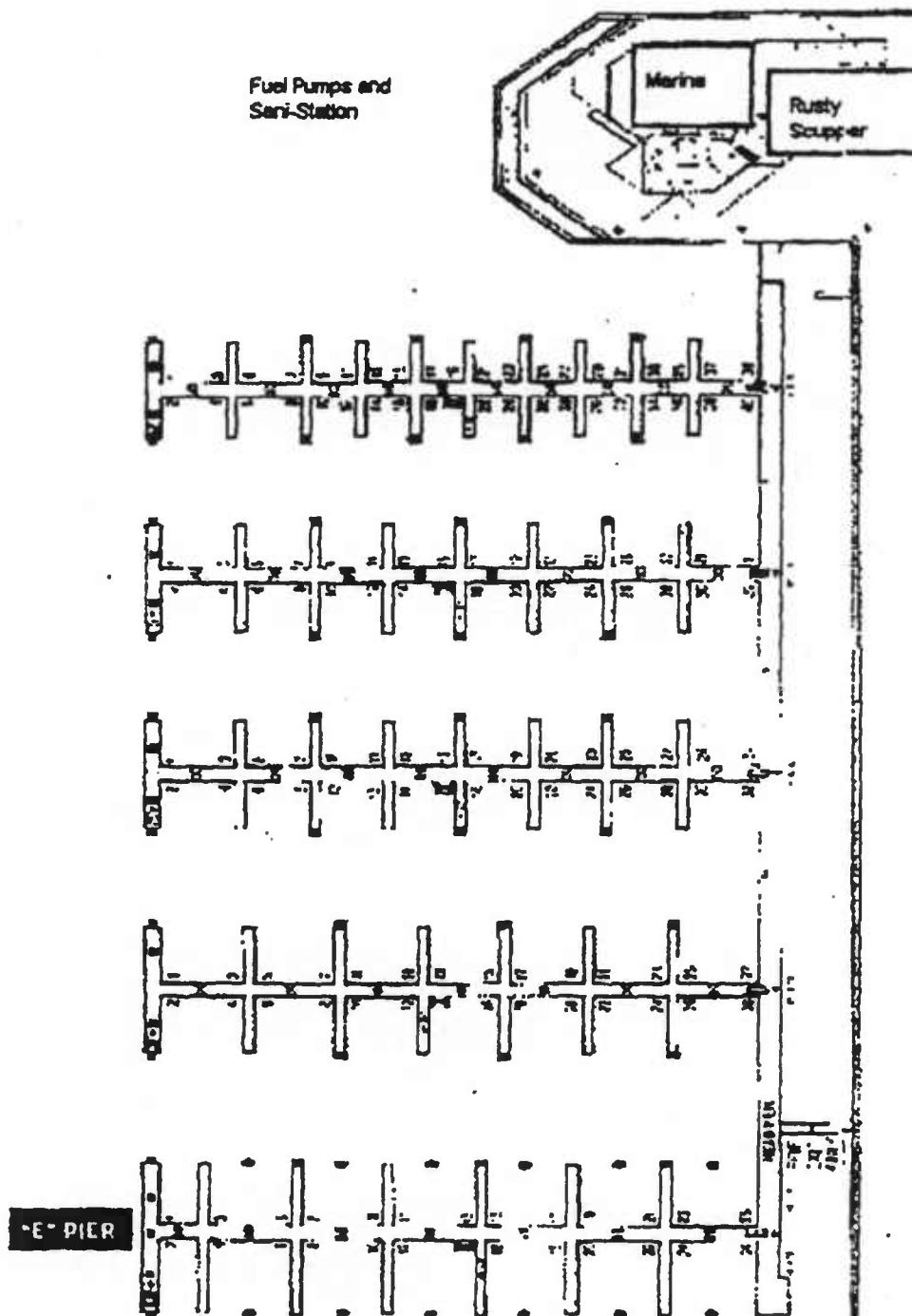
Existing Marina
Rev'd 2/7/06

AUG-25-2004 (WED) 09:58

Baltimore Development Corp

(FAX) 410 587 7211

P 008/008



Revised
2/7/06 Proposed Marina

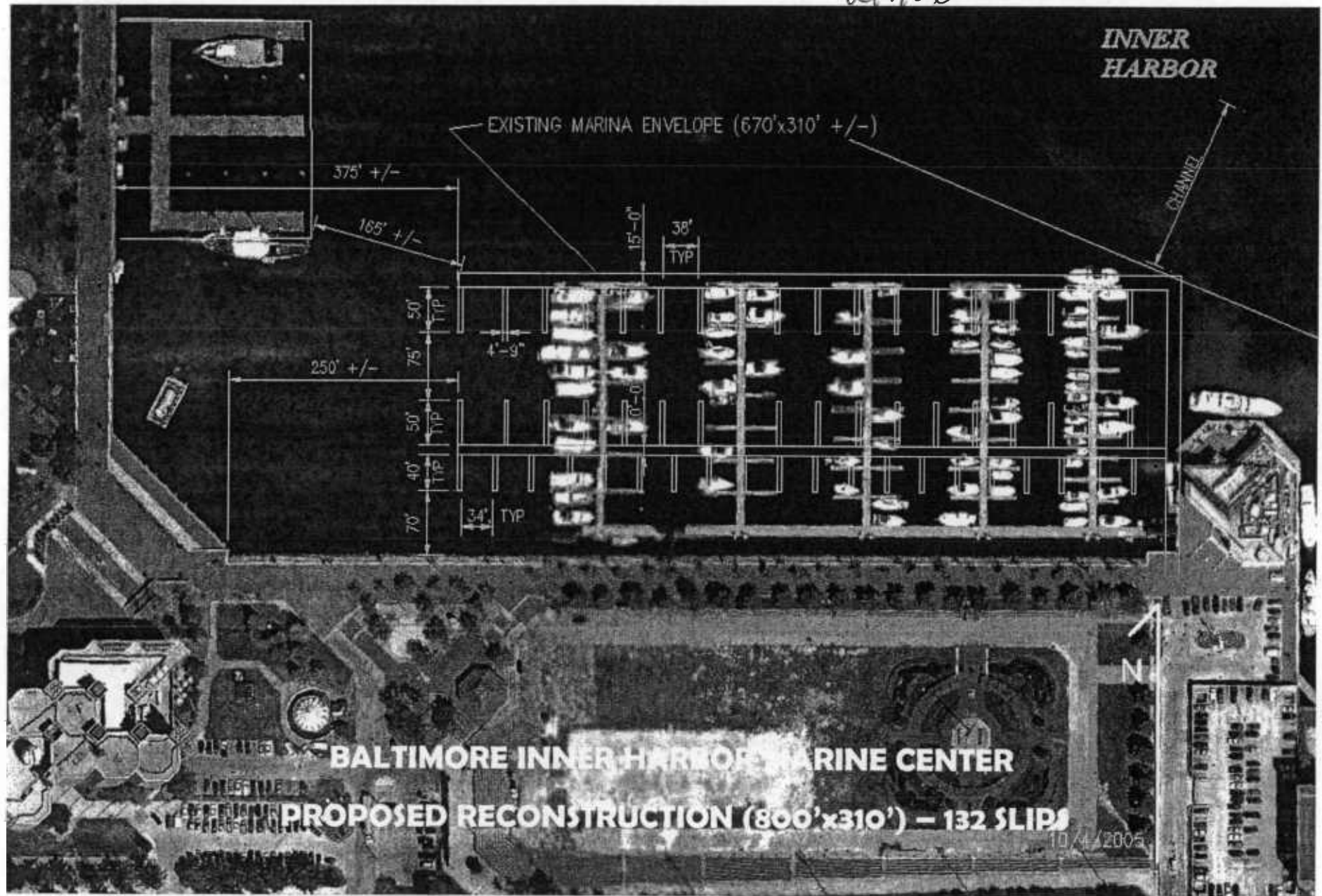


FIGURE 2

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 6, 2006

Mr. T.W. Moran
U.S. Naval Academy
Environmental Division
181 Wainright Road
Annapolis, MD 21402

RE: Visitor's Access Center, Gate 1

Dear Mr. Moran:

This office has reviewed the Naval Academy's proposal to provide security and vehicular/pedestrian accessibility and landscaping to the Academy's main yard. The proposed plans consist of replacing a parking lot and guard shack with a vehicular traffic pattern, a pass and tag office and a pedestrian access. In order to complete my review of this project, we have the following comments.

1. We need Worksheet A for the 10 % pollutant reduction calculations;
2. We need the total acreage in the Critical Area that will be disturbed; and,
3. We need a site plan showing the Critical Area line.

Attachment 3 includes several exotic invasive species (Japanese Bayberry, Winged Euonymus, and Periwinkle). We strongly recommend that the Naval Academy substitute native species instead. For a list of native trees, shrubs and groundcovers, please see enclosed, a copy of the "Native Plants for Anne Arundel County, Maryland".

Once we receive the above information, we may have 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: Elder Ghigiarelli
Regina Esslinger
Federal 04-06

Critical Area Commission

STAFF REPORT

February 1, 2006

APPLICANT: Maryland Port Administration

PROPOSAL: Masonville Marine Terminal
Stormdrain Relocation – Phase I

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional 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, is proposing to re-route the existing storm drains that currently outfall to Masonville Cove. This project, which is located on Childs Street, is a below grade utility relocation project with no changes to the existing site surface. 2,100 linear feet of stormdrain will be relocated, resulting in 30,000 square feet of impact to the 100-foot Buffer for utility installation and surface restoration. There will be no change in quantity or location of existing impervious surface. No impacts will take place to existing streams or wetlands, trees, shrubs or forest.

MPA is currently pursuing various off-site mitigation locations. Two sites they are currently looking at are Thom's Cove in Hawkin's Point, and a Cherry Hill site owned by the City of Department of Recreation near Hanover Street. MPA will need to mitigate for 1.8 acres or 77,478 square feet. No clearing is being proposed outside the 100-foot Buffer.

MPA is requesting a waiver of quantity and quality control requirements for stormwater management. There are no stormwater management requirements for water quality because there is no increase in impervious surface. However, MPA has minor issues to address for sediment and erosion control prior to approval by the Maryland Department of the Environment.

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 responses were approved by the applicant:

- (1) *That there exists 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;*

The proposed storm drain alignment must be located in the 100-foot Buffer in order to collect the drainage from multiple existing storm drain systems also located in the 100-foot Buffer. The proposed system must outlet directly into the Patapsco River in order to maintain the current use of the existing impervious surface by the tenant and the revenue generated for the State.

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

The new storm drain system is necessary in order to relocate multiple storm drain outfalls that currently empty into Masonville Cove, Patapsco River. The Cove is the future site of a dredge material containment facility (DMCF), and thus will be filled in. The DMCF will foster interstate commerce by providing a disposal facility for dredge material from shipping channels. The DMCF project will also inhibit the existing Masonville Cove pollutants from entering the rest of the Chesapeake Bay.

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

The project is in complete accordance with this subtitle, as well as other State regulations. All water passing through the system has been filtered by existing MDE approved water quality structures. No new development or redevelopment is proposed by this project. All existing surface conditions will be replaced in-kind. Appropriate planting mitigation will be provided for buffer disturbances.

**Continued, Page Three
Denton By-Pass Update
February 1, 2006**

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

- (1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;

Literal enforcement of the provision of this subtitle would indirectly prevent the construction of the dredge material containment facility by not permitting the relocation of the suitable storm drain outfalls that currently empty into the Masonville Cove.

- (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; and*

In order to eliminate all Buffer disturbances for this project the entire network of storm drains on the property would have to be redesigned. The increased cost of construction and revenue lost by the State by not having a tenant on the property would make the DMCF project economically infeasible.

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

The 1.8 acres of mitigation shall be accommodated offsite at 3:1 for impacts to the 100-foot Buffer. No clearing is proposed outside the 100-foot Buffer. They are currently pursuing various off-site mitigation locations. Baltimore City Parks and Recreation is checking into the availability of the City owned Cherry Hill site as well as any other possible projects on City land. The Maryland Port Administration is looking into mitigation opportunities at the State-owned Thom's Cove in Hawkin's Point, west of the Key Bridge.

**Continued, Page Four
Denton By-Pass Update
February 1, 2006**

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 Chesapeake Bay Critical Area Program.

Staff recommends the following condition:

1. Once a mitigation site is selected, MPA will return to the Commission for approval of the site.
2. Address all MDE Sediment and Erosion Control comments before beginning any work.

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 30, 2006

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

RE: Redner's Market Project
Route 40 and Joppa Farm Road

Dear Mr. Walls:

This office has reviewed the applicant's proposed market in Joppatowne. This applicant is proposing to demolish some existing structures and build a new market. The site is 16.5 acres, is in an Intensely Developed Area and will impact approximately 5.677 acres of land.

To satisfy the 10 % calculations, the applicant has proposed a small wet pond to treat stormwater runoff. The applicant has satisfied the 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: Pat Pudelkewicz
Regina Esslinger
HC 41-06

MEMORANDUM

TO: Project Subcommittee

FROM: Dawnn McCleary, Natural Resources Planner

DATE: January 24, 2006

RE: Update on MD 404 Denton By-Pass

On October 5, 2005, the Critical Area Commission granted two conditional approvals to SHA for the Denton Bridge By-Pass over Watts Creek to the 100-foot Buffer and Forest Interior Bird (FIDs) Habitat. State Highway Administration (SHA) did not have mitigation areas identified at the time, so the Commission approval included the condition that SHA report back to staff in 3 months and 6 months on the status of their search.

The widening of the MD 404 will impact 2.21 acres and 2.2 acres of Buffer. Because impacts to the Buffer overlap with FIDs impacts, SHA will mitigate for both forest Buffer impacts and FIDs together through the creation of new FIDs habitat. Ultimately, SHA will provide 3.51 acres of mitigation for impacts to FIDs habitat and forested Buffer and 3.09 acres of mitigation for impacts to non-forested Buffer.

The purpose of this memorandum is to outline SHA's proposal to accommodate most, if not all, of the mitigation on-site. SHA has found seven potential mitigation sites. Since all the sites are located on private property, the acquisition or use of the site would have to be approved by the property owner and SHA.

SHA has ranked the sites based on their proximity to the project area and the Watts Creek Buffer, their location within the Critical Area boundary and Watts Creek Watershed, and the increased opportunity for water quality benefits. Please see an attached map showing the location of the proposed potential sites for Buffer and FID mitigation.

We are currently reviewing the proposed sites and will provide SHA with feedback on the benefits of each site.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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January 17, 2006

Mr. Nick Walls
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014

RE: Brittney Quarters Subdivision

Dear Mr. Walls:

This office has reviewed the applicant's proposed subdivision to create 68 residential lots in which 43 lots are in the Critical Area. The site is 20.28 acres, is in an Intensely Developed Area, and was granted a variance to the expanded Buffer. We have the following comments.

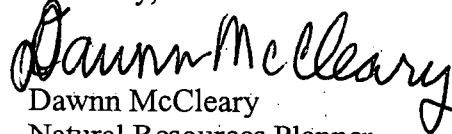
- 1) No information was provided regarding the amount of proposed impervious surface or 10 % reduction calculations. Please provide this for our review.
- 2) The Buffer does not appear consistent with the decision in the Board of Appeals Case No.4197.
- 3) Case 4197 also includes several conditions regarding stormwater management. It does not appear that the applicant has addressed conditions # 2, 9, and 10.
- 4) Given the highly erodible soils and steep slopes, we strongly recommend that applicant consider a stormwater management approach similar to what was approved on the adjacent Old Trails subdivision.
- 5) The site includes a Habitat of Local Significance. The applicant must address the County's provision for this area.

Continued, Page Two
Brittney Quarter Subdivision
January 17, 2006

6) The plat for the adjacent Old Trails subdivision shows nontidal wetlands where the stormwater management outfall is proposed to the west of Lots 31 and 32. This wetland must be shown with appropriate buffers. It appears this proposed outfall could create erosion problems.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 788-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 13, 2006

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

RE: Four Seasons Project
701 Aliceanna Street

Dear Mr. Letteron:

This office has reviewed the applicant's proposal to build an underground parking garage over two buildings for the hotel and residences. The site 3.55 acre is currently developed, is in an Intensely Developed Area, and contains the 100-foot Buffer.

This office does not oppose the development plan. There will be a reduction in the amount of impervious surface on site. The applicant will pay a stormwater offset fee for the remaining 0.12 pound of phosphorus not treated. The applicant will also pay into the City's Buffer offset fee for the amount of impact in the 100 foot Buffer.

Please submit the landscaping plans as per your 12/8/05 note. 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 818-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 13, 2005

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

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701 Aliceanna Street

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Please submit the landscaping plans as per your 12/8/05 note. 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 820-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 12, 2006

Ms. Shirley Greene
Clerk-Treasurer
118 North Main Street
P.O. Box 471
Feddersburg, MD 21632

RE: Joy and Ronald Glime Annexation
Town of Feddersburg

Dear Ms. Greene:

Thank you for requesting comments regarding the proposed annexation of 76.638 acres of land from Caroline County into the Town of Feddersburg. This office understands that a very small portion of the annexed land (e.g. part of Laurel Grove Road Public Right-of-Way and Hill Crest Cemetery) lies within the Critical Area. It is our understanding that the area is currently designated in Caroline County as a Limited Development Area.

I have received the information submitted and I need the following additional information:


1. It is not clear whether a small portion of Laurel Grove Road and the Hill Crest Cemetery are within the boundaries of Caroline County or the boundaries of the Town of Feddersburg. The Critical Area maps for the two jurisdictions contain conflicting information. Please see the attached maps.
2. The Critical Area Maps for Caroline County and the Town of Feddersburg are not clear regarding the Critical Area designation of the land to be annexed. Please provide the current Critical Area designation of the land and the proposed Critical Area designation of the land. If the designations are different, please provide an explanation.
3. The Critical Area acreage of Laurel Grove Road Right-of-Way and the Hill Crest Cemetery will be needed prior to formal review by the Commission.

Ms. Greene
January 12, 2006
Page 2

4. It is not clear why the proposed information about the annexation of the Glime property indicates the area to be annexed is 62.341 acres, but draft Resolutions No. 2005-21 and No. 2005-22 for the annexation and zoning indicates 76.638 acres.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Shirley Deshields
Roby Hurley
Mary Owens

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 17, 2006

Mr. Ray Dintaman, Jr.
Environmental Review Unit
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

RE: State Clearinghouse MD20050812-0733
Excess Real Property

Dear Mr. Dintaman:

This office has reviewed the Maryland Transit Administration's proposal to sell a 0.8576 acre parcel located in an Intensely Developed Area. The land is improved with railroad tracks and a proposed right-of-entry and maintenance easement that will be granted to CSX Transportation, Inc. upon the sale.

It is my understanding that a developer may be proposing to build a bridge over this parcel and several other parcels for access to another site. Any development activity on this land must comply with Baltimore City's Critical Area requirements.

This office does not oppose the sale of the property 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: George Fabula
Regina Esslinger
General File

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 6, 2006

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

RE: Fells Point Wholesale Meats, Inc.
1600 South Monroe Street

Dear Mr. Hranicky:

This office has reviewed the applicant's proposal to add an additional proposed one story building and additional paved parking lot. The site is currently developed with 1.7 acres in the Critical Area and in an Intensely Developed Area.

This office does not oppose the development plan. However, applicant is treating 1.45 pounds of phosphorus, and the requirement is 1.47 pounds. The applicant will need to satisfy the remaining deficit of 0.02 pounds of phosphorus by either paying an offset fee or using another Best Management Practice.

Please revise 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: Duncan Stuart
Regina Esslinger
BA 820-05