Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

December 27, 2006

Ms. Regina Esslinger
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Sparrows Point Shipyard - Ecron, Alternatives Analysis

Dear Ms. Esslinger:

This office has received the above-referenced Alternatives Analysis for review and comment. The applicant proposes to utilize an existing paved area that crosses through the 100-foot Buffer to access an existing pier. The paved area will serve a proposed ethanol plant that is proposed for the site. It appears the alternative selected involves the least disturbance to the Buffer, and your office will require appropriate Buffer mitigation on-site, therefore, this office has no objection to the request.

We recommend the applicant more clearly label the mitigation areas proposed on the site. In particular, the amount of mitigation proposed needs to be corrected, as it appears to not accurately reflect the actual area proposed for planting.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions about the above comments.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 800-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 21, 2006

Ms. Michele Bynum
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Riverside Pumping Station Main Replacement
Critical Area Consistency Report

Dear Ms. Bynum:

I have received the Consistency Report for the above-referenced project. This office has reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying site plan, this office agrees that the project is consistent with the Harford County Critical Area Program for the reasons outlined below.

- Although the project site is located in the Intensely Developed Area, Commission staff determined that the 10% pollutant reduction rule should not be required for this project, not because it should be exempt, but because the project does not increase imperviousness, and is not considered "redevelopment."
- There will be no impacts to any Habitat Protection Areas including the 100-foot Buffer.
- Appropriate sediment and erosion control measures will be used during construction.
- A permit has been received from the Maryland Department of the Environment for the nontidal wetland disturbance.

Since the project is consistent with the local program, it will not require formal approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 815-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 21, 2006

Mr. Neal Welch
Public Lands, Policy and Planning
Department of Natural Resources
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Sandy Point State Park (2006-DNR-320)
SYMBI Trail Boardwalk

Dear Mr. Welch:

I have reviewed the above-referenced project to replace damaged planks to an existing boardwalk system. It is our understanding the planks were damaged due to Hurricane Isabel, and there will be no expansion of the boardwalk; therefore, this action by the Department does not constitute a development activity and does not require approval by the Commission.

This office supports the Department's efforts in repairing existing public access trails on State lands. In addition, we appreciate your continued efforts to provide Commission staff notice of these projects.

Thank you again for forwarding this request to this office. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Jay Kenty, Sandy Point State Park

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 15, 2006

Ms. Michele Bynum
Harford County Government
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Lands of Harford Hospice – Site Plan

Dear Ms. Bynum:

I have received the above-referenced site plan for review and comment. It appears our office has submitted previous comments in a letter dated June 8, 2006, and the applicant has addressed some of the comments in that letter.

The site is located in the Resource Conservation Area (RCA) and is 56.24 acres. The applicant proposes to subdivide the lot into two lots. Proposed lot 1 will be 2.18 acres, and proposed lot 2 will be 54.06 acres. I have outlined my comments below.

1. Since the site is in the RCA, the applicant is required to demonstrate there is sufficient upland to support the 1/20 acre density requirement. It appears there are no tidal wetlands on this site that would need to be deducted from the overall acreage figure. Therefore, absent any information to the contrary, it appears this site can support two lots.
2. The RCA designation also may restrict certain uses on these lots. Generally, residential uses are permitted. Other uses would need to be permitted by the County and may require the use of growth allocation.
3. Since the site supports a Wetland of Special State Concern (WSSC), the applicant has provided various buffer lines on the plans. These buffers do not appear to be consistent. If all nontidal wetlands on this site are considered WSSC, then a minimum 100-foot Buffer is required around all wetlands. There are some areas where a 75-foot buffer is shown. Please have the applicant clarify these buffers.
4. It appears that some of the proposed clearing on proposed lot 1 will be inside the buffer to the WSSC. We recommend no clearing be permitted in this area.

5. In section 2.2 of the Environmental Report, the soils chart indicates that Othello soils are not hydric. This is incorrect and should be corrected on the chart. Any areas of hydric soils on the site that are classified as Othello that abut the minimum 100-foot buffer for the WSSC may require expansion.
6. In section 6.2 of the Environmental Assessment, the second bullet states that the first flush is equal to one half inch. This is incorrect and should state the first flush is equal to the first inch, which is consistent with the current Maryland Department of the Environment's 2000 Stormwater Manual.
7. In Appendix 7.6, the FIDs mitigation worksheet was not completed correctly. On the last page of the worksheet the applicant has indicated 1.39 acres of clearing. From our review, it appears the applicant has satisfied the site design guidelines; therefore, completion of parts A-G was not required.
8. In addition, the clearing indicated on the worksheet is 1.39 acres, while the clearing indicated on the plans is 1.95 acres. Please have the applicant clarify the actual clearing.
9. Once the actual clearing figure is resolved, it appears that 1:1 mitigation of new FID habitat is required since the applicant has met the guidelines. Therefore, either 1.39 acres is required as mitigation of 1.95 acres is required.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: 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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December 8, 2006

Ms. Patricia Pudelkewicz
Harford County Government
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Flying Point Marina

Dear Ms. Pudelkewicz:

This office has received the County's response letter to our last comment letter dated July 14, 2006. I have outlined our comments below.

1. I have reviewed the 10% Pollutant Reduction calculations and they appear to be correct.

2. The Best Management Practices proposed to satisfy the pollutant removal requirement of 1.605 pounds of phosphorus per year must be designed according to the Maryland Department of the Environment's 2000 Stormwater Manual. These measures shall be adequately sized to treat the 10% pollutant removal requirement, in addition to the other stormwater requirements.

3. It is our understanding that the clearing to occur on the BGE right-of-way property will actually be replaced since the applicant is proposing to plant 1.69 acres of forest adjacent to an existing FID habitat.

4. It is also our understanding that the County has verified that Reforestation Area R-3 is an existing, cleared area that is suitable for planting and adjacent to existing FID habitat.

It appears all issues have been addressed. Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 720-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 8, 2006

Mr. Rob Konowal
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: GTC Greenbrier, LLC

Dear Mr. Konowal:

I have received revised plans from the applicant's engineer concerning the above-referenced property. It is my understanding that my last comment letter dated June 14, 2006 was based on a previous plan, and that an updated plan was submitted to the Anne Arundel County Board of Appeals for consideration. Specifically, I have been asked to comment on the plan dated 9-22-06. I have outlined my comments below.

It appears that the applicant has increased direct impacts to the nontidal wetland by 10 square feet and to the 25-foot nontidal wetland buffer by approximately 1,013 square feet. It is my understanding that the dwelling cannot be shifted further out of the nontidal wetland buffer due to the septic reserve setbacks. Since the dwelling is relatively modest compared to other footprints approved by the Board of Appeals, this office does not oppose the impacts to this nontidal wetland buffer in order to accommodate reasonable development on a legal lot.

We recommend mitigation be performed for impacts to the nontidal wetland and its buffer due to permanent impacts caused by development on this existing, legal lot.

Thank you for the opportunity to provide comments on the most recent plan. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 661-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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Executive Director

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December 7, 2006

Ms. Michele Bynum
Harford County Government
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Tara Investments, LLC – Site Plan

Dear Ms. Bynum:

I have received the above-referenced site plan for review and comment. The site is located in the Intensely Developed Area (IDA) and is 2.51 acres, of which 1.83 acres are within the Critical Area. I have outlined my comments below.

1. Since the site is in the IDA, the applicant is required to submit the 10% Pollutant Reduction calculation. I have reviewed those calculations and they appear correct.

2. Please ensure that the stormwater management device proposed meets the design specifications outlined in the Maryland Department of the Environment's Stormwater Design Manual, specifically as illustrated on page 3.32.

3. Also, please ensure that this facility is properly sized to accommodate the 20% and 10% stormwater requirements.

4. We encourage the applicant to plant all pervious areas with native vegetation on this site.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 770-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 4, 2006

Mr. Gary Maragos
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Muziks Mooring
MS 06-025

Dear Mr. Maragos:

This office has received a resubmittal for the above-referenced subdivision request. The applicants have responded to my last letter dated September 26, 2006. I have outlined my remaining comment below.

- As stated in my last two comment letters, because this is a newly created lot, the 100-foot Buffer must be established in native vegetation (see Article 17-8-303). We recommend this be a plat note (we see it has been included as a note on the plan), and this area of planting be shown on the plat and plan.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 366-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 4, 2006

Mr. Gary Maragos
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Fourteen Ten CSC, LLC Property
S 06-035, P 06-0098

Dear Mr. Maragos:

I have received the resubmital for the above-referenced subdivision request. The applicant has addressed some of the comments of my previous letter dated September 5, 2006. I have outlined my comments below.

1. The applicant has provided an impervious surface chart; however, the bulk parcel that is proposed to be just over one acre is proposed to exceed 15% impervious. Only those lots that are one acre or less can have up to 25% impervious cover as long as the overall impervious area is still limited to 15%;(see Natural Resources Article 8-1808.3 (d) (4)) therefore, it appears the bulk parcel proposed impervious area needs to be adjusted so that it does not exceed 15%.

2. The applicant has provided the required afforestation figure; however, it appears no planting is proposed. Please indicate why no planting is proposed on this site since it appears there is ample opportunity to establish some forested areas particularly near the rear of the site.

3. Please have the applicant forward a copy of the September 18, 2006 letter from the Department of Natural Resources for our files.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 549-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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December 4, 2006

Ms. Angela Willis, Environmental Analyst
Maryland State Highway Administration
Office of Planning and Preliminary Engineering
707 N. Calvert Street
Baltimore, Maryland 21202

Re: MD 50 between South Haven Road and the Severn River Bridge
MD 50 at I-97 and MD 70, Grinding and Resurfacing

Dear Ms. Willis:

Thank you for forwarding the above-referenced project for review. Commission staff has reviewed this project and determined that it qualifies under Code of Maryland Regulations Title 27.02.03, General Approval of State Agency Programs, and subsequently, the Memorandum of Understanding (MOU) between the Department of Transportation and the Critical Area Commission.

Specifically, this project meets the requirements for General Approval under Exhibit B1, Sections 3(a) and 3(b) since it is our understanding that there will be no addition of impervious area, is considered to be routine maintenance, and will not increase the quantity or lessen the quality of runoff. Therefore, no further review by this office is necessary notwithstanding any other required State or federal permits.

Thank you for submitting this project to this office for review. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Meg Andrews, DOT Commission Member

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 30, 2006

Ms. Lori Allen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Brandon Shores Power Plant FGD Facility
G 02012448, C 06-0081

Dear Ms. Allen:

I have received the above-referenced project for review. The applicant proposes to install a conveyor system that will cross through the 100-foot Buffer into the upland. The site is designated as an Intensely Developed Area (IDA) and is mapped as a Buffer Modification Area (BMA). I have outlined our comments below.

1. Please be advised of a letter dated November 14, 2006 from the Department of Natural Resources (DNR) indicating the site is adjacent to known historic waterfowl concentration areas; therefore, any water-dependent activities may require a time of year restriction. If there will be any such development activities, coordination with DNR is required. See enclosure.

2. I have reviewed the proposed planting areas and they appear to be those areas agreed to in our last meeting due to the constraints on the site, and other limiting factors due to the operations of the plant. The list of proposed species all appear to be native and the quantities were correctly calculated.

3. Since the site is in the IDA the applicant performed the 10% Pollutant Reduction calculations; however, the total site area appears to be incorrect. We recommend the applicant use the limits of disturbance as the total site area, and use the footprint of the footers and the conveyor system as the new impervious area in order to properly calculate the 10% calculations.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

Enclosure

cc: AA 672-06

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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November 30, 2006

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Brightwater/Carvel Beach Road, P/O Lot 132
S 91-114, P 05-176

Dear Mr. Torney:

I have received the applicant's response to my last comment letter dated February 13, 2006. It appears the applicant has addressed all the comments of that letter. I have outlined my remaining comment below.

The total impervious surface numbers still appear incorrect. One sheet 1 of 3 I get different totals for Tauton Lane (12,222 sf) and Carvel Beach Road (1,584 sf). With these two corrections, the total impervious area would be 109,253 square feet, which equals 15%. Therefore, there is no possibility of additional impervious area for this entire subdivision. If the applicant does not change the lot sizes or reduce the proposed impervious coverage, a note should be added to the final plat and plan, and a note should be added to each deed, that no additional impervious areas are permitted.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 688-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 27, 2006

Mr. Butch Norden
Public Lands, Policy and Planning
Department of Natural Resources
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Susquehanna State Park, Rock Run Dam Rehab (2006-DNR-295)

Dear Mr. Norden:

I have reviewed the above-referenced project. This office supports the Department's efforts in rehabilitating dams where they are not otherwise found to inhibit fish passage or be in conflict with other unit's concerns. In addition, we appreciate your continued efforts to provide Commission staff notice of these projects.

In regard to this specific request, if the Department determines this dam rehabilitation project is necessary, any impacts (i.e. clearing) to the 100-foot stream Buffer would need to be restored after the project is completed.

Thank you again for forwarding this request to this office. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Michele Bynum, Harford County Planning & Zoning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 27, 2006

Ms. Michele Bynum
Harford County Government
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Redner's Fueling Station/Market – Site Plan

Dear Ms. Bynum:

I have received the above-referenced site plan for review and comment. As you know, this office has previously reviewed this plan, and now the applicant proposes to add a fueling station to the site plan. It is our understanding that this addition to the plan does not add additional impervious area over what was already proposed; therefore, the applicant is not required to recalculate the 10% Pollutant Reduction calculation. Consequently, I have reviewed the calculations previously submitted and they appear correct, including the area used for the site area. This office has no further comments concerning the Critical Area requirements.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 41-06

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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November 27, 2006

Ms. Melissa Williams, Planning Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224

Re: Section 200: I-95, North of MD 43 to North of MD 22
Baltimore and Harford Counties, Maryland
Invitation for Participation in the Section 200 Project Planning Study

Dear Ms. Williams:

Thank you for forwarding to this office the above-referenced project for review. It appears that the proposed improvements to I-95 are not within the Critical Area; therefore, this office will not be a participating agency in the NEPA planning process.

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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November 17, 2006

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Thackray Seznec - RESUBMITTAL
S 05-029, P 05-0141

Dear Ms. Llanes:

This office has received the resubmittal for the above-referenced subdivision request. The applicant has addressed the comments of my last letter dated July 5, 2006. I have outlined my remaining comments below.

1. Please have the applicant correct the reference to COMAR that is found on plat 2 of 4 and on sheet 2 of 7 of the FDP. Instead of 27.15.09.04, it should state 27.01.09.04.

2. The plat does not appear to show where there will be an easement to protect in perpetuity the remaining forested areas inside the Critical Area. The FDP on sheet 5 of 7 shows some crosshatching, however, the legend does not indicated the meaning of the crosshatching.

3. This office has reviewed the applicant's revised Forest Interior Dwelling Bird (FID) analysis.

4. Based on our review, the subdivision as currently proposed could be considered as meeting the guidelines. For FIDs mitigation, 1:1 replacement of the FIDs Habitat lost (1.636 acres) is required. The replacement must create new FIDs habitat. While Reforestation Area "A" does create 1.414 acres of new habitat (and converts 2.216 acres into interior habitat), Reforestation Area "B" provides minimal benefits to FIDs (due to the existing roads/breaks in forest on adjacent property). We recommend, if possible, the

applicant increase Area A to a total of 1.636 acres. Provided this is done, and the area permanently protected, the mitigation provisions of the FIDs Conservation Guidelines would be met.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lee Anne Chandler

for Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Bill Love, AA Co.
AA 569-05

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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November 20, 2006

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Christopher Maio
S 99-130, P 06-0120

Dear Mr. Burke:

I have received the subdivision request of the Christopher A. Maio property. From the information provided, it appears the applicant proposes to create a total of three lots in the Critical Area portion of the parcel (one existing and two proposed). I have outlined my comments below.

1. The Critical Area Calculations table is confusing. It lists existing lot 6 as having 5.2 acres in the Critical Area; however, the plan shows lot 6 as outside the Critical Area. Please have the applicant explain this inconsistency.

2. The impervious surface and clearing limits for lots 7, 8 and 9 that do appear to be inside the Critical Area are not consistent with the information provided on what is titled "Addendum to FSD/FCP/CA", and the Title Sheet for the Sketch Plan. The former document suggests lot 6 is in the Critical Area, and does not mention lot 9. Please have the applicant clarify this information and make it consistent.

3. An updated Environmental Report and letter from the Department of Natural Resources (DNR) should be updated, since the information in our files on this property includes a report dated 1999 and a DNR letter 1997.

4. A small portion of the septic area for proposed lot 8 is within the proposed easement area. This portion of the septic area should be removed from the easement, since it is a development activity, and may require future clearing.

5. How will the septic area on proposed lots 7 and 8 not involve some clearing? The current plans show minimal clearing associated with these septic areas.

6. There is a proposed stormwater management trench in an area shown as Open Space "B". It seems no development activities should be permitted in the Open Space areas. In addition, no clearing is shown for this trench.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 689-06

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/

November 17, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: 2005 Middleborough Road

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a single family dwelling and driveway within the building setback to the Critical Area Easement, and to clear greater than 30% on a lot in the Limited Development Area (LDA). The site is 8,354 square feet or 19 acres. This office does not oppose the requested variance to the Critical Area Easement since it appears the applicant has located the dwelling as close to the other zoning setbacks as possible. Similarly, we do not oppose the variance to clearing beyond 30% since it appears the applicant has minimized clearing given the small size of the fully forested lot; however, mitigation will be required at a 3:1 ratio since the clearing is above 30%.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 748-06

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/

November 17, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Joseph Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a single family dwelling and driveway within the building setback to the Critical Area Easement. The site is located in the Resource Conservation Area (RCA) and is .43 acres. This office does not oppose the requested variance since it appears the applicant has located the dwelling as close to the other zoning setbacks as possible.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 749-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 15, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: North Beach Park Resubdivision - Final Plans & Plat, RESUBMITTAL
S 04-068, P 05-0050 AMENDED COMMENTS

Dear Ms. Shatt:

In recent discussions with your office and the applicant's consultant concerning the above-referenced project, it has come to my attention that the mitigation bank is not intended for FID mitigation, but for typical forest mitigation. Therefore, the comments of my last letter dated November 3, 2006 are not completely applicable. I have outlined below what we have agreed is the proper acreage figure for mitigation banking purposes not for FIDs habitat.

- The area of the Conservation Property Areas #13 and #14 that are tidal wetland areas and are not forested must be subtracted. That area is equal to 12.43 acres based on a more accurate calculation by the applicant, which was slightly more area than Commission staff originally measured.

- We agree that since this banking is not for FID mitigation purposes that Conservation Property Areas #3, #5, #6, #7 can still be included in the banking area and do not need to be subtracted.

- The 3.674 acres of clearing is outside of the area proposed for the easement area, so it does not need to be subtracted.

- Therefore, if we subtract 12.43 acres from 87.90 acres the sum is 75.47 acres (88-12.43 = 75.47). Thirty percent of this figure is 22.64 acres (30% is the area available for mitigation banking).

- Since FID mitigation is not proposed, and we have stated that the FID guidelines have been met, the FIDs worksheet is not required.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tom Burke, AA Co.
Mr. Jeff Bugno, Bay Engineering
Ms. LeeAnne Chandler, CAC Staff

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

November 9, 2006

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

Re: E.L. Gardner Property
S 04-065, P 04-0122

Dear Ms. Shatt:

I have received another resubmittal for the above-referenced property. The applicant has not addressed a concern in my last comment letter dated August 7, 2006 concerning the forest retention issue. It appears that only 53% of the existing forest cover is proposed for retention. Please have the applicant address this issue prior to final plat approval. If 70% of the existing forested area is not retained, then it is unclear how the applicant is not exceeding the 30% clearing limits.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 636-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 8, 2006

Ms. Regina Esslinger
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Day Village Pumping Station
Chesapeake Bay Critical Area Consistency Report

Dear Ms. Esslinger:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- The pumping station replacement is required subject to a Federal Consent Decree.
- While the location of the replacement pumping station is within the 100-foot Buffer, the County Code permits utilities in Habitat Protection Areas provided no feasible alternative exists and the location, design, construction and maintenance provides erosion protection and minimizes impacts.
- The pumping station existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative exists.
- The Buffer disturbance will be minimized to the extent possible.
- Impervious areas will be reduced, which minimizes impacts to the Buffer.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 731-06

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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November 8, 2006

Ms. Regina Esslinger
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Lyons Home Pumping Station
Chesapeake Bay Critical Area Consistency Report

Dear Ms. Esslinger:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- The force main upgrade is required subject to a Federal Consent Decree.
- While the location of the force main is within the 100-foot Buffer, the Code of Maryland Regulations 27.02.05.03(3)(a)(iii) permit utility crossings in Habitat Protection Areas provided no feasible alternative exists and the location, design, construction and maintenance provides erosion protection and minimizes impacts. The information provided addresses this requirement.
- The force main existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative exists.
- The Buffer disturbance is temporary and will be minimized to the extent possible.
- The site will be revegetated with native species at a minimum 1:1 ratio.
- No additional impervious areas area proposed.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 705-06

Robert E. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 6, 2006

Mr. Donald J. Bautz, Jr., Deputy Director
City of Havre de Grace
Department of Economic Development & Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

Re: City of Havre de Grace, Decoy Museum
Storm Drain Improvements

Dear Mr. Bautz:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The Decoy Museum is located in the Intensely Developed Area and a stormwater outfall is needed for the site. After reviewing the consistency report this office agrees that the project is consistent with the City of Havre de Grace's Critical Area Program for the reasons outlined below.

- The proposed outfall pipe and outfall area is considered a water-dependent use and is permitted within the 100-foot Buffer.
- The 10% Pollutant Reduction calculations were addressed and 3,920 square feet of planting is proposed as a stormwater offset.
- No other Habitat Protection Areas will be impacted.

Since this project is consistent with the local Critical Area Program, no further review is required by the Commission, notwithstanding any other required permits. If the plans for the project change, please forward them to Commission staff for review.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Jason Traband, CNA Engineers, Surveyors & Landscape Architects
HG 652-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 6, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Anne Arundel County Program – Proposed Amendment
Critical Area Map Designation Change
JWL Associates and William and Mary Magenau Property

Dear Ms. Gawel:

At its meeting on November 1, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously voted to return the proposed program amendment to the County with a list of changes to be made. The request proposed to amend the Anne Arundel County Critical Area Program for a Critical Area Map Designation Change of 2.27 acres from a Resource Conservation Area to a Limited Development Area for the above-mentioned property.

The panel, and subsequently the full Commission, voted to send the proposed Program change back to the County to provide additional information. The additional information shall include a clear explanation of all of the mapping rules and procedures included on pages 12-16 of the Anne Arundel Program document, dated August 1988 and how they were applied, and a comprehensive analysis of how the mapping rules were applied consistently and systematically on all Critical Area maps throughout the County. This information shall be sufficient for the Commission to determine that the correction of the map associated with the Magenau property is consistent with the purposes, policies, goals and provisions of the Critical Area law and Criteria.

Thank you for your assistance and cooperation in the review of this matter by the Critical Area Commission. Please contact me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Fred Delavan, Esquire
Ms. Marianne Dise, Commission Counsel

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 6, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Anne Arundel County Program – Proposed Amendment
Critical Area Map Designation Change
Michael and Laura Daras Property

Dear Ms. Gawel:

At its meeting on November 1, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously voted to return the proposed program amendment to the County with a list of changes to be made. The request proposed to amend the Anne Arundel County Critical Area Program for a Critical Area Map Designation Change of 14.73 acres from a Resource Conservation Area to a Limited Development Area for the Michael and Laura Daras property.

The panel, and subsequently the full Commission, voted to send the proposed Program change back to the County to provide additional information. The additional information shall include a clear explanation of all of the mapping rules and procedures included on pages 12-16 of the Anne Arundel Program document, dated August 1988 and how they were applied, and a comprehensive analysis of how the mapping rules were applied consistently and systematically on all Critical Area maps throughout the County. This information shall be sufficient for the Commission to determine that the correction of the map associated with the Daras property is consistent with the purposes, policies, goals and provisions of the Critical Area law and Criteria.

Thank you for your assistance and cooperation in the review of this matter by the Critical Area Commission. Please contact me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Anthony F. Christhilf, Esquire
Ms. Marianne Dise, Commission Counsel

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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November 3, 2006

Mr. Donald Sparklin
State Highway Administration
707 N. Calvert Street, 3rd Floor
Planning Division
Baltimore, Maryland 21202

Mr. John Gerner
Federal Highway Administration
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, Virginia 22314

Re: Woodrow Wilson Bridge – Anacostia Mitigation Site

Dear Sirs:

At its meeting on November 1, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Anacostia Mitigation Site which will create 20.1 acres of tidal wetlands, 14.7 acres of upland reforestation, 3.4 acres of riparian Buffer preservation, and 27.5 acres of open space recreation. The project was approved based on the following conditions:

1) After excavation is complete, the State Highway Administration shall monitor the proposed planted areas both inside and outside the newly established Buffer for two years. After assessing the success of the planted areas, Commission staff may extend the monitoring period for an additional three years; and

(2) Prior to commencement of construction, the State Highway Administration shall obtain all necessary authorizations from the Maryland Department of the Environment.

I have provided a Planting Agreement form to Ms. Michele Floam of Coastal Resources, Inc. to be completed, which includes the proposed dates of the mitigation planting. This form should be returned within 30 days, and with an authorized signature.

Thank you for your continued cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Todd Nichols, SHA
Mr. Charles J. Montrie, MNCPPC
Ms. Michele Floam, Coastal Resources, Inc.
Mr. Richard Thompson, Prince George's Co. DPW

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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November 3, 2006

Mr. Julio M. Espinoza, P.E.
Harford County Department of Public Works
212 South Bond Street, 3rd Floor
Bel Air, Maryland 21014

Re: Rock Run Road Project - Repairs to Retaining Wall HC Bid No. 07-075
Critical Area Consistency Report

Dear Mr. Espinoza:

I have received the Consistency Report for the above-referenced project. This office has reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying site plan, this office agrees that the project is consistent with the Harford County Critical Area Program for the reasons outlined below.

- Appropriate sediment and erosion control measures will be used during construction.
- Mitigation for clearing six trees will be provided for the road repair.
- Two additional trees will be planted to offset the slight increase in impervious area.
- DNR personnel have confirmed the project will have no impacts to any threatened or endangered species or Forest Interior Dwelling Bird habitat.

Since the project is consistent with the local program, it will not require formal approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, notwithstanding any other required resource agency approvals. Should the nature or scope of the project change, please forward the information for review by Commission staff.

Finally, please submit the final planting locations that will occur within State park area as soon as possible so we may include that information in our file. Also, please indicate the planting date for these trees.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Patricia J. Pudelkewicz, Harford County Planning and Zoning
Mr. Arnold Norden, DNR – Public Lands, Policy and Planning
HC 712-06

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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November 3, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: North Beach Park Resubdivision - Final Plans & Plat, RESUBMITTAL
S 04-068, P 05-0050

Dear Ms. Shatt:

I have received a resubmittal of the final plat and plans for the above-referenced project. The applicant has addressed the comments in my last letter dated September 20, 2006. My remaining comments for this subdivision involve the creation of the Forest Mitigation Bank. As we have stated before, this office supports the creation of these mitigation banks; however, the acreage accounting needs to be accurate prior to final plat approval. At this time, Commission staff do not believe the most accurate acreage figure was calculated for the bank.

Since our last letter, the Commission's Science Advisor, LeeAnne Chandler, made a site visit to view the forest habitat. From the plans provided, it appeared to staff that portions of the area proposed as Conservation Area were tidal wetlands. Therefore, we questioned whether there could be any forested FID habitat in these areas. In addition, Ms. Chandler wanted to view the type and quality of the forest (see enclosed photos).

Based on Ms. Chandler's site visit observations and on the acreage information provided to this office by the applicant, we believe the proper acreage for the Forest Mitigation Bank/Conservation Area is 21.05 acres. We arrived at this figure by subtracting the area of tidal wetlands that are not forested, by subtracting areas that are too isolated to be used as FID mitigation, and by subtracting the proposed clearing. I have outlined our figures below:

- Conservation Property Areas #13 and #14 are tidal wetland areas that are not forested and are not FID habitat. Based on our rough calculations, it appears these two areas total approximately 12 acres (#13 = 1.5 acres, #14 = 10.5 acres)

- Conservation Property Areas #3, #5, #6, #7 are either too small or not contiguous enough to other forested areas to be FIDs habitat after development of the lots, or do not contain FIDs habitat. These areas total approximately 2.153 acres (#3 = .275, #5 = .603, #6 = .735, #7 = .540 acres).

- The applicant has indicated that 3.674 acres of clearing will occur for the development.

Therefore, if we begin with 88 acres and subtract the total sum of the figures provided above (88-12-2.153-3.674=21.05) we get 70.17 acres. Thirty percent of this figure is 21.05 acres (30% is the area available for FIDs mitigation). Of course, the applicant should verify our approximations of the open tidal wetland areas and those areas not considered FIDs habitat.

As stated before, any additional clearing not associated with the initial development, but could otherwise occur since some lots do not have easements covering all remaining forested areas after the initial development, would also need to be deducted.

While this office has stated in past correspondence that the FID guidelines have been met, we recommend the FIDs worksheet still be completed with a map showing the interior and edge since this site is proposed as a FIDs mitigation bank site.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tom Burke, AA Co.
Ms. LeeAnne Chandler, CAC Staff
AA 200-05

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/

October 25, 2006

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

Re: AES Sparrows Point LNG Project Resources Reports

Dear Mr. Dintaman:

I have received your latest request for review of the above-referenced project. The reports referenced in this current request contain some information that may be relevant to the review of the Critical Area Commission staff; however reports 1, 4 and 5 do not appear on the transfer drive. In the absence of this information, I will try to provide your office with some relevant information.

The landward improvements of this project will be required to meet the relevant Critical Area requirements depending on the Critical Area designation. If the Critical Area designation is Intensely Developed Area (IDA), the project will be required to meet the 10% Pollutant Removal Requirement and any other applicable regulations. If the Critical Area designation is Limited Development Area (LDA) or Resource Conservation Area (RCA) the project will be required to meet the impervious surface and clearing restrictions. Regardless of the Critical Area designation, the project will need to meet the Habitat Protection Area (HPA) requirements of the Critical Area.

Thank you for the opportunity to provide continuing comments on this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

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/

October 25, 2006

Mr. James Price, Director
Program Open Space
Department of Natural Resources
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Marshy Point Park – Entry Road Construction - POS # 4975-3-408

Dear Mr. Price:

Thank you for forwarding the above-referenced Clearinghouse Review project to our office for review. The Baltimore County Department of Environmental Protection and Resource Management (DEPRM) have not yet provided us with a site plan for this proposed park entrance road. However, Commission staff sees no conflict with the proposal, but would request an explanation for this secondary access, since the park is accessible via Marshy Point Road.

As far as process, provided the project can be determined to be consistent with the Baltimore County Critical Area Program, it will not require review and approval by the full Critical Area Commission. A consistency determination will be performed by DEPRM and submitted to Commission staff for review and concurrence. If our office disagrees with a consistency determination, then the project will require Commission review and approval.

My initial review of the plans submitted by your office seems to suggest that no clearing will be necessary, and the impervious surface proposed will be within the allowable limits. In addition, it appears stormwater is being addressed and no Habitat Protection Areas will be impacted. Since I have not seen a detailed site plan for the proposed entry road, I cannot offer any more substantive comments at this time.

In any case, the project must meet the following requirements:

- Demonstrate all impacts to any Habitat Protection Areas are avoided, or in the case of access, minimized
- Provide stormwater management measures
- Provide sediment and erosion control measures
- Provide mitigation for any required clearing
- Demonstrate the proposed impervious area will not exceed the 15% threshold

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Pat Farr, Baltimore County DEPRM

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

October 6, 2006

Mr. Vivian Marsh
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Village at Lee Airport - Resubmittal
S 05-006, P 06-0037

Dear Mr. Marsh:

I have received the final plat and plans for the above-referenced project. The applicant finished addressing the last comments of this office when the 10% Pollutant Reduction calculations were corrected; therefore, this office has no further comments on this project.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 52-05

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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October 3, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Nichols Property

Dear Mr. Brittingham:

I have received the above-referenced variance request for review and comment. The Critical Area designation of the parcel is Resource Conservation Area (RCA). The applicant has requested a variance to allow the construction of a single family dwelling in the 100-foot Buffer to Saltpeter Creek. This office has no objection to locating a single family dwelling on a grandfathered lot in the Critical Area; however, we offer the following comments and recommendations:

- All five variance standards must be met by the applicant in order for the variance to be approved.
- It appears the dwelling could be smaller if the garage is eliminated, or sited on the proposed parking pad area; this would further minimize intrusion into the 100-Buffer;
- If the variance is granted we recommend mitigation at a 3:1 ratio for all disturbance to the 100-foot Buffer. Disturbance includes grading, footprint and clearing.
- We recommend that the applicant perform a portion of the required mitigation through plantings on the lot between Saltpeter Creek and the proposed dwelling before a fee-in-lieu is accepted.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 656-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 3, 2006

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

Re: Project No. BA 618A21
MD 158:@ North Point Road, Baltimore County

Dear Mr. Grey:

Thank you for forwarding the above-referenced project for review. Based on the type of development activity proposed, Commission staff has determined that this project qualifies under Code of Maryland Regulations Title 27.02.03, General Approval of State Agency Programs, and subsequently, the Memorandum of Understanding (MOU) between the Department of Transportation and the Critical Area Commission. Therefore, this project does not require formal Commission approval. Staff review is required and has been completed. I have outlined my comments below.

The project appears to meet the MOU since it will include the removal of invasive vegetation that is considered routine maintenance, and the project will not increase the quantity or lessen the quality of runoff. In addition, SHA proposes to revegetate the area with native species. The project may proceed with construction, notwithstanding any other agency approvals.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Karen Arnold, SHA
Ms. Regina Esslinger, Baltimore County DEPRM
Ms. Meg Andrews, DOT Commission Member

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 3, 2006

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

Re: Creek Properties, LLC – BA 32-06V

Dear Ms. Rhodes:

This office has received the above-referenced appeal. Unfortunately, we will not be able to attend the Board's hearing; however, we would like to provide comments on the request.

Unless the applicant has submitted a different plan, we are reviewing this request based on the plan submitted with the original variance request, which is dated December 2005. The applicant proposes to construct a single-family dwelling and associated utilities that will impact the 100-foot upland buffer, and 300-foot limited activity area in a Bog Protection Area, and will directly impact 15% or greater slopes in the Critical Area.

Since the review and subsequently the Administrative Hearing Officer's decision, this office has consulted with the Maryland Department of the Environment (MDE) concerning their review of this proposal. MDE has the expertise to review and evaluate development activities near the County's Bog Protection Areas. We are in receipt of a letter from Ms. Judy Broersma-Cole dated September 29, 2006, which provides MDE's position and recommendations for this proposal that is before the Board of Appeals. We note that Ms. Cole's letter does not provide a favorable recommendation. In addition, we also would note that MDE has not yet issued authorization for the proposed disturbance to this property.

In regard to the comments of Critical Area Commission staff, our position is that the applicant must demonstrate that all variance standards of the County Code have been met. In addition, Commission staff cannot support the request as presented on the December 2005 site plan due to the following issues:

1. The size of the proposed dwelling appears excessive for this highly sensitive lot. A smaller dwelling could eliminate direct steep slope impacts, and to the bog buffer.

2. Reducing the dwelling size might also reduce the size of the septic tank. I inquired with the Anne Arundel County Health Department as to the required size of septic tanks, and for dwellings between 0 and 1,500 square feet, only a 1,000 gallon tank is needed.

3. The Health Department also informed me that the current perc test number has been reviewed by their office, but not yet approved. We recommend that variances not be granted without this approval, particularly on a highly sensitive lot.

4. The current topography indicates that all runoff from the site of the proposed dwelling will flow directly into the bog. No proposed grading lines are shown on the plan submitted for review. We recommend this information be provided before a variance decision is made.

5. We recommend that a variance approval not be granted since MDE has not yet finished its review, or provided any authorizations for disturbance to this nontidal wetland system.

Thank you for the opportunity to comment. Please include this letter as part of the record for the appeal. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 7-06

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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October 3, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Margaret's Glen - Resubmittal
S 85-390, P 04-253

Dear Ms. Shatt:

I have received another resubmittal for the above-referenced subdivision request. The applicant has addressed the comments of my last letter dated August 10, 2005. I have reviewed the plat and plan submitted and have no further comments, with the exception that the applicant label all recreation areas that may be in the Resource Conservation Area (RCA) as passive recreation.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 905-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 2, 2006

Ms. Tressa Dolbeare
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: P&S Homes, Inc. - 200663312/06-WL-1739

Dear Ms. Dolbeare:

I have received the above-referenced permit request to construct a pier extending 290 feet channelward of the mean high water line. It is my understanding this pier will serve a proposed community; therefore, the number of slips permitted at this community pier is limited to the number provided for in the Natural Resources Article §8-1808.5. Provided your office is able to permit a pier of this scope and in this location, the number of slips permitted is the lesser of either the number of platted lots or dwellings, or one slip for each 50 feet of shoreline in a subdivision located in a Limited Development Area (LDA). According to our records the lesser number of slips is 29. Also, no individual piers are permitted if a community pier with slips is provided.

We note that the project description includes the construction of a 90-foot long by 6-foot wide walkway. This portion of the project did not appear on the plans provided. I assume that this walkway is above the mean high water line. If so, we recommend this portion of your approval, assuming this is part of MDE's jurisdiction, is coordinated with the Baltimore County Department of Environmental Protection and Resource Management (DEPRM).

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Glenn Shaffer, DEPRM

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-3460 Fax: (410) 974-5338
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October 2, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Ron Szpatura
200665320/07-WL-0120

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 70 feet of stone revetment within a maximum of 9.5 feet channelward of the mean high water line, in addition to a marsh creation project and constructing a pier. In regard to the stone revetment, if your office determines this portion of this site is a candidate for this type of shore erosion control, this office defers to your expertise.

Any vegetation cleared above mean high water (within the 100-foot Buffer) that is associated with the construction of the stone revetment or any other portions of this project request must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, for any disturbance or clearing above mean high water.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

chael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 2, 2006

The Honorable Russell Brinsfield
Mayor of Vienna
Commissioners of Vienna
P.O. Box 86
Vienna, Maryland 21869

Re: Boat Ramp Staging Area
Critical Area Planting Compliance

Dear Mayor Brinsfield:

Thank you for your follow-up letter concerning the outstanding mitigation obligation for the boat ramp staging area. The Commission staff is agreeable to allowing the Town to incorporate the required 2,040 square feet of mitigation for the boat ramp project into the Town's Buffer Management Plan that is required for the Waterfront Park improvements. We recommend that if the Town has completed those construction components of the Town Waterfront Park, then the design and implementation of the Buffer Management Plan should begin soon as possible.

Commission staff would prefer to coordinate the design and selection of species for the Town Waterfront Park with the Town. Please contact us at (410) 260-3460 and we can schedule a time to meet and perhaps perform a site visit.

As always, Commission staff looks forward to working with the Town of Vienna in completing the revitalization of the Town's waterfront area.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Tracey Gordy, Regional Planner
Ms. Jennifer Lester, CAC Planner
VI 756-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 28, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Michael and Laura Daras - Reclassification Request
JWL Associates & William & Mary Magenau - Reclassification Request

Dear Ms. Gawel:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that the above-referenced reclassification requests are amendments to the County's Critical Area Program. The public hearings will be on Monday, October 16, 2006 at the Anne Arundel County Board of Education Building beginning at 6:00 p.m.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

LAH/jjd

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

September 26, 2006

Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Epping Forest Resubdivision/Arrow Cove
S 95-083, P 00-0244

Dear Ms. Shatt:

I have received another resubmittal for the above-referenced project. It appears the applicant addressed the comments of my last letter dated May 12, 2006. I have outlined my remaining comments below.

1. We understand the expanded Buffer was previously staked in the field; however, our concern, as was in my last letter, is that the limits of the Forest Conservation Easement be clearly marked not only for the initial clearing for construction purposes, but for the benefit of future lot owners. This may avoid confusion about the area not to be cleared.

2. We continue to recommend a local land trust or similar organization take responsibility for monitoring the easement on this site since it is our understanding that the County does not have the resources to monitor this site.

3. Provided the County is satisfied that the mean high water line shown on the plans was field survey and verified, this office has no further comments on this issue.

4. It is our understanding the Board of Appeals decision was appealed to Circuit Court; therefore, no approvals should be issued until the case is resolved.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 576-00

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 26, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Muziks Mooring
MS 06-025

Dear Mr. Callahan:

This office has received a resubmittal for the above-referenced subdivision request. The applicants have responded to my last letter dated July 10, 2006. I have outlined my comments below.

1. The resubmittal does not show the limits of the minimum 100-foot Buffer on the plat and plans; however, the County must ensure the Buffer is based on field delineations. Please ensure this is a field delineated line. In addition, the Buffer line shown on the plat does not appear to be correct just according to the scale provided.

2. The applicant has provided an impervious surface and clearing table on the plat and plan; however, I get slightly different totals based on what appear to be minor addition errors. Please have the applicant recheck these numbers to ensure they are correct.

3. We recommend the required reforestation area to be planted be shown on the plat and plan. We recommend this mitigation be performed within the 100-foot Buffer on the waterfront lots.

4. As stated in my last letter, because this is a newly created lot, the 100-foot Buffer must be established in native vegetation. We recommend this be a plat note, and this area of planting be shown on the plat and plan.

5. We recommend a note on the plat regarding the historic waterfowl concentration areas adjacent to the site that includes the time of year restriction for future water-dependent structures.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 366-06

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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September 25, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Day Village Apartments

Dear Mr. Brittingham:

I have received the above-referenced variance request and subdivision request for review and comment. The Critical Area designation of the parcel is Intensely Developed Area. The applicant proposes to create three separate parcels from one parcel and has requested a variance to allow the continued use and maintenance practices in the Critical Area until the site is developed. This office has no objection to the request provided the variance includes a condition that all Critical Area requirements of the Baltimore County Code will be applicable at the time of development.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 573-06

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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September 25, 2006

Ms. Patricia Pudelkewicz
Harford County Government
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: BG&E Utility Pole 2364

Dear Ms. Pudelkewicz:

I have received the above-referenced variance request for review and comment. The applicant proposes to disturb the 75-foot nontidal wetland setback to locate a telecommunications facility directly adjacent to an existing BGE utility tower. This site is in the Resource Conservation Area and within a Habitat of Local Significance. The telecommunications facility will be within 14 feet of a nontidal wetland and will create 390 square feet of impervious area. I have outlined my comments and recommendations below.

This office does not oppose locating a telecommunications facility at this location, as it appears it is necessary to support the operations of the existing tower in this location. However, we recommend that the County work with the applicant to carefully consider whether the proposed location shown on the plans minimizes impacts to the nontidal wetlands buffer. This office recommends mitigation as prescribed by County staff if the variance is granted.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 574-06

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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September 21, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Kozieracki Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a single family dwelling in the 100-foot Buffer to Greyhound Creek. The Critical Area designation of this lot is Limited Development Area. I have outlined my comments and recommendations below.

This office commented on a previous variance request for this site. That request appears to have shown less Buffer intrusion and less impervious area. This office is unable to support the current request since the variance granted for the previous request demonstrated less impacts to the Buffer.

The site plan shows a "proposed building envelope". This office strongly discourages the use of these on plans, particularly for variance requests. In the case of a variance, the County should be able to review the plan and know exactly where the proposed dwelling or improvements are requested.

Finally, we understand the applicant has proffered the removal of a shed and what is labeled, but not confirmed, as a dwelling closer to the shoreline. The removal of these structures should be a condition of any variance granted. In addition, if the structure labeled "dwelling" has been abandoned for the time period established in the County Code, then its use may be considered abandoned.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 472-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 21, 2006

Ms. Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Dale B. Husk and Linda J. Husk
2006-0305-V

Dear Ms. Rhodes:

I have received the above-referenced variance request for review and comment. The applicants propose to unmerge three lots into two lots. The site is in the Limited Development Area (LDA) and appears to be nonwaterfront. I have outlined our comments and recommendations below.

1. Notwithstanding other zoning requirements of the County Code, this office does not oppose the requested variance provided the unmerger and thus creation of two building lots will not exceed the density limitations of the LDA.

2. From the information provided, it appears there are no Habitat Protection Areas (HPAs) on or near these lots; therefore, provided no HPAs will be impacted by unmerging these lots, this office has no objections.

3. If the Administrative Hearing Officer grants this variance request to unmerge these lots we recommend the following conditions of approval:

   - The lots shall meet the 15% afforestation requirements since the information provided indicated the site contained one azalea bush. The afforestation shall consist of native trees and shrubs.

- The impervious surface limitations per lot shall be stated on the new plat, and in no case shall the unmerger create a nonconforming situation in regard to 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 the variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 592-06

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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September 20, 2006

Ms. Patricia M. Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Baltimore County Council Bill 82-06

Dear Ms. Farr:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced County Council bill. On September 6, 2006, the Critical Area Commission concurred with Chairman Madden's determination that County Council Bill 82-06 could be reviewed as a refinement to the County's Critical Area Program. The Commission supported the County's bill, and recommended to the Chairman that the bill be approved. On September 19, 2006 the Chairman approved the County Council Bill 82-06 as presented to the Commission.

This refinement shall be reflected in the County's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the revised sections to the County Code to the Commission staff when it is available. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. David A. C. Carroll, Director
Mr. Thomas L. Vidmar, Deputy 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
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September 20, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Critical Area Boundary Line Change
Wright Investment Group, LLC

Dear Ms. Gawel:

At its meeting on September 6, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously voted to send back the request by the County for a Critical Area Boundary Line Change with changes to be made. The decision of the full Commission included the following:

The proposed program amendment shall be returned to the County, and because the County did not use an acceptable mapping methodology, the following changes shall be made:

1. The County shall revise the map to show a Critical Area boundary that is consistent with the law and Criteria for mapping. They shall identify the edge of tidal wetlands based on the 1972 Tidal Wetlands Maps and properly draw the Critical Area boundary line 1,000 feet from the edge of tidal wetlands in the area of the headwaters of Whitehall Creek.

2. The official Critical Area maps shall be amended by the County using an appropriate process.

3. Within a reasonable amount of time, the revised maps shall be submitted to the Critical Area Commission for review and approval.

Please contact our office to discuss the County's projected timeframe for completion of the map changes requested above.

Thank you for your assistance and cooperation in the review of this project by the Critical Area Commission. Please contact me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resource Planner

cc: Mr. David Plott, Esquire
Ms. Marianne Mason, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 20, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: North Beach Park Resubdivision - Final Plans & Plat
S 04-068, P 05-0050

Dear Ms. Shatt:

I have received the final plat and plans for the above-referenced project. It appears the applicants did not receive my last letter June 26, 2006. I have sent via facsimile a copy of that letter to Bay Engineering and your office. In addition to the comments of that letter, I have outlined my remaining comments below.

1. Per our telephone conversation yesterday, we understand the County cannot place an easement on the RCA portion of those lots I commented on in my last letter.

2. We believe that the acreage figure provided for the proposed mitigation bank could be incorrect. If the total existing forested area is 97.031 acres, 30% of that is 29.11 acres. We must subtract from 29.11 acres the proposed clearing (3.674 acres), which equals 25.436 acres. In addition any area not being cleared and not being put in the easement area must also be subtracted; therefore, the 26.371 acreage figure for the Forest Mitigation Bank appears incorrect. Please verify these numbers prior to final plat approval.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tom Burke, AA Co.
AA 200-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 15, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: 200664304/06-WL-1850
Mike Thomasson

Dear Mr. Cuthbertson:

I have received the above-referenced project that proposes to emplace 1,245 feet of stone revetment within a maximum of 25 feet channelward of the mean high water line, construct a 75-foot long by 6-foot wide walkway, and a 70-foot long by 6-foot wide timber pier with a finger pier and two boatlifts within a maximum of 80 feet channelward of the mean high water line. I have outlined my comments below.

Stone Revetment and Pier

This office will defer to your office concerning the type of shore erosion control that is best suited for this site. As you know, our regulations encourage shore erosion control; however, the regulations also provide an order of preference concerning the method employed beginning with nonstructural means.

We have no comment concerning the proposed pier provided no submerged aquatic vegetation or other aquatic resources will be negatively impacted, particularly in the location of the proposed boat lifts due to shading.

Walkway

It is unclear from the site plans provided, where the exact location of the walkway is located along the shoreline. We understand a walkway may be necessary to access the pier; however, it is unclear from the site plans provided why the walkway needs to be 70-feet long. From the detail plans we can see that the walkway is partially above the mean high water line. In addition, it appears to be parallel to the shoreline. While riparian access is permitted within the 100-foot Buffer, this office generally does not support parallel access. Typically, access is perpendicular through the 100-foot Buffer to the shoreline in order to minimize permanent impacts.

We recommend the length and location of the proposed walkway be coordinated with Anne Arundel County since any walkway that is in the 100-foot Buffer must serve as riparian access (we are assuming this walkway is for access to the pier), and that riparian access must be designed to minimize impacts to the Buffer; therefore, its length should be the minimum necessary. The County will need to determine whether a Buffer variance is necessary. Any portion of the walkway that is in the 100-foot Buffer should require mitigations.

As always, any Buffer disturbance or clearing of vegetation in the Buffer for the construction of the revetment and pier will require mitigation at a 1:1 ratio.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Doug Musser, County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 12, 2006

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

Re: AES Sparrows Point LNG Project Resources Reports

Dear Mr. Dintaman:

As you know, this office provided comments to you in a letter dated June 14, 2006 (enclosed). The reports referenced above that are currently available for review do not contain information that may be relevant to the review of the Critical Area Commission staff at this time. However, since the writing of our June 14, 2006 comment letter, we received the Environmental Review letter from the Wildlife and Heritage Division of DNR. That letter outlines numerous plant and wildlife species and their associated habitats that are considered Habitat Protection Areas (HPAs) under the Code of Maryland Regulations. As such, these species and their habitats require protection and conservation in the Critical Area.

Thank you for the opportunity to provide continuing comments on this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 11, 2006

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

Re: Project No. AA 616B21 - Anne Arundel County
MD 70 over College and Weems Creeks, Resurfacing

Dear Mr. Grey:

Thank you for forwarding the above-referenced project for review. Commission staff have already reviewed and responded to this project notification. I have enclosed a letter to Ms. Karuna Pajara, which indicates that Commission staff agrees that this project meets the requirements for General Approval under Exhibit B1, Section 3(b).

Thank you for submitting this project to this office for review. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Donna Buscemi, SHA-PPD
Ms. Meg Andrews, DOT Commission Member

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 11, 2006

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Oak Harbor
S 86-017, P 06-0044

Dear Mr. Torney:

This letter serves as an amendment to my last letter dated September 5, 2006. Subsequent to our telephone conversation, it has come to my attention that this parcel is not within a Bog Protection Area. This office was under that impression that the parcel was in a Bog Protection Area due to the memorandums from Ms. Penny Chalkley to you dated February 1, 2005 and February 22, 2005; however, you have informed me that this subdivision is not the one referenced in Ms. Chalkley's memorandum. Therefore, comments #1 and #2 from my last letter are no longer applicable.

We still request that my last comment #3 be addressed, which recommended that the street trees proposed on the Road and Stormdrain Plans be native species.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 379-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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September 8, 2006

Mr. William Lesko
Anne Arundel County
Department of Public Works
Bureau of Engineering, MS –7301
2662 Riva Road
Annapolis, Maryland 21401

Re: Dreams Landing Sewage Pumping Station and Force Main

Dear Mr. Lesko:

At its meeting on September 6, 2006 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Dreams Landing Sewage Pumping Station and Force Main project with the following conditions:

(1) Mitigation shall be provided at a 3:1 ratio for the area of new disturbance in the expanded Buffer. The mitigation shall consist of a mix of native shrubs and herbaceous species, and shall be primarily located within the 100-foot Buffer. The County will work with the community and Commission staff to finalize the mitigation plans with 90 days; and

(2) The tennis court shall be removed no later than the completion of the project.

I have enclosed a Plantings Agreement Form that should be returned to this office within the next 90 days. Thank you and your consultant team for attending the Commission meeting and making yourselves available for questions. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Mr. Mark Paternoster, Dewberry & Davis, LLC
Mr. Joseph Burns, Dewberry & Davis, LLC
Ms. Elinor Gawel, AA Co. - OECR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

September 7, 2006

Ms. Karuna Pajara, Chief
Maryland State Highway Administration
Highway Hydraulics Division
707 N. Calvert Street
Baltimore, Maryland 21202

Re: SHA Contract No. AA 743A5C - Anne Arundel County
MD 70 between Weems Creek Bridge and College Creek Bridge

Dear Ms. Pajara:

Thank you for forwarding the above-referenced project for review. Commission staff has reviewed this project and determined that it qualifies under Code of Maryland Regulations Title 27.02.03, General Approval of State Agency Programs, and subsequently, the Memorandum of Understanding (MOU) between the Department of Transportation and the Critical Area Commission.

Specifically, this project meets the requirements for General Approval under Exhibit B1, Section 3(b) since it is our understanding that there will be no addition of impervious area, is considered to be routine maintenance, and will not increase the quantity or lessen the quality of runoff. Therefore, no further review by this office is necessary notwithstanding any other required State or federal permits.

Thank you for submitting this project to this office for review. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Abdul Wakil, SHA
Ms. Meg Andrews, DOT Commission Member

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 5, 2006

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Oak Harbor
S 86-017, P 06-0044

Dear Mr. Torney:

I have received the final development plans and plat for the above-referenced subdivision request. The last correspondence I received for this subdivision request are two memorandums from Ms. Penny Chalkley to you dated February 1, 2005 and February 22, 2005 (enclosed). I have outlined my remaining comments below.

1. It is not clear from the information provided whether the plant survey was completed. This should be completed prior to final if it has not occurred already.

2. The impervious surface information appears to meet the 15% impervious allowance for the Critical Area. What is still unclear is whether the bog regulations apply for the portion of the parcel outside the Critical Area, since new subdivisions in Bog Protection Areas are limited to 10% impervious area. Please confirm and ensure this subdivision request is in compliance prior to final.

3. On sheet 1 of 8 of the Road and Stormdrain Plans, the street trees proposed are not native. Please have the applicant select one or more native species from the County's Native Plant list.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 379-04

AA379-04

ANNE ARUNDEL COUNTY
MARYLAND

RECEIVED
MAR 18 2005
CRITICAL AREA COMMISSION

Office of Planning and Zoning
Development Division

INTER-OFFICE CORRESPONDENCE
www.aacounty.org

DATE: February 22, 2005

TO: Jeff Torney

FROM: Penny Chalkley

SUBJECT: Oak Harbor
Revised Sketch
P2004-113

A revised plan to address the retention of at least 70% of the forest in the Critical Area was submitted.

Based on a reevaluation of the forest on site, it is now noted as 5.62 acres. 70% would be 3.93 acres.

All retention areas are at least 20' wide as agreed. The stormwater facility was relocated to minimize clearing and minimal clearing is needed for the outfall. However, the SWM design must be acceptable to the review engineer.

The cover sheet indicates that the 3.93 acres will be under easement.

My issues with Sketch will have been addressed with this layout. I would recommend Sketch approval subject to the 70% forest to be under easement at Final. However, if there are potential stormwater management setback issues, this should be a revised Sketch resubmittal and not just a submittal to address my concerns.

Cc: Lisa Hoerger, CAC

PPC/skk

J:\Shared\subdiv\PENNY\P04-113 Oak Harbor Revised Sketch.DOC

LAC

ANNE ARUNDEL COUNTY
MARYLAND

Office of Planning and Zoning
Development Division

INTER-OFFICE CORRESPONDENCE

www.aacounty.org

DATE: February 1, 2005

TO: Steve Callahan

FROM: Penny Chalkley PC

SUBJECT: Burchett Property
Revised
MS 2004-032

---

1. I have a copy of the recorded conservation easement.

2. Concurrence form DNR is needed in regard to the possible presence of the plant species noted. However, given that existing natural vegetation is under easement, this should not be an issue.

3. Critical Area

   The LDA line was corrected. With the entire property in the Cockey Creek Bog Area, the bog criteria will prevail.

4. Bog Protection Plan

   More than 10% of the site is now covered by impervious surface. While it is reduced, it still does not get down to 10%. The table reflects and divides up the reduced impervious.

   No clearing is proposed. The existing forest and woods are to be supplemented to reach the 15% afforestation level. The existing and afforestation are shown to be under easement.

   An afforestation plan was submitted for 2010 sq. ft. of trees and shrubs. It actually includes more planting than is required to fill in areas. The bond was posted using the Critical Area fee base rather than dividing it up.

   A signed and notarized agreement was submitted.

emailed

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

September 5, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Fourteen Ten CSC, LLC Property
S 06-035, P 06-0098

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create one lot around an existing house, and one vacant lot. The site is in the Limited Development Area (LDA) and is 1.9 acres. I have outlined my comments below.

1. Since it is our understanding the County will view these lots as new lots, they will be subject to the 15% impervious surface limitation. There was no information in the submittal received by this office indicating the percent of impervious surface on proposed lot 1; nevertheless, it should not exceed 2,902.95 square feet if the resulting lot area will be 19,353 square feet.

2. The project application stated that no forest currently exists on this site; however, the aerial photography suggests otherwise. Please have the applicant quantify any existing forest cover on the site so it can be determined whether afforestation will be required.

3. It appears the site supports no Habitat Protection Areas. This should be verified prior to final plat approval to ensure the creation of these lots will not create a future need for any Critical Area variances.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 549-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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September 1, 2006

Mr. Rick Ayella
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: 200662543/06-WL-1325
Stansbury Shores, LLC

Dear Mr. ~~Ayella~~: Rick

I have received the above-referenced project that proposes the construction of a 72-slip marina that will extend a maximum of 479 feet channelward and impact 10,586 square feet of tidal waters on Bear Creek. It is unclear from the information provided whether the proposed pier will serve a commercial marina use; however, it our discussions with the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) concerning this project, it is our understanding the applicant proposes a commercial marina use. Therefore, the slip allowance for this site and use should be as prescribed by DEPRM and MDE's requirements.

It appears the pier configuration will avoid the submerged aquatic vegetation beds at the site; however, the access to the pier from the land, the road system and parking lot will impact both tidal and nontidal wetlands. We recommend 2:1 mitigation for access through the 100-foot Buffer. Mitigation ratios for nontidal wetland disturbances should be mitigated as prescribed by DEPRM and the Nontidal Wetlands Division of your office.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Kelly Neff, MDE
Ms. Patricia Farr, Baltimore County DEPRM
BC Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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STATE OF MARYLAND
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August 31, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: David Dalo
MS 06-033

Dear Mr. Murray:

I have received the above-referenced project for review and comment. The applicant proposes to create three lots from one parcel. A small portion of this site is located in the Critical Area and has a Critical Area designation of Limited Development Area (LDA). I have outlined my comments below.

1. The Jurisdictional Determination (JD) provided is dated January 5, 2004. There is no further information as to whether the Army Corps of Engineers reviewed or approved this JD; therefore, the applicant must provide the County with proof of review and approval.

2. The JD is confusing and offers no conclusion as to whether the site supports wetlands based on the three indicators. In addition, what is provided in the report is not consistent with how the nontidal wetlands are shown on the plan or plat; therefore, the exact location of the wetlands should be confirmed.

3. How will the Conservation Area be enforced? It is our understanding the County does not routinely permit lot lines within Conservation Areas in order to clearly establish the limits of a lot and the Conservation Area.

4. The location of the proposed method of stormwater management is not shown on the plans. Please have the applicant show these locations.

5. An environmental review letter from the Department of Natural Resources was not included with the submission. We recommend this review be sought for this property.

6. Will any clearing occur within the utility easement that is within the Critical Area portion of the property? If so, this clearing should be included on the plan, and appropriate mitigation must occur.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 524-06

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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August 31, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Round Bay, Lots 175R, 177R
Macleay Property

Dear Mr. Callahan:

I have received the above-referenced project for review and comment. The applicant proposes to adjust the lot lines between two existing lots. The site is located in the Limited Development Area (LDA). I have outlined my comments below.

1. It is our understanding that when a lot line adjustment occurs, and therefore results in a different lot size and configuration, those lots are considered new lots and not lots or record; therefore, the effect of this interpretation of the County Code is that the amount of impervious cover afforded these lots will be limited to 15%, rather then the amounts afforded to existing lots of record.

2. In this case, it appears that by adjusting the lot lines, the allowable impervious surfaces will be limited to 15% per lot. The site, grading, and stormwater management plan indicate the allowable impervious per lot as if the lots are considered lots of record. Therefore, the impervious area summary shown on this plan must be corrected.

3. The impervious surface information should include the proposed impervious area, which needs to include all driveways, sidewalks and the tennis court area that encroaches on to both lots.

4. We recommend the plan also show where the proposed afforestation will occur on these lots.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 520-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 29, 2006

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Advance Marine Services
C 05-0017-1

Dear Mr. Burke:

I have received the above-referenced project for review and comment. The applicant proposes to construct an addition to the existing maintenance/rest room and storage building. The site is in an Intensely Developed Area (IDA). I have outlined my comment below.

1. From the information provided it appears there will be a net reduction in impervious area. The applicant has performed the 10% Pollutant Reduction Calculation that resulted in a negative removal requirement; therefore, no Best Management Practices are required for the 10% reduction.

2. Since the site is located in a Buffer Modification Area (BMA), the Code requires mitigation to be performed at a 2:1 ratio, and in addition, the applicant must provide a 25-foot waterfront buffer. The current site plan only shows some planting within the Buffer; however, the area is not 25-feet in width, nor does it extend along the entire shoreline. It seems that the County may need to consider a variance to this Code requirement since it does not appear to be met and this has been the County's practice on similar sites.

3. Please have the applicant calculate the impervious surface, both new or redeveloped inside the Buffer in order to calculate the 2:1 mitigation requirement.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 484-05

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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August 24, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Crystal Spring Farms – S 06-010, P 06-0045

Dear Mr. Murray:

I have received another set of revised plans and plat for the above-referenced subdivision. I am in receipt of the letter from Mr. Rutter that the applicant references in his response to those concerns raised in my last letter dated June 22, 2006 letter. Since that time, I have responded to Mr. Rutter's letter and I have attached it for your file. Based on our previous comments, and seeing that no changes have been made to the plans or plat, this office cannot support this subdivision request.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: AA 173-06

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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August 24, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental Protection and Resource Management
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Proposed Program Amendment/Refinement Submissions

Dear Ms. Gawel:

This letter serves to notify Anne Arundel County that it has reached the limitation established in State law that limits proposed program amendments and program refinements to four times per calendar year. The Natural Resources Article §8-1809(h) states the following:

> As often as necessary but not more than 4 times per calendar year, each local jurisdiction may propose program amendments and program refinements to its adopted program.

The four submissions made by the County this calendar year are listed below.

1. Jenner/Cummings Buffer Modification Area (496 Ferry Point Road)
2. Wright Investment Group, LLC (2000-0468-C, BA 48-01C)
3. JWL and Associates and William and Mary Magenau (2006-0014-C, 1999-0270-C)
4. Michael and Laura Daras (3004-0464-C)

Any additional proposed program amendment or refinement requests will need to wait until the beginning of the next calendar year. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter
Mr. Chris Soldano
Ms. Marianne Mason

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

August 24, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental Protection and Resource Management
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Critical Area Map Designation Changes
JWL Associates and William and Mary Magenau Property
Michael and Laura Daras Property

Dear Ms. Gawel:

This office has received the above-referenced Critical Area map designation changes. The JWL Associates and William and Mary Magenau map change reclassified 2.27 acres from a Resource Conservation Area (RCA) to a Limited Development Area (LDA) identified as lots 1 and 2 of Parcel 235 on Tax Map 74, and Parcel 217 on Tax Map 78. The Michael and Laura Daras map change reclassified 14.73 acres from a RCA to an LDA identified on Tax Map 57, Block 14, Parcel 94. We are accepting these applications as two complete submittals. Chairman Madden will review these requests and will make an amendment/refinement determination within 30 days. Commission staff will notify you regarding his decision and consideration of these issues at a future Commission meeting.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 23, 2006

Mr. Joseph Rutter
Planning and Zoning Officer
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Crystal Springs Farm
S2006-0101, P2006-0045

Dear Mr. Rutter:

Thank you for your letter concerning the above-referenced subdivision request. I would like to take this opportunity to address the comments in your letter since it is Commission staff's opinion that the current configuration of the proposed plat is inconsistent with the Anne Arundel County Code. I will attempt to explain our position below.

While you are correct in stating that there will be no additional dwelling units within the RCA portion of the property, the addition of three septic reserve areas in the RCA to serve LDA lots is contrary to the County Code in that septic reserve areas associated with lots outside of the RCA are not included in the RCA-use list found at 18-13-206. Therefore, the fact that no dwellings are being sited in the RCA does not automatically allow septic reserve areas to be sited there absent clear allowance from the Code, which does not exist.

As I stated in my letter, the extension of lot lines into Parcel 178 will have the effect of reducing the net acreage of that parcel, making it more nonconforming with respect to the minimum RCA acreage required to support a dwelling. While the "one dwelling unit per twenty acre" density provision in the County Code does not require existing lots of record that may be in the RCA to have a minimum of 20 acres, new subdivision of these lands should not further reduce the minimum acreage that may exist.

Finally, Commission staff still believes that a strict reading of the Code would not allow the expansion into the RCA to site septic reserve areas for LDA development activities, whether those activities be for continued existing uses, or for expansion of those uses. In addition, we could find nowhere in the Code where this expansion is permitted.

Based on our reading of the County Code, and taking into consideration your position as stated in your letter, Commission staff respectfully disagrees with the County's position on this matter and cannot support the recordation of this plat as it is currently shown. Thank you again for writing to us to discuss this issue. Please telephone us anytime at (410) 260-3460 if you wish to discuss this further.

Sincerely,

Lisa a. Hoerger
Natural Resources Planner

cc: Mr. Michael Murray
Ms. Marianne Mason
Ms. Regina Esslinger

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 23, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Anna Avenue & Ligman Avenue Pressure Sewer
Chesapeake Bay Critical Area Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- While one of the house connections is within the 100-foot Buffer, the Code of Maryland Regulations 27.02.05.03(3)(a)(iii) permit utility crossings in Habitat Protection Areas provided no feasible alternative exists and the location, design, construction and maintenance provides erosion protection and minimizes impacts. The information provided addresses this requirement as the location is the only feasible alternative and the installation will be completed within one day.
- No other Habitat Protection Areas including wetlands and forests will be disturbed since the sewer will be located in the existing road and lawn areas.
- No additional impervious areas are proposed.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 531-06

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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August 23, 2006

Mr. Paul Dennis
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Karl & Gianina Dotterweich

Dear Mr. Shaffer:

I have received the above-referenced variance request to construct a single family dwelling and driveway within the 35-foot building setback to the Critical Area Easement. The site is located in the Limited Development Area (LDA) and is .24 acres. This office does not oppose the requested variance since it appears the applicant has located the dwelling as close to the other zoning setbacks as possible.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 532-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 17, 2006

Mr. Vivian Marsh
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Tanyard Cove South, Phase 3
S 90-210, P 06-0039

Dear Mr. Marsh:

I have received the final development plans for the above-referenced subdivision request. I have outlined my continued comments and concerns below.

1. The Bald Eagle protection zones and notes should appear on the plans and plat for both the abandoned nest and the occupied nest as they appear on the Bald Eagle Buffer Plan dated November 2005.

2. Please have the applicant confirm the delineation of the 100-foot Buffer, and expanded Buffer, where it applies since there appears to be at least one error on sheet 3 of 5.

3. The areas labeled as "Open Space/Green Space" that occur within the Resource Conservation Area (RCA) cannot be used for active recreational purposes; therefore, a note on the plans and plat should indicate these areas are restricted to only passive recreation.

4. It appears that some grading for the construction and possibly a small portion of the stormwater management facility is slightly inside the RCA. Please have the applicant adjust this location to avoid the RCA.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 118-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 17, 2006

Ms. Robin Bowie
Maryland Aviation Administration
Martin State Airport
P. O. Box 8766
Baltimore, Maryland 21240

Re: Martin State Airport
Airport Ramp Extension

Dear Ms. Bowie:

This office has received the approved Maryland Department of Environment permits for the above-referenced project. This satisfies the Critical Area Commission's condition of the project's approval; therefore, construction of the ramp extension may proceed. If there are any subsequent changes to the plans, those changes would need to be reviewed by our office.

Thank you for forwarding the approved permits for our files. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tim Trumbauer, Straughan Environmental Services, Inc.
DOT/MAA 1-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 16, 2006

Ms. Patricia M. Farr, Manager
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Baltimore County Council Bill 82-06
Environmental Compliance

Dear Ms. Farr:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that County Council Bill 82-06 is a refinement to the County's Critical Area Program. The Chairman will notify the Commission of this determination at its next meeting scheduled for Wednesday, September 6, 2006. If the Commission concurs with the Chairman's determination of refinement, the Chairman has 10 working days to determine if the refinement is consistent with the purposes, policies, goals and provisions of the Critical Area law and Criteria. We will promptly notify you in regard to these determinations.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. David A. C. Carroll, Director
Mr. Thomas L. Vidmar. Deputy Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 14, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Critical Area Map Declassification Request
Wright Investment Group – 2000-0468-C, BA 48-01C

Dear Ms. Gawel:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that the Wright Investment Group declassification request is an amendment to the County's Critical Area Program. The public hearing is scheduled for Monday, August 18, 2006 at 7:00 p.m. and will be held at the Commission office located at 1804 West Street, Suite 100, Annapolis.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 9, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Shore Road Pumping Station Upgrade
Chesapeake Bay Critical Area Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying information, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- Upgrading an existing sewage pumping station to comply with a Federal Consent Decree.
- The proposed impacts to the 100-foot Buffer for the installation of an 18 inch sewer line are unavoidable due to the fact that this facility existed in this location prior to the adoption of the County's Critical Area regulations.
- An alternatives analysis was performed to demonstrate that no feasible alternatives exist to avoid the impacts to the 100-foot Buffer.
- No wetlands or forests will be disturbed.
- Since the site is in an Intensely Developed Area, the 10% Pollutant Reduction Worksheet was completed and indicated no removal requirement is necessary.
- Water quality management will be improved on-site with planting of native trees and shrubs.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Paul Dennis, DEPRM
BC 618-05

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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August 8, 2006

Mr. Brian Lindley
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Twin River Beach Road
Lots 661-666, 670-678

Dear Mr. Lindley:

I have received the above-referenced variance request to construct two single family dwellings on 15 noncontiguous lots of record. The variance is required in order to impact a nontidal wetland, and to provide some usable lawn area. The Critical Area designation of this lot is Limited Development Area. I have outlined my comments and recommendations below.

1. Before the County can render a variance decision for these properties, the applicant must provide the County with a field delineation of the wetlands and mean high water. Based on the site plan provided by the applicant, it appears that the majority of four lots and a portion of a fifth lot are under water. If this is the case, and portions of these lots are now below mean high water, then these areas of the lots are considered State-owned lands according to State law.

2. Once the lot area owned by the applicant has been determined after subtracting out State-owned wetlands or waters, then it seems the County should determine whether the section of lots labeled as lots 667-678 are still afforded a density right.

3. The delineation of the 100-foot Buffer on the plan appears to be incorrect in some instances. For example it appears the limits of the Buffer are drawn from the tidal wetland line, and in other instances from the edge of the water. The Buffer is measured from the edge of tidal waters or tidal wetlands, whichever is further inland. Please have the applicant check the Buffer limits.

4. The wetland system shown on lot 664 should be labeled as a nontidal wetland.

5. Last fall the County adopted County Council Bill 100-05, which amended Section 103.5 of the Zoning Code to require applicants to consolidate or reconfigure lots not individually owned to avoid or minimize impacts to wetlands, buffers and other Habitat Protection Areas. The applicant has explained how locating two dwellings has minimized impacts to the 100-foot Buffer and to clearing; however, impacts to the nontidal wetland system were not addressed.

6. It seems that even if two dwellings area permissble, that the size and configuration of the proposed dwelling on lots 664-666 could be changed to provide more setback area from the nontidal wetland.

7. If the County determines this request, or some variation of this request can be granted, we recommend mitigation be performed in the form of native Buffer plantings. Absent sufficient planting area, the County should collect a fee-in-lieu of so that plantings can be established within Baltimore County's Critical Area, rather then allowing the applicant to pay into a mitigation bank that is outside the County's Critical Area.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 482-06

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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August 8, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Dumsha Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to allow for the continued use of 3,010 square feet of lawn area on the edge of Seneca Creek. The Critical Area designation of this lot is Limited Development Area and it is currently vacant. I have outlined my comments and recommendations below.

While the proposed dwelling has been relocated outside the required 35-foot setback, this office recommends that a portion of the 100-foot Buffer to Seneca Creek be planted in native Buffer plantings to help the Buffer to fulfill the water quality and habitat functions it is intended to provide particularly when new development activities are proposed.

If the County determines this request can be granted, we recommend native Buffer plantings be established within the 100-foot Buffer that is equal to the area of the new dwelling.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 487-06

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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August 8, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Rachuba Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to replace an existing single family dwelling within the 100-foot Buffer to Back River. The Critical Area designation of this lot is Limited Development Area. I have outlined my comments and recommendations below.

- It appears the applicant has located the proposed dwelling further from the edge of the bulkhead and the redevelopment of this lot will have a net reduction in overall impervious area; therefore, this office does not oppose the requested variance.

- If the County determines this request, or some variation of this request can be granted, we recommend mitigation be performed in the form of native Buffer plantings.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 488-06

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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August 8, 2006

Ms. Patricia Farr
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Baltimore County Council Bill 82-06
Environmental Compliance Legislation

Dear ~~Ms. Farr:~~ Pat

This office has received County Council Bill 82-06. It is our understanding that the purpose of this bill is to incorporate environmental compliance provisions into the County Code, including providing the Department of Environmental Protection and Resource Management the ability to utilize existing compliance procedures used by other County departments. The Critical Area Commission accepts it as a complete submittal for processing.

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

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3479.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. David A. C. Carroll, Director
Mr. Thomas L. Vidmar, Deputy Director

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
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August 7, 2006

Mr. Vivian Marsh
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Village at Lee Airport - Revised 10% Calculations
S 05-006, P 06-0037

Dear Mr. Marsh:

I have received the revisions to the applicant's 10% Pollutant Removal calculations that I requested in my July 14, 2006 letter. I have enclosed the corrected pages for your file. This office has no further comments on this project.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: AA 52-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 7, 2006

Mr. John Wilson
Department of Natural Resources
Public Lands Policy and Planning
580 Taylor Avenue, E4
Annapolis, Maryland 21401

Re: Ft. Washington Mariana - Plantings Plan and 10% Mitigation

Dear Mr. Wilson:

I have received the final set of mitigation plans for the above-referenced project. The comments of my last letter dated August 2, 2006 were addressed, and I have no additional comments on the plans sent to this office dated August 3, 2006. The only remaining item I need from your office is when the organic filter strip and plantings will be installed on this site. Please forward this information to me so that I may log and track this site for follow-up site inspections.

Thank you and your consultant for your cooperation. Please contact me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Bob Gaudette, DNR
Ms. Lou Trescott, DNR
Ms. Janice Olshesky, Olshesky Design Group

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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August 7, 2006

Ms. Karen Llanes
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Margate Lot 47, Resubdivision
S 98-107, P 05-0152

Dear Ms. Llanes:

I have received a resubmittal for the above-referenced resubdivision request. In my last letter dated April 7, 2006, I requested the applicant provide Worksheet "A" to demonstrate compliance with the 10% Pollutant Reduction Rule. I have received that worksheet and have outlined my comments below.

1. The site area provided on Step 1, A (1) should be 1.72 acres instead of 1.58 acres. I assume the applicant calculated the 1.58 acre figure by subtracting out the right of way; however, it appears the applicant will be treating the area of the right of way, so the site area should include the entire area (1.72 acres).

2. On Step 1, A (2) of the worksheet, the proposed impervious area may need to be adjusted. Since the stormwater management note indicates that rooftop disconnection credits will be used, the area of each roof should be subtracted from the total proposed impervious area (see Table 4.3 on page 4-5 of the Critical Area 10% Rule Guidance Manual).

3. After making these two adjustments to Step 1, the applicant should recalculate the entire worksheet and resubmit it for review.

4. On plat 1 of 2 there appears to be an addition error on the "Area Tabulations" table. I get a total of 74,989 square feet rather then 74,993 square feet. Please check this figure and adjust it accordingly.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 232-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 7, 2006

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

Re: E.L. Gardner Property
S 04-065, P 04-0122

Dear Ms. Shatt:

I have received another resubmittal for the above-referenced property. The applicant still has not correctly and adequately addressed the comments of my last letter dated February 13, 2006. I will outline my continued concerns below.

1. The applicant correctly points to the County Code Article 17, Section 8, Subtitle 401(a) which states that impervious surfaces shall be limited to 15% of the site; however, this section of the County's Code cannot be interpreted inconsistent with State Law, which provides that impervious surfaces shall be limited to 15% of the parcel or lot. Please refer the applicant to the Natural Resources Article 8-1808.3 (d)(1). Since the State law controls in this case, the proposed impervious surfaces on lot 1 need to be adjusted so that the 15% impervious surface limitation is not exceeded on that lot.

2. The response to my inquiry regarding the minimum 70% forest retention area did not answer my question and concern that only 53% of the site would be retained rather than the minimum 70%. We are aware that this site is not subject of the Forest Conservation bill, which is why we ask about minimum retention. Please have the applicant show 70% forest area retained on plans and plat; otherwise future forested areas not retained could legally be cleared and the maximum allowable clearing on these site could be exceeded.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner
cc: AA 636-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 2, 2006

Mr. John Wilson
Department of Natural Resources
Public Lands Policy and Planning
580 Taylor Avenue, E4
Annapolis, Maryland 21401

Re: Ft. Washington Mariana - Plantings Plan and 10% Mitigation

Dear Mr. Wilson:

I have received another set of mitigation plans for the above-referenced project. The comments of my last letter dated July 13, 2006 were addressed. I have completed my review of the revised plans and have discussed the remaining changes with Ms. Olshesky this afternoon via telephone. I will outline the required changes below. All of the necessary changes occur on sheet L-4.

Area A

1. When I multiplied the figures for the small shrubs I get a total of 675 square feet rather than 650 square feet. Please change this total.

2. The above-mentioned change will consequently change the overall total of 2,350 square feet to 2,375 square feet. Please change the overall total.

3. Please change YD1 to YD2 for the sweet pepperbush. Since these plants appear on sheet L-3 in YD2, and they are proposed for yard 2 this notation should be changed.

Area C

1. The quantity listed for saltmeadow hay on sheet L-4 is higher then the quantity shown on sheet L-5. It appears that the quantity should be listed as 70 on sheet L-4. This slight reduction will not affect your ability to meet the minimum mitigation requirement.

Once the changes listed above are completed please forward the final set to our office for staff review and final approval. Please indicate when the organic filter strip and plantings will be installed.

As stated in my previous letter, please remember that any changes to the plans or additional development activities need to be submitted to this office for review and potentially Commission approval. Please contact me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Bob Gaudette, DNR
Ms. Lou Trescott, DNR
Ms. Janice Olshesky, Olshesky Design Group

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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Chairman

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Executive Director

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August 1, 2006

Ms. Karen Arnold
Maryland State Highway Administration
707 N. Calvert Street, Mailstop C-301
Baltimore, Maryland 21202

Re: Project No. BA 396A21
MD 150: MD 587 to Graces Quarters Road
Baltimore County

Dear Ms. Arnold:

Thank you for forwarding the above-referenced project for review. Based on the type of development activity proposed, Commission staff has determined that this project qualifies under Code of Maryland Regulations Title 27.02.03, General Approval of State Agency Programs, and subsequently, the Memorandum of Understanding (MOU) between the Department of Transportation and the Critical Area Commission. Therefore, this project does not require formal Commission approval. Staff review is required and has been completed. I have outlined my comments below.

It is our understanding that there will be no addition of impervious area within the Critical Area portion of this project and within the 100-foot Buffer. Since only routine maintenance will be performed in the Critical Area, and the project will not increase the quantity or lessen the quality of runoff, this project meets the MOU referenced above. The project may proceed with construction, notwithstanding any other agency approvals.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Meg Andrews, DOT Commission Member

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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August 1, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Patricia Dubbert
S 06-011, P 06-0047

Dear Mr. Murray:

I have received the final plan and plat for the above-referenced subdivision request. The applicant addressed the comments of my last letter dated May 2, 2006. I will provide my remaining comments below.

Proposed lot 4 will exceed its allowable 15% impervious coverage. According to my calculations, the lot will be over by 330.9 square feet. This lot must meet its 15% limitation since it is over one acre in size. We recommend that some existing impervious areas be removed otherwise, this will create a nonconforming situation on this lot with regard to the impervious surface limits.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 210-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 20, 2006

Mr. Vivian Marsh
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Tanyard Cove North/Heritage at Phase I
S 90-210, P 06-0021

Dear Mr. Marsh:

I have received the final plans and plat for Tanyard Cove North/Heritage at Phase I. The applicant addressed the comments of my last comment letter dated February 24, 2006. I have outlined my remaining comments for Phase I below.

1. Since the last submission we met with the applicant to finalize our discussion regarding the edge of clearing as shown on the final plat and plans. In addition, the applicant provided us with the Forest Interior Dwelling Bird (FID) analysis for the entire PUD. Based on our review of those documents, this office has determined that the proposal is consistent with the guidelines; therefore, mitigation for clearing can be at a 1:1 ratio. However, if any further clearing beyond the clearing lines established by this plat and plan is contemplated for any reason, the FIDs analysis would need to be repeated.

2. The applicant's response regarding the impervious coverage per lot limit of 25% is not acceptable. We received a copy of an email correspondence that seems to permit the lots to exceed the 25% impervious surface limit since the overall subdivision will not exceed 15% due to the area being set aside in preservation. Since the County Code and the Natural Resources Article specifically limit the impervious surfaces to 25% per lot, this office is unable to accept the applicant's response. The lots must not exceed the 25% limitation.

3. On sheet 3 of 6 of the final plans there still appears to be a swale behind lots 1-7 in the Resource Conservation Area (RCA). These stormwater management measures cannot be located in the RCA as explained in previous comment letters.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 118-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 20, 2006

Mr. Bill Love
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Orlo Reed Property
G 02012261, C 06-0054

Dear Mr. Love:

I have received the above-referenced site plan for review and comment. The applicant proposes to develop the site with a commercial building. The site is located in an Intensely Developed Area (IDA). I have outlined my comments below.

1. I have reviewed the applicant's 10% Pollutant Reduction calculations and the stormwater management report. Notwithstanding other issues listed below, there is an error on Step 5 in the calculations. Total drainage area served cannot exceed 100%. If there are two legitimate Best Management Practices (BMPs) in a series, the calculations should be completed in accordance with the Commission's 10% Guide, pages 7-9 and 7-10. Once the issues below are addressed, new calculations must be provided.

2. The two Best Management Practices (BMP) listed on the calculations sheet do not appear to match the specifications for construction as outlined in the Maryland Department of the Environment's 2000 Maryland Stormwater Design Manual as they are shown on sheets 8 of 13 and 9 of 13. The specifications need to match in order for the removal efficiency that is assigned to each BMP to be considered valid.

3. Specifically, the dry swale does not include an underdrain, pre-treatment, or placement of permeable soils and gravel. At most, it appears that this feature provides some pre-treatment for the WQ_V entering the box culvert/infiltration trench.

4. The swale also appears to receive only a portion of the rooftop runoff. How will drainage from all the roof leaders be directed to the swale? Please clarify.

5. What is the label "Prop. 8" SD for roof downspouts" referring to? Please clarify.

6. The infiltration trench beneath the box culvert also is not consistent with the specifications in the MDE manual. Specifically, there is not the required four foot separation between the bottom of the trench (proposed to be 19.75') and the water table (at 17'). Also, there does not appear to be adequate pre-treatment or filter fabric between the culvert and trench to prevent clogging. Please have the applicant address these issues.

7. It is unclear how 100% of the site is being treated by the infiltration trench. The proposed drainage area map does not suggest that all proposed impervious areas will enter the trench (i.e., some drainage is going to site outfall #2). Please clarify.

8. The infiltration trench is labeled as a "box culvert" on the plans and will be installed underneath the parking area. While the manholes appear to provide access to the box culvert, how is the trench itself accessible? Where is the required observation well? How will maintenance of this facility be handled, since maintenance is a requirement of MDE's manual?

9. Please clarify how runoff entering I-1 will be treated. It seems that under larger storm conditions (or if there is any clogging in the system) that it would bypass any treatment.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 410-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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July 19, 2006

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

Re: Joppatowne Parallel Sewer Project
Critical Area Consistency Report

Dear Mr. Walls:

I have received the Consistency Report for the above-referenced project. This office has reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying site plan, this office agrees that the project is consistent with the Harford County Critical Area Program for the reasons outlined below.

- Although the project site is located in the Intensely Developed Area, Commission staff determined that the 10% pollutant reduction rule should not be required for this project, not because it should be exempt, but because the project does not increase imperviousness, and is not considered "redevelopment."
- Impacts to the 100-foot Buffer are permitted since this is a utility crossing an no feasible alternative exists.
- Appropriate sediment and erosion control measures will be used during construction.
- All vegetated areas disturbed will be stabilized the same day.
- Mitigation for all tree clearing will be provided.

Since the project is consistent with the local program, it will not require formal approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: HC 427-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 18, 2006

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Daras Property
S 06-027, P 06-0071

Dear Ms. Krinetz:

I have received the above-referenced project for review and comment. The applicant proposes to subdivide a 17.93 acre property into three lots. The majority of the site is classified as a Limited Development Area (LDA). I have outlined my comments below.

1. Since this parcel was granted a Critical Area reclassification request from the Administrative Hearing Officer, it needs to be processed by the Critical Area Commission before the reclassification request can be considered final; therefore, this action must be taken prior to final plat approval.

2. The limits of the 100-foot Buffer and the 25-foot nontidal wetland buffer need to be established in the field to ensure they are located correctly and any subsequent development activities are located outside these buffer areas.

3. The forest clearing information appears correct. What is unclear is why the applicant is not providing some planting on site. We recommend some planting occur on-site to the extent possible before a fee-in-lieu is paid to the County reforestation fund.

4. Since we only have a plat for review, we cannot determine the extent of existing forest cover on-site; however, the County Code requires that a fully functioning Buffer be created in accordance with a Buffer Management Plan on newly created lots. Therefore, proposed lots 1 and 3 will need to prepare a Buffer Management Plan for approval by the County foresters. This planting may count towards the required afforestation and reforestation requirements.

5. The impervious surface area tabulations correctly indicate the allowable coverage for each lot. We recommend the plat clearly state that these are the maximum allowable limits and that no variances to exceed these limits is permitted since lots 1 and 3 are newly-created lots.

6. The letter dated August 12, 2005 from the Department of Natural Resources (DNR) indicates the site is adjacent to known historic waterfowl concentration areas. We recommend a note be added to the plat indicating that any future water-dependent (i.e. piers) facilities may require review by DNR for this habitat.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 788-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 18, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Finizio, Tobin Family Subdivision – 3rd Resubmittal
S 04-132, P 04-242

Dear Ms. Shatt:

I have received another resubmittal for the above-referenced subdivision request. This office performed a site visit with the applicant and his engineer since the resubmittal in order to investigate the site for Forest Interior Dwelling (FID) Bird issues and discuss the lot layouts with the applicant. Since that field visit, the Commission's Science Advisor, Ms. LeeAnne Chandler, has reviewed the FIDs analysis prepared by the applicant's environmental consultant and has subsequently recalculated the FID impacts. Below are her conclusions and results.

1. The June 2006 plan was used in a Forest Interior Dwelling Birds (FIDs) analysis by Commission staff. Due to the proposed development outside of the Critical Area on both this property and the property to the west, the Critical Area line was used as the existing FIDs habitat boundary. The proposed development does not follow all of the guidelines found in the Commission's "Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area." However, the permanently protected FIDs habitat outside of the Critical Area was taken into account, reducing the acreage of mitigation due. Based on the current plan and approximate measurements taken with a manual planimeter, twelve (12) acres of FIDs mitigation should be provided. The mitigation calculations are as follows:

A. Pre-development FIDS habitat 22.62. (Critical Area only)
B. Post development FIDS habitat 20.85 acres. (includes permanently protected FIDs habitat outside of CA)
C. Pre-development FIDS habitat interior 12.62 acres. (Critical Area only)
D. Post development FIDS habitat interior 8.57 acres. (includes permanently protected FIDs habitat outside of CA)
E. FIDS habitat being directly impacted 3.9 acres.
F. Interior lost due to development 4.05 acres.
(Subtract D from C)
G. Multiply F. times two (2) = 8.1 acres and add to E. = 12 acres.

2. There are opportunities to reduce the mitigation. For example, if the development pad for Lot 3 were moved toward the road, a greater portion of this lot could be placed in conservation (including an area of 15% slopes that cannot be disturbed regardless). Similarly, the proposed LOD for Lot 2 could be reduced by rotating the dwelling and moving it closer to the road. Both of these changes would reduce the amount of interior lost, translating into a reduced mitigation requirement.

3. We have provided the applicant's engineer with the appropriate contacts to address the required FID mitigation. We recommend the information outlined in bold above be added to the final plan and plat, and the note include the location of the FID mitigation bank that will receive this mitigation.

4. There is a Bald Eagle's nest on the adjacent property to the west. Based on its location, the outermost protective zone includes much of the Finizio property. The boundary of this zone should be shown on the plat and a plat note added that states, "This site is located within a ¼ mile radius of a Bald Eagle's nest. No construction or timber harvesting activities can occur within the ¼ mile protection zone during the eagle nesting season, which is from December 15 through June 15."

5. Please note that due to the overlapping Habitat Protection Areas (and time-of-year restrictions) on this site, the "safe" dates for clearing extend only from September to December 15th. This should be noted on any approvals granted for this project, including the grading permit for the road.

Additional comments

The applicant's engineer has addressed the other comments of my last letter dated September 29, 2005 and I have a few remaining comments regarding his responses, which I have outlined below.

1. The impervious surface total must include the area of the road that will serve each lot. Even if the road is proposed to be gravel, it will be considered impervious and needs to be counted. The impervious surface figures also need to include driveways, and sidewalks.

2. In my previous comment #6 I requested that General Note #2 be clarified concerning the 50-foot buffer reference. We did not receive clarification. We recommend this reference to a 50-foot buffer be removed since the minimum buffer from tidal waters and tidal wetlands is 100-feet.

3. The error I noted in my previous comment #7 has been corrected on this version of the plans.

4. The plat and plans show a 20-foot wide access to the water. While this office does not oppose the access path, we recommend its width be reduced to ensure canopy closure when and if the path is cleared. In addition we recommend a note be added to the final plat and plan indicating the riparian access path and recreation area will maintain canopy closure.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 863-06

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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July 18, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Lamasa Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a new dwelling within the 35-foot setback from the 100-foot Buffer. From the site plan provided, it appears an alternative footprint could prevent a variance to the entire 35-foot setback. However, this determination shall be at the discretion of DEPRM. Provided the County can find the applicant can meet the variance standards for this request, this office does not oppose the requested variance. However, we recommend the following conditions if the variance is approved.

1. The 100-foot Buffer is maintained in the existing vegetation. The current plan shows clearing beyond the 100-foot Buffer.

2. No further additions, decks, patios or accessory structures are permitted waterward of the dwelling.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 430-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 17, 2006

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 410
Towson, Maryland 21204

RE: Growth Allocation Request for Preserve at Holly Neck

Dear Ms. Farr:

At its meeting on July 5, 2006 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Preserve at Holly Neck growth allocation request to change 96 acres from a Resource Conservation Area to an Intensely Developed Area. This approval included the following conditions:

> This approval incorporates by reference the Baltimore County Growth Allocation Review Committee and Baltimore County Planning Board Recommended Growth Allocation Approval Conditions (enclosed).
>
> These conditions are incorporated by reference with the understanding that, should any need arise for changes to these conditions at a later date, such modifications shall be addressed by the County and the developer.

Please incorporate this amendment into the County's Critical Area program within 120 days from the date of this letter. Please provide this office with an updated Critical Area map reflecting the growth allocation.

Thank you for attending the Commission's public hearing and monthly meeting for this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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July17, 2006

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Buffer Modification Map Amendment
Jenner/Cummings Property

Dear Ms. Gawel:

At its meeting on July 5, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with the Chairman's determination that the above-referenced Buffer Modification Map amendment was a refinement to the Anne Arundel County Critical Area Program. The refinement was approved with the following condition, which is an adoption of the condition required by the Planning and Zoning Officer:

> ...that mitigation of three square feet of afforestation for every square foot of impervious surface on the lot will be provided. The afforestation shall include canopy trees, understory trees, bushes and groundcover. In the event that these requirements cannot be met on the lot a fee-in-lieu shall be paid to the County into the appropriate fund.

The map amendment affects only a portion of lot 16 as shown on a map titled "Application 01-006 Jenner/Cummings Amendment to Buffer Modification Area Map."

The County is required to finalize the map change within 120 days of this notice. Please provide a copy of the amended Critical Area map to the Commission. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA Refinement File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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July 14, 2006

Mr. Vivian Marsh
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Village at Lee Airport - Revised Plans
S 05-006, P 06-0037

Dear Mr. Marsh:

I have received a resubmittal for the above-referenced project. The applicant responded to my last letter dated April 13, 2006. I have only one remaining comment, which I have explained below.

I have reviewed the corrected 10% Pollutant Reduction worksheets. There appears to be one minor error on Worksheet A, Step 5. Since the bioretention and extended detention wetland will be used in a series, the BMP RE should be half, which in this case means the percentage assigned should be 20% instead of 40%. This changes the total load removed figure to 1.56 pounds of phosphorus. Please have the applicant correct this on Worksheet A and the subsequent worksheets where this figure is calculated.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 52-05

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

Ms. Karen Llanes
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Bonney Property
S 99-009, P 05-0022

Dear Ms. Llanes

This office has received a resubmittal for the above-referenced subdivision request. The applicant addressed the comments of my last letter dated March 8, 2006. I have outlined my remaining comments below.

1. The impervious surface chart on the plat has not been corrected. It should match the corrected impervious surface chart that appears on the Site, Utility, Sediment and Erosion Control Plan.

2. The total proposed impervious area listed on the impervious surface chart is 9,518 square feet; however on sheet 2 of 2 under the description of lot areas, the proposed impervious surface coverage total is listed as 9,293 square feet. These numbers need to match.

3. Since the amount of clearing on proposed lot 3 could change at the grading permit stage, we recommend that a note be added to the plat indicating the maximum allowable clearing, in order to avoid clearing above 30%.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 62-05

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/

July 14, 2006

Ms. Tressa Dolbeare
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Baltimore County Department of Recreation and Parks
200660792/06-PR-0786

Dear Ms. Dolbeare:

I have received the above-referenced project to construct a 129-foot long timber pier and associated 8-foot walkway with a 10-foot by 18-foot platform, a 30-foot long by 6-foot wide ramp, and a 40-foot long by 12-foot long floating pier. The project also includes a 80-foot long by 6-foot wide walkway with a 10-foot by 20-foot platform, and a 115-foot long by 8-foot wide walkway and a 460- foot long by 10-foot wide pedestrian bridge.

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the landward development activities associated with the project identified above at its meeting on July 5, 2006. I have enclosed a copy of the approval letter, which outlines the conditions the Commission required of the Baltimore County Department of Recreation and Parks as part of the approval. These conditions include all permit approvals, which would include this permit should your office grant the request.

Regarding those activities that are waterward of the mean high water line, this office will defer to your office concerning that determination. Please be aware that the County has identified an open, upland area on-site to accommodate the planting mitigation requirements of the Commission. It is located on the north side of the proposed pedestrian bridge.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Deanna Bailey, Baltimore County Department of Recreation and Parks
Ms. Patricia Farr, Baltimore County DEPRM
BC Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 13, 2006

Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Sahlin Farms - S 98-091, P 06-0015
Sahlin Estates II - S 98-091, P 06-016

Dear Ms. Shatt:

I have received a resubmittal for the above-referenced subdivision requests. The applicant has addressed the comments of my last letter dated March 8, 2006. I have outlined my remaining comments below.

Sahlin Farms

1. Based on the information provided by the applicant, it appears that the Critical Area acreage is 70.07 acres, which can support 3 lots in the Critical Area based on the 1/20 density. Any lots above three cannot have any development activities on the RCA portions since they are not supported by the RCA density. Therefore, no paths (including riparian paths) or other development activities may occur on lots above the allowable density.

2. This office has reviewed your Forest Interior Dwelling Bird (FIDs) analysis. Since no clearing will occur within the Critical Area, no FID or Critical Area reforestation is required. For future reference, the portion of the forest that abuts tidal waters is not considered edge habitat, but interior habitat area.

Sahlin Estates II S 98-091, P 06-016

1. We recommend the plat notes concerning the bald eagle protections state that those lots affected by the time of year restrictions are lots 2, 3, 4, 5, and 6. In addition any change to the driveway of lot 7 and the construction of the septic area for lot 1 will be within the ¼ mile protection zone and subject to the time of year restriction.

2. As with Sahlin Farms, this office has reviewed your FIDs analysis. Since no clearing will occur within the Critical Area, no FID or Critical Area reforestation is required. For future reference, the portion of the forest that abuts tidal waters is not considered edge habitat, but interior habitat area.

3. As with Sahlin Farms all we recommend a plat note restricting riparian access to three foot wide mulched paths that maintain the forest canopy.

4. The Critical Area acreage reported is 87.71 acres, which support four lots in the RCA. Any lots above four cannot have any development activities on the RCA portions since they are not supported by the RCA density. Therefore, no paths (including riparian paths) or other development activities may occur on lots above the allowable density.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 63-06

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. John Wilson
Department of Natural Resources
Public Lands Policy and Planning
580 Taylor Avenue, E4
Annapolis, Maryland 21401

Re: Ft. Washington Mariana - Plantings Plan and 10% Mitigation

Dear Mr. Wilson:

Thank you for forwarding to Commission staff the final mitigation plans for the Ft. Washington Marina project. I have reviewed the landscape plans and it appears that generally all the required plantings are provided for both Buffer Exemption Area (BEA) mitigation requirements, and the 10% Pollutant Reduction mitigation requirements. In reviewing the plans, I found some minor errors that should be corrected. I have listed them below.

1. After rechecking the lengths of the organic filter strips required to meet the 10% Pollutant Reduction requirement I found a few errors, which I have listed below:

   The length of the organic filter strip that appears on sheets L-2 and L-3 and is near the water side appears to be 355 feet in length, which would result in 710 square feet of area rather than the 648 square feet listed.

   The length of the organic filter strip that appears on both sheets and is on the landward side of the site appears to be 227.50 feet in length, which would result in 682.50 square feet rather then 505 square feet.

   The length of the organic filter strip that appears on sheet L-3 that wraps around the site appears to be 415 feet in length, which would result in 1245 square feet rather then 1059 square feet.

2. When I totaled the area of all of the organic filter strips I got a sum of 4246.5 square feet. The mitigation requirement is 4341 square feet, leaving a balance of 95 square feet. While the plants add up to and slightly exceed 4341 square feet, the requirement associated with the 10% mitigation was to create equal area.

3. Due to the additional 192 square feet of impervious area associated with the Marine Propulsion Shop and Store, additional filter strip area will be required to meet the 10% Pollutant Reduction requirement. I assume this is being met through the additional 228 square feet of planting that is noted on the plans.

4. After deducting 192 square feet from 228 square feet, that leaves 36 square feet of planting beyond what appears to be required. This 36 square feet can be applied to the outstanding 95 square feet I calculated resulting in a remaining balance of 59 square feet. Give this small requirement, we recommend planting either trees or shrubs to off-set this square footage (i.e. one large shrub, one small shrub).

5. On sheet L-3 in the Buffer planting area there are six inkberry shrubs shown, but listed as "Area B"; however, on sheet L-4, these shrubs are listed under "Area A". We presume a labeling error here and that the label should say "Area A".

6. On sheet L-4 under "Area A" the plan indicates 16 trees will be planted, but the listed number of trees only totals 13. I check the landscape plans and counted the trees and it appears only 13 trees are being planted. In order to meet the required 2,325 square feet of mitigation, a minimum of 16 trees needs to planted.

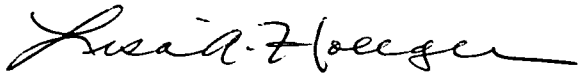
7. On sheet L-4 under "Area C" the plan indicates 114 one quart pots will be installed, but the listed number of pots totals 122.

8. On sheet L-5 in the lower left-hand corner, the species list for the additional planting area list an "AT" species; however, this species was not noted on sheet L-4.

9. The additional planting area noted on sheet L-5 indicates a total of 114 plantings; however, the list actually totals 139 plantings. The actual shown on the plan totals 144. Please indicate what the final number of plantings will be in the additional planting area so we know how much square feet credit we can assign it.

Thank you for providing the landscape plans. Please remember that any changes to the plans or additional development activities need to be submitted to this office for review and potentially Commission approval. Please contact me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Wilhelm Property

Dear Mr. Shaffer:

I have received the above-referenced variance request to permit the continued, existing use of waterfront, tidal and nontidal wetland buffers. The applicant proposes to reconstruct a dwelling outside all required setbacks. The site is located in the Limited Development Area (LDA) and is 4.20 acres. The site is also divided into two distinct building lots that both have riparian access.

Based on the site plan submitted, this office cannot support the requested variance. Instead, we recommend the following:

Lot 147 - The 100-foot Buffer to Seneca Creek be planted with a mix of canopy, understory and herbaceous species, except for the small area that abuts Seneca Creek. This area of the 100-foot Buffer may be planted in shrubs and herbaceous species. The wetland and stream buffers be planted with a mix of canopy, understory and herbaceous native species. A three-foot wide riparian access path may be maintained in grass or mulch.

Lot 148 – For the portion within the 100-foot Buffer that directly abuts Seneca Creek, this area be planted with native shrubs and herbaceous species. The remaining wetland or stream buffer areas on this lot should be planted with a mix of canopy, understory and herbaceous native species. A three foot wide riparian access path may be maintained in grass or mulch.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 406-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: MacIver-Scott Property

Dear Mr. Shaffer:

I have received the above-referenced variance request to construct a dwelling within the 35-foot building setback from the 100-foot Buffer in a developed woodland and non Buffer Management Area. The site is located in the Limited Development Area (LDA) and is .56 acres.

This office does not oppose the requested variance since it appears the applicant has located the dwelling as close to the other zoning setbacks as possible; however, we offer the following recommendation:

> Due to the illegal clearing issue, we recommend the applicant perform all required mitigation associated with the violation notice and any other mitigation as prescribed by County staff prior to the issuance of the occupancy permit.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 409-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 12, 2006

Mr. Brian Lindley
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Romadka Property

Dear Mr. Lindley:

I have received the above-referenced variance request to construct a dwelling within the 100-foot Buffer to tidal wetlands. The site is located in the Resource Conservation Area (RCA) and is .41 acres. Much of the site supports wetland habitat.

It appears the applicant has located the dwelling outside of the Buffer as much as possible given the constraints of this property; therefore, this office does not oppose the requested variance provided DEPRM finds all five variance standards are met. If the variance is granted we recommend mitigation at a 3:1 ratio for all disturbance to the 100-foot Buffer. Disturbance includes grading, footprint and clearing.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 418-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 10, 2006

Mr. Dan Gerzack
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Pleasure Cove Marina
C 05-0068

Dear Mr. Gerzack:

I have received the resubmittal for the above-referenced request. The applicant's have addressed the comments of my last letter dated April 11, 2006. I have outlined my remaining comments below.

1. It appears the corner of the building has been shifted and is now within the 100-foot Buffer as you noted in your last comments to the applicant. If the site is a Buffer Management Area (BMA), then the Code requires a minimum 25-foot buffer that is densely planted with trees and shrubs and 2:1 mitigation for the area of development (17-8-701). Therefore, the applicant must show how this plan meets the Buffer Modification Area requirements of the code.

2. We do not agree with the applicant's response to your comment that the structure is water-dependent. Regardless of whether this new structure stores watercraft or repairs it does not constitute a water-dependent use that is permitted in the Buffer. Again, if the site is in a BMA, then the applicant needs to demonstrate to the satisfaction of your office how this proposal meets the BMA requirements of the Code.

3. References are made to a Landscape Plan on the Site Development Plans, however, we never received such plans. Consequently, this office is still unable to determine whether the applicant is setting aside the minimum 30% of forest area.

4. We will contact the Department of Natural Resources to inquire about the two threatened and endangered plant species; however, the applicant is still primarily responsible for pursuing this information. This issue needs to be resolved prior to final plat approval.

5. This office also requests a copy of the Critical Area Report that we understand is being updated. Please forward a copy of this report when it becomes available.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 71-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 10, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Muziks Mooring
MS 06-025

Dear Mr. Callahan:

This office has received the above-referenced subdivision request for review and comment. The applicants propose to subdivide an existing 3.91 acre parcel into three lots. The site is in the Limited Development Area (LDA). I have outlined my comments below.

1. We received an 8 ½ x 11 site plan of the proposal. It does not show the limits of the minimum 100-foot Buffer. The final plat and plans must show the limits of the Buffer to ensure the new waterfront lot is in conformance with this setback requirement.

2. It appears the lot that will support the existing dwelling and associated improvements will be over one acre; therefore, it is limited to 15% impervious coverage. This lot however, must not exceed the 15% limit otherwise the subdivision will create a nonconforming lot.

3. The other two lots are similarly restricted by impervious surface limitations. We recommend a table appear on the final plat and plan indicated the allowed, proposed and remaining (if any) impervious area for each lot.

4. The proposed clearing appears to be under 20%, therefore 1:1 mitigation will be required. We recommend this mitigation be performed within the 100-foot Buffer on the waterfront lots.

5. Even if no reforestation mitigation would be required, the newly created waterfront lot must establish the 100-foot Buffer in native vegetation. This includes a mix of canopy trees, understory trees and shrubs.

6. The letter from the Department of Natural Resources indicates this area of the Magothy River supports historic waterfowl concentration areas. Any future piers that may be permitted, may require a time of year restriction.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 366-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 10, 2006

Mr. James W. Price
Program Open Space
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS/CPP Project # 4861-3-403
Chesterwood Park, Baltimore County

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. I have attached a letter that was sent to Baltimore County concerning the proposed improvements at Chesterwood Park. As you will see in that letter, this office has reviewed the proposed improvements and agree that they are consistent with the local Critical Area program; therefore, no further review is required by this office unless the scope of the project changes.

Thank you again for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: BC 342-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 6, 2006

Ms. Deanna Bailey
Baltimore County
Department of Recreation and Parks
301 Washington Ave.
Towson, MD 21204

Re: Marshy Point Park – Pedestrian/Bicycle Trail

Dear Ms. Bailey:

At its meeting on July 5, 2006 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Marshy Point Park Pedestrian/Bicycle Trail with the following conditions:

1) Mitigation shall be provided at a 2:1 ratio for the canoe launch portion of the trail inside the 100-foot Buffer, at a 3:1 ratio for the observation and bridge portions of the trail that will cross the 100-foot Buffer and be in FID habitat, and 1:1 mitigation for the portion of the trial in FID habitat, but outside the 100-foot Buffer.
2) The County shall follow the time of year restrictions for Forest Interior Dwelling Bird habitat so that no clearing activities may occur between April 15 and August 31.
3) All required permits are secured prior to construction.
4) The project must be resubmitted to the Commission staff for review if the plans change.
5) All other trails inside the Critical Area, excluding the pedestrian/bicycle trial that may be planned for this site shall be pervious and not exceed six feet in width.

I have enclosed a Plantings Agreement Form that should be returned to this office within the next 30 days. I calculated the total required mitigation at 20,295 square feet. This mitigation shall consist of a mix of native trees, shrubs and herbaceous vegetation. Commission staff understand that the actual landscape plans may not be finalized prior to 30 days; however, please forward those plans for Commission staff review when they become available

Thank you for preparing the presentation and presenting to the Project Subcommittee in the morning, and being available for the afternoon presentation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Patricia Farr, DEPRM

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 5, 2006

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Thackray Seznec
S 05-029, P 05-0141

Dear Ms. Llanes:

This office has received the resubmittal for the above-referenced subdivision request. The applicant has addressed the comments of my last letter dated February 6, 2006. I have outlined my remaining comments below.

1. It appears there is adequate acreage after deduction of State-owned tidal wetlands to support five dwelling units in the Resource Conservation Area of this site; therefore, the density issue appears to be settled.

2. In regard to notes on the plat that indicate the potential for further subdivision of lot 4, it seems that would not be permitted in the Critical Area portion of lot 4, but only outside the Critical Area portion of lot 4; therefore, we recommend the plat note be specifically written so that further subdivision of lot 4 may only occur outside the Critical Area since the RCA density will be used with this subdivision.

3. This office has reviewed the applicant's Forest Interior Dwelling Bird (FID) analysis. The worksheets were not completed correctly. One error in the report is that the applicant incorrectly considered the water as an edge, although it appears it was also considered as interior forest in the calculations. Rather, the first 300-feet from the water should be considered the most sensitive area, and the dwellings should be pushed as far as possible away from the water. The least valuable habitat that presently exists is the area along the sod fields. The calculations need to be corrected and resubmitted prior to final plat approval.

4. Based on our review, this office does not believe the subdivision could be considered as meeting the guidelines as currently designed. If the lots are moved further from the water, and the clearing is further away from the water and concentrated along the forest-sod field edge, then we may be able to consider it as meeting the guidelines.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Bill Love, AA Co.
AA 569-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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June 28, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: BGE 200663435/06-WL-1576
BGE 200663796/06-WL-1670

Dear Mr. Cuthbertson:

I have received the above-referenced projects that will involve placing power cables below the Severn River and Oyster Creek. It is unclear from the information provided how the placement of the cables for each project will avoid impacts to the 100-foot Buffer that is above mean high water. Nevertheless, impacts to the Buffer should be avoided. All clearing and ground disturbance proposed in the Critical Area will require coordination with Anne Arundel County Office of Environmental Protection and Resource Management. The telephone number is (410) 222-7441.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Jim Johnson, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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June 28, 2006

Mr. Shawn Clotworthy
Department of Natural Resources
Public Lands Policy & Planning
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Hart-Miller Island, Pipeline Crossing, Project Review
Baltimore County 2006.DNR.160

Dear Mr. Clotworthy:

This office has received the above-referenced application for review and comment. The applicant proposes to construct a temporary, elevated structure supported by piles to unload dredge spoil. The dredge spoil will be pumped over to the disposal site via what appears to be an existing dredge line.

Since the platform is being constructing on State-owned lands, this activity will require review and approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, notwithstanding any other required permits.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Patricia Farr, Baltimore County DEPRM

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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STATE OF MARYLAND
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June 27, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Edge Point Pumping Station Upgrade and Force Main Replacement
Chesapeake Bay Critical Area Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- The force main upgrade is required subject to a Federal Consent Decree.
- No wetlands, forests or buffers will be disturbed.
- Since the site is in an Intensely Developed Area, the 10% Pollutant Reduction Worksheet was completed and indicated no removal requirement is necessary.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 163-06

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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June 27, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Lynch Point Pumping Station Upgrade and Force Main Replacement
Chesapeake Bay Critical Area Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- The force main upgrade is required subject to a Federal Consent Decree.
- No wetlands, forests or buffers will be disturbed.
- Since the site is in an Intensely Developed Area, the 10% Pollutant Reduction Worksheet was completed and indicated no removal requirement is necessary.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 406-06

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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(410) 260-3460 Fax: (410) 974-5338
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June 27, 2006

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Alan & Sharon Hyatt
MS 06-026

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to subdivide a 5.13 acre parcel into two lots. The parcel is in the Limited Development Area (LDA). I have outlined my comments below.

1. The applicant has shown an expanded Buffer that is drawn from the top of steep slopes regardless of their location. It is our understanding the 50-foot setback to steep slopes applies to those steep slopes inside the Buffer, and that for all steep slopes outside the 100-foot Buffer, the formula of four feet for every one percent of slope is used to calculate the area of expansion. Please have the applicant clarify the means for Buffer expansion.

2. It appears the existing forested area totals less than 15%; therefore, afforestation will be required. Planting in the 100-foot Buffer would be the preferred area for planting before plantings are considered elsewhere on the property. Please have the applicant show the areas proposed for planting to meet the afforestation requirement.

3. We recommend that the "Woodland Clearing Calculations" chart should include another column stating area to be planted for the proposed clearing on proposed lot 2.

4. We did not receive a copy of the plat; however, we recommend the impervious surface information also be included on the final plat.

5. I was unable to locate the well for proposed lot 1. Please have the applicant show it on the plans and plat.

6. On the Critical Area Plan Title Sheet under the "Site Tabulations" the building setbacks concerning the front setbacks are not clear. We recommend this information be reworded to make clear that in addition to the minimum 100-foot setback, there is an additional front setback in the case of steep slopes.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 376-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 27, 2007

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Brockmeyer, Minion & Corbman Property
MS 06-024

Dear Mr. Callahan:

This office has received the above-referenced subdivision request for review and comment. The applicants propose to modify existing property lines. The subject parcels are located in the Limited Development Area (LDA). It appears the requested lot line modifications do not conflict with current County or Critical Area regulations, and do not appear to make any nonconforming issues; therefore, this office has no further comments on this proposal.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 358-06

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

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, 6402
Annapolis, Maryland 21401

Re: Critical Area Map Declassification Request
Wright Investment Group - 2000-0468-C, BA 48-01C

Dear Ms. Gawel:

The Critical Area Commission received the remaining items outlined in my last letter dated June 12, 2006; therefore, we are accepting the application as a complete submittal. Chairman Madden will review this request and will make an amendment/refinement determination within 30 days. Commission staff will notify you regarding his decision and consideration of this issue at a future Commission meeting.

Please telephone me at (410) 260-3478 if you have questions or comments regarding this process.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter, Planning and Zoning Officer
Ms. Suzanne Schappert, Planning and Zoning
Mr. David Plott, Esquire

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. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: North Beach Park Resubdivision
S 04-068, P 05-0050

Dear Mr. Burke:

I have received another resubmittal for the above-referenced project. It appears the applicants have addressed some of the comments of my last letter dated April 4, 2006, although their response letter suggests they addressed the April 11, 2005 letter. I have outlined my outstanding comments and concerns below.

1. I see three lots where development activities cross into the Resource Conservation Area (RCA) portion of the lots. These lots include lots 3, 18, and 20. The RCA acreage is reported to be 85.23 acres; however, in earlier documents the areas of tidal wetlands were reported to be 12.40 acres. This would leave a balance of 72.83 acres, thereby allowing an RCA density of 3 dwelling units in the RCA. The remaining lots that cross into the RCA do not appear to be protected through an easement from future development activities; therefore, we recommend these areas be put in an easement.

2. The applicant has indicated the lots will be permitted to have up to 25% impervious cover, with 15% over the entire subdivision. This provision of State law and the County Code applies to lots one acre or less in size that are part of a subdivision approved after December 1, 1985. It appears that since the lots are being reconfigured, then these limitations would apply. However, the impervious surface limits note on the plat is confusing. It should clearly state that the overall impervious coverage is at 15%, while lots one acre or less are permitted up to 25%.

3. In order for this office to understand the proposed Forest Mitigation Bank proposal we need certain information. How much existing forested area is in the Critical Area portion of the property? We are trying to determine what percent of the existing forested area in the Critical Area is being cleared in conjunction with the subdivision proposal. Without the existing forested area information this cannot be determined.

4. Once we know the percent of clearing in the Critical Area, we need to understand how the applicant is able to utilize 30% of the remaining forested area in the Critical Area for mitigation purposes. It seems to us that a portion of the 30% of the forest is being cleared for the subdivision request. If not, please have the applicant clearing explain how they can claim 30% of the forest in the Critical Area for mitigation banking purposes, and also clear a portion of this percentage.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 200-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 22, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Crystal Spring Farms – S 06-010, P 06-0045

Dear Mr. Murray:

I have received a revised plan and plat for the above-referenced subdivision. The applicant responded to my previous letter dated April 21, 2006. In that letter I stated that septic reserve areas are considered a development activity and are not permitted in the Resource Conservation Area (RCA) since they are a necessary component of development in the Limited Development Area (LDA).

The plan and plat still how the septic reserve areas inside the RCA. Unless these septic reserve areas are associated with a dwelling unit inside the RCA, and meet the RCA density, they are not permitted. See the County Code 18-13-206 which lists the allowable uses in the RCA and states, "... for a residential use, the density allowed is one dwelling unit per 20 acres." In addition, the list of uses does not include septic reserve areas associated with development or dwelling units outside the RCA.

In addition, by extending the lot lines onto the RCA portion of parcel 178, this further reduces the net acreage of parcel 178 to less than 20 acres, which is the minimum acreage required to support one dwelling unit in the RCA; therefore, it appears to make parcel 178 nonconforming with respect to the RCA density provision of the County Code.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 173-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Paul Griffith Property - MS 04-123
Revised Plat and Plan

Dear Mr. Murray:

Today I met with the applicant's engineer concerning the revisions I requested in my May 12, 2006 letter. It appears those revisions were made and we understand the limits of the Forest Conservation Easement will be staked in the field; therefore, I have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Timothy J. Brenza, Messick & Associates
AA 777-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 21, 2006

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: USNA Brigade Sports Complex
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received additional information concerning the above-referenced project on Federal lands. According to the information provided there will be approximately 806 square feet of temporary disturbance to the 100-foot Buffer to Carr Creek due to the need to tie in a new sewer line to an existing manhole.

In the case of utilities that cross a Habitat Protection Area (HPA), like the 100-foot Buffer, the applicant must show that no feasible alternative exists. Therefore, an alternatives analysis was provided that showed one alternative to the proposal. That alternative was determined to be infeasible due to construction constraints, and the need for additional clearing. The proposed alternative will not require additional clearing and will involve temporary impacts.

Since there will be 806 square feet of disturbance to the 100-foot Buffer, the applicant is required to perform 3:1 mitigation. The Planting Plan was resubmitted to show the additional mitigation that is required. The additional mitigation totals .05 acres and will make the overall mitigation total 9.21 acres. The type, size and number of species presented in the amended Planting Plan are acceptable.

Based on our review of the information provided for the sewer line tie in within the 100-foot Buffer, Commission staff finds this disturbance to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you again for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Juliet Cartron, Environmental Systems Analysis, Inc.
Mr. Pete Loyka, Drum, Loyka and Associates
Ms. Elinor Gawel, A.A. Co. Office of Environmental and Cultural Resources

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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Ren Serey
Executive Director

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June 19, 2006

Mr. Rob Konowal
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Sherwood Forest, Lot 713
2006-0146-V

Dear Mr. Konowal:

I have received the above-referenced variance to remodel an existing dwelling and add an addition. The site is in the Limited Development Area of the Critical Area. The improvements will impact steep slopes in the Critical Area. I have outlined my comments below.

From the site plan provided, it appears only the area of the proposed deck will impact steep slopes. All other improvements appear to be on or over the existing footprint. We recommend the deck be shortened in that it appears long and there was no explanation concerning the reason for the length of the deck over the steep slopes.

If a variance is granted for some disturbance to steep slopes, we recommend mitigation at a 3:1 ratio for all new disturbance. Disturbance includes grading, footprint and clearing.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 19, 2006

Mr. Rob Konowal
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Jon B. and Mary E. Lowe Property
2006-0139-V

Dear Mr. Konowal:

I have received the above-referenced variance to replace an existing deck and expand the footprint of an existing dwelling. The site is in the Intensely Developed Area of the Critical Area and located in a mapped Buffer Modification Area (BMA). Since the site is in a BMA, the established setback is based on the closest distance between the existing dwelling and mean high water. In this instance the setback is 33 feet; therefore, only a variance for that portion of the screened porch requires a variance.

The improvements will impact the 100-foot Buffer to Ramsey Lake. According to the applicant's submission materials, the property suffered significant damage, including erosion, from Hurricane Isabel. Therefore, we recommend the limits of the deck extend no further waterward than the existing deck area.

In addition, we recommend that other improvements beyond the BMA setback be minimized, since the entire lot is within the 100-foot Buffer. This includes the new footprint.

If a variance is granted, we recommend 3:1 mitigation for the area of new disturbance in the BMA.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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June 16, 2006

Mr. Tom Burke
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Selby Bay Yacht Club
B02228708

Dear Mr. Burke:

I have received the above-referenced building permit for review and comment. The applicant proposes to construct a 360 square foot addition to an existing building. The site is in the Limited Development Area (LDA) and is 2.61 acres. I have outlined my comments below.

1. The application materials did not include a site plan; therefore, I was unable to determine whether the proposed addition was within the 100-foot Buffer.

2. If the site is in a Buffer Modification Area (BMA), and the addition is within 100-feet of the water, then no variance is required if the addition will be no further waterward than the building.

3. Mitigation for new impervious surface or redeveloped impervious surface in a BMA includes 2:1 planting of a vegetated buffer on site, or off-site or through a fee-in-lieu. On commercial sites mitigation also includes a 25-foot waterfront buffer that is densely planted with native trees and shrubs.

4. Since the site exceeds 15% impervious area, buffer intrusion shall be located at least 25 feet from the mean high water line or tidal wetlands.

5. We recommend the applicant remove the 360 square feet of driveway area prior to the construction of the addition.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Lisa A. Hoerger

LAH/jjd
cc: AA 324-06

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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June 14, 2006

Mr. Rob Konowal
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: BA 10-06-V
GTC Greenbrier, LLC

Dear Mr. Konowal:

We have received the notice of an appeal for the above-referenced project. The applicant proposes to construct a single family dwelling and its associated utilities on a lot in the Limited Development Area (LDA) of the Critical Area. The eastern portion of the lot has a nontidal wetland. Grading, utilities and a portion of the driveway will impact the 25-foot nontidal wetland buffer. I have outlined my comments below.

I have received the revised site plan, and it appears that the applicant has reduced impacts compared to the site plan submitted to the Administrative Hearing Officer in December. The proposed impervious surface was reduced from 2,450 square feet to 1,858 square feet. Woodland clearing was reduced from 9,929.65 square feet to 8,494 square feet. The disturbance to the nontidal wetlands buffer was reduced from 1,701 square feet to 1,068 square feet.

The reductions noted above were accommodated by incorporating the garage into the footprint, thereby reducing the garage impact and the driveway area leading to the original garage location. Only the width of the dwelling has increased by 2 feet. Given the adjustments made to the design and location of the dwelling, and the setback constraints to the septic areas, it appears the applicant has minimized the overall impacts to the site; therefore, this office does not oppose the requested variance based on the site plan submitted to this office dated 5-26-06.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA661-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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June 14, 2006

Ms. Elinor Gawel
Anne Arundel County
Environmental and Cultural Resources Office
2664 Riva Road, 6402
Annapolis, Maryland 21401

Re: Buffer Modification Area Map Amendment
Jenner/Cummings Property – 496 Ferry Point Road

Dear Ms. Gawel:

The Critical Area Commission received the above-referenced Buffer Modification Area map amendment approved by the Planning and Zoning Officer. The map amendment adds part of lot 16, on Tax Map 51, Block 22, Parcel 207, as a Buffer Modification Area. We are accepting the application as a complete submittal. Chairman Madden will review this request and will make an amendment/refinement determination within 30 days. Commission staff will notify you regarding his decision and consideration of this issue at a future Commission meeting.

Please telephone me at (410) 260-3478 if you have questions or comments regarding this process.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Madden
man

erey
Director

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To DAVE PLOTT | From
Co. | Co.
Dept. | Phone #
Fax # 301 261 2683 | Fax #

June 12, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wright Investment Group - 2000-0468-C, BA 48-01C

Dear Ms. Gawel:

Thank you for responding to my last letter requesting additional information concerning the above-referenced declassification request for Commission review and approval. It appears all relevant materials were submitted with the exception of the Circuit Court decision and the Court of Special Appeals decision; therefore, this office cannot consider the County's request a complete submittal, and is unable to accept this package for processing without the following information until we receive those two remaining items.

As stated in our previous letter, when the items listed above are provided, please forward them with a formal request for processing the declassification application. Once this office accepts the submittal as a complete package for processing, the Chairman will have 30 days to make an amendment or refinement determination. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter, Planning and Zoning Officer
Ms. Suzanne Schappert, Planning and Zoning
Mr. David Plott, Esquire

Robert L. Ehrlich, Jr.
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June 12, 2006

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Robert Gerber Property - MS 06-021

Dear Ms. Krinetz:

I have received a copy of the site plan, plat, and Critical Area Buffer Management Plan for the above-referenced subdivision request. The applicant proposes to create an additional building lot in the Limited Development Area (LDA). I have outlined my comments below.

1. The impervious surface charts shown on the Site, Grading, and Sediment Erosion Control Plan appear to be incorrect. In particular, the chart titled, "Parcel 196 Proposed Impervious Area Chart" appears to have incorrect totals for the proposed house areas and the proposed driveway areas. Overall, the subdivision shall not exceed 15% impervious cover for the entire site area. Please have the applicant clarify the impervious surface figures.

2. The site plan does not show any sidewalks, decks or patios associated with the construction of the proposed dwelling on proposed lot 2R. These areas must be shown and added into the impervious surface calculations.

3. The proposed impervious area is already at 15%. Therefore, absent removing any other impervious areas either existing or proposed, neither lot will be permitted to have additional impervious areas. A note should be added to the final plat restricting either lot from allowing additional impervious surfaces.

4. The well for proposed lot 2R is in the 100-foot Buffer. Has the Health Department approved this location, and are there other locations for the well?

5. The distance between the footprint of the proposed dwelling and the limits of the minimum 100-foot Buffer vary between 5 and 10 feet. This leaves little room for any additional amenities. The plat should include a note that no variances are permitted to the Buffer or for impervious surfaces.

6. The information provided concerning existing forest cover indicates that this site must provide 15% afforestation. This information should be included in a plat note and the area of afforestation should be clearly labeled on the plat. Any Buffer planting on proposed lot 2R can be counted towards any afforestation requirement.

7. The Critical Area Buffer Management Plan is unclear. Each sheet indicates a different number of species to be planted. In addition it is difficult to read the plan. It appears no new planting will occur within the 100-foot Buffer. Please have the applicant provide a plan that clearly shows all new plantings, and the specific quantity of trees and shrubs that will be planted that is consistent on each sheet.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 346-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
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June 1, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Price's Cove Force Main Replacement
Chesapeake Bay Critical Area Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- The force main upgrade is required subject to a Federal Consent Decree.
- While the location of the force main is within the 100-foot Buffer, the Code of Maryland Regulations 27.02.05.03(3)(a)(iii) permit utility crossings in Habitat Protection Areas provided no feasible alternative exists and the location, design, construction and maintenance provides erosion protection and minimizes impacts. The information provided addresses this requirement.
- The force main existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative exists.
- The Buffer disturbance is temporary and will be minimized to the extent possible.
- The site will be revegetated with native species at a minimum 1:1 ratio.
- No additional impervious areas area proposed.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 350-06

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
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June 1, 2006

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 410
Towson, Maryland 21204

RE: Growth Allocation Request for Preserve at Holly Neck

Dear Ms. Farr:

This office has received those items requested in my letter dated May 22, 2006. It appears all requested documents and information are included in that package; therefore, the Commission staff has accepted the materials forwarded by the County to be a complete submittal.

The Chairman determined this request is an amendment to the County's Critical Area Program. Commission staff will contact you to discuss the public hearing procedures.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3480.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Marianne Mason, Esq.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 31, 2006

Mr. Timothy Morris
Environmental Mitigation Manager
Woodrow Wilson Bridge Project
2901 Eisenhower Avenue
Alexandria, VA 22314

Re: Woodrow Wilson Bridge
Anacostia East Wetland Mitigation Site (ANA-11)
Acreage Chronology – ANA-11 Tidal Wetland Mitigation

Dear Mr. Morris:

This office has received the final design plans for the above-referenced project for review and comment. Based on the information provided it appears this design will result in a total credit of 23.5 acres of credit, which includes 20.1 acres of tidal wetlands and 3.4 acres of riparian buffer. I have outlined my comments concerning the Draft Invasive and Nuisance Species Management Plan, Contract Documents and plans below.

<u>Draft Invasive and Nuisance Species Management Plan for the ANA-11 Wetland Mitigation Site/ Contract-Bid Document</u>

This office will defer to those agencies that specialize in this type of species management; however, there are two administrative items that should be addressed, and I have outlined them below.

1. Page 15 indicates that the Contractor shall undertake the invasive and nuisance species management of the site during construction; however, in reviewing the contract document, I was unable to find specific language that notifies a potential bidder of this responsibility. Please ensure this language is included in the bid document if the contractor is expected to assume this responsibility.

2. Once the five-year monitoring period ends, the entity responsible for the continued management of this site concerning invasive and nuisance species control should be identified prior to final approval.

Final Plans Dated May 2006

My last comment letter dated October 28, 2005 listed eleven items that we requested either clarification or provided specific recommendations. Please address the issues of this letter in writing to this office. Some of the issues listed below may overlap with the items in the October 28, 2005.

1. Due to the amount of disturbance to the site, this project will require full Commission review and approval.

2. Provided the proposed mean high water line is correct, it appears the Buffer is correctly shown on the plan sheets.

3. Please be certain to measure the 100-foot Buffer from not only the edge of mean high water, but also from the edge of tidal wetlands where this may occur on the site. If this does occur, please clearly label these areas as tidal wetlands.

4. The width of the path/road that runs from the upland area down to the river needs to be justified. It appears to be ten feet wide. The Commission's Guidance Document concerning public walkways prescribes a maximum of six feet for areas not considered to be intensely developed; therefore, a justification is required.

5. All of the species listed on the landscape plan are native species and are therefore acceptable to the Commission. However, we will defer to those resource agencies that specialize in wetland creation concerning the appropriateness of certain species and their locations on the site.

6. The total wetland credit should be 20.1 acres since the remaining 3.4 acres constitute the riparian Buffer area, and this area should not be counted as wetland creation.

7. Since there will be disturbance to the existing Buffer and a newly created Buffer because of the project, mitigation will be required. Because this project is serving as mitigation for another project, Commission staff will recommend to the Commission that mitigation at a 1:1 ratio be provided.

8. Since mitigation will be required, please indicate the area of disturbance in the existing Buffer and the area of disturbance to the proposed Buffer.

9. While the proposed trial shown on the plan will be approved as a separate project, it will also require mitigation. Since it is not serving as mitigation for another project, the Commission staff will recommend to the Commission that 3:1 mitigation for all areas of that trial that may be in the Buffer are provided.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Michele Floam, Coastal Resources, Inc.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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May 25, 2006

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Project
Potomac Crossing Consultants/URS Corporation
6711-A Oxon Hill Road
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Project - BR-3C Maryland Approach Contract (PG 5155173)
Department of the Army Permit CENAB-OP-RMN 200060664-11
Maryland Water Quality Certification 200060664
Maryland Board of Public Works Tidal Wetland License No. 00-0780 (R)
Addendum: Temporary access for construction of the Maryland Abutment and Pier M10

Dear Mr. Baker:

I have reviewed the proposal to construct a temporary access way for construction of the Maryland Abutment and Pier M10. Based on the information provided to this office, it is my understanding the proposed stone causeway will be temporary, and that it will be constructed below the mean high water line; therefore, this action falls primarily under the jurisdiction of those agencies listed above.

In addition, it appears this action will not alter any conditions of previous approvals by the Critical Area Commission concerning development activities associated with this project. Therefore, notwithstanding other required permit modification approvals from the Army Corps of Engineers and the Maryland Department of the Environment, this office has no further comment.

This office approves the request. If any of the above items change, then the request must be resubmitted to this office for review. Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Donna M.P. Wilson, Director, Prince George's County DER
Mr. Richard Thompson, Prince George's County DER

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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May 25, 2006

Mr. Rob Konowal
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Critical Area Reclassification Request - 2006-0121-C
James and Victoria Parkin

Dear Mr. Konowal:

Thank you for forwarding the above-referenced reclassification request to this office for review and comment. The property is 4.18 acres and is currently mapped as a Resource Conservation Area (RCA). The applicant proposes to reclassify approximately 1.82 acres of the parcel to a Limited Development Area (LDA). I have outlined Commission staff comments and recommendations to the Zoning Office and Administrative Hearing Officer below.

Standard of Review for Mapping Mistakes in the Critical Area

In evaluating proposed map amendments on the basis of mistake made during the original Critical Area mapping, local governments are guided by the Court of Special Appeals decision in *August Bellanca v. County Commissioners of Kent County*. See Enclosure (1). The Commission's role in reviewing these amendments is to ensure that when a local government finds that a mistake was made at the time of the original mapping, that the subject properties met the required mapping standards at that time.

In the case of reclassification requests, the County needs to determine that a mistake occurred and that the property *should have been* designated LDA based on what the Court referred to as "compelling" and "strong evidence". This is different that a finding that the property *could have been* designated LDA at the time of original mapping based on the County's mapping standards. The Bellanca decision sets out in specific detail the level of evidence required to justify a reclassification of Critical Area lands on the basis of a mistake in the original mapping.

> ...in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show [1] the facts that existed at the time of the comprehensive zoning but also [2] which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the time of the comprehensive zoning...; by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account..; or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning... See Enclosure, pages 13-14

In other words, there needs to be a showing that the county failed to take existing facts into account at the time of the original mapping. The mere fact that, at the time of original mapping, the property could have met either the RCA or the LDA standard is not sufficient.

The materials submitted to this office provide reasons as to how the property could have met the mapping standards for LDA outlined in the County's August 22, 1988 Program Document, which lists the methods employed by the County in designating properties in the Critical Area. The application also provides reasons as to how the property conforms to the State Critical Area Criteria mapping rules found in COMAR 27.01.02.04 and 27.01.02.05, which provide the LDA and RCA mapping standards. However, the materials do not provide either compelling or strong evidence of any facts that the County failed to consider or the significance of those facts pertaining to this parcel. Similarly, there is no showing that the County Council failed to take the mapping standards into account when considering this parcel, or surrounding parcels that are similarly designated as RCA.

As suggested in previous comment letters from Commission staff concerning Critical Area reclassification requests, the evidence provided to the County should clearly demonstrate a mistake, based on facts or factors at the time of original mapping. Examples include the occurrence of a drafting error, or that the parcel was mistakenly mapped by comparing adjoining properties. The only comparisons made for this application are of adjacent LDA properties; however, this parcel also adjoins RCA parcels and no comparisons were made to these parcels.

In any case, we believe that the applicant may need to perform additional research and provide the County with additional documentation in order to support a determination of mistake. The evidence that the County provided to us does not appear to meet the standards articulated by the Court of Special Appeals in Bellanca.

If the Hearing Officer nonetheless makes a determination of mistake based on the evidence submitted to date, then the application will be forwarded to the Critical Area Commission for approval. The Commission's role is to determine that at the time of original mapping, the area

met the mapping standards for LDA. At that time, the property would have had to have at least one of the following features:

(1) Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
(2) Areas not dominated by agriculture, wetlands, forest, barren land, surface water, or open space;
(3) Areas meeting the conditions of Regulation .03A, but not .03B, of this regulation;
(4) Areas having public sewer or public water, or both.

COMAR 27.01.02.04

Configuration of Reclassification Request

This request is unique from any other request this office has seen in Anne Arundel County. The applicant is requesting to reclassify only a portion of the entire 4.81 acre parcel. The site plan provided divides the site almost in half. No justification was provided for why the new dividing line between what is RCA on the parcel and what is proposed for LDA, was placed in this location. It seems the applicants suggest the County meant to classify only a portion of the parcel LDA. Oddly enough, the proposed LDA land is the undeveloped portion of the property at the time of original mapping.

Regardless of the merits of any Critical Area reclassification request, it seems to Commission staff that the request would include an entire parcel, particularly the portion that was clearly developed and that established the density of the parcel at the time of original mapping.

Thank you for the opportunity to comment. Please include this letter in your files and submit it as part of the record for reclassification. As you know, the Critical Area Commission staff provides preliminary comments on these types of proposals, and should the County approve this request, it must be submitted to the Commission and the Commission may have additional comments or request additional information during its review.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel, A.A. County - Office of Environmental and Cultural Resources
Ms. Marianne Mason, Assistant Attorney General

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 23, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Chesaco Park Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to the reduce the 35-foot building setback on three lots, and to impact 1,200 square feet of forested nontidal wetlands, and 3,375 square feet of nontidal wetland buffer. The site is located in the Limited Development Area (LDA) and is 2.09 acres.

Based on information provided by your office, it is our understanding that 27 lots currently exist, and the applicant proposes to consolidate these lots into a total of 7 lots. The site plan provided shows that by consolidation, the disturbance to the wetlands will be minimized and avoided. This office does not oppose the requested variances provided the applicant will provide mitigation as prescribed by County staff and the Maryland Department of the Environment.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 315-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 23, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Pruchniewski Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a 24 x 24 shed within the 100-foot Buffer to Schoolhouse Cove. The Critical Area designation of this lot is Intensely Developed Area. I have outlined my comments and recommendations below.

The site currently supports two sheds and one concrete pad area that totals 264 square feet. The new shed totals 576 square feet. Since the new shed is twice as large as the area of the existing amenities, we recommend the proposed shed by reduced in footprint to minimize disturbance to the 100-foot Buffer.

We recommend the new shed be sited as close to the dwelling as possible to minimize intrusion into the Buffer, and in no case should the new shed be further waterward than the existing sheds or concrete pad.

If the County determines this request, or some variation of this request can be granted, we recommend 3:1 mitigation for the area of the new shed.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 279-06

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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May 17, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Celmer Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to maintain activities in the Critical Area Easement to maintain access to a farm pond, and to permit repair of a drainage pipe should the need arise. This office does not oppose the requested variance provided the applicant will limit maintenance to only the area necessary.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 281-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 17, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property, South River Crossing - S 02-089, P 2004-0212

Dear Ms. Shatt:

I have received the final plans and plat for the above-referenced subdivision. The applicant has responded to my letters dated May 28, 2004 and April 3, 2006. I have outlined my remaining comments below.

1. I have advised Bay Engineering via telephone that while the new soils information appears in a table on sheet 2 of the plans, the new soil symbols do not appear on sheet 2. They have indicated sheet 2 will be corrected. Please check your copies prior to final approval.

2. Since the applicant is not amenable to a fence to demarcate the limits of the Buffer, we recommend survey monuments, or some other form of permanent markings, so that future homeowners and the County will be aware of the Forest Conservation Area, and the limits of the Buffer.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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May 17, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wallace Manor Lot G-2
S 97-029, P 06-0054

Dear Mr. Murray:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create one additional lot in the Limited Development Area (LDA). I have outlined my comments below.

1. This office did not receive a copy of the final plat for this subdivision. Prior to final approval, we recommend at least two plat notes:

   - One note should include state that the 100-foot and expanded Buffer shall not be cleared or disturbed, except for riparian access.

   - A second note should state that remaining forested areas not be cleared, otherwise additional fees-in-lieu of may apply.

2. The impervious surface information appears incorrect. Each lot is limited to 15% impervious cover since each lot exceeds one acre. In the Critical Area calculations on the final plan, it appears the distribution of the total allowable impervious surface, which is also 15%, permits Lot G-2A to have 22%, and Lot G-2B to have 10%. The limits for Lot G-2A need to be adjusted.

3. The total proposed impervious surface per lot should include the driveways in addition to the dwellings, sidewalks, and other impervious areas on the lots.

4. The location of the drywells are not shown for proposed Lot G-2B. Please have the applicant show these areas, since it appears one of the drywells for Lot G-2A is within the expanded Buffer. Stormwater management structures are not permitted in the Buffer absent a variance.

5. The final plat does not show the limits of clearing for proposed Lot G-2B. We recommend this be added to the plan so that the County and the future lot owner will know the limits of allowable clearing.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 243-06

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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May 15, 2006

Ms. Martha Stauss
Baltimore County DEPRM
401 Bosley Avenue, Room 416
Towson, Maryland 21204

Re: Bowleys Quarters Volunteer Fire Department

Dear Ms. Stauss:

I have received the above-referenced request to construct an addition onto an existing fire house to provide sleeping and living quarters. The addition will require a variance to the required 25-foot commercial setback to an existing Critical Area easement.

This office does not oppose the requested variance. It is our understanding that in addition to keeping the remaining setback in its natural condition, the applicant will be removing an area of compacted gravel that is currently within the 25-foot setback that is equal to the amount of impervious area being created by the addition.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 259-06

3

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. Dennis J. Fretz, Project Manager
Roads & Bridges, Bureau of Engineering
Department of Public Works
2662 Riva Road, MS 7301
Annapolis, Maryland 21401-7374

Re: Riva Road – South River Bridge to Perch Drive – A.A. Co. Project No. H-3577
REVISED CRITICAL AREA MITIGATION PLAN

Dear Mr. Fretz:

I have received the revised landscape sheets L3 and L4. In my previous letter I indicated that the new mitigation credit would be 76,000 square feet; however, I miscalculated that figure and agree with the figure in Mr. Canfield's letter stating the new total mitigation credit is 76,900 square feet.

I understand some of the planting has already occurred. Please notify this office when all planting is complete so that Commission staff may perform a follow-up inspection of the sites. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Harry Canfield, JMT
Ms. Elinor Gawel, AA Co. OECR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 12, 2006

Mr. Shawn Clotworthy
Department of Natural Resources
Resource Planning
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Patapsco Valley State Park, Proposed Gas Line
Project Review 2006.DNR.104

Dear Mr. Clotworthy:

I have received the above-referenced project for review and comment. Since development activities area proposed on State-owned lands, this project will require review and approval by the Chesapeake Bay Critical Area Commission. I have attached the State Project Checklist for your use in submitting this project to our office when the Department is ready to submit it.

In regard to utilities, the Code of Maryland Regulations at 27.01.02.04 C (1)(b)& (c)states:

(b) All roads, bridges, and utilities that must cross a habitat protection area shall be located, designed, constructed and maintained as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges and utilities may not be located in any habitat protection area unless no feasible alternative exists.

©) All development activities that must cross or affect streams shall be designed to :
(I) Reduce increase flood frequency and severity that are attributable to development;
(ii) Retain tree canopy so as to maintain stream water temperature within normal variation;
(iii) Provide a natural substrate for streambeds; and
(iv) Minimize adverse water quality and quantity impacts of stormwater.

It is unclear from the drawing provided, but any stream crossing will need to address the criteria listed above. In addition, any required clearing will need to be mitigated.

We are in receipt of the May 11, 2006 memorandum from Ms. Lori Byrne of the Wildlife and Heritage Division. Her memorandum indicates the site may contain an endangered plant species if the appropriate habitat exists. We recommend a survey be performed if the habitat is present.

Ms. Byrne's memorandum indicates the possibility of Forest Interior Dwelling Bird (FID) habitat on the site. In addition to her recommendations, please reference the Critical Area Commission's Guidance Document on the Conservation of Forest Interior Dwelling Birds. This document is available free of charge at our office, or you may access it on our website at www.dnr.state.md.us/criticalarea.

Finally, when your office is ready to submit this project to our office for review and comment, please send a courtesy copy to Ms. Elinor Gawel of the Anne Arundel County Office of Environmental and Cultural Resources, 2664 Riva Road, MS 6401, Annapolis, Maryland 21401.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: Ms. Elinor Gawel, A.A. Co. Office of Environmental and Cultural Resources

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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May 12, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Paul Griffith Property - MS 04-123

Dear Mr. Murray:

I have received the final plan and plat for the above-referenced subdivision request. It appears the applicant addressed the comments of my last letter dated August 9, 2005. I have outlined my remaining comments below.

1. We acknowledge the applicant has labeled the expanded Buffer on the plat, but it still does not appear on the plan sheets. If it is on the plan sheets, it needs to be made more clear prior to final approval.

2. The "Critical Area Note" on the plat indicates the site is in the Limited Development Area, while "General Note #6" indicates the site is in the Resource Conservation Area. Please have the applicant fix this item prior to final plat approval.

3. We recommend that survey monuments be placed on the site to demarcate the Forest Conservation Easement.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 777-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

May 12, 2006

Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Epping Forest Resubdivision/Arrow Cove
S 95-083, P 00-0244

Dear Ms. Shatt:

I have received the final plans and plat for the above-referenced project. It appears that the applicant addressed the comments of my last letter dated November 22, 2005. I have outlined my remaining comments below.

1. Prior to final plat approval, all conditions of the Board of Appeals' decision must be met. It appears that the setback and stormwater issues have been addressed. The other conditions of the Board cannot be verified except during the construction phase.

2. The total allowable clearing figure still appears to be incorrect. I calculate 257,942 square feet. Please have the applicant check this figure.

3. We recommend that the limits of the Forest Conservation Easement be clearly marked in the field so that future lot owners will be aware of the limits of this easement. The most accurate and permanent means of demarcation would be with survey monuments.

4. We recommend that a local land trust or similar organization take responsibility for monitoring the easement on this site.

5. The legend on the plan shows a symbol for the Mean High Water line, but it does not appear on the plan. In any case, the limits of MHW shall be measured in the field to determine the exact limit of the minimum 100-foot Buffer and expanded Buffer for steep slopes.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd
cc: AA 576-00

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 11, 2006

Mr. Dennis J. Fretz, Project Manager
Roads & Bridges, Bureau of Engineering
Department of Public Works
2662 Riva Road, MS 7301
Annapolis, Maryland 21401-7374

Re: Riva Road – South River Bridge to Perch Drive – A.A. Co. Project No. H-3577
REVISED CRITICAL AREA MITIGATION PLAN

Dear Mr. Fretz:

I have received the above-referenced revised mitigation plan for the Riva Road project. I have reviewed the changes to the plan and discussed these changes with Mr. Canfield. Based on my review, it appears that with these proposed changes the County is still fulfilling its mitigation obligation, and in fact, is planting in excess of that required; therefore, this office will accept these revised plans and keep them on file.

There were a few minor changes that will be made to sheets L3 and L4. The change to sheet L3 will be the removal of Rhododendron maximum, which will result in 1,350 square feet less of mitigation credit for a total of 76,000 square feet of credit. The change to sheet L4 will not alter the number, size or type of species noted, but will reconcile the number of species noted in the tables with the numbers noted on the plan. I have requested these revised landscape sheets once these minor revisions are completed.

Thank you for providing this office with the revised plans. Please do not hesitate to contact me at (410) 260-3478 if you have any questions, or if I can provide further assistance.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Harry Canfield, JMT
Ms. Elinor Gawel, AA Co. OECR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2006

Mr. Rob Konowal
Anne Arundel Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Critical Area Reclassification 2006-0014-C
William Magenau

Dear Mr. Konowal:

Thank you for providing information on the above-referenced Critical Area reclassification request. The applicant is proposing that 2.848 acres be reclassified from a Resource Conservation Area (RCA) to a Limited Development Area (LDA) based on the mistake argument. The site involves three parcels on Mimosa Cove Road in Deale and totals 5.691 acres in the Critical Area. The balance of the site is classified as LDA.

You have requested Commission staff's comments the reclassification request. Based on the information contained in the application it appears that a sewer line existed within 2,000 feet of this site prior to December 1985. As you know, the County's mapping criteria for LDAs included sites that were within 2,000 feet of an existing water or sewer line, unless it was a wetland or public property; therefore, the County may have overlooked the RCA portions of these parcels as being eligible for LDA classification, with the exception of any wetlands on these site parcels. The wetlands were likely classified as RCA based on the County's mapping rules.

The applicant's submission includes a statement that the request for LDA is to facilitate the permitting of a regional stormwater management facility. While this office does not oppose the applicant's efforts to treat stormwater for these and adjoining parcels, this action is not sufficient basis for a mistake in the original Critical Area mapping.

Thank you for the opportunity to comment. Please notify the Commission of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Elinor Gawel
AA 93-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2006

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: USNA Brigade Sports Complex
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The Naval Academy Athletic Association (NAAA) proposes to construct a hockey rink and tennis court facilities for the U.S. Naval Academy (USNA) ice hockey and tennis teams. The entire project site is in the Critical Area.

Commission staff have reviewed the application materials and performed a site visit. The site is considered an area not intensely developed, therefore, 15% impervious surface limits, clearing limits, and stormwater management measures apply to this project. From the information submitted, it appears the applicant will not exceed the 15% impervious surface limitation. Clearing will be below 30% but over 20%; therefore, mitigation at a 1.5:1 ratio will be required. Finally, the applicant is awaiting approval for stormwater from the Maryland Department of the Environment.

A small area of grading and clearing will occur within the expanded Buffer for steep slopes due to the placement of the stormwater outfall; therefore, the applicant will perform mitigation for this area of disturbance (i.e. any grading and clearing) at a 3:1 ratio. The outfall that is located in the expanded Buffer is considered water-dependent and is permitted.

The proposed mitigation plans submitted to this office meet the Commission's standards for replanting. This planting plan adequately addresses the total required mitigation of 9.165 acres.

Based on our review of this project, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Leslie Wood, Environmental Systems Analysis, Inc.
Mr. Pete Loyka, Drum, Loyka and Associates

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 11, 2006

Mr. Ray C. Dintaman, Jr.
Environmental Review Unit
Department of Natural Resources
580 Taylor Avenue, B-3
Annapolis, Maryland 21401

Re: Baltimore County Enterprise Zone (MD20060418-0369)

Dear Mr. Dintaman:

I have received the above-referenced project for review and comment. This office has no comment on the expansion of the North Point Enterprise Zone. The only issue for this office is that for those areas of the Enterprise Zone that may be within the Critical Area will require full compliance with the Baltimore County Critical Area Program, and will need to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management (DEPRM).

For any local, State or Federally owned lands that may be within the Enterprise Zone, compliance with the Critical Area Law and Criteria will be required, and submissions for those development activities must be sent to our office for review. These projects could require approval by the Critical Area Commission.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 10, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Anna Altobelli Property - MS 06-012

Dear Mr. Callahan:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create three lots from one existing parcel. As you know, this office has reviewed previous subdivision plans for this property, and is therefore familiar with this request. I have outlined my comments below.

1. As stated in my comment letter concerning the previous subdivision request, the Buffer shall be reestablished with native plantings as required by Article 26, Section 8-303. Therefore, in order for this subdivision to be in compliance with the County Code, the Buffer shall be reestablished on proposed lot 2 since this is a newly created riparian lot. If the County considers lot 1 to be a new lot due to the subdivision, then it would also require establishment of a 100-foot vegetated Buffer.

2. The allowable impervious surface limitations are shown on both the plat and plan and appear correct.

3. We recommend that the majority of the reforestation obligation be met on site rather than the entire obligation paid into the County's fee-in-lieu fund. Any portions of the Buffer that area reestablished may qualify for that requirement.

4. As with the previous subdivision review, we continue to recommend a note be added to the final plat concerning the removal of the nonconforming structures to ensure their removal so that the impervious area associated with these structures may be credited in determining the overall proposed impervious area.

5. We recommend a note be added to the final plat that indicates the maximum width for the riparian access paths.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 68-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 2, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Mansion Road Reconstruction
Consistency Report

Dear Ms. Gawel:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report this office agrees that the project is consistent with the Anne Arundel County Critical Area Program for the reasons outlined below.

1. No Habitat Protection Areas (HPAs) will be impacted.

2. The 10% Pollutant Reduction requirement was addressed.

3. Any trees removed will be replaced on a 1:1 ratio.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd
cc: AA 204-06

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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May 2, 2006

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Patricia Dubbert
S 06-011, P 06-0047

Dear Ms. Krinetz:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create three additional lots from one existing parcel. The site is located in the Limited Development Area (LDA) and totals 2.70 acres. I have outlined my comments below.

1. We recommend a note be added to the final plat indicating the total allowable clearing, and the total allowable impervious area per lot.

2. We recommend the final plat clearly delineate the conservation easement that was described in the Critical Area Report submitted, but was not shown on the Final Development Plan.

3. The limits of clearing should be clearly delineated in the field on each lot so as to prevent future homeowners from clearing any parts of the conservation easement.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner
LAH/jjd

cc: AA 210-06

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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April 21, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bay Ridge Lots 1-3 - S 74-152, P 06-0040

Dear Mr. Murray:

I have received the above-referenced subdivision request for review and comment. The applicant proposes a lot line change by adding land area to lot 1 from lot 2 while lot 3 will remain unchanged. Both lots appear to have existing dwellings. All three lots have a split Critical Area designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). If the County will consider the lot line adjustment as removing the grandfathered status of these lots, then the allowable impervious surface limits shown on the plan submitted by the applicant is incorrect. These lots will be required to adhere to the impervious surface and clearing limits established for non-grandfathered lots.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 111-06

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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April 21, 2006

Ms. Cathy Bridges
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Crystal Spring Farms - S 06-010, P 06-0045

Dear Ms. Bridges:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to subdivide a 22.906 acre parcel in the Critical Area in order to add more area to three adjacent lots. The larger parcel is in the Resource Conservation Area (RCA), while the existing configuration of the smaller parcels is in the Limited Development Area (LDA). The development right associated with this RCA acreage is used by lot 1.

The area that will be added to the three smaller lots is RCA, and according to the site plan submitted, new septic reserve areas are shown in the RCA portion. Based on our conversation this morning, we understand the Health Department requires these systems to be shown on plats even if they are not proposed for use; however, the Environmental Report submitted by the applicant does not indicate whether these three lots will need to use these new septic areas now or in the future. Septic reserve areas are a development activity, and therefore not permitted in the RCA. The plat should state that no development activities are permitted in the RCA portions of lots 2, 3 and 4.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa a. Hoerger

Lisa a. Hoerger
Natural Resources Planner

cc: AA 173-06

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. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Michael Golliday Property

Dear Mr. Brittingham:

This office has received the above-referenced variance to construct a single-family dwelling in the 100-foot Buffer. The property is in the Limited Development Area (LDA) and is approximately .16 acres. I have outlined our comments below.

- This office does not oppose the variance to construct a single-family dwelling in the 100-foot Buffer since it appears the lot is considered grandfathered and the applicant has minimized intrusion into the 100-foot Buffer given the lot size and a require minimum zoning setback to Kent Road.

- We recommend mitigation in the form of native Buffer plantings as prescribed by your office for the disturbance to the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 239-06

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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April 19, 2006

Mr. Steve Gilbert
Principal Counsel
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: A-9955-C - River's Edge Subdivision Growth Allocation Request

Dear Mr. Gilbert:

At its meeting on April 5, 2006 the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays voted on the request for growth allocation by Prince George's County for the River's Edge project. The Commission's decision took into consideration the following discussion of the five member panel that conducted a public hearing on the proposal:

- As set out in the District Council's proposed growth allocation amendment the Prince George's County Critical Area program establishes the following purposes of the Resource Conservation Overlay (RCO) at Section 27-548.15(a) of the County Code:

  (a) Purposes.

  (1) The purposes of the RCO zone are to:

  (A) Provide adequate breeding, feeding, and wintering habitats for wildlife populations that require natural coastal environments along the tributaries of the Chesapeake Bay in order to sustain their populations;

  (B) Conserve, protect and enhance the overall ecological values of the Chesapeake Bay Critical Area, its biological productivity and diversity;

  (C) Protect the land and water resource base necessary to support resource oriented land uses, such as agriculture, timber harvesting, or fisheries activities; and

  (D) Conserve existing woodlands and forests for the water quality benefits they provide.

- The District Council's findings of fact and conclusions of law state the following at page 12, number 23 (e): "After development is completed, the 300-foot buffer will be vegetated-as it is not, at this time-and wildlife will have better protection than it does now."

- The Panel acknowledged that the Prince George's County ordinance requires the first 300 feet of this property to remain as RCO, and that the County proposes to have this area remain as RCO. In order to assure that the 300-foot setback area exhibits the characteristics of the RCO as set out above in the Prince George's County Ordinance Section 27-548.15 (a), and to assure that the 300-foot setback comports with the above findings of the District Council, the panel recommended the following:

  Disapproval of the growth allocation for 3.67 acres for the 300-foot setback area designated as RCO and deducted from the County's growth allocation, but not mapped as LDO.

  Approval of the 9.96 acres that was changed from RCO to LDO through the use of growth allocation, with conditions.

After discussion of the Panel's recommendations, and hearing comment from interested persons, the Commission voted on the County's proposed growth allocation amendment. The Commission voted to:

- Disapprove the growth allocation for 3.67 acres for the 300-foot setback area that will remain RCO; and to

- Approve the 9.96 acres that was reclassified from RCO to LDO through the use of growth allocation and mapped as LDO.

The Decision includes the following Conditions of Approval:

<u>Conditions:</u>

1) A conservation easement for the 300-foot area that is to remain RCO must be executed by the landowner and held by a third party. The documents must be approved by the Assistant Attorney General prior to recordation of the subdivision. The conservation easement shall include the following:
   - No development activities including impervious surfaces, hardened surfaces, or wooden walkways are permitted in the 300-foot area.
   - No active recreation is permitted in the 300-foot area.
   - No private piers are permitted on the four lots that extend into the 300-foot area.

2) The conservation easement shall run to the benefit of the Critical Area Commission and Prince George's County, or to another appropriate entity approved by both the Critical Area Commission and Prince George's County.

3) All documents related to the conservation easement must be signed by each waterfront lot owner at the time of contract signing showing acknowledgement of these conditions and restrictions on their respective lots.

4) A Planting and Management Plan for the entire 300-foot area that is to remain RCO must be prepared. This entire area shall be planted in forest vegetation. The Planting and Management Plan shall be approved by the Commission prior to recordation of the subdivision plat and the issuance of any building, grading or other approvals of development activities. This Plan shall be recorded with the conservation easement.

5) The Commission staff shall work with the County to remedy the inconsistency between the County Critical Area Program and State law, as recommended by the Panel and directed by the Commission.

In order to ensure consistency of the Commission's conditions with the development review processes of Prince George's County, the Commission authorizes the Assistant Attorney General to coordinate with the County the development and recordation of the Planting and Management Plan and Conservation Easement.

The County must take the necessary steps to adjust its total of remaining acreage of growth allocation consistent with the Commission's decision to disapprove the deduction of 3.67 acres for the portion of the site currently designated as, and remaining as, RCO. Once this process is completed, please forward to the Commission staff a copy of the County's adjusted growth allocation figures. Please include a list of all growth allocation projects, including this project in the tally.

In regard to the conditions of approval for the 9.96 acres of growth allocation, please forward a copy of the conservation easement document and any other documents related to the conservation easement to this office and to our Assistant Attorney General Marianne Mason at the address provided below:

Maryland Department of Natural Resources
Office of the Attorney General
580 Taylor Avenue, C-4
Annapolis, Maryland 21401

Please forward the Planting and Management Plan for the 300-foot area to the Commission offices. Commission staff will be available to assist the County staff with questions concerning the Plan.

We wish to thank you, Ms. Lammers and Mr. Stasz for attending the public hearing. We also appreciate Ms. Lammers and Mr. Stasz for attending the panel discussion and Commission meeting. If you have any questions please telephone me or Ren Serey at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Cecilia Lammers, MNCPPC
Mr. Jim Stasz, MNCPPC
Ms. Donna Wilson, DER
Mr. Thomas Haller, Gibbs & Haller

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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April 19, 2006

Mr. Steve Gilbert
Principal Counsel
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Ms. Donna M.P. Wilson
Donna M.P. Wilson, Esq. Director
Director
Department of Environmental Resources
9400 Peppercorn Place, Suite 500
Largo, MD 20774

Re: Prince George's County Critical Area Program

Dear Mr. Gilbert and Ms. Wilson:

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, at its April 5, 2006 meeting, identified an inconsistency in the Prince George's County Critical Area Program. The Commission directed Commission staff to work with the County to remedy the inconsistency between the language in the County's Critical Area Program and the State law.

The inconsistency was highlighted by the recent growth allocation request for the River's Edge project whereby the County deducted the entirety of the parcel inside the Critical Area, but did not remap the entire parcel into a different Critical Area classification. With regard to deduction of growth allocation, the State Natural Resources Article in §8-1808.1 (c) (4) states the following:

> New intensely developed or limited development areas to be located in the resource conservation area shall conform to all criteria of the Commission for intensely developed or limited development areas and shall be designated on the

> comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for the program approval or at a later date in compliance with 8-1809(g) of this subtitle;

The State law requires that the area deducted by a local jurisdiction must equal the area mapped. In the case of River's Edge, the 300-foot setback area that was originally mapped RCO was deducted from the County's growth allocation reserves, but was not remapped as LDO. The reason for this is a provision in the County Zoning Code in Section 27-213.13, which requires new IDOs and LDOs to be located at least 300-feet from tidal waters or tidal wetlands if the land was originally designated at RCO.

The next Commission meeting is May 3, 2006 at the Maryland Department of Housing and Community Development in Crownsville. I would like to update the Commission at that time regarding the necessary changes to the County's Critical Area Program to correct this inconsistency. It would be most helpful to have a representative of the County government at the meeting to discuss a timeframe for amending the County's program. Please let me know by May 1st if you or another appropriate representative will be able to attend the meeting. In the meantime, if you have questions or need additional information, please contact myself or Ren Serey at (410) 260-3460.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Cecelia Lammers, MNCPPC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 18, 2006

Mr. Kevin Brittingham
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Walpole Property

Dear Mr. Brittingham:

This office has received the above-referenced variance to construct a single-family dwelling in the 100-foot Buffer. The property is in the Limited Development Area (LDA) and is approximately .39 acres. I have outlined our comments below.

- The various setbacks labeled on the site plan are confusing. Following our telephone conversation this morning, I will measure the minimum 100-foot Buffer from the edge of tidal wetlands as shown on the site plan, and then measure the County's 35-foot setback. This will put the entire dwelling inside both setbacks, including most of the lot.

- This office does not oppose the variance to construct a single-family dwelling in the 100-foot Buffer since it appears the lot is considered grandfathered and the applicant has minimized intrusion into both the 100-foot Buffer and the 35-foot setback given the lot size and avoidance of two existing trees on the road side.

- We recommend mitigation in the form of native Buffer plantings as prescribed by your office for the disturbance to the 100-foot Buffer and the 35-foot setback.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 233-05

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
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April 13, 2006

Mr. Vivian Marsh
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Village at Lee Airport – Revised Plans
S 05-066, P 06-0037

Dear Mr. Marsh:

I have received what appears to be the revised 10% pollutant reduction calculations for the above-referenced project. I did not receive any response letter from the applicant based on the other comments raised in my last letter dated May 11, 2005. Below are the outstanding comments concerning the latest submission.

1. The applicant has revised the 10% pollutant removal calculations. The applicant will need to add onto Worksheet A the onsite drainage to the offsite infiltration (D.A. +/- .10 acres) since the Commission's Guidance Manual for the 10% Pollutant Reduction Rule in Section 7.0, page 7-13 indicates that Worksheet A should be used for off-site BMPs that handle on-site pollutant loads.

2. Removing this drainage area and BMP from Worksheet B to Worksheet A will necessitate one of the Worksheet Bs that was submitted to be adjusted. The final submittal of the 10% calculations should still include one Worksheet A and two Worksheet Bs.

3. On Step 5 on Worksheet A, please have the applicant adjust the Lpost figure on the second line to 3.63 instead of 3.30.

4. We received a letter from the Department of Natural Resources (DNR) dated March 31, 2006. This letter still indicates a State-listed endangered plant species. As stated in our earlier letter, please instruct the applicant to contact DNR to find out what the habitat of this species is so that a determination can be made as to whether this species may occur on this site (i.e. the RCA portion of the site in particular).

5. The last plan (2005) included several non-native, invasive plants. Please have the applicant provide an updated plant list to ensure that native species are being used on the site.

6. Please have the applicant update the status of the proposed Reforestation Area of 2.76 acres. We are interested in knowing whether the plantings associated with this area are native species, and whether coordination with DNR has occurred.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 52-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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April 13, 2006

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: River Watch Reserve Parcel Resubdivision
S 90-253, P 06-0036

Dear Ms. Krinetz:

I have received the above-referenced project for review and comment. The applicant proposes a resubdivision so that the Reserve Parcel can be developed with a single family dwelling. I have outlined my comments below.

1. The latest information in our file indicates that the applicant's waiver request to the two-acre average lot requirement was denied by the Planning and Zoning Officer, and this denial was not overturned by the Anne Arundel County Board of Appeals. We are unaware of any subsequent decision to the contrary, although based on the request it appears there was an appeal of the Board of Appeals' decision to Circuit Court. If so, please forward a copy of that decision to this office for our file.

2. The letter from the Department of Natural Resources (DNR) is three years old. The acceptable time limitation on these letters is two years; therefore, we recommend the applicant seek an updated environmental review statement from DNR.

3. The plan shows a 25-foot buffer to steep slopes that is labeled "per plat". While this buffer may have been put on the original 1993 plat, since this is a resubdivision all required buffers apply including an expanded Buffer to steep slopes in the Critical Area, if conditions in the field warrant an expanded Buffer.

4. The impervious surface and clearing limitations also appear to be determined per the 1993 plat. As in the case of required buffers, these limits also are subject to the current limits, which in this case could allow more impervious.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 455-99

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 13, 2006

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Sheltered Harbor
Variation of Standards Request

Dear Ms. Farr:

I have received the above-referenced variation of standards request for review and comment. The applicant proposes to redevelop an 11.7 acre parcel in the Intensely Developed Area (IDA). From the information provided, it appears the applicant has requested several variation of standards from the County Code. They include reductions in the minimum setbacks in a Buffer Management Area (BMA) for existing buildings and new buildings, permission to allow more than one access point and Buffer crossing, and permission to allow greater slips then permitted. I have outlined my comments below.

Variation of Standards

1. This office does not oppose a variation of standards for a reduction in the minimum setbacks in a BMA provided the applicant can demonstrate to the satisfaction of the County that the new area of impervious surfaces are the minimum necessary and all efforts have been made to site the new footprints as far from the required setbacks as possible.

2. Similarly, this office does not oppose a variation of standards for more than one access point since this project is a mixed-use and multiple piers are proposed. The primary reason to permit more than one access point would be if the project will truly serve the general public and not just the residents of the site. It is our understanding the proposed boardwalk will be open for public use. Nevertheless, the access points should be the minimum necessary.

3. In regard to the request for greater slips than permitted, it is our understanding that all piers are being treated as a commercial marina; therefore, the slip to lot/shoreline ratio as outlined in the Natural Resources Article 8-1808 and as outlined in the Baltimore County Code, Article 33, Title 2-604 (c) 2 (iv) does not apply. These regulations apply to community piers.

General Comments on the Site Plan/Subdivision

1. The applicant proposes to plant a combination of trees and shrubs in the 100-foot Buffer. We recommend similar plantings be provided for the other proposed "green areas" outside the Buffer.

2. We recommend an easement be placed on the Buffer plantings since this planting will satisfy mitigation requirements and it is presumed that these areas will remain planting with native, forest vegetation (not grass) in perpetuity.

3. The proposed public walkway will be partially above mean high water; therefore, it will be within the 100-foot Buffer. In addition, the applicant proposes a 14-foot wide wooden walkway, and the County's BMA provisions appear to allow DEPRM to approve up to 6-feet wide; therefore, it appears a variance may be required. This office will provide further comments on this request when we receive it. The request should quantify the area of the walkway above mean high water.

4. Page 16 of the Variation of Standards application indicates total proposed impacts to be 141,445 square feet, and total proposed mitigation to be 630,646 square feet. We recommend the applicant provided a detailed plan showing the locations of the 630,646 square feet of mitigation.

5. We have reviewed the 10% pollutant reduction calculation and it appears to be correct. The bioretention proposed for the site must be designed according to the specifications in the Maryland Department of the Environment's Stormwater Management Manual, otherwise the applicant cannot claim the full 50% removal efficiency normally associated with bioretention areas.

6. Has an Environmental Review letter from the Department of Natural Resources been received? Please forward that letter when it becomes available.

7. In regard to the slip issues discussed at the site visit last week, we support DEPRM's decision to remove slips from the submerged aquatic vegetation (SAV) areas in order to protect and conserve this resource.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Glenn Shaffer, DEPRM
Mr. Kevin Hedge, Christopher Consultants
Ms. Stacey McArthur, D.S. Thaler & Associates, Inc.
BC 144-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 11, 2006

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Pleasure Cove Marina
C 05-0068, G 02011840

Dear Mr. Gerczak:

I have received a resubmittal for the above-referenced site plan. The applicant has addressed most of the comments of my last letter dated January 23, 2006. I have outlined my remaining comments below.

1. The minimum forest conservation easement for Critical Area purposes maintains 30% of the existing forested area. The plan submitted shows an area that protects 15% of the existing forest area. Please have the applicant address this issue.

2. The applicant indicated that they will consult with the Department of Natural Resources (DNR) concerning the January 6, 2006 comment letter that indicated the site may support two threatened and endangered plant species. Please have the applicant provide written documentation of DNR's response.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 71-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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April 11, 2006

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 410
Towson, Maryland 21204

Re: Alternatives Analysis – The Preserve at Holly Neck

Dear Ms. Farr:

This office is in receipt of the above-referenced Alternatives Analysis request for review and comment. The applicant proposes to relocate existing driveways, locate new stormwater management facilities, expand public right-of-way, locate pedestrian trails, and relocate existing and new utilities.

From a review of the application, it appears the Alternatives Analysis being sought have not changed or increased in scope since our last comment letter of April 19, 2005; therefore, this office does not oppose the Alternatives Analysis request and the comments of our previous letter still stand.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the Alternatives Analysis. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Paul Dennis, DEPRM
BC 160-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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Executive Director

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April 7, 2006

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Margate, Lot 47 Resubdivision
S 98-107, P 05-0152

Dear Ms. Llanes:

I have received a resubmittal for the above-referenced resubdivision request. The applicant has provided this office with a copy of the stormwater calculations. Since this site is in the Intensely Developed Area (IDA), the applicant is required to address the 10% pollutant reduction calculation.

It appears the applicant has selected the Residential Water Quality Plan, which is designed for single lot - single family dwellings. While this site is being developed with single family dwellings, it is still a subdivision of multiple lots; therefore, the applicant should complete the Standard Application Process by completing "Worksheet A" which can be found on the Commission's website at www.dnr.state.md.us/criticalarea.

By completing Worksheet A, we will be able to see what the removal requirement is for the subdivision, and whether those Best Management Practices that are proposed will address this requirement. If the removal requirement is low, then it is possible those practices that are proposed will be acceptable. When completing Worksheet A, the applicant does not have to include the public roads in this case, since they are not being developed by the applicant, but were preexisting.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner
cc: AA 232-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 4, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: North Beach Resubdivision - Holland Point, LLC
S 04-068, P 05-0050

Dear Ms. Shatt:

I have received a revised plan and plat for the above-referenced resubdivision request. The applicant addressed some of the comments of my last letter November 29, 2005. I have outlined my remaining comments and concerns below.

1. We still need an accurate count of State tidal wetlands so that we can conclusively determine the allowable density in the Resource Conservation Area (RCA). In my last comment letter I requested this information. The applicant has indicated this is a resubdivision and is therefore not subject to the density test. We do not understand this response since it appears some of the proposed lots are not simple consolidated lots, but are actual changes to existing lot lines.

2. We need to understand how the County is proposing to review this resubdivision. If it affects density in the RCA, would the applicant be required to get a variance to density since this was the County's position in the Arrow Cove resubdivision? If density is not affected, why not?

3. The County will need to indicate what the grandfathering status is of the proposed lots so that we can determine the appropriate allowable impervious surface limitations; therefore, the impervious surface information on the plat and plans may change. Based on discussions with Planning and Zoning it is not clear how the County will view these lots.

4. I have put in a request to Department of Natural Resources (DNR) concerning the Long-awned Diplachne question regarding the need for a 100-foot buffer around the nontidal wetlands on this site. I have indicated to DNR that the applicant reported that all nontidals area forested. I will inform the County of DNR's response.

5. The applicant has indicated they will discuss the time of year restriction requirement with the DNR. Regardless of DNR's decision, the FIDs guidelines were adopted and approved by the Critical Area Commission with the expectation that the time of year restrictions will be abided by; otherwise the FID guidelines are not being met. Therefore, if the applicant does not wish to perform additional FID mitigation, the time of year restriction shall remain.

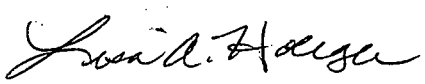
6. I have placed a call with the County Forester concerning the issue of the Forest Mitigation Bank. Based on our understanding of the proposal, it appears it is not permitted.

7. Proposed Active Recreation Area #1 is now located in the Resource Conservation Area (RCA). The Zoning Code prohibits this use in the RCA (see 27-13-206 (10)). Please have the applicant amend the plat to either label this area as passive or move it out of the RCA.

8. The comments of my last letter concerning the proposed methods of stormwater management (see comments #12, 13, 14) were based on discussions this office has had with MDE; therefore, the applicant's response that the County and MDE see their use of disconnects as acceptable are confusing. If the issue has been resolved with plantings and this is acceptable to the County engineer and MDE we have no further comments on this issue.

Thank you for the opportunity to comment. Please notify the Commission if and when final approval is granted. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 200-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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April 4, 2006

Mr. Daniel Anderson, Project Manager
Anne Arundel County
Department of Public Works
Bureau of Engineering, MS –7301
2662 Riva Road
Annapolis, Maryland 21401

Re: MD 214 and MD 468 Interchange Improvements

Dear Mr. Anderson:

As you know, the above-referenced project was approved with conditions by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays on October 5, 2005. Below I have restated those conditions and how the Anne Arundel County Department of Public Works has complied with those conditions.

1) Due to the elimination of the wet pond near Glebe Creek, which was required by the Project Evaluation Subcommittee, Anne Arundel County will work with the Commission staff to reach full compliance of the 10% pollutant reduction requirement.

   The County has eliminated the wet pond and has chosen to convert the .12 pounds of phosphorus to planting, which equates to .06 acres. This was added to the other required planting mitigation.

2) Provide mitigation for all disturbances to the Buffer at a 3:1 ratio and mitigation for all clearing outside the Buffer at a 1:1 ratio.

   Due to the elimination of the wet pond in the 100-foot Buffer, the mitigation ratios were recalculated and these calculations remain on file. The result of the recalculated ratios is 1.20 acres of required mitigation planting for impacts inside and outside the Buffer.

3) Increase plantings at the proposed mitigation site to achieve Commission requirements.

   The County provided Commission staff with a planting plan showing more plantings.

4) No in-stream work is permitted between March 1st – June 15th for anadromous fish.

   The County acknowledges this restriction.

5) Prior to commencement of construction, the County shall obtain a Nontidal Wetlands and Waterways permit from the Maryland Department of the Environment for proposed impacts to non-tidal wetlands and associated Buffers.

   The MDE authorization was received and will be kept on file.

Since all of the above-conditions have been met or addressed, the County may proceed with the construction of this project notwithstanding any other outstanding permits.

The only outstanding issue that can be easily addressed concerns the Plantings Agreement Form. The Plantings Agreement Form that was faxed to this office did not include a signature and the proposed planting date. Please mail this office a copy of a signed Planting Agreement Form that includes the proposed planting date for our file.

Thank you and your consultant for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Wayne McFall, URS
Ms. Joanna Hiebler, URS
Ms. Elinor Gawel, AA Co. - OECR
DOT/SHA 37-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
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Chairman

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Executive Director

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April 3, 2006

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Cindy Allen Property
S 04-026, P 06-0035

Dear Ms. Llanes:

I have received the above-referenced project for review and comment. The applicant proposes to replace an existing dwelling on a lot in the Limited Development Area (LDA). Provided the lot is properly grandfathered, this office sees no issues with the redevelopment of this lot in the Critical Area since it appears to meet the allowable impervious surface limits and the allowable clearing limits, and there appear to be no Habitat Protection Area issues.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 154-06

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 3, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property -Resubdivision of Lot 2
S 02-089, P 04-0212

Dear Ms. Shatt:

I have received the resubmittal for the above-referenced request. It appears the applicant responded to my last comment letter concerning project #02-0191, rather then this request for project #04-212. I have enclosed my letter dated May 28, 2004 concerning the comments for this resubdivision request of lot 2. In addition to those comments, I have one remaining comment which is that if the use of this parcel was previously agricultural, then the change of the land use from agricultural to residential requires that the 100-foot Buffer be established in native vegetation.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

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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May 28, 2004

Mr. Kevin Shaver
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hardesty Property -Resubdivision of Lot 2
S 02-089, P 04-117

Dear Mr. Shaver:

I have received the resubdivision of lot 2 for review and comment. The applicant proposes to further subdivide lot 2 into three residential lots. I have outlined my comments below.

1. The site plan shows the various soils in the key, however the soils are not indicated on the plan. Since some of the soils are considered hydric, these symbols should appear on the plan to determine whether expansion of the Buffer for contiguous hydric soils is required.

2. The Environmental Report indicates the existing stormwater management pond constructed by SHA for the Route 2 widening project will serve the proposed development. In the latest submittal for review of lot 1 of the Hardesty Tract it was stated that the SHA pond would not be used to treat stormwater. Has SHA agreed to allow its pond for treatment of these lots?

3. The final plat should indicate which areas are proposed to accommodate the required reforestation. We recommend areas that would either enhance the 100-foot Buffer and/or provide a wildlife corridor.

4. The total proposed impervious surface for lot 2R is at the maximum 15% limit. We recommend the applicant set aside a reasonable amount of impervious area for the future lot owner. Otherwise, a plat note should appear on the final plat that clearly states no further impervious area is permitted on lot 2R.

5. No details of proposed lot 2R were provided for review. Will there be a subsequent detailed plan?

6. We recommend the limit of the Buffer on proposed lots 3, 4, and 5 be established with fencing or signs so that future homeowners will be aware of the Buffer.

7. A note should appear on the final plat that instructs the owners of lots 3, 4 and 5 that no new development activities are permitted in the Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

CLEARINGHOUSE REVIEW

March 27, 2006

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 Mgmt (E-2)
Marian Honeczy, Forestry (E-1)
David Goshorn, Resource Assessment Services (C-2)
Ray Dintamin, Environmental Review (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space
Deidra L. Ritchie, Program Manager, Community Parks and Playgrounds

SUBJ: **DNR Clearinghouse Review of Local POS/CPP Project # 4816-2-221, Bayhead Park, Anne Arundel County**

Development the recreational infrastructure to complete the property's conversion to meet the community recreational needs. Development includes three athletic fields and a playground and restroom/concession building.

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.	✓	Zat
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 Marti Sullivan or Judy Davenport, Program Open Space, Tawes State Office Building (E-4) Annapolis, MD 21401.

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Chesapeake & Atlantic Coastal Bays

Robert L. Ehrlich, Jr.
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 31, 2006

Mr. James W. Price, Director
Program Open Space
Tawes State office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Bayhead Park, Anne Arundel County
POS/CPP Project # 4816-2-221

Dear Mr. Price:

Thank you for forwarding the above-referenced project for review. It appears the proposal includes developing some recreational infrastructure, including three athletic fields, a playground, and a restroom/concession building. I have outlined my comments below.

It appears the majority of this property is outside the Chesapeake Bay Critical Area. However, a small portion adjacent to Bay Head Road is within the Critical Area and has a designation of Resource Conservation Area (RCA). I have attached a copy of a Critical Area map generated by the MERLIN system to serve as a general guidance; however, the official County Critical Area map should be consulted to verify the exact location of the Critical Area boundary.

Once the boundary is verified, all proposed active recreational uses, including parking areas, ballfields, and buildings must be located outside the RCA portion of the site in order for the development activities to be in compliance with the County Zoning Code, Article 27, Title 13, Subtitle 2 (206 RCA Uses). The Zoning Code at 27-13-206 limits recreational activities in the RCA to passive recreational uses.

Thank you again for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA Clearinghouse 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/

March 31, 2006

Ms. Angela Willis
Office of Planning and Preliminary Engineering
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: MD 10, North of Marley Station Road
Culvert Replacement, Structure No. 2250

Dear Ms. Willis:

I have received the above-referenced emergency repair for review. Before this office can provide the State Highway Administration with a recommendation concerning the appropriate review and approval process, I will need the following information:

1. Whether the culvert replacement was in the same or immediately adjacent to the culvert being replaced;
2. Whether the permanent footprint resulted in greater impervious area;
3. This emergency culvert replacement is not associated with other highway improvements;
4. Whether any vegetation was removed to access the site both inside and outside the 100-foot Buffer.

Please forward this information at your earliest convenience. Once this office receives this information, we will be better able to determine whether this project meets the conditions outlined in the Memorandum of Understanding.

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 30, 2006

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 410
Towson, Maryland 21204

Re: Variation of Standards – Preserve at Holly Neck

Dear Ms. Farr:

This office is in receipt of the above-referenced Variation of Standards request for review and comment. The applicant proposes a Critical Area Easement building setback for 11 lots, and a minor steep slope/erodible soils analysis buffer encroachments on two lots.

From a review of the application, it appears the Variation of Standards being sought have less impacts than the request last year; therefore, this office does not oppose the requested Variation of Standards.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the Variation of Standards application. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 160-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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March 30, 2006

Mr. Robert Tabisz
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Dominion Cove Point LNG LP
200565510/06-WL-0437

Dear Mr. Tabisz:

This office would like to provide comments on the above-referenced project. The application is for the installation of a 36-inch diameter natural gas pipe that will total 5,460 feet in length. The pipe will be installed a minimum of 40 feet beneath the bottom of St. Leonard Creek, Hunting Creek, and the Patuxent River using directional drilling technology.

Commission staff have directed Dominion in various meetings to place all equipment outside the minimum 100-foot Buffer to tidal waters, tidal wetlands and tributary streams; therefore, it is our understanding that Dominion proposes no impacts to the upland Buffer for installation of the natural gas pipes.

Critical Area Commission approval of disturbance to State lands that lie beneath the tidal waters of St. Leonard Creek, Hunting Creek, and the Patuxent River is not required since this disturbance is being reviewed and permitted by the Army Corps of Engineers and the Maryland Department of the Environment.

Any upland disturbances that occur on private lands will be reviewed by the respective local planning office, and these disturbances must meet the requirements of the respective local Critical Area programs. Upland disturbance would include siting any required mitigation as was suggested for the pending nontidal wetland permit (200566051/05-NT-0330).

Any disturbances that occur on local or State-owned lands are required to be submitted to the Commission for review and approval, and must meet the requirements of the Code of Maryland Regulations 27.01.02. Disturbances to any Federal lands would require a consistency determination.

Thank you for the opportunity to comment. Please include this letter as part of the record. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Kathy Anderson, U.S. Army Corps of Engineers
Mr. Steve Hurt, Nontidal Wetland Reviewer

Robert L. Ehrlich, Jr.
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March 29, 2006

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Five Buoys at Rock Creek - S 04-096, P 06-0032

Dear Mr. Torney:

I have received a resubmittal of the above-referenced subdivision plan. The applicant has addressed the comments of my last letter dated December 27, 2004. I have outlined my remaining comments below.

1. Please forward a copy of the plat since we are unable to verify whether the applicant has addressed our comments on the plat.

2. We note the applicant has relabeled the two active recreation areas in the Critical Area as Forest Conservation Areas. These three Forest Conservation Areas total 2.90 acres, which represents 70% of the existing forested area within the Critical Area. Therefore, mitigation for clearing will be at a 1.5:1 ratio.

3. Now that the impervious areas are provided in a table, we recommend this table appear on the final plat.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 635-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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March 28, 2006

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Powhattan Beach Tract 5 P/O lot 4 - S 95-020, P 05-0206

Dear Ms. Llanes:

I have received a resubmittal for the above-referenced subdivision request to create one lot from lot 4. I have outlined my remaining comments below.

1. The comment from my last letter dated December 19, 2005 was not answered by the applicant. Please have the applicant indicate the legal status of the original lot from which this lot is being created.

2. Has the variance for an extension been applied for and approved yet? Please have the applicant clarify this item.

3. It is still unclear where any required afforestation will be located on this lot. Please have the applicant clarify this issue and provide this office with a copy of the afforestation area prior to final approval.

4. We recommend the proposed impervious surface area and maximum impervious surface area is shown on the final plat and plan.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

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March 24, 2006

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

Re: North Point State Park, Relocate Private Access ROW – Baltimore County

Dear Mr. Norden:

This office has received and reviewed the information concerning the above-referenced request. The property is inside the Chesapeake Bay Critical Area; therefore, the Critical Area requirements will apply in the case of any new or future development activities. This includes conformance with impervious surface requirements, and mitigation for any necessary clearing. The regulations also include provisions for stormwater management, and protection of any Habitat Protection Areas that may be present on the site.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

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March 21, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Mike's Crab House/Piera Family Limited Partnership
2005-0002-C, BA 69-05C

Paul's Restaurant/Food Service, Inc.
2005-0003-C, BA 70-05C

Dear Ms. Gawel:

Thank you for forwarding the above-referenced reclassification requests for Commission review and approval. We have reviewed the material submitted and require additional information; therefore, this office cannot consider the County's request a complete submittal and is unable to accept this package for processing without the following information:

1. The Planning and Zoning Office's staff reports that were submitted to the Administrative Hearing Officer.

2. A site plan(s) that more clearly illustrates the original Critical Area designation, and the changed Critical Area designation, in addition to the existing Critical Area designations on adjoining properties.

3. Any other information that was available since 1985 that the County believes is relevant to the case (i.e. maps, mapping methodogy).

When those items listed above are available, please forward them to this office with a formal request for processing the reclassification application. Once this office accepts the submittal as a complete package for processing, the Chairman will have 30 days to make an amendment or refinement determination. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter, Planning and Zoning Officer
Ms. Suzanne Schappert, Planning and Zoning

Robert L. Ehrlich, Jr.
Governor

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March 21, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Greg Strott
200660907/06-WL-0818

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 120 feet of stone breakwater, 420 cubic yards of clean sand as beach nourishment and replace a 70-foot long by 15-inch flushing pipe all within a maximum of 70 feet channelward of the mean high water line. The Code of Maryland Regulations at 27.01.04.02 encourages the protection of rapidly eroding shorelines, and also encourages nonstructural shore protection measures where they can be practical and effective.

Our office has recently received information that suggests there may be alternative means for protecting the shoreline in this area with a more nonstructural approach. I have checked the Maryland Department of Natural Resources database concerning the erosion rate for this area of the shoreline and it indicates the erosion to be +/- 2 feet per year. Nonstructural measures should be considered first to determine if they would be practical and effective.

Another issue brought to this office's attention is whether the project, as proposed, could cut off the tidal influence of an existing 4-acre pond. We understand that this pond may serve as spawning habitat for fish and possibly serve as habitat for turtles. If the natural tidal gut(s) were closed off due to the current proposal, then these species would be unable to utilize this habitat area. Due to this concern, we strongly recommend that MDE carefully consider this request, and explore other alternatives to shore erosion control in this location, given the unique circumstances near this site.

Thank you for the opportunity to comment. Please include this letter as part of the public record. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
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March 21, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wright Investment Group
2000-0468-C, BA 48-01C

Dear Ms. Gawel:

Thank you for forwarding the above-referenced declassification request for Commission review and approval. We understand this declassification case was previously reviewed by the Anne Arundel County Board of Appeals, the Anne Arundel County Circuit Court and the Maryland Court of Special Appeals; therefore, this office cannot consider the County's request a complete submittal, and is unable to accept this package for processing without the following information:

1. In addition to the most recent Anne Arundel County Board of Appeals decision, all previous written decisions from the Board, the Circuit Court and the Court of Special Appeals.

2. The Planning and Zoning Office's staff report that was submitted to the Anne Arundel County Board of Appeals for the original hearing and when the case was on remand to the Board of Appeals.

3. A site plan that more clearly illustrates the location of the original 1,000-foot boundary line, and the changed 1,000 foot boundary line, not only on this property, but for the entire Critical Area Map sheet # 17, since the updated map showing the location of the 1000-foot boundary is what the Commission is reviewing.

4. Any other information that was available since 1985 that the County believes is relevant to the case (i.e. maps, mapping methodogy).

When those items listed above are available, please forward them to this office with a formal request for processing the declassification application. Once this office accepts the submittal as a complete package for processing, the Chairman will have 30 days to make an amendment or refinement determination. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter, Planning and Zoning Officer
Ms. Suzanne Schappert, Planning and Zoning
Mr. David Plott, Esquire

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor

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March 21, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Mike's Crab House/Piera Family Limited Partnership
2005-0002-C, BA 69-05C

Paul's Restaurant/Food Service, Inc.
2005-0003-C, BA 70-05C

Dear Ms. Gawel:

Thank you for forwarding the above-referenced reclassification requests for Commission review and approval. We have reviewed the material submitted and require additional information; therefore, this office cannot consider the County's request a complete submittal and is unable to accept this package for processing without the following information:

1. The Planning and Zoning Office's staff reports that were submitted to the Administrative Hearing Officer.

2. A site plan(s) that more clearly illustrates the original Critical Area designation, and the changed Critical Area designation, in addition to the existing Critical Area designations on adjoining properties.

3. Any other information that was available since 1985 that the County believes is relevant to the case (i.e. maps, mapping methodogy).

When those items listed above are available, please forward them to this office with a formal request for processing the declassification application. Once this office accepts the submittal as a complete package for processing, the Chairman will have 30 days to make an amendment or refinement determination. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Joseph Rutter, Planning and Zoning Officer
Ms. Suzanne Schappert, Planning and Zoning

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor

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March 16, 2006

Ms. Martha Stauss
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Sheltered Harbor at Bear Creek & Town Center at Sheltered Harbor
Water Dependent Facilities Plan

Dear Ms. Stauss:

I have received the above-referenced Water Dependent Facilities Plan for review and comment. The applicant proposes to redevelop an 11 acre parcel in the Intensely Developed Area, which includes the renovation and redevelopment of the marina area on Bear Creek. I have outlined my comments below concerning the Water Dependent Facilities Plan.

1. We note the site contains Submerged Aquatic Vegetation (SAV) in certain areas. This office will defer to the Maryland Department of the Environment concerning the conservation of this resource during their review of any required permits.

2. The applicant will be requesting a total number of slips that are greater then permitted in by the Natural Resources Article §8-1808.5. The applicant must make clear to the County whether the piers will serve a commercial marina use, as was the past use, or whether the piers will be serving a riparian subdivision as community piers. This use will affect the number of slips permitted.

3. The plan indicates a lighthouse containing harbormasters quarters is proposed on a pier. Natural Resources Article §8-1808.4 prohibits non water-dependent structures on piers. A harbormasters quarters is not a water-dependent structure and therefore should be removed from the pier location.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC -06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 16, 2006

Mr. Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Subdivision – The Estates at Woodcrest Shores

Dear Mr. Di Giacomo:

Thank you for forwarding the above-referenced subdivision proposal for review and comment. The applicant proposes to subdivide an existing parcel into three lots. Approximately half of the parcel is within the Chesapeake Bay Critical Area, and has a Critical Area designation of Limited Development Area (LDA). I will outline my comments below.

1. The applicant must provide an Environmental Review letter from the Department of Natural Resources to determine whether this site supports any threatened or endangered species. A copy of the letter should be provided to the County and this office once it becomes available.

2. The plan and final plat should include the existing and proposed impervious surface information (including all driveways, sidewalks, etc.) for the portion of the parcel that is inside the Critical Area to ensure the 15% impervious surface limitation is not being exceeded.

3. The plan and final plat should include the existing forested area and the proposed clearing for the portion of the parcel inside the Critical Area to ensure the forest clearing limits are not being exceeded, and to calculate any required reforestation.

4. According to note # 6 the FEMA mapped used for screening this site is dated 1983. We recommend that when applicants screen for the floodplain that more recent maps are used. I have checked more recent maps available on-line and confirmed this site is still outside the FEMA floodplain.

5. ~~Please have the applicant correct note #7 which currently states that the site is not~~ within the Critical Area, and have it changed to reflect that a portion of the site is within the Critical Area.

6. Note #9 states a Forest Retention Area is shown on the plan; however, I was unable to locate this area. Please have the applicant clearly indicate the location of the Forest Retention Area.

7. The final plat should include a note that the Forest Retention Area must remain in perpetuity and no disturbance including clearing or dumping of any kind is permitted.

8. If any portion of the Forest Conservation is on lot areas, we recommend these areas be clearly delineated in the field (i.e. concrete monuments or fencing).

Thank you for the opportunity to comment. Please telephone me if you have any further questions or concerns at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: CE 175-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 16, 2006

Mr. Doldon W. Moore, Jr.
Wetlands Administrator
Board of Public Works
Wetlands Administration
P.O. Box 1510
Annapolis, Maryland 21404

Re: Tidal Wetlands Application 06-WL-0194
Miles Point Property
Miles River, Talbot County

Dear Mr. Moore:

This office is in receipt of the above-referenced Tidal Wetlands Application for review and comment. As you may be aware, the Critical Area Commission has negotiated a settlement agreement with Miles Point, LLC. and the terms and application of this agreement are conditioned upon the St. Michaels Town Commissioners' approval of the Buffer Plan . While the Town Commissioner's have not yet made their decision regarding the Buffer Plan, we would like to make clear that one of the terms of the settlement agreement was that the existing mean high water line, as will be defined on the plans and subsequently field verified, will serve as the mean high water line for purposes of establishing building and environmental setbacks on the upland portion of this property.

Any subsequent mean high water line that is further waterward as a result of the marsh construction as shown on the applicant's drawings, is not the mean high water line used for purpose of establishing upland setbacks for this project. In fact it is our understanding that while a license might be granted by the Board of Public Works that involves waterward construction that changes the actual mean high water line, the current mean high water line remains as the official mean high water line for regulatory purposes. In other words, the issuance of a Tidal Wetlands License is not a transfer of property ownership, but a license to construct a marsh, stone sill, or otherwise alter State lands.

In regard to the proposed marsh creation project along this portion of the Miles River, it is our recommendation that non-structural shore erosion control measures be considered and utilized if appropriate for the site. We have visited the site on several occasions, and it is clear there is a need for some form of shore erosion control. Our recommendations are based on our field observations and guidance from the Code of Maryland Regulations (COMAR). COMAR Title 27.01.04.02 encourages shore erosion control practices to minimize further silting into the Bay and its tidal tributaries and also encourages the use of nonstructural measures.

We recommend that if a Tidal Wetlands license is issued for this site, that the license include explicit language which distinguishes between the existing mean high water line as depicted in the Joint Application, and any new mean high water line established as part of created marsh or shore erosion project.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Marianne Mason, Assistant Attorney General
Ms. Cheril Thomas, Town Manager, Town of St. Michaels
Mr. Richard DeTar, Attorney

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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March 15, 2006

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Rocky Point Park Pavilion - Chesapeake Bay Critical Area Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will result in the following:

- The pavilion will be sited outside the 100-foot Buffer. The previous location was only 40 feet from mean high water; therefore the proposed location will minimize and avoid impacts to the Buffer.
- The pavilion will be constructed over existing impervious; therefore no additional impervious surfaces will be created on this site.
- No trees or natural vegetation will be removed for its construction.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 170-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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March 14, 2006

Mr. Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Subdivision, Lands of Josephine M. Boettcher

Dear Mr. Di Giacomo:

Thank you for providing information on the above-referenced subdivision proposal. From the site plan provided, and based on a recent telephone conversation with you, it appears that the portion of the site currently proposed for subdivision is not within the Chesapeake Bay Critical Area. Therefore, this office has no comments at this time.

Thank you for the opportunity to comment. Please telephone me if you have any further questions or concerns at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: CE 155-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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March 14, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Turnbull Estates, Section 2 Pt. 2, Lots 11-32: 34-38 Resub.
S 90-174, P 03-176

Dear Ms. Shatt:

I have received the final development plan for the above-referenced subdivision. We did not receive a final plat and request one in order to see what notes appear on that document. It appears the applicant has addressed most of the comments of my last letter dated August 25, 2005. I have outlined my remaining comments below.

1. We are in receipt of the updated Environmental Review Statement from the Department of Natural Resources. It indicates the site may contain a state listed endangered species. The habitat noted for this species appears to describe the site conditions; therefore, we recommend a survey be completed.

2. We note the applicant will provide a three rail fence along the rear lot lines of those lots that abut either a nontidal wetland or the 100-foot Buffer to a tributary stream. We also recommend that the final plan and plat include a note indicating this fence shall not be removed and that no clearing or disturbance or dumping of lawn debris or otherwise is permitted beyond the fence line.

3. Lot 103 includes a small pocket of a nontidal wetland and its associated 25-foot buffer. We recommend this resource be delineated in the field and appropriated marked as is the 100-foot Buffer for the other lots. We also recommend some sort of fencing be provided at the clearing line for this lot since additional clearing could put the entire subdivision over the 20% threshold.

4. The Natural Resources Inventory sheets do not appear to have corrected the soils types based on a memorandum in the file from the Natural Resources Conservation Service dated April 1, 1997. That memo verified the independent findings that all soils outside of the nontidal wetlands were not hydric, but were Donlonton and would be subsequently remapped on the County Soil Survey. Please have the applicant check this item.

5. The summary of the total site provided at the bottom right-hand corner of the Natural Resources Inventory sheet 1 of 3 does not include a total as does the summary shown on the Final Development Plan. Please have the applicant insert the total.

6. We note the applicant has shown the location of the forest easement; however, we are unable to verify an accompanying plat note since we did not receive a copy of the plat. In any case, the plat note should indicate the total easement area and that it adds up to a minimum 80% of the existing forest if the intention is to only clear up to 20%.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 843-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 13, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Margate Lot 347, Subdivision
S 98-107, P 06-002

Dear Mr. Callahan:

I have received the final development plan for the above-referenced project. The applicant proposes to subdivide an existing lot located in the Intensely Developed Area (IDA) into two lots. I have outlined my comments below.

1. It appears there are no Habitat Protection Areas on this site; therefore, no additional setbacks or restrictions are required.

2. Since the site is in the IDA, there is no forest or impervious surface limits; however, the applicant must address the 10% pollutant reduction calculation as required in the Floodplain Management, Sediment Control and Stormwater Management Ordinance Article 16-3-205.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 131-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 13, 2006

Mr. Steve Gilbert
Principal Counsel
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: A-9955-C - River's Edge Subdivision
Growth Allocation Request

Dear Mr. Gilbert:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that the River's Edge growth allocation request is an amendment to the Prince George's County Critical Area Program. The Chairman will appoint a panel of Commission members to conduct a public hearing on the County's proposal. The date is March 28, 2006 at 7:00 p.m. at the County Administration Building in Upper Marlboro.

Thank you for your cooperation. If you have any questions, please telephone either Ren Serey or me at (410) 260-3460.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 9, 2006

Mr. Michael Kulis
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Lakes at Stansbury Shores – Forest Protection and Establishment/Buffer Protection Plan

Dear Mr. Kulis:

This office is in receipt of the Forest Protection and Establishment/Buffer Protection Plan. Below I have outlined my comments concerning this plan, followed by some general observations about requirements of the County's Critical Area program that are reflected on this plan.

Forest Protection and Establishment/Buffer Protection Plan

1. It appears that the majority of proposed clearing for this subdivision will occur in the IDA, and the applicant is providing replanting on a 1:1 replacement ratio. However, on sheet 2 of 3, the proposed forest clearing figures do not match those areas labeled on the plan as forested cleared. For example, I get a total of 54,724 square feet of forest cleared by totaling all four areas labeled as "forest cleared" from sheets 1 and 2. The table figure reports a proposed forest clearing figure of 55,930 square feet. Please have the applicant clarify this item.

2. The proposed forest clearing figure provided in the table on sheet 2 of 3 indicates 191 square feet of clearing in the Resource Conservation Area (RCA); however, this area is not indicated and labeled on the plan. I suspect it may be on sheet 2 of 3 where the cleared area in the IDA continues across the Critical Area designation line into the RCA. Please have the applicant label this RCA clearing area.

3. On sheet 2 of 3 the Buffer mitigation areas labeled B and C total 108,379 square feet; however, the legend area to the right hand side indicates there is 108,329 square feet of Buffer mitigation. Please have the applicant correct this 50 square feet difference.

4. On sheet 1 of 3 it appears one area of reforestation should be labeled as area "C". This would make it consistent with the tables shown on sheet 3 of 3.

5. On sheet 1 of 3 all three proposed reforestation areas total 56,121 square feet, but on sheet 2 of 3 the table indicates there is 55,930 square feet of reforestation, and on sheet 3 of 3 the figure for reforestation area C does not match the figure on sheet 1 of 1. Please have the applicant clarify this item.

6. We recommend the applicant use an alternative labeling method to clearly establish the limits of the Critical Area easement on the site.

7. It seems that another plan sheet is necessary in order to show the portion of the property on the opposite side of Peninsula Expressway.

General Comments

1. The 100-foot Buffer on the IDA portion of the site on sheet 2 of 3 may not be delineated correctly if the wetlands labeled "tidal" are tidal wetlands. It is difficult to tell since the plan uses the same symbol for wetlands where wetlands are labeled as nontidal. In any case, the 100-foot Buffer must be shown on the plan as being measured from the edge of mean high water as delineated in the field (not a property line), or the edge of tidal wetlands, whichever is further inland. If these wetlands are tidal, some of the proposed development will be in the 100-foot Buffer and will need a variance.

2. If the wetland in the IDA is a nontidal wetland, then there is a minimum 25-foot buffer that must be shown from the edge of that wetland area. Please have the applicant check this item and correct the Buffer line as necessary.

3. The Buffer in the IDA should be put in an easement, with the exception of the area for the access.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 9, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: The Villas at Deep Creek - S 96-039, P 06-0010
Sketch Plan

Dear Mr. Callahan:

I have received the final development plan and plat for the above-referenced project. The applicant proposes to create twelve lots and two condominium buildings in the Limited Development Area of the Critical Area portion of this site. The total units proposed inside the Critical Area are 44 units. It appears the comments of my last letter dated December 12, 2003 were addressed, and some of the comments of my letter dated December 14, 2004 were also addressed. I have outlined my remaining comments below.

1. The applicant has clearly shown the extent of the path inside the Resource Conservation Area (RCA) of the site. It appears to be four-foot wide trail. Please have the applicant note on the final plat and plans the exact width of the walking surface of the trial, and include the type of surface that will be used. We recall that a mulch surface was proposed in past submissions.

2. We recommend the point at which the trail reconnects be located outside the 100-foot Buffer area to further minimize Buffer disturbance from the trail system.

3. The rear yards of lots 23-36 that abut the RCA or are within the RCA should be clearly delineated before, during, and after construction to avoid disturbance to these areas. We recommend some type of fencing. Ideally, concrete survey moments might be installed for the reasons outlined below.

4. Lots 23-36 are prohibited from siting any accessory structures, additions or other development activities in the RCA portion of the lots; therefore, we recommend a note be added to the final plat that prohibits these activities on the RCA portions of these lots.

5. Lots 25-30 all have a portion of the rear yard within the expanded Buffer for steep slopes. Particularly lots 25, 29 and 30 appear to provide a limited if nonexistent, in the case of lot 30, rear yard adequate to support future accessory uses or additions to the dwellings. Therefore, we recommend a note be added to the final plat and plan indicating that no development activities or clearing is permitted within the expanded Buffer on these lots.

6. Since lots 35 and 36 are greater than one acre in size, they are limited to 15% impervious cover. Please have the applicant indicate this on the impervious surface table.

7. The impervious coverage summary must be changed. While lots less than one acre are permitted up to 25% coverage, the total area of the subdivision is restricted to 15% impervious coverage. The table is misleading in that it lists each lot as having an allowable coverage up to 25%; however, if each future homeowner were to use their 25% allotment, the impervious coverage over the entire subdivision would exceed 15%. We recommend the applicant change the information in this summary so it is clear how much each lot is allotted. If that is the purpose of the column labeled "use" then we recommend this be clearly indicated in a note under the table.

8. I see the applicant has stated on the plat that 90,498 square feet of clearing will occur in the Critical Area portion of the site, which represents 6% of the existing forested area; however, there still does not appear to be any area distinctly labeled as reforestation area for the Critical Area clearing. In addition, a note should accompany the Critical Area reforestation area indicating it is in a perpetual easement. Please have the applicant clarify this item.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 422-02

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 8, 2006

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

Re: MD 468 MD 255 to Snug Harbor Road – Phase II
Redline Addition, Anne Arundel County

Dear Mr. Grey:

This office has received your letter concerning the above-referenced redline addition. From the information provided, it appears this redline addition meets the Memorandum of Understanding between the Maryland Transportation Authority and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays specifically under section "E – Other Minor Projects." This is because while SHA is acquiring additional right-of-way, it is for the purpose of fixing a drainage problem and will not increase impervious area in the Critical Area or impact the 100-foot Buffer or other Habitat Protection Areas.

Thank you for forwarding the redline addition to this office for review. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Donna Buscemi, SHA-PPD

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2006

Mr. Andrew Hanas
Department of Natural Resources
Engineering and Construction, D-3
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Jonas Green State Park Improvements – Revised Plan

Dear Mr. Hanas:

At its meeting on March 1, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the revised plan of the Jonas Green State Park Improvements as a conditional approval with the following conditions:

(1) The mitigation for clearing and slope disturbance outside the 100-foot Buffer shall be at a 1:1 ratio. The mitigation for new grading and impervious surfaces within the 100-foot Buffer shall be at a 3:1 ratio;

(2) There will be a 3:1 mitigation ratio assigned for removal of individual trees in the 100-foot Buffer and a 1:1 mitigation ratio assigned for removal of individual trees outside of the Buffer;

(3) If the plans for the project are altered before, during or after construction, the applicants shall re-submit these plans to the Commission for review and approval;

(4) All required planting shall be installed prior to the Department of Natural Resources deeding the site to Anne Arundel County; and

(5) An erosion and sediment control permit shall be obtained from the Anne Arundel Soil Conservation District before commencement of construction.

The County and its landscape consultant will continue to work with Commission staff to finalize the required mitigation of 100,150 square feet. It appears this requirement can be fully met on-site; however, it is not, then we will seek an off-site location until the total mitigation requirement is met. I will forward a copy of the Plantings Agreement to the County for completion.

Thank you, the County representatives and the consultant teams for their assistance with this project. By copy of this letter, I am informing Mr. John T. Keene of Recreation of this approval. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. John T. Keene, AA Co. Recreation and Parks
Mr. Richard Osborn, AA Co. Recreation and Parks
Ms. Elinor Gawel, AA Co. OECR
Mr. Kelly Wright, Andrews Miller

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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Executive Director

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March 8, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Ken Sampson
200661705/06-WL-1061

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 277 feet of stone revetment within a maximum of 17 feet channelward of the mean high water line. If your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands 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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March 8, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Thomas Schmidt
200661302/06-WL-0931

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 80 feet of rip-rap revetment within a maximum of 12 feet channelward of an existing bulkhead. If your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Any vegetation cleared above mean high water for access or otherwise (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Linstead Community Association, Inc.
200660577/06-WL-0725

Dear Mr. Cuthbertson:

I have received the above-referenced project to fill, grade and plant marsh vegetation along 270 feet of eroding shoreline with 425 cubic yards of clean sand within a maximum of 23 feet channelward of mean high water, and emplace 420 feet of stone sill within a maximum of 64 feet channelward of mean high water, and emplace 200 cubic yards of clean sand as beach nourishment along 112 feet of shoreline within a maximum of 48 feet channelward of mean high water. Given the proposed waterward expansion, we recommend that the site be carefully screened for any aquatic resources.

Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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March 6, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Latimer Banner
200661783/06-WL-1090

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 250 feet of stone armor within a maximum of 12 feet channelward of the mean high water line, emplace 175 feet of stone revetment within a maximum of 8 feet channelward of the mean high water line, fill, grade and plant marsh vegetation along 230 feet of eroding shoreline with 1000 cubic yards of clean sand emplaced within a maximum of 35 feet channelward of the mean high water line and emplace 230 feet of stone sill within a maximum of 50 feet channelward of the mean high water line. If your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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March 8, 2006

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Bonney Property - S 99-009, P 05-022

Dear Ms. Llanes:

I have received another resubmittal for the above-referenced subdivision request. The applicant proposes to create a total of three lots in the Limited Development Area. It appears most of the comments of my last letter dated September 30, 2005 were addressed in the resubmittal. I have outlined my remaining comments below.

1. We note the applicant has amended the forest clearing information. Please have the applicant change the total proposed forest coverage to 29,959 square feet instead of 28,627 square feet. There appears to be an addition error.

2. The impervious coverage summary must be changed. While lots less than one acre are permitted up to 25% coverage, the total area of the subdivision is restricted to 15% impervious coverage. The table is misleading in that it lists each lot as having an allowable coverage up t o 25%; however, if each future homeowner were to use their 25% allotment, the impervious coverage over the entire subdivision would exceed 15%. We recommend the applicant change the information in this summary so it is clear how much each lot is allotted to that the allowable impervious coverage column actually adds up to 10,764 square feet (15%).

3. The impervious coverage summary needs to include the impervious area created by the driveway.

4. It is unclear why the limits of clearing can change between the plat approval and the grading permit stage. Particularly on this site where there appears to be sufficient room on proposed lot 2 for a new dwelling so as to not affect clearing on this lot. In regard to proposed lot 3 it is equally unclear why the area shown as cleared may be changed.

5. In addition, it is unclear why the house sizes may change. If this is true, then the impervious coverage figures provided will not match what is approved at grading and ultimately developed on this site. This potential discrepancy needs to be resolved prior to final plat approval; otherwise if there are changes at the grading permit stage, they could be in violation of an approved plat.

6. We continue to recommend a replanting area be shown and put in an easement at the plat approval stage, and that this area provide a forest connection to off-site forested areas.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 62-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 8, 2006

Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Sahlin Farms - S 98-091, P 06-0015
Sahlin Estates II - S 98-091, P 06-016

Dear Ms. Shatt:

I have received the above-referenced subdivision requests for review and comment. The applicant proposes to subdivide approximately 60 acres in the Resource Conservation Area (RCA) into four lots on Sahlin Farms, and subdivide approximately 80 acres in the RCA on Sahlin Estates II. Since these are adjoining parcels proposed for subdivision at the same time, I have outlined my comments for both requests below.

Sahlin Farms

1. The Environmental Review letter from the Department of Natural Resources (DNR) indicates the site supports a Bald Eagle nest. It appears this parcel is not within the 1/4 mile protection zone of the eagle nest; therefore, no further conservation measures for the eagle are required.

2. The DNR letter further states that the site may support Forest Interior Dwelling (FID) birds, and the site may support several endangered and threatened plant species. Since riparian forests that are a minimum of 300 feet in width, and contiguous forested areas of 50 acres or more can support FID habitat, it appears likely that this site supports FIDs. Therefore, the applicant shall follow the FID guidelines when developing this site. In order to determine whether the guidelines are being followed, the applicant must provide the County with more detailed information regarding the pre interior forest and post interior forest to determine if the minimum 80% threshold is met. See the Commission's Guidance Document on FIDs, particularly pages 43-46.

3. In reference to the plant species identified in the DNR letter, we recommend the applicant perform surveys for these species at the appropriate time of year in order to make a final determination as to if and where any populations of these species may exist on the site.

4. The applicant has shown an expanded Buffer for steep slopes that extends from mean high water or from the edge of tidal wetlands up to the 1,000-foot Critical Area boundary line. It is our understanding, although the plans submitted to this office do not show it, that all proposed dwellings will be outside the Critical Area.

5. What will occur in the Critical Area portion of this site are four lots, while the development activities associated with them will presumably be outside the Critical Area, create the potential for clearing and disturbance by future property owners. In addition, it creates the potential for four separate riparian access points to the water; therefore, this office strongly recommends the following two options. The first option would be to not run the lot lines to the water, but rather put the entire portion of the Critical Area into common ownership (i.e. HOA, or give it to a land trust). If the lot lines are run to the water, then we recommend the entire portion in the Critical Area be given to a land trust and that riparian access of these lots is restricted to one access point.

6. In addition to the access issue, the applicant must demonstrate to the County that four lots could be subdivided in the Critical Area portion. The information provided regarding the acreage is conflicting. The Critical Area Report states there are 62 acres in the Critical Area, while the Final Development Plan states there are 70 acres in the Critical Area. The proper acreage figure should be reflected on the final plat and plan. In addition, any areas of State tidal wetlands must be field delineated, and then subtracted from the acreage in the Critical Area to determine the appropriate density.

7. It appears that the initial development will not involve any clearing in the Critical Area portion of this site; therefore, no reforestation is required at this time.

8. We recommend the impervious surface information per lot and the entire subdivision is included on the final plat and plan even if that number is zero.

<u>Sahlin Estates II S 98-091, P 06-016</u>

1. As with Sahlin Farms, the Environmental Review letter from the Department of Natural Resources (DNR) indicates the site is supports a Bald Eagle nest. This parcel supports the nest and is therefore within the 1/4 mile protection zone. The final plat and plan must include notes that state all five guidelines as they appear in the December 20, 2005 DNR letter.

2. As with Sahlin Farms, the DNR letter further states that the site may support Forest Interior Dwelling (FID) birds, and the site may support several endangered and threatened plant species. Since it appears likely that this site supports FIDs, the applicant shall follow the FID guidelines when developing this site, including determining the pre and post interior forested areas in order to determine whether the minimum 80% threshold is met. See the Commission's Guidance Document on FIDs, particularly pages 43-46.

3. As with Sahlin Farms, we recommend the applicant perform surveys for the plant species listed in the DNR letter at the appropriate time of year in order to make a final determination as to if and where any populations of these species may exist on the site.

4. The applicant has shown an expanded Buffer for steep slopes that extends from mean high water or from the edge of tidal wetlands up to the 1,000-foot Critical Area boundary line. It is our understanding, although the plans submitted to this office do not show it, that all proposed dwellings will be outside the Critical Area, with the exception of the existing dwelling on proposed lot 7.

5. As with Sahlin Farms there exists the potential for clearing and disturbance by future property owners, and the potential for five separate riparian access points to the water; therefore, this office strongly recommends those options as outlined in comment #5 above for Sahlin Farms.

6. As with Sahlin Farms, the applicant must demonstrate to the County that five lots could be subdivided in the Critical Area portion. In addition to reconciling the actual Critical Area acreage (Critical Area plan states 83 acres, plan states 86 acres) any areas of State tidal wetlands must be field delineated, and then subtracted from the acreage in the Critical Area to determine the appropriate density.

7. It is unclear whether the initial development will involve any clearing in the Critical Area portion of this site; therefore, please have the applicant provide detailed information about this issue.

8. We recommend the impervious surface information per lot and the entire subdivision is included on the final plat and plan.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 63-06

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/

March 8, 2006

Ms. Martha Stauss
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Kimbrook – Revised Comments
06-001

Dear Ms. Stauss:

I would like to supplement and revise the comments of my last letter to you concerning the above-referenced project. That letter raised two issues that have been addressed based on our recent telephone conversation. I will outline them below.

1. It is my understanding that the County has agreed to accept the applicant's proposal to vegetate the 100-foot Buffer with shrub and herbaceous species. This agreement was made based on a combination of existing site conditions that are particular to this site, and that the number and size of the plants will be greater and substantially larger then required. Provided the County is able to distinguish this site from future sites, we will defer to the County staff's judgment in this case; however, this agreement should in no way affect or set a precedent for future reviews of planting plans for the 100-foot Buffer.

2. We acknowledge that the information provided to us concerning the proposed impervious surface area was incorrect and that the site does not exceed the allowable impervious area limits for this site. Thank you for that clarification.

3. In response to your inquiry regarding the Water-Dependent Facility plan, our office did receive a copy. I have reviewed that document and have no comments at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 53-06

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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March 2, 2006

Ms. Martha Stauss
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Kimbrook
06-001

Dear Ms. Stauss:

I have received the above-referenced variation of standards request for review and comment. The applicant proposes to redevelop a 5.9 acre parcel in the Limited Development Area. The applicant has requested two variations of standards from the County Code, which includes a reduction of the 300-foot buffer requirement, and a reduction of the 35-foot building setback. I have outlined my comments below.

Variation of Standards

1. This office does not oppose a variation of standards for the 300-foot buffer reduction.

2. Similarly, this office does not oppose a variation of standards for the 35-foot setback reduction.

General Comments on the Site Plan/Subdivision

1. From the information provided, it appears the site inside the Critical Area totals 5.9 acres; therefore, the total allowable impervious area on the site is .885 acres or 38,551 square feet. The information provided indicates the proposed impervious area will be 43,373 square feet. Please have the applicant address this issue.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 2, 2006

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

Re: Project No. AA 419A21 - Anne Arundel County
Functional Enhancement of SWM Facilities along US 50

Dear Mr. Grey:

I have received the above-referenced project for review. Based on the information provided, it appears functional enhancements of those stormwater management facilities along US 50 inside the Critical Area are consistent with the Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. This is based on the fact that the project meets the requirements for General Approval under Exhibit B1, Section 3(b). No further review by this office is necessary notwithstanding any other required State or federal permits.

Thank you for submitting this project to this office for review. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Darrell Sacks, SHA

2. The applicant proposes to plant a combination of shrubs, grasses and wildflowers as mitigation in the 100-foot Buffer. We recommend the applicant also include trees (both canopy and understory). This will provide the optimum habitat benefits of a functioning Buffer. Since the establishment and restoration of the 100-foot Buffer is possible with the redevelopment of this site, as is often not the case on other sites, the applicant should be providing all components of the forested condition (canopy, understory, shrub, herbaceous).

3. We note the applicant has requested an Environmental Review letter from the Department of Natural Resources. Please forward that letter when it becomes available.

4. We note that a trail is proposed through the Buffer to access a future community pier. We will defer to your office regarding the location of the path.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: BC 53-06

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. Roland Limpert
Environmental Review Unit
Department of Natural Resources
Tawes State Office Building, B3
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Town of Port Deposit, Cecil County (200661995)

Dear Mr. Limpert:

Thank you for forwarding the information on the Town of Port Deposit's request for a reauthorization of a permit to rehabilitate an existing jetty and construct a ramp and floating dock. This office is aware of the Town's intention to restore and develop a trail and public park. The jetty reconstruction was part of that restoration project. Since this portion of the project is below the limits of mean high water, it is outside this office's jurisdiction for review. Therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Marianne Skilling, Critical Area Circuit Rider for Port Deposit – MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 27, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Stonington Community
200660981/06-WL-0840

Dear Mr. Cuthbertson:

I have received the above-referenced project to enlarge two existing stone groins to 40 feet long and to emplace 465 cubic yards of clean sand along 109 feet of shoreline as beach nourishment with a maximum of 40 feet channelward of mean high water. Given the proposed waterward expansion, we recommend that the site be carefully screened for any aquatic resources like submerged aquatic vegetation. Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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Ren Serey
Executive Director

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February 27, 2006

Mr. Robert Cuthbertson
MDE, Water Management Administration
Wetlands and Waterways Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: David Heckendorf
200660594/06-WL-0728

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace stone revetment on lots 2 and 3 within a maximum of 22.5 feet channelward of the mean high water line, and to construct a pier within a maximum of 70 feet channelward of the mean high water line. If your office determines this site is a candidate for this type of shore erosion control, this office supports this request. Any vegetation cleared above mean high water (within the 100-foot Buffer) must be replaced on an equal area basis. If the permit is issued, we recommend that all local approvals be obtained, including a Buffer Management Plan, if any disturbance or clearing above mean high water is proposed.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Doug Musser, Anne Arundel County Forester
AA Co. Tidal Wetlands File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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February 27, 2006

Ms. Leslie Wood
Environmental Systems Analysis, Inc.
48 Maryland Avenue, Suite 400
Annapolis, Maryland 21401

Re: United States Naval Academy Brigade Sports Complex

Dear Ms. Wood:

As you know, this office is in receipt of a site plan for the above-referenced project. It is our understanding that a revised plan will be forwarded when it is completed. We also understand that your office is preparing an Environmental Assessment for the U. S. Department of the Navy to determine the potential effects of the proposed project. Please also forward this document when it is completed.

In regard to my current review, the Navy must meet the 15% impervious surface limitation, provide for mitigation for any clearing, and avoid 15% or greater slopes and any Habitat Protection Area (HPAs – i.e. Buffer, threatened or endangered species habitat). If you have any questions in the interim, please feel free to telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Cathleen M. Vitale, District 5
Ms. Elinor Gawel, AA Co. OECR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 28, 2006

Ms. Mary Ann Skilling
Critical Area Circuit Rider
Maryland Office of Planning
Upper Eastern Shore Regional Office
Centreville, Maryland 21617

Re: Port Deposit – Temporary Pole Barn
Consistency Report

Dear Ms. Skilling:

I have received the Consistency Report for the above-referenced project to site a temporary pole barn to shelter a dewatering unit at the wastewater treatment plant. This office has reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, this office agrees that the project is consistent with the Port Deposit Critical Area Program.

Thank you for forwarding this project to our office for review. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Sharon Weygand, Town Administrator

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 24, 2006

Mr. Joseph Johnson
Cecil County Office of Planning and Zoning
129 E. Main Street, Room 300
Elkton, Maryland 21921

Re: Joseph and Suzanne Gaskin
Local Case No. 3203

Dear Mr. Johnson:

I have received the above-referenced variance request to locate a pier in a community that was platted after the adoption of the Critical Area Criteria and the Cecil County Critical Area Program. The property is 14.84 acres in size, is designated as an LDA, and is currently developed with a principal dwelling. It is our understanding this community has a community pier. Based on this information, I have outlined our comments below.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot."

Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case, the applicant is proposing to construct approximately 200 linear feet of pier through a wetland to reach tidal waters, and construct a 192 square foot platform (16' x 12') over tidal waters. Because the Natural Resources Article 8-1808.5 (c) (6) states individual piers are not permitted when a community pier is present, the applicant must present competent and material evidence to show that he meets the burden of proof on each of the variance standards described below.

Under the law as established by the General Assembly, the variance cannot be granted unless the applicant proves, and the Board finds, that without the variance, the applicant would suffer an unwarranted hardship, that is, "denial of reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met in this case, and accordingly the variance should be denied.

I have discussed each one of the County's variance standards below as it pertains to this site:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.* This lot is located in a community that has a community facility, whereby there are opportunities for water-dependent access. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of the entire parcel or lot. In the context of a variance to Critical Area requirements, the Board of Appeals cannot consider the following factors:

- Proximity of the community pier to the applicant's property
- Riparian access to the water
- Past or present environmental actions (i.e. plantings) on the property

Based on the information in our file, we do not believe that the County has evidence on which to base a favorable finding on this factor. There exists a community dock and the law does not allow individual piers.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction.* The applicants have reasonable use of this property for residential purposes, and therefore, they would not be denied a right commonly enjoyed by their neighbors. In addition, individual piers are not permitted in subdivisions platted after the adoption of the Critical Area Law and the County's Critical Area program. We do not believe that the applicant has met this standard.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.* If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to construct an individual pier where a community pier is provided in a subdivision platted after the grandfathering date, would confer a special privilege on the applicant. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area law. We do not believe the applicant has overcome this burden.

4. *The variance request is not based upon conditions or circumstances, which are the result of the actions, by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* According to the application submitted by the applicant and supplemental information from County staff, it is our understanding that this variance request is not based upon conditions or circumstances that are a result of actions by the applicant, or arise from any neighboring conforming condition.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat with in the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.* In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The intent behind the law regarding community piers was to limit the number of riparian access points along the shoreline in order to limit human activity to one area within new communities. In this case, the pier could only be constructed by crossing a tidal wetland. Given that the law prohibits individual piers in the case of where there is a community pier, approval of this variance would not be in harmony with the general intent and spirit of the law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny this application.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Marianne Mason, Assistant Attorney General
CE 0024-06

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 24, 2006

Mr. Vivian Marsh
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Tanyard Cove North – Heritage at Tanyard Cove, Phase I
S 90-210, P 05-0021

Dear Mr. Marsh:

I have received the revised plan for Tanyard Cove North, Phase I. The applicant addressed the comments of my last comment letter dated April 18, 2005, which commented on all phases for Tanyard Cove North. I have outlined my comments for Phase I below.

1. We see the applicant has added a note about the temporal restrictions for FIDs. We recommend that the note also indicate that mitigation must create new FID habitat or supplement existing FID habitat.

2. On sheet 3 of 6 on the Final Development Plan for Phase I there is a grass channel (grass channel #3) located behind lots 1-7 that is in the Resource Conservation Area (RCA). Stormwater management practices that serve development activities outside the RCA or the Critical Area cannot be located in the RCA. They are considered part of the LDA, IDA or non-Critical Area development activity and therefore should be located in the LDA, IDA or outside the Critical Area.

3. We recommend a table be added to the final plat indicating the total allowable impervious area per lot for the benefit of future homeowners, and to ensure the subdivision will not exceed the allowable impervious surface limits.

4. We recommend some form of signage or permanent markers be provided along the rear of those lots that abut the Forest Conservation Area so that future homeowners will know where the boundaries begin.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 118-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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February 24, 2006

Ms. Lois Villemaire
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cedar Hill - Pre-file PUD # 01-2006

Dear Ms. Villemaire:

I have received the above-referenced PUD information for review and comment. We recognize this project is at the pre-filing stage. Since the information provided at this stage is very general, I will provide some preliminary comments below.

1. The area of the parcel inside the Critical Area is in the Resource Conservation Area (RCA). The current information provided on the Administrative Site Plan suggests this portion of the site will be used for open space and community recreation. The applicant should be advised that the Zoning Ordinance permits only passive recreational uses in the RCA (27-13-206 (10)).

2. Of course, any proposed residential development activities are limited by the one dwelling unit per twenty acre density requirement.

3. There are three small areas on the Administrative Site Plan that are shaded as "proposed development area(s)." Please have the applicant describe what is contemplated for these small areas.

4. The plans submitted show a major access road that bisects the site and the eastern end exits through the Resource Conservation Area. Generally, new roads should not cross the RCA unless it is the only way to access the site. Please have the applicant provide information regarding the need for the road through the RCA.

5. We recommend the applicant initiate an Environmental Review by the Department of Natural Resources Wildlife and Heritage Division to determine whether there are any threatened or endangered species issues on this site.

6. The sketch plan should show all required buffers to nontidal wetlands, tidal wetlands, perennial and intermittent streams and tidal waters that may be on the site in the Critical Area regardless of whether this portion of the site is contemplated for development.

7. The existing and proposed impervious surfaces and existing forest area and proposed clearing inside the Critical Area should also appear on the Sketch Plan.

8. The required forest area that is to remain in the Critical Area should be clearly identified on the Sketch Plan and protected with a perpetual easement. We recommend a note be placed on the plat indicating this area may not be disturbed, cleared, etc.

9. All required stormwater management facilities must be located outside the RCA and the Critical Area if these facilities are serving development activities associated with the portion of the development that will be outside the RCA and the Critical Area.

Thank you for the opportunity to comment. As always, we will provide further detailed review when that information becomes available. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 57-06

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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February 23, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Tanyard Cove North -REVISED
S 90-210, P 05-062

Dear Mr. Callahan:

I have received the revised sketch plan for the above-referenced subdivision request. It appears the applicant has addressed the comments of my last comment letter dated April 18, 2005. I have outlined my remaining comments for Tanyard Cove North below.

1. Since Phase II was not part of the resubmittal, we cannot yet verify that the area mislabeled RCA near proposed units or lots 101,102 and the end of "Road H" was corrected on sheet 11 of 21, and sheet 16 of 21. We will verify this item with the Phase II resubmittal.

2. Similarly, we cannot verify whether the labeling error on sheet 15 of 21 was corrected since this is also part of Phase II. We will verify this item with the resubmittal of Phase II.

3. We see the applicant has added a note about the temporal restrictions for FIDs. We recommend that the note also indicate that mitigation must create new FID habitat or supplement existing FID habitat.

4. It appears the areas set aside to meet the Critical Area reforestation requirements may be overlapping with the area the applicant intends to set aside to meet the Forest Conservation Act requirements. These requirements cannot be met on the same portions of forest. Please have the applicant verify that this is not the case for this project.

5. The total forest preservation area provided is 255.07 acres onsite the Critical Area. This total is split between 103.32 acres in North Tanyard and 151.75 acres in South Tanyard. While these two figures add up to 255.07 acres, the areas shown on the site as "Proposed Forest Conservation Easement" do not add up to 103.32 acres for the north side. Please have the applicant address this item.

6. On sheet 3 of 6 on the Final Development Plan for Phase I there is a grass channel (grass channel #3) located behind lots 1-7 that is in the Resource Conservation Area (RCA). Stormwater management practices that serve development activities outside the RCA or the Critical Area cannot be located in the RCA. They are considered part of the LDA, IDA or non-Critical Area development activity and therefore should be located in the LDA, IDA or outside the Critical Area.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 118-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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February 15, 2006

Ms. Joanna Hiebler
URS Corporation
4 North Park Drive, Suite 300
Hunt Valley, Maryland 21030

Re: MD 214/MD 468 Roadway Improvements – Anne Arundel County

Dear Ms. Hiebler:

Thank you for your letter dated February 9, 2006 outlining the County's proposal for mitigation for the above-referenced project at the South River Farm Park. We acknowledge the County wishes to address the remaining 10% pollutant removal obligation through plantings; therefore, in addition to the required 1.2 acres of planting, an additional .06 acres for a total of 1.26 acres will be planted to satisfy the mitigation obligations for Phase I of the MD 214/MD 468 Roadway Improvements project.

We also acknowledge the County will plant a total of 1.5 acres at the South River Farm site, which will leave a balance of .24 acres of plantings in excess of the required mitigation for Phase I. A portion of the remaining balance will be used to satisfy mitigation that will be required for the Phase II portion of this project. At this time, the estimated mitigation is .01 acres. We recommend the remaining balance of planted area be reserved until the Phase II mitigation is reviewed by the Commission in case the requirement is different then the current estimate. However, when the final mitigation requirement is determined, we continue to encourage the County to use any remaining planted area for the Woodland Beach Pumping Station outstanding mitigation obligation.

Thank you again for your continued cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Daniel Anderson, AA Co. DPW

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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February 13, 2006

Mr. Shawn Clotworthy
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

RE: North Point State Park, Multi-purpose Court
Project Review 2006.DNR.026

Dear Mr. Clotworthy:

I have received the above-referenced project for review and comment. The proposal includes a multi-purpose court and related amenities. It appears the site is within the Chesapeake Bay Critical Area in Baltimore County. I have outlined my comments below.

1. Since the proposed activity is on State-owned land, the project will require review and approval by the Critical Area Commission.

2. The Critical Area designation assigned to this property by Baltimore County is Limited Development Area (LDA); however, since the activities are proposed on State-owned lands, Critical Area Commission staff must assign one of two designations to the property. The designations can be either an Area of Intense Development, or an Area Not Intensely Developed.

3. From the information provided, Commission staff would consider this parcel as an Area Not Intensely Developed; therefore the impervious surface area is limited to 15% of the site and afforestation of 15% is required if the parcel does not currently support 15% forest cover; otherwise clearing is limited to 30% of the site.

4. Since no information was provided about the parcel size, or existing impervious cover and forest cover, I could not determine whether this site would comply with the above-referenced requirements. We will provide further comments when this information is provided.

5. Since the site is adjacent to Black Marsh, comments from the Wildlife and Heritage Division will be required to determine whether the site supports or is adjacent to any threatened or endangered species habitat.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Pat Farr, Baltimore County DEPRM

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 13, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: E.L. Gardner Property
S 04-065, P 04-0122

Dear Ms. Shatt:

I have received a revised plat for the above-referenced subdivision request. Although the applicant addressed the comments of my last letter dated October 27, 2005, they do not satisfy the issues raised; therefore, this final plan still does not meet the County Code requirements. I have outlined my remaining comments below.

1. The maximum allowable impervious area per lot cannot exceed 15% since both lots exceed one half acre in size. The County Code permits lots one half acre or less to have up to 25% impervious cover provided the overall subdivision does not exceed 15% impervious cover. Therefore, any lots greater than one half acre are limited to 15%. Please have the applicant adjust the impervious cover figure for lot 1 since it exceeds 15%. As suggested in my previous letter, it appears the footprint can be reduced to meet the Code requirement.

2. While the woodland removal is just under 30%, there will not be 70% in an easement. It appears approximately 53% of the remaining forested area will be in an easement. We understand that the septic reserve areas cannot be encumbered; however, the applicant has not addressed why clearing on other portions of the lots cannot be reduced. As suggested in my previous letter, the backyard clearing can be reduced as can the footprint of the dwellings in order to meet the 70% conservation threshold.

3. If the subdivision does not comply with the requirements noted above, the plat should not be finalized since it does not appear to meet the minimum County Code requirements.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 636-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 13, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Brightwater/Carvel Beach Road, P/O Lot 127
S 91-114, P 05-176

Dear Mr. Callahan:

I have received the applicant's response to my last comment letter dated November 3, 2005. I have outlined my comments below based on the revised plan.

1. The applicant indicates avoidance of wetland impacts; however on sheet 2 of 3 a stormwater management measure is proposed in the 25-foot nontidal wetland buffer to existing nontidal wetland #2. It is our understanding stormwater management measures are not permitted in existing nontidal wetlands or their buffers. Please have the applicant address this issue.

2. We note the applicant has provided a detailed table that shows the proposed and permitted impervious surface per lot, and has included the sidewalks, driveways, driveway aprons and public road. However, the total proposed impervious appears incorrect. I get a final total of 111,105 square feet. It appears the mistake occurred when totaling the "Road A ROW." Please have the applicant check these figures.

3. The proposed impervious surface is still at the 15% limit. We continue to recommend the applicant reduce the proposed figure in order to provide for future impervious areas (i.e. patios, pools, porches, additions). The County has several post Critical Area subdivisions that were approved at the 15% limit and is now faced with homeowners wanting additional impervious areas on their lots. It has resulted in increased County staff time and resources in handling complaints and violations. This will happen on this subdivision if additional impervious area is not provided after the initial development occurs.

4. Please have the applicant indicate what form of demarcation will be provided for those lots that back to the conservation property.

5. We note the applicant contacted DNR regarding the rare Pied-billed Grebe and it appears the site does not support the type of habitat required for this species.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 688-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 6, 2006

Mr. Steven M. Gilbert
Principal Counsel
Prince George's County Council
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: A-9955-C – River's Edge

Dear Mr. Gilbert:

Thank you for providing the information requested in my last letter to you dated January 24, 2006 for the above-referenced growth allocation request. I am in receipt of your response letter dated January 27, 2006 which addressed items #1 and #3 of my letter. I received item #2 from the Department of Natural Resources on February 1, 2006; therefore, this information renders the County's request for growth allocation as a complete submittal. The Chairman has 30 days to make an amendment or refinement determination, (February 1, 2006, the date we received the last outstanding item).

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 6, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Thackray Seznec
S 05-029, P 05-0141

Dear Mr. Callahan:

This office has received a copy of the applicant's response to my letter dated September 1, 2005 concerning the above-referenced subdivision request. I did not receive a copy of a revised plan or plat; therefore, I am unable to verify some of the applicant's written responses. Therefore, the comments below are based on the written responses.

1. This office would like the opportunity to review the revised plans. Please have the applicant forward one copy at their earliest convenience or, at a minimum, prior to final.

2. The response indicates the limits of the tidal wetlands are currently being confirmed. Please make sure the applicant clearly identifies the acreage of both private and State-owned tidal wetlands in addition to the boundary information.

3. The applicant has indicated that the structure previously identified as a "boathouse" is now a tenant house; however, the applicant further states it will not be counted towards density. This is not correct. It must be counted towards density if it meets the definition of a dwelling unit.

4. We may provide additional FID comments when we receive a revised plan that shows the existing forest cover.

5. We will verify the clearing and impervious surface figures and expanded Buffer when we receive the revised plans.

6. Further comments concerning the current forest protections will be forthcoming after we have received and reviewed the property's current long term agreement that is referenced in the response letter.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 569-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 6, 2006

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

Re: Creek Properties. – 2005-0490-V

Dear Ms. Rhodes:

This office has received the above-referenced variance request for review and comment. The applicant proposes to construct a single-family dwelling and associated utilities that will impact the 100-foot upland buffer, and 300-foot limited activity area in a Bog Protection Area, and will directly impact 15% or greater slopes in the Critical Area. This office cannot support the request as presented, unless the following items are addressed.

1. The size of the proposed dwelling needs to be reduced. As currently shown, it does not appear to be the minimum disturbance necessary to develop this lot given all of the environmental constraints.

2. The current topography indicates that all runoff from the site of the proposed dwelling will flow directly into the bog. No proposed grading lines are shown on the plan submitted for review. If a variance is granted, we recommend that the site be graded to direct all stormwater away from the bog.

3. Mitigation at a 3:1 ratio shall be provided for all new disturbance. Disturbance includes grading, footprint and clearing.

4. The remaining area of the lot should be put in a perpetual conservation easement that permits no disturbance or clearing or dumping of lawn clippings or other natural or manmade debris. We further recommend that the area of the easement be surveyed and concrete monuments placed on the lot.

Thank you for the opportunity to comment. Please include this letter as part of the record for variance. Please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 7-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 6, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: York Farm L.L.C.
#06-05

Dear Ms. Moredock:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create one lot in the Resource Conservation Area (RCA). I have outlined my comments below.

1. It appears there is sufficient acreage to accommodate another lot in the RCA portion of this parcel since there are approximately 107 acres in the RCA.

2. There is the potential for a total of five lots; therefore, if and when the applicant may propose up to a total of five lots, a field survey of any wetlands must be conducted to determine the final allowable density since any areas of State tidal wetlands must be deducted.

3. In 2001 this office reviewed the creation of two lots in the RCA. At that time if was unclear whether the applicant had secured an Environmental Review statement from the Department of Natural Resources (DNR). In any case, the applicant should provide the County with an updated letter from DNR since that subdivision review occurred more than two years ago.

4. The information submitted indicates .3 acres of afforestation is proposed; however, this is not shown on the plat. We recommend the applicant provide the County with this information.

5. We recommend the plat indicated the total allowable impervious coverage for this lot.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: KC 0061-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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February 6, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: David and Patricia Lyon
#06-02

Dear Ms. Moredock:

I have received the above-referenced variance request. The applicants propose to construct a dwelling partially within a nontidal wetland buffer. It appears that approximately half of the site is within either the 25-foot buffer or the nontidal wetland. I have outlined my comments below.

1. We understand the applicant has secured a permit from the Maryland Department of the Environment to impact approximately 4,576 square feet of the wetland and approximately 3,626 square feet of the 25-foot buffer; nevertheless, there appears to be an opportunity to disturb less nontidal wetland and buffer by reconfiguring the proposed dwelling on this site.

2. The site plan shows what appear to be two "T" shaped structures on the front and rear of the proposed dwelling. These structures are not labeled so we will assume they are stairs to serve as access. If so, perhaps they can be reoriented sideways and incorporated into what appears to be a porch or deck to access the dwelling so that the entire dwelling might be pulled closer to the 30-foot building restriction line to Bayside Avenue.

3. In addition to reorienting the stairs, the width of the stairs might also be reduced particularly on the wetland side of the dwelling to create less disturbance to the wetland.

4. If the Board finds that some relief is warranted on this site, we recommend mitigation at a 3:1 ratio for all new disturbance. Disturbance includes grading, footprint and clearing.

5. We also recommend the applicant work with county staff to provide some measure of stormwater management that will be directed away from the wetland and it buffer so that the stormwater is treated in the upland before it is eventually released.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: KC 0059-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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Executive Director

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January 31, 2006

Mr. Michael Murray
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Magenau-CMI Associates
Lots 1, 2 Rev/Tri State Marine

Dear Mr. Murray:

I have received the above-referenced site plan for review and comment. The applicant proposes to construct overflow parking and a stormwater management facility. Only a portion of the proposed stormwater management facility is within the Critical Area on this site. I have outlined my comments below.

1. It is unclear from the application materials submitted whether the applicant has secured a permit from the Maryland Department of the Environment (MDE) or the Army Corps of Engineers (ACOE) for the stormwater management facility. This issue must be resolved prior to final approval by the County.

2. Generally, this office does not support the construction of stormwater management measures in wetlands, regardless of the size or quality of the wetland; however, we defer to MDE and ACOE concerning these permitting issues.

3. If MDE and ACOE issue permits for the stormwater management facility, and portions of it will be within the nontidal wetlands or the 25-foot buffer to those wetlands, then a variance will be required.

4. The plunge pool portion of the proposed stormwater management facility is located in the Resource Conservation Area (RCA). No stormwater management measures that are treating areas outside the Critical Area or treating areas inside the Critical Area in Intensely Developed Areas or Limited Development Areas may be located in the RCA.

5. The County should verify that no portion of the proposed gravel lot for boat storage is in the Critical Area. As part of the County's comprehensive review, the 1,000 foot Critical Area boundary line was extended on or near these parcels in 2004. The site plans submitted by the applicant do not show the new boundary line and our concern is that a portion of the proposed gravel lot could be in the "new" Critical Area and in the RCA. If so, this use is not permitted in the RCA and would need to be removed.

6. The Environmental Review letter from the Department of Natural Resources (DNR) included with this application is dated December 7, 2001. This office and the County routinely require that these review letters be no older than two years. Since the letter provided is four years old, we recommend an updated letter be provided prior to final approval.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions or comments.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 4-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 31, 2006

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
407 Race Street
Cambridge, Maryland 21613

Re: Elm Street Developers - 200565924/06-WL-0418

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct a series of piers and mooring piles for the purpose of creating 30 slips for a community marina and a community canoe landing/fishing pier. I have outlined my comments below.

1. The applicant must provide MDE and this office with data to support the request for 30 slips. Natural Resources Article 8-1808.5 provides for the number of slips permitted, which is the lesser of linear feet of shoreline or lots in the Critical Area.

2. It is not clear why the kayak/canoe launch requires a 35 foot long with a 25-foot "L" extension. It seems the water depths are sufficient closer to the shoreline for this use; therefore, we request the applicant provide an explanation for what appears to be an excessive length for this pier.

3. The proposed piers shall not require the need for any local setback variances.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Mike Burlbaugh, Elm Street Development

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 26, 2006

Mr. Joseph W. Rutter, AICP
Planning and Zoning Officer
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: County Council Bill No. 98-05 - Anne Arundel County Master Plan for Water Supply and Sewerage Systems 2003-2006

Dear Mr. Rutter:

Thank you for forwarding the above-referenced County Council Bill with attachments to this office for review and comment. We have reviewed the legislation with regard to those areas within the Critical Area that are affected by this legislation. This office has no comment regarding the County's proposed amendments to its Master Plan for Water Supply and Sewerage Systems. We only recommend that the Council be reminded that although the amendments may provide water and/or sewer service to lots or parcels in the County's Resource Conservation Area (RCA), it will not affect the density of one dwelling unit per twenty acres.

Thank you again for the opportunity to comment. Please telephone me anytime at (410) 260-3478 with any questions or if we can provide you or your staff with assistance.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. John Leocha, OPZ
Ms. Elinor Gawel, OECR

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 24, 2006

Mr. Steve Gilbert
Principal Counsel
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Re: A-9955-C – River's Edge

Dear Mr. Gilbert:

This office has received the above-referenced growth allocation request for review. Before we can accept this package as a complete submittal for processing, we will need the following information.

1. The parcel history of tax map 122, parcel 153, which would include a statement from the County certifying that this parcel was a legally, existing parcel as of December 1, 1985, or the date of the Prince George's County program adoption date, and no subdivision of this parcel has occurred since that time and the time of this application.
2. The environmental information relied on by County staff appears to be from a document dated 1997. We need updated environmental information that is no older than two years. We recommend contacting Lori Byrne at the Department of Natural Resources (410-260-8573) for updated information.
3. A map that is scaled must be provided which shows the area of the parcel proposed as LDA versus the remaining RCA areas, including the acreage figures.

The Chairman will have 30 days to make an amendment or refinement determination once this office receives the information requested above. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 23, 2006

Mr. Steve Callahan
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Pleasure Cove Marina
C 05-0068

Dear Mr. Callahan:

Thank you for forwarding the site plan and accompanying information for the above-referenced site plan review. The applicant proposes to construct two boat storage buildings in the Limited Development Area (LDA) portion of this site. I have outlined my comments below.

1. It appears the location of both boat storage buildings will not affect any Habitat Protection Areas, including the 100-foot Buffer to Main Creek.

2. We strongly encourage some stormwater management be considered for this site. We understand the reduction of impervious surface will meet the County's Code requirements; however, we are unaware of any stormwater management that is currently on the site, and the proposed grading will direct all stormwater to Main Creek.

3. It is unclear how impervious area on this site will be reduced after the proposed buildings are constructed. It appears an area that is currently gravel will be converted to vegetated area. In order for this to be counted as a conversion to pervious area, the County must first determine that this area of gravel is currently functioning as impervious, and that the removal method and revegetation of the area will create pervious conditions.

4. We assume the area of the proposed boat storage buildings is already considered impervious due to compacted gravel conditions, and therefore the construction of the buildings will not be creating additional impervious conditions. Please have the applicant confirm his pre and post impervious surface conditions.

5. While no clearing is proposed, the applicant should address the County's afforestation requirements for sites in the Critical Area.

6. The letter from the Department of Natural Resources dated January 6, 2006 indicates the site or the project's vicinity may support two plant species with threatened and endangered status. We recommend the applicant coordinate with DNR to see what type of habitat supports these species in order to determine whether the appropriate habitat exists on-site or within the drainage area of the proposed construction.

7. Finally, the Critical Area Report submitted with the application is dated April 2003. This report makes statements about growth allocation and reclassification requests. We are aware of the history of this property; however, the applicant should amend these sections of the Critical Area Report to reflect the current request. Otherwise, persons not familiar with this site's history can become quickly confused with the request.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 34-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 13, 2006

Mr. Bill Love
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Cianbro Corporation Wharf Renovation
C 05-037

Dear Mr. Love:

I have received the revised grading permit and site plan for the above-referenced application. It appears the applicant has addressed the comments of my last letter dated September 28, 2005. I have outlined my remaining comments below.

1. From the information provided, it appears the County and the applicant agreed to perform the required 2:1 mitigation in two locations on the site. One site is in the Limited Development Area and is labeled as "SWM Revegetation Area." It is our recommendation that any required stormwater plantings not be double counted for required Buffer Modification Area (BMA) mitigation. Nevertheless, we support this location for BMA mitigation since it widens and revegetates the Buffer. Perhaps the remaining area in the 100-foot Buffer is revegetated on this portion of the site to meet the BMA mitigation requirement.

2. It is our understanding the other site area consists of an existing vegetated forest stand that had invasive species. We support this idea of removing only the invasive species and revegetating this area with natives to help meet the 2:1 requirement.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 588-05

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
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January 12, 2006

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Dreams Landing Sewage Pumping Station
S-7922

Dear Ms. Schappert:

I have received the above-referenced request to site a new sewage pumping station on steep slopes. From the site plan provided, it appears the structure may also be located in the expanded Buffer for steep slopes. The site is in the Limited Development Area and is located off of the Severn River. I have outlined my comments below.

Provided there is no other flat area outside the expanded Buffer on this site, this office does not oppose the request. It appears the applicant has minimized the size of the building that will eventually house some of the equipment, and the community has agreed to remove the tennis court area that is currently inside the expanded Buffer. Additionally, the submission material indicates there will be a net reduction in impervious area.

We recommend that mitigation be performed for the area of new disturbance to offset the disturbance to steep slopes, and what this office believes to be the expanded Buffer. Mitigation of native species should occur in the 100-foot Buffer area to the extent possible, and then within the area of the tennis court that is being removed.

We also recommend that some form of stormwater management be provided for the new building. A bioretention area may be appropriate for this site. In addition, if the shell of the old building, driveway and parking area will remain in the 100-foot Buffer, we recommend that the stormwater management of these impervious areas also be provided.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 12-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
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January 12, 2006

Mr. Steve Callahan
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Bodkin Plains, Lots 206R and P/O lots 207 & 208
S 79-229, P 06-0002

Dear Mr. Callahan:

I have received the subdivision request for the above-referenced properties. The applicant proposes to create one additional lot from two existing lots. The site is located in the Limited Development Area (LDA) and totals 3.21 acres. I have outlined my comments below.

1. The letter from the Wildlife and Heritage Division of the Department of Natural Resources (DNR) shall be received prior to final recordation to ensure there are no threatened or endangered species habitats on site.

2. Since the site is in the LDA clearing is limited to 30% of the site. The table provided on the site plan indicates that 30% clearing is proposed; however, the clearing on the newly created lot will exceed 30%. The County will need to determine whether this will require a variance. Otherwise it seems that the remaining forest over the entire subdivision will need to be set aside in a perpetual easement to ensure the overall forest of the entire subdivision does not fall below 70%.

3. A reforestation fee will be required for any clearing and this should be noted on the plan. In addition, any on-site planting the applicant proposes should also be included on the plan.

4. The impervious surface limit for LDA subdivisions is 15%. For lots that are one acre or greater, the impervious area is limited to 15%, while lots smaller than one acre may have impervious surfaces up to 25% provided the entire subdivision does not exceed 15%.

5. The table on the plan shows two lots over one acre that slightly exceed the 15% limit. We understand that each lot will be removing impervious area to further conform to the 15% limit. The County needs to determine whether this is sufficient.

6. The total proposed impervious area is incorrect. I get a total of 23,416 square feet or 16.72% total impervious area. Please have the applicant check these figures. The total overall impervious limit shall not exceed 15%.

7. It appears that additional impervious area can be removed from the existing lots, and the proposed impervious area for the new lot can be reduced by reducing the footprint of the house, garage or both. In addition the sidewalk could be reduced by situating the entry on the opposite side of the dwelling. The driveway might be reduced if the house location can be swapped with the septic area.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 25-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

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January 12, 2006

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Margate Lots 241 A & 242
S 98-107, P 05-0178

Dear Mr. Callahan:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has addressed the comments of my last letter dated November 22, 2005. The only remaining comment I have is for the County to ensure that the proposed stormwater management device is designed according to the specifications of the Maryland Department of the Environment's Stormwater Management Manual. Provided the County can confirm this issue, this office has no further comments.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 771-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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Chairman

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January 10, 2006

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cole Property - MS 04-100

Dear Mr. Burke:

I have received a copy of a letter from the Department of Natural Resources (DNR), dated January 3, 2006 concerning the survey for the Hop-like sedge habitat. Since the survey was not performed at the appropriate time of year, DNR recommends that the applicant proceed under the assumption that the rare plant is present on site. Therefore, we recommend to the County that those recommendations listed in the January 3, 2006 letter be included on the final plan and plat, as appropriate. This office has no further comments.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 637-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

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January 5, 2006

Ms. Amy Moredock
Kent County Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Spring Cove Marina – 05-156

Dear Ms. Moredock:

I have received the above-referenced variance request for review and comment. The applicant proposes to construct a 388 foot pier, 20 finger piers, 60 mooring piles, and perform maintenance dredging. It is our understanding the variance request is for pier length. We will defer to the Maryland Department of the Environment (MDE) permit reviewer and your office to determine whether this request can be permitted.

Notwithstanding MDE's or the County's determination, this office does not oppose this request provided the County is satisfied that the applicant can demonstrate minimization. If the Board of Appeals finds the applicant is entitled to relief we recommend mitigation as prescribed by County staff.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: KC 749-05

Robert L. Ehrlich, Jr.
Governor

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Lt. Governor

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January 5, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: William and Wendy Schickler
#05-155

Dear Ms. Moredock:

I have received the above-referenced variance request. The applicants propose an after-the-fact variance to construct a patio in the 100-foot Buffer. The site is in a mapped Modified Buffer Area (BMA); however, since the patio was constructed beyond the permitted setback in the BMA, this accessory use requires a variance to the County's Critical Area program.

Since this is an accessory use, it should be accommodated outside the 100-foot Buffer, or in this case, within the constraints of the County's BMA requirements. The Kent County Land Use Ordinance, Article 5, Section 5.7 B (3)(d)(i-iii) establishes the setback in a BMA to be no closer to mean high tide or the edge of tidal wetlands than the existing dwelling, or the average line of the neighboring properties. Based on the site plan provided, it appears there is an opportunity to meet the requirements of the ordinance absent a variance; therefore, we cannot support the request.

In addition to the ordinance language, in the 2004 legislative session the Maryland General Assembly strengthened and reinstated the Critical Area variance standards, including the ability for local Boards of Appeals to include in their consideration of a case whether an application was an after-the-fact request.

If the County finds the applicant can meet the variance standards and is entitled to relief, we recommend mitigation as prescribed by County staff. We also recommend the applicant work with county staff to provide some measure of stormwater management for the additional area of impervious surface within the Buffer.

Thank you for the opportunity to comment. Please include this letter as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: KC 847-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 3, 2006

Ms. Amy Moredock
Kent County Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Laura Lynn Williams - 05-87

Dear Ms. Moredock:

I have received the above-referenced zoning map amendment for review and comment. The applicant proposes to reclassify two parcels from the Marine zone to the Intense Village Critical Area zone. It is our understanding the current Critical Area designation of Intensely Developed Area (IDA) will not be affected by this proposal; therefore, this office has no comment on the request.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: KC 850-05

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January 3, 2006

Ms. Liz West
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Cianbro Corporation
2005-0439-V

Dear Ms. West:

This office has received the above-referenced variance request for review and comment. The applicant proposes to resurface an existing wharf area in a Buffer Modification Area (BMA). Article 26, Subtitle 8, Section 703(e) requires a 25-foot setback. Since the current site conditions and the proposed site conditions based on the existing and continued use of this site will preclude a 25-foot setback, the applicant is requesting a variance. I have outlined our comments and recommendation below.

The intent of a local government's Buffer Modification Area program is to recognize certain areas of the shoreline that are not fully providing the habitat and water quality functions of the Buffer. In recognizing these areas as compromised, local governments may streamline the permit process for these mapped properties by foregoing the variance process in exchange for explicit setback requirements and mitigation.

In this case, the applicant is unable to meet the required setback of 25-feet. Given the existing and continued site conditions of this property, this office does not oppose the requested variance to resurface an existing wharf area from the bulkhead landward; however, this office recommends that the Buffer area on the site that is not part of the wharf be identified and set aside for mitigation planting opportunities in order to meet the intent of the County's BMA requirement of a 25-foot setback.

In addition, the applicant still needs to comply with the separate mitigation requirement found in 26-8-703(h), which references 26-8-702(e). This section of the Code requires 2:1 mitigation, which should be required in addition to any required mitigation that may be a condition of this variance approval.

In order to avoid double-counting of mitigation, any stormwater requirements on site that may include planting credits should not be combined with any required mitigation for the BMA mitigation requirement, or any required mitigation that may be a condition of a variance approval.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 588-05

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January 3, 2006

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Herrington Harbor North - Reclassification Request

Dear Ms. Gawel:

The Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has determined that the Herrington Harbor reclassification request is an amendment to the County's Critical Area Program. We will notify you of the date, time and location of the public hearing.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner