

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/

Memorandum

To: Carla Fleming, Federal Project Coordinator

From: LeeAnne Chandler, Science Advisor 

Date: December 21, 2006

RE: DNR Clearinghouse Review, Marine Fueling Station on Hawk's Cove, Middle River

Thank you for providing information on the above referenced project. It is our understanding that a fuel dock and related improvements are proposed at an existing marina in Baltimore County. While the proposal does not conflict with the State Critical Area Law and Regulations, the project will require local review under the Baltimore County Critical Area Program as well as Baltimore County's land use regulations. Please be aware that acquisition of building, stormwater, and/or sediment and erosion control permits may be necessary prior to any work on the site.

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

cc: Pat Farr, Baltimore County DEPRM

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

December 11, 2006

Mr. Nathaniel K. Brown, Principal Planner
Office of Harbor Development
Maryland Port Administration
2310 Broening Highway
Baltimore, MD 21224

RE: Masonville Dredged Material Containment Facility

Dear Mr. Brown:

At its meeting on December 6, 2006, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with the concept plan for the proposed dredged material containment facility (DMCF) at Masonville. This concurrence was made with the following conditions:

- (1) Individual components of the proposed project must be approved by the Commission;
- (2) Prior to the approval of any individual project component, the Maryland Port Administration must submit for review and approval a mitigation plan for the entire project;
- (3) Future development of the site must include a properly vegetated 100-foot Buffer or mitigation at a 3:1 ratio for areas where establishment of the Buffer is not possible; and
- (4) Future development of the site must include a stormwater management design based on appropriate best management practices that focus on improving water quality for the entire site.

Given the second condition listed above, in the next month, Commission staff will work closely with the Port to bring the mitigation plan to the Commission for review and approval as soon as possible. We appreciate the assistance of Port staff and consultants in providing information to facilitate Commission review. Kristen Gaumer of Moffatt &

Mr. Nathaniel K. Brown
December 11, 2006
Page 2 of 2

Nichol was especially responsive in finding answers to a broad range of questions and in providing presentation materials.

If you have any questions or concerns regarding the Commission's approval or the next steps, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and includes a long horizontal flourish at the end.

LeeAnne Chandler
Science Advisor

cc: Meg Andrews, (MDOT)
Stephen E. Storms, Ph.D (MPA).
Michael W. Bozman, PE (MPA)
Mark C. Kreaflle, Sr., PE (MPA)
Phillip Lee, PE (Moffatt & Nichol)
Kristen Gaumer, PE (Moffatt & Nichol)

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 29, 2006

Mr. Gary Letteron
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: 750 E. Pratt Street, BGE/Constellation Energy Security Enhancements

Dear Mr. Letteron:

Thank you for providing the above referenced site plan and supporting documentation to our office for review. The site is completely within the Critical Area with an IDA designation. It is our understanding that the proposed activities constitute required security enhancements for a public utility. A roadway will be blocked off and portions of existing impervious surfaces will be removed.

The 10% calculations indicate that the removal of impervious surface and subsequent planting will adequately address the requirement. Our only comment is in regard to the proposed planting species. Wherever possible, plantings within the Critical Area should be native to Maryland.

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

Sincerely,


LeeAnne Chandler
Science Advisor

cc: BA742-06

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 29, 2006

Mr. Gary Letteron
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: 201-7 E. Redwood Street, Proposed Hotel

Dear Mr. Letteron:

Thank you for providing the above referenced site plan and supporting documentation to our office for review. The site is partially within the Critical Area with an IDA designation and is currently 100% impervious.

The 10% calculations indicate a removal requirement of just 0.0056 lbs. Given the small portion of the site being within the Critical Area and the complete imperviousness, we concur with the City in determining a fee-in-lieu is acceptable in this situation. The proposal appears consistent with the City's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: BA754-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

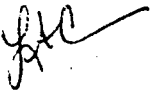
Ren Serey
Executive Director

**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/

Memorandum

To: Raj Williams, Resource Planning

From: LeeAnne Chandler 

Date: November 20, 2006

RE: Pocomoke State Park Draft Land Unit Plan Review (Project ID 2006-DNR-294)

Commission staff has reviewed the November 2006 Draft of the Pocomoke State Park Land Unit Plan. With the understanding that each project within the plan will undergo project review and if necessary, be brought to the Critical Area Commission for formal approval, we have the following comments on this plan:

1. In the discussion on Wetlands beginning on Page 32, the five USFWS wetland systems are briefly described. The descriptions are over-simplified – for example, palustrine wetlands such that exist at Pocomoke State Park are actually tidal “fresh” wetlands. Rather than going into a long explanation of all five types, it may be more appropriate to focus on the wetland type at Pocomoke in general terms, i.e., the Bald Cypress Swamp.
2. The following is a recommended revision for the section on the Critical Area:

Chesapeake Bay Critical Area

In recognizing the decline in the productivity and quality of the Chesapeake Bay, the Maryland General Assembly passed the Chesapeake Bay Critical Area Act (1984) to guide activity along the shoreline of the Bay and its tidal tributaries. The Critical Area is defined as "all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide and all State and private wetlands as well as all land and water areas within 1,000 feet landward of the boundaries of tidal wetlands and the heads of tides." The program recognizes that the shoreline and adjacent lands are critical to the survival of the Bay's ecosystem. Alteration of the shoreline and watershed generally

creates negative impacts on water quality and plant and wildlife habitats, in this case affecting the Chesapeake Bay ecosystem and its aquatic life.

The Critical Area Act (Natural Resources Article Sec. 8-1801 through 1817) established the Chesapeake Bay Critical Area Commission (CAC) and mandated development of criteria to guide both public and private development within the Critical Area boundary. The boundary extends 1000 feet landward of the Chesapeake Bay and its tidal tributaries. The development criteria for State lands (COMAR 27.02 et. seq.) include specific limitations on development activities within 1000 feet of the landward edge of tidal waters or tidal wetlands. Tree clearing, land disturbance and development are regulated. The 100-foot Buffer (the first 100 feet from tidal water or wetlands) receives even greater protection due to the adverse impacts of development along the shoreline. The measures protect the Chesapeake Bay and its tributaries by preserving forested areas, wildlife habitat, threatened species and anadromous fish (saltwater fish that swim upstream to spawn in freshwater) spawning grounds. In addition, individual development projects on State lands require review and approval by the Critical Area Commission.

The Pocomoke River is bound on both sides by wetlands and is both a tidal river and tributary of the Chesapeake Bay. The 1000-foot Critical Area for Pocomoke State Park begins at the landward boundary of the Park's wetlands and covers 168 acres within Shad Landing and 206 acres within Milburn Landing. (*See Maps 5A Regulatory Boundaries-Shad and 5B Regulatory Boundaries- Milburn*) The proposed improvements listed later in this plan will be designed to be consistent with the Critical Area regulations for State lands. Individual projects will be presented to the Critical Area Commission for review and approval.

3. Under Goal #5 on Page 60, an additional bullet should be added. All developed portions of the Park should be retrofitted with appropriate stormwater management.
4. On Page 61, the list of Proposed Improvements begins. I suggest that a statement regarding the project review process be inserted here to clearly indicate that the improvement projects are subject to further review (both Critical Area as well as applicable permits from MDE, such as wetlands permits or stormwater approvals).
5. On Page 63, under Trail of Change improvements, the second sentence should read, "Currently, 1320 linear feet of this trail is located within the Cypress swamp." Besides the benefit to aesthetics and staff time, decking the trail would protect the resource itself.
6. Improvements to the Marina/Camp store area will be required to have stormwater management. This should be included in the description of parking lot improvements.

7. The trail expansion adjacent to and over Corkers Creek will be subject to tidal wetland permits and Critical Area Approval. Critical Area guidelines for public walkways are available in a guidance paper on our website.
8. In the discussion of the improved trail system, it mentions crushed stone as a pervious material. Please be aware that the Commission considers crushed stone to be impervious due to its tendency to become compacted over time.

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

November 8, 2006

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

RE: Bauer Timber Harvest Plan

Dear Ms. Spinelli:

The Critical Area Commission is in receipt of the Critical Area Timber Harvest Plan for the property known as TM 65, Parcel 10 owned by Edward John Bauer. The Plan has been reviewed for compliance with the Memorandum of Understanding between the Forest Service and the Critical Area Commission pertaining to timber harvests within the Critical Area.

The Bauer Timber Harvest Plan is in compliance with the MOU. It includes all applicable components and has been processed as specified in the MOU. This office has no Critical Area concerns regarding the harvest proposal.

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

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: Teri Batchelor, DNR Forest Service



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/

Memorandum

To: Raj Williams, Resource Planning

From: LeeAnne Chandler

Date: November 6, 2006

RE: Assateague FUDS Soil Testing (Project Review ID #2006-DNR-264)

Commission staff has reviewed the information provided regarding the proposed soil testing at Assateague Island. From the summary, it is our understanding that minimal ground disturbance will occur. Our primary recommendation is to locate sampling points so as to avoid any existing woody vegetation (trees and shrubs) if at all possible. Any vegetation removed must be replaced in kind.

As the project does not meet the definition of "development activity" as found in COMAR 27.02.01, formal review and approval from the Commission is not required. However, please notify us if there are any changes to proposal as it was submitted. If you have any questions regarding the comments above, please contact me at (410) 260-3477.

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 30, 2006

Mr. Milton L. McCarthy
McCarthy & Associates, Inc.
14458 Old Mill Rd., Suite 201
Upper Marlboro, MD 20772

RE: Tower Hill Farm, St. Mary's County, Maryland

Dear Mr. McCarthy:

I am writing in regard to the request for a determination of the presence or absence of habitat of Forest Interior Dwelling Birds (FIDs) on the property known as Tower Hill Farm, owned by Tower Hill Holdings, LLC in St. Mary's County, Maryland. I have reviewed your correspondence of September 14, 2006 as well as the Forest Management Plan delivered on October 20, 2006. In addition, I have discussed the project site with St. Mary's County staff and reviewed the Commission's project files for earlier submittals on the same property.

As you may or may not be aware, the subject site was subdivided and the plat recorded in March 2006. During the subdivision review process, the Department of Natural Resources determined that the property contained FIDs habitat and that conservation measures, as outlined in the 2000 FIDs Guidance Paper would be required. The plat was recorded with corresponding notes requiring anyone proposing development to use and follow the FIDs guidance. It is unclear why this request for a determination is being made. The St. Mary's County Land Use Code clearly defines FIDs habitat. When development (i.e., subdivision) is proposed, the determination of FIDs habitat is made on the property as a whole, without dissecting contiguous forests based on species composition or previous forestry practices.

The determination of FIDs habitat for forest management or timbering is quite different for the specific reason that forestry is a resource utilization activity that does not create a permanent loss of habitat. Its determination is based on guidelines prepared by a FIDs/Forestry Task Force and approved by the Critical Area Commission in June, 1999. Given the subdivision of this property for residential purposes earlier this year, it is not appropriate to utilize the FIDs Timber Harvest Guidelines to determine the presence or absence of FIDs habitat on this property today.

Mr. Milton L. McCarthy
October 30, 2006
Page 2

I recommend that the applicant follow the conservation measures contained in the FIDs Guidance Paper as required by the subdivision approval and the St. Mary's County Comprehensive Zoning Ordinance.

Please contact me at (410) 260-3477 if you have any questions or if you would like to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

LeeAnne Chandler
Science Advisor

cc: Sue Veith, St. Mary's County
Glenn Therres, DNR Wildlife & Heritage
Mark Muir, DNR Forest Service
David Chessler, Chessler's Forestry Services, Inc.
SM80-04

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

October 23, 2006

Ms. Kathy Shatt
Anne Arundel County
Office of Planning & Zoning
2664 Riva road, MS 6301
Annapolis, MD 21401

RE: Sahlin Estates II – S 98-091, P 06-016

Dear Ms. Shatt:

We have received the resubmittal for the above referenced subdivision. The applicant has addressed our previous comments of July 13, 2006. We have no further comments at this time. If future revisions are made, please forward them to this office for review.

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

Sincerely,


LeeAnne Chandler
Science Advisor

cc: AA63-06

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/

October 20, 2006

Mr. Chet Gladchuk
Naval Academy Athletic Association
United States Naval Academy
566 Brownson Road
Annapolis, MD 21402-5040

RE: Future Projects in the Critical Area

Dear Mr. Gladchuk:

As you are likely aware, this office recently reviewed plans for the improvements to Bishop Field. We sent a determination that the project was generally consistent with the Critical Area Law and regulations to the Maryland Department of the Environment on October 11, 2006. I wanted to make you aware of two issues that should be kept in mind in the planning and design of future projects.

First, while projects such as the Bishop Field improvements require stormwater approval from the Maryland Department of the Environment, their regulations and related decisions do not affect or necessarily meet the requirements of the Critical Area Law and regulations. For example, in the case of Bishop Field, MDE made a determination that the entire field area could be excluded from the stormwater calculations. This determination was contradictory to the Critical Area guidelines for meeting the 10% pollutant reduction requirement. In the future, the entire area of a project must be included in all calculations.

Second, pursuant to review of other recent proposals and related discussions with MDE, the perviousness of artificial turf should not be assumed to be 100%. Each proposal must be assessed on a case by case basis, factoring in soil permeability and product specifications. Results of the assessment must be reflected in the stormwater calculations.

If you have any questions regarding the above issues, please feel free to contact me at (410) 260-3477. Commission staff is always available for consultation regarding design of future projects.

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: Mark Whitson, USNA Public Works, Director – Capital Projects
Peter E. Loyka, PE, Drum, Loyka & Associates, LLC

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 19, 2006

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

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

Dear Mr. Love:

I have received the resubmittal for the above referenced site plan. The applicant proposes to develop the site with a commercial building and associated parking. The site is located within an Intensely Developed Area and the primary Critical Area requirement is the 10% pollutant reduction requirement. Commission staff reviewed the information provided and our comments are as follows:

1. The 10% calculations indicate that the applicant will meet the 10% requirement through construction of the infiltration trench and treating the rooftop of the building on the adjacent property. However, as indicated below, we continue to have concerns about the viability and maintenance of the trench as indicated below.
2. As shown in the profile, the bottom of the trench is proposed to be at 19 feet in elevation. The water level is over 20 feet. The trench will not function as intended. The four foot separation from groundwater is a requirement in the State stormwater manual and therefore is required in the County Manual as well. If the water levels shown do not reflect the true groundwater elevation, a piezometer or other device should be installed and the results provided. Otherwise, a significant redesign is needed.
3. Maintenance of the proposed trench is also a significant concern. If the system clogs then the owners options are to dig the system up and fix it (a very expensive option)

Mr. Bill Love
October 19, 2006
Page 2

or (a better option) the owner can make better use of landscaping and pervious areas to relocate the infiltration trench (or create a bioretention facility) at the surface where rehabilitation would be much cheaper.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and extends to the right with a long, sweeping tail.

LeeAnne Chandler
Science Advisor

cc: AA410-06

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/

October 16, 2006

Mr. Kenneth Hranicky
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: Steamship Trade Association, 1901 Portal Street

Dear Mr. Hranicky:

Thank you for providing the above referenced site plan to our office for review. The site is entirely within the Critical Area with an IDA designation. An office building and associated parking is proposed on the site. Commission staff has reviewed the information provided and we have the following comments:

1. It appears that the 10% calculations were completed correctly. However, a drainage area map for the proposed underground sand filter should be provided. It should show both the onsite area being treated as well as the offsite area.
2. It appears that there may be an opportunity to provide additional onsite stormwater management. For example, bioretention facilities could be constructed in the areas where existing macadam is being removed to capture and treat additional runoff from the building and front parking lot. Alternatives to the fee-in-lieu should be explored and an explanation provided.
3. Information regarding the Buffer Offset Fee for this proposal was not provided. Please forward this information when it is submitted.
4. Specifications for the proposed underground sand filter should be provided.
5. At least two additional trees are required to meet the City's landscaping requirements. We recommend the use of native species for the majority of landscaping within the Critical Area.

Mr. Kenneth Hranicky
October 16, 2006
Page 2 of 2

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and includes a long horizontal flourish at the end.

LeeAnne Chandler
Science Advisor

cc: BA671-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

**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 16, 2006

Mr. Gary Letteron
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: 1200 Hull Street, LLC

Dear Mr. Letteron:

Thank you for providing revised versions of above referenced site plan and supporting documentation to our office for review. The site is completely within the Critical Area with an IDA designation. The site is proposed to be redeveloped with four attached single-family homes and associated parking.

Commission staff has reviewed the revised information provided. The proposal appears fully consistent with the City's Critical Area Program.

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

Sincerely,


LeeAnne Chandler
Science Advisor

cc: BA605-06

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/

MEMORANDUM

To: Joe Kincaid, MDE

From: LeeAnne Chandler 

Date: October 12, 2006

RE: Tidal Wetlands Permit Application 200665675, Bahia Vista, LLC

Thank you for the opportunity to review the above referenced permit application. The applicant, Bahia Vista, LLC, has applied to install 4 boatlifts with associated pilings on the ends of existing slips. The subject property is developed with a condominium building containing 40 units. The existing piers and slips were permitted prior to redevelopment of the site (and combination of the lots involved) with the condominium. The condominium was constructed under the Town's Critical Area Program.

Notwithstanding the previously approved permit for the 28 slips in 2004, the subject property is subject to all aspects of the Critical Area Law. According to the Town's Critical Area ordinance, the property is permitted a total of 5 slips. Given the allowance for projects approved in the period before the Town's ordinance became effective, the 28 slips may remain. However, any increase would be a violation of Section 30-556 of the Town Code and Natural Resources Article §8-1808.5. We recommend denial of the permit requested.

Thank you again for coordinating with our office. If you have any questions or concerns regarding this matter or if I can provide additional information, please contact me at (410) 260-3477. Thank you.

cc: Blaine Smith, Zoning Administrator, Town of Ocean City
Chris Clark

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 11, 2006

Mr. Elder Ghigiarelli
Wetlands & Waterways Program
Maryland Dept of the Environment
1800 Washington Blvd., Suite 430
Baltimore, MD 21230-1708

RE: Bishop Stadium – Phases I - III
United States Naval Academy
WMA File No.: 06-SF-0097

Dear Mr. Ghigiarelli:

The Critical Area Commission has received site plans and supporting documentation for the project referenced above. The project includes replacement of an existing grassed field with artificial turf, replacement of bleachers, new bathrooms and a batting cage. Critical Area requirements include the 10% pollutant reduction requirement and conservation of Habitat Protection Areas. Based upon your letter of November 17, 2005, Phase I of the project was deemed consistent with the State's Coastal Zone Management Program contingent upon compliance with these requirements.

Based on previous guidance given to the applicants, an alternatives analysis for stormwater management structures, the site plan and supporting documentation, the proposed project (Phases I – III) is generally consistent with the Critical Area Law and Criteria. Unless the project changes significantly, further review by this office is unnecessary.

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

Sincerely,


LeeAnne Chandler
Science Advisor

cc: Peter E. Loyka, P.E.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Sercy
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

Ms. Jennifer Johnson, Project Manager
St. Mary's County Public Schools
Division of Supporting Services
27190 Point Lookout Road
Loveville, MD 20656

RE: Ridge Elementary School Parking Lot, Local Case #02-131-003
Additional Mitigation Due

Dear Ms. Johnson:

Thank you for meeting me at Ridge Elementary School on September 26, 2006 to discuss the various options for meeting the Commission's condition of approval for the parking lot. Mitigation is due at a 3:1 ratio for the forest clearing within the Critical Area. Based on the cleared area of 5,161 square feet, a total of 15,483 square feet of mitigation is needed. After giving credit for trees already planted, a balance of 9,283 square feet is due.

As seen during our site visit, the area of forest adjacent to the school site contains an adequate seed source to allow natural regeneration. There are several options available for meeting the outstanding requirement. If natural regeneration is used, an area of approximately 9600 square feet would have to be fenced off and allowed to naturalize. Some site preparation (tilling existing turf cover) may be needed to ensure seeds can reach the soil and some maintenance may be needed to limit competition from weeds and invasive vines. Alternatively, the school may plant an additional twenty-four (24) 6-foot tall, 2" caliper trees near the existing forest. A combination of the two methods would also be acceptable.

Please let us know how the school will be meeting the requirement. A plan with either the area to be fenced or with details on trees to be planted should be provided along with a signed planting agreement (attached). If you have any questions or concerns, please contact me at (410) 260-3477 or Jennifer Lester at (410) 260-3481.

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: SM317-06

Planting Agreement for State/Local Projects

State/Local Agency

St. Mary's Co. Public Schools

Project Number

SM-317-06

Agency Contact

Jennifer Johnson

Phone Number

301-475-4256 ext 121

Commission Approval Date

9-6-06

CAC Planner

J. Lester

Project Name

Ridge Elementary Parking Lot

Project Location

49430 AIREDELE ROAD, RIDGE, MD

Square Feet Cleared Outside 100ft Buffer

5161

Mitigation Ratio for Clearing Outside Buffer

3:1 (* after the fact)

Mitigation Calculation Outside Buffer

15483 sq. ft

Square Feet Disturbed/Cleared Within Buffer*

—

Mitigation Ratio for Disturbance/Clearing Within Buffer*

—

15% Afforestation Requirement Met?

—

Mitigation Calculation Within Buffer

—

Total Mitigation Requirement

15483

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

Planting Date

Year

First Site Visit Date

Completed by

Second Site Visit Date

Completed By

Date Mitigation Complete

Responsible Contact for Mitigation (Print)

Signature

Date

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/

MEMORANDUM

TO: James W. Price, Program Open Space
FROM: LeeAnne Chandler *LAC*
DATE: September 29, 2006
RE: POS# 4942-24-230, Swan Park – Athletic Courts and Fields Renovation FY07,
Baltimore City

Thank you for providing information on the above referenced proposal. It includes renovation of 4 baseball/softball fields and 2 football fields, a new comfort station, and lighting for the fields at Swan Park within Baltimore City.

The proposed project is located within the Critical Area and designated IDA. If funding for the proposed improvements is approved, the project will be required to be consistent with the Baltimore City Critical Area Program. If the project moves forward, the City's Recreation and Parks Department should coordinate with the City's Department of Planning and Zoning and provide a consistency report and supporting documentation to the Critical Area Commission for review.

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

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 25, 2006

Mr. Nafiz Alqasem
Maryland Transportation Authority
303 Authority Drive
Baltimore, MD 21222

RE: Rehabilitation of I-95 from Joh Avenue to north of Washington Boulevard

Dear Mr. Alqasem:

We have received information on the above referenced project from the consulting engineers, Whitney, Bailey, Cox & Magnani, LLC. The project is described as the reconstruction of approximately two miles of I-95 including overlaying bridge decks, overlaying portions of the roadway, some full depth asphalt and concrete shoulder replacements; minor structural repairs and some safety upgrades. There will be no new impervious area added to the roadway within the Critical Area.

Commission staff has reviewed the information provided. The project is consistent with the applicable Critical Area requirements. Formal review and approval by the Critical Area Commission is not required.

Please note that while there is a Memorandum of Understanding (MOU) between the Maryland Department of Transportation and the Critical Area Commission which provides a general approval for certain projects, the MOU is not yet applicable to Maryland Transportation Authority projects. We recommend that the Authority begin the process to amend the MOU to include MdTA projects.

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

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: Meg Andrews, Maryland Department of Transportation
Raymond I. Green, P.E., Whitney, Bailey, Cox & Magnani, LLC

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 22, 2006

Mr. Gary Letteron
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: 1200 Hull Street, LLC

Dear Mr. Letteron:

Thank you for providing the above referenced site plan and supporting documentation to our office for review. The site is completely within the Critical Area with an IDA designation. The site is proposed to be redeveloped with four attached single-family homes and associated parking. Commission staff has reviewed the information provided and we have the following comments:

1. In reviewing the site plan showing existing conditions, there seems to be some error in the labeling of the structures on site. The pictures provided show that the buildings have been removed. The information on the 10% worksheet for existing impervious should be reviewed and corrected if necessary.
2. The plan showing proposed conditions shows a small "undisturbed" area on the southern side of Lot 23. Will this be a pervious (a garden) or impervious (a sidewalk)? This should be specified and the 10% calculations revised if necessary.
3. We recommend that the site plan include a note that specifies that the pervious paver system must be installed according to the manufacturer's specifications.
4. Provided that the 10% calculations are reviewed and corrected in accordance with comments 1 and 2 above, the payment of the corresponding fee-in-lieu is an acceptable offset and the project would be consistent with the City's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: BA605-06

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/

September 22, 2006

Mr. Gary Letteron
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: 1409-1411 Anchor Street

Dear Mr. Letteron:

Thank you for providing the above referenced site plan and supporting documentation to our office for review. The site is completely within the Critical Area with an IDA designation. The currently vacant site is proposed to be developed with two attached single-family homes and associated parking.

The only Critical Area requirement for this project is the 10% pollutant reduction. Due to the constraints of the site (size and shape of the property), we agree that a fee-in-lieu for the 0.073 lb. requirement is an acceptable offset. Please note that the fee is shown as \$25,555 on the 10% calculations instead of \$2,555.

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

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: BA606-06

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/

September 15, 2006

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

RE: Sherwin Williams Railcar Spill Containment

Dear Mr. Stuart:

Thank you for providing the above referenced site plan and supporting documentation to our office for review. The site is partially within the Critical Area with an IDA designation. The project consists of installing rail car spill containment devices along existing tracks. The site plan indicates that a small amount of existing impervious surface will be removed as part of the project.

The only Critical Area requirement for this project is the 10% pollutant reduction. Due to the extent of existing development on the site, it appears that opportunities to provide stormwater management on-site are extremely limited. The project itself is meant to protect water quality from accidental spills. There are no Habitat Protection Areas that may be impacted by the proposal. The applicant proposes to pay a fee-in-lieu to address the 0.65 pounds of pollutant removal required under the 10% Rule. For the reasons listed previously, this office does not oppose the fee-in-lieu of on-site stormwater management. If the fee is paid, the project is in compliance with the City's Critical Area Program.

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

Sincerely,

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

cc: BA582-06

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/

September 11, 2006

Mr. Kenneth Hranicky
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: Rukert Marine Terminals, Berth "B" Reconstruction

Dear Mr. Hranicky:

Thank you for providing the above referenced site plan and supporting documentation to our office for review. The site is entirely within the Critical Area with an IDA designation. The project consists of repairing a damaged bulkhead, filling a collapsed berth area and filling a currently open water slip. The proposed use of the site is an expanded cargo handling facility. It is our understanding that the project has been presented to the Joint Evaluation Committee for discussion of the wetland issues on at least two occasions. Commission staff has reviewed the information provided and we have the following comments:

1. The Critical Area 10% calculations contain a small error in Step 3. Due to the 100% imperviousness proposed, the R_v in Step 3 should be 0.95. As a result, L_{post} is 5.84 lbs/year and the RR is 2.57 lbs. This is a slight increase over the 2.54 lbs noted in the calculations.
2. This office does not oppose the use of offsets to address the 10% requirement given the site conditions and proposed use.
3. If stream restoration is the proposed offset option, 735 linear feet of stream would have to be restored.
4. Based on the report, it appears that the developer is proposing the stream restoration as both a stormwater offset as well as mitigation for the proposed open water fill. This is not consistent with the Commission's Critical Area 10% Rule Guidance Manual, Fall 2003. Specifically, Section 6, page 6-2, second paragraph states, "any measure or practice that is used for an offset cannot be a measure that would have been required under existing laws, regulations, statutes, or permits. For example, the

Mr. Kenneth Hranicky
September 11, 2006
Page 2 of 2

restoration of a wetland required as mitigation for a non-tidal wetland impact cannot also be used as a stormwater offset." We recommend that the stream restoration project be expanded to address both requirements.

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

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler", followed by a horizontal line.

LeeAnne Chandler
Science Advisor

cc: BA580-06



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

August 21, 2006

Memorandum

To: LTC Daniel Hughes, NRP
Howard King, FS
Regina Esslinger, CAC
Peter Dunbar, RAS
Tim Larney, WHS
Matthew Fleming, WS
Nita Settina, PS
Arnold Norden, PLPP

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

Subject: U.S. Army Corps of Engineers – Study Initiation Notice: Tidal Middle Branch
Environmental Restoration Project; Patapsco River; Patapsco River Area;
Baltimore City

Enclosed please find a request for information from the U.S. Army Corps of Engineers regarding the above referenced study proposal. Please review the submitted materials and provide us with any comments you may have by **September 13, 2006**. If no comments are received by that date we will assume that you have none. If you have any questions, please contact Roland Limpert of my staff at X-8333.

Check one:

☒ Comments are attached.

☐ No Comments.

Signature Supreme Chandler
Agency Crit. Area Comm.
Date 8/31/06

RCD:RJL

Enclosures

RECEIVED

AUG 22 2006

CRITICAL AREA COMMISSION

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

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

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

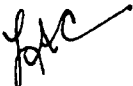
Ren Serey
Executive Director

**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/

MEMORANDUM

TO: Ray Dintaman, Environmental Review

FROM: LeeAnne Chandler 

DATE: August 30, 2006

RE: US Army Corps of Engineers – Study Initiation Notice: Tidal Middle Branch Environmental Restoration Project; Patapsco River, Baltimore City

Commission staff has reviewed the public notice for the study referenced above. The ownership of the land affected by the project will be the deciding factor in how particular parts of the project are reviewed and, if necessary, approved by the Critical Area Commission. Those portions of the project which take place on privately owned land will be reviewed by the City of Baltimore in accordance with the local Critical Area Program. If consistent, they will be forwarded to Commission staff for review. If the proposal is on State-owned land, or if it is on city-owned land and is not consistent with the local Program, formal review and approval by the Critical Area Commission will be required under COMAR 27.02. If the project is proposed on Federally-owned land, consistency under the Coastal Zone Management Act will be required.

Additional information is needed before Commission staff can be more specific on how the project will be reviewed and/or approved by the Commission. We request to be provided with NEPA documents as they become available to help ensure consistency with all Critical Area requirements as the project moves forward with the planning process.

Thank you for the opportunity to provide comments on this notice. If anyone has any questions regarding Critical Area Program requirements, I can be contacted at (410) 260-3477 or lcandler@dnr.state.md.us.

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 31, 2006

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

RE: Pennington Avenue Drawbridge Consistency Report

Dear Mr. Stuart:

Thank you for providing the above referenced consistency report to our office for review. The site is within the Critical Area with an IDA designation. Commission staff has reviewed the information provided. Because there is no increase in impervious surface, no disturbance to the 100-foot Buffer, and an MDE license for the in-stream work, we concur with the City staff's conclusion that the proposal is consistent with the City's Critical Area Management Program.

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

Sincerely,

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

LeeAnne Chandler
Science Advisor

cc: BA247-06

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/

August 30, 2006

Mr. Kenneth Hranicky
Department of Planning
417 E. Fayette St. 8th Floor
Baltimore, MD 21202-3416

RE: Warehouse Focus Development, 6611 Chandlery Street

Dear Mr. Hranicky:

Thank you for providing the above referenced site plan to our office for review. The site is partially within the Critical Area with an IDA designation. A warehouse and associated parking is proposed on the currently vacant site. Commission staff has reviewed the information provided and we have the following comments:

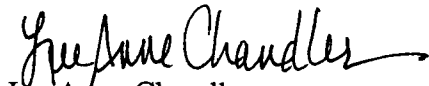
1. The Critical Area 10% requirement should be based only on the portion of the site within the Critical Area. Credit cannot be claimed for stormwater management that is otherwise already required. Calculations should be revised and resubmitted.
2. Notwithstanding the above, in Step 5 of the calculations, the applicant is claiming credit for treating 108% of the site. Treatment of 100% of the site is the maximum that can be claimed on this worksheet.
3. Credit can be claimed for those portions of adjacent properties whose runoff will be treated by on-site Best Management Practices but it should be computed using Worksheet B from the 10% Guidance Manual. Worksheet B should be completed and submitted.
4. The drainage area map should be reviewed to ensure that credit is not being claimed for those areas draining immediately into the inlets at the end of each dry swale because they immediately outfall into the stormdrain system without receiving treatment. Calculations and drainage area map should be revised as necessary.
5. We recommend the use of native species for the majority of landscaping within the Critical Area. Suggested replacements for some of the species proposed include:

Mr. Kenneth Hranicky
August 30, 2006
Page 2 of 2

inkberry (*Ilex glabra*) [evergreen shrub]; southern bayberry (*Morella caroliniensis*) [evergreen shrub]; Virginia sweetspire (*Itea virginica*) [flowering shrub]; eastern redbud (*Cercis Canadensis*) [flowering understory tree]; and eastern red cedar (*Juniperus virginiana*) [conical evergreen tree].

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

Sincerely,



LeeAnne Chandler
Science Advisor

cc: BA550-06

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/

August 24, 2006

Ms. Anne Roane
Department of Public Works
City of Cambridge
705 Leonard Lane
Cambridge, MD 21613

RE: Stream and 100-foot Buffer Restoration Plan for Blackwater Crossing

Dear Ms. Roane:

Our office has received a copy of the revised plans for the Stream and 100-foot Buffer Restoration at Blackwater Crossing. Commission staff has reviewed the plans as well as previous correspondence and documentation in the project file. We have the following comments and recommendations:

1. The number of proposed trees and shrubs is now consistent with our previous recommendations. However, American Holly and Eastern Red Cedar are generally considered understory trees. We suggest replacing some of the American Holly and Eastern Red Cedar in Zone C with another canopy tree such as Red Maple, Hickory, Green Ash, or Tulip Poplar.
2. While not previously suggested, River Birch (*Betula nigra*) and Bald Cypress (*Taxodium distichum*) are two species with high wildlife value recommended for Zone B.
3. While the Plan includes a "Tree Planting and Maintenance Calendar" on Sheet 2, this does not address longer term maintenance or monitoring of the stream/Buffer restoration area. Two major issues of concern include long-term survival of planting materials and control of invasive species. Long term success of the project is especially important because of the credit it has been given in terms of meeting the 10% requirement. The City should include a monitoring and maintenance requirement in the public works agreement with the developer for the project. The agreement should include the Stream/100-foot Buffer restoration plan by reference; include requirements for inspection and reporting on an annual basis on survival rates, presence of invasive species, and any natural regeneration that may occur;

should provide for control of invasives by appropriate methods; and require replacement of failed plantings. We suggest that the monitoring and maintenance continue until project build-out or until City and/or Commission staff can conclude that the Buffer has been successfully restored.

4. The proposed signage as it appears on Sheet 2 should be revised to read, "Violators are subject to fines as imposed by the City of Cambridge Critical Area Ordinance" [and include the citation].
5. It is our understanding that the development on the northwestern side of the stream is a future phase without final design or engineering available. If any changes to the Stream/100-foot Buffer Restoration Plan are required, the revised plans should be submitted for review by Commission staff, the Maryland Department of the Environment and the Corps of Engineers (if necessary).
6. Commission staff would appreciate the opportunity to visit the project site after initial planting and periodically thereafter to document its progress over time. Such information would be useful in our review of future similar projects.

Provided that the above comments and recommendations are addressed, it appears that the applicant has complied with the growth allocation conditions of approval. Please notify us regarding the acceptance of these recommendations. If you have any questions or concerns, please contact me or Mary Owens at (410) 260-3460.

Sincerely,



LeeAnne Chandler
Science Advisor

cc: Ace Adkins (Maryland Department of the Environment)
Roby Hurley (Maryland Department of Planning)
Maria Lasek (US Army Corps of Engineers)
Mary Owens (Critical Area Commission)
Ryan Showalter (Miles and Stockbridge)
Ken Usab (Morris and Ritchie Associates, Inc.)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**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 11, 2006

Ms. Florence Ball, Zoning Coordinator
Talbot County Planning & Zoning
28712 Glebe Road, Suite 2
Easton, MD 21601

RE: Use of Pervious Pavers

Dear Ms. Ball:

Thank you for providing information on the paving material that is being proposed for a project in Talbot County. The Critical Area Commission has not established a statewide policy or position on the use of pervious pavers but instead has left the decision to the local jurisdictions. Certain factors involved with pervious pavers, including site-specific evaluation, inspection and maintenance, can require significant staff time and resources. Before providing our opinion on what type of "credit" should be given for the areas paved with that particular product, I want to provide background and highlight certain challenges, as the County may need to establish a policy some time in the near future.

As you are aware, in the Limited Development Area (LDA) and Resource Conservation Area (RCA), the Critical Area Act restricts impervious surfaces to 15% of a development site, or up to 25% in the case of small, grandfathered, residential lots. These provisions of the Act exist to reduce the impacts on water quality that result when stormwater is not infiltrated into the soil and runs off into nearby water bodies. These provisions equally exist to minimize development impacts on existing areas of natural plant and animal habitats. Unlike Intensely Developed Areas (IDAs), where protection of water quality is the principal objective of the Critical Area requirements, the LDA and RCA provisions foster more sensitive development activity to protect water quality and to conserve and protect natural habitats.

In the LDA and RCA, the use of pavers or other similar materials can help increase the infiltration of stormwater runoff and the Commission encourages their use for that purpose. However, designating these materials as pervious or partially pervious for regulatory purposes is a different question. When a local government approves paving materials as pervious or partially pervious on small, grandfathered LDA or RCA lots, it recognizes the site constraints in these settings. Such approvals are consistent with the Legislature's intent to provide flexibility on grandfathered lots where needed.

TTY for the Deaf

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

In many cases such flexibility can avoid the need for a variance or significantly reduce the requested variance. In contrast, it is not consistent with the Critical Area Act to consider these materials as pervious on grandfathered lots larger than one acre; in areas where they would receive heavy or regular use, such as on commercial, industrial, or multi-family properties; or in the development of newly created lots. In those situations, property owners or developers should be expected to accommodate their plans to a particular site and within the existing impervious surface limits.

In the Intensely Developed Area (IDA), developers and lot owners may find that pavers or other similar materials are useful as Best Management Practices to increase stormwater infiltration and improve the quality of runoff. As you know, the Critical Area Criteria do not limit impervious surfaces in the IDA. Water quality is addressed instead by the requirements to reduce pollutant loads in runoff 10% below existing levels, and to plant vegetation in permeable areas whenever practicable.

Certain technical factors must be taken into consideration as well. Researchers and some paving manufacturers emphasize that pavers are appropriate on only certain soils with a minimum infiltration rate, with the seasonally high water table no closer than 36" from the surface. Each particular brand of paver has specific specifications for design and installation. Periodic surface maintenance (i.e., vacuuming) is also necessary. If the County decides to assign a percentage of perviousness to paving products and allow their use in some situations, County staff will need to ensure that the products are installed according to manufacturer's specifications, located only in areas where the soils and slopes are acceptable, and are maintained properly. This will require dedication of staff resources specifically for this purpose.

Notwithstanding all of the above issues, you have asked for our opinion regarding the possible use of the EP Henry ECO™ Paver for a project in Talbot County. According to the manufacturer's specifications, the surface has 10% open space and a 40% void ratio in the underlying stone reservoir. Provided the product is installed according to the manufacturer's specifications on suitable soils, we would consider this product 40% pervious for accessory "light" uses such as walkways, patios, or auxiliary parking spaces. Due to the high level of detailed review needed for more extensive applications (including review of soil testing, on-site inspection of installation, and follow-up monitoring and maintenance), we would recommend against giving a pervious "credit" for extensive areas of pavers without the County establishing a protocol for their use which addresses the concerns stated above.

I hope this information is useful. At your request, I can provide additional detail and copies of journal articles on the use and effectiveness of various pavers. Please contact me if you would like to discuss these issues further. I can be reached at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Science Advisor

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 7, 2006

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

RE: Queen Anne's County Draft Buffer Management Plan

Dear Ms. Elliott-Rossing:

We have received a copy of the County's Draft Buffer Management Plan. We respectfully request your consideration of the comments and recommendations below:

1. We recommend that the introductory explanatory paragraph include two additional points: 1) a statement to clearly emphasize that clearing or cutting of natural vegetation in the Buffer is generally prohibited and 2) the basis for protection of the Buffer, i.e., that the shoreline is a particularly fragile and sensitive part of the estuarine system, where human activity can have a particularly immediate and adverse impact on water quality and natural habitats.
2. The definition of forest as it appears in Chapter 14 is irrelevant for the purposes of a Buffer Management Plan. Clearing of any natural vegetation within the Buffer is generally prohibited (regardless of whether it meets a definition of forest or not).
3. We suggest that Part 1 also include a place to list the contractor or company and their phone number that will be doing the work.
4. In Part 3, Step 1, in calculating the amount of Buffer Disturbance, it is not appropriate to count only those trees with a 4" or greater dbh. Any woody stems to be removed should be counted and mitigated at the appropriate ratio.
5. We recommend that the County accept only native vegetation as mitigation for permitted disturbance within the Buffer. Together with a number of partners, the US Fish and Wildlife Service Chesapeake Bay Field Office has published a guide entitled, "Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed." We are encouraging all Critical Area counties to adopt

Ms. Faith Elliott-Rossing
August 7, 2006
Page 2 of 2

this guide (enclosed) as the official plant list for the Critical Area. If Queen Anne's County chooses to do so, multiple copies of the guide can be provided free of charge.

6. The sample drawing provided in the draft is difficult to read and it seems to imply that significant clearing of existing trees for the purpose of providing a view is permissible. It also implies that replacing Buffer vegetation with "street trees" is acceptable. The Buffer has ample space for all replanting and its re-establishment should be a priority. A simplified, larger scale sample drawing would be more useful. We can provide such a drawing at your request.

Thank you for the opportunity to comment on this document. If you have any concerns or comments, or if you would like further information, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Science Advisor

cc: Chris Clark

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 5, 2006

Ms. Joy Jones
Environmental Scientist
Potomac Crossing Consultants
6711A Oxon Hill Road
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Reforestation Sites
Monitoring Results

Dear Ms. Jones:

Commission staff has reviewed the March 2006 Monitoring Report for the reforestation requirements associated with the Woodrow Wilson Bridge. We have the following comments:

We are concerned about the long term success of natural regeneration at the Puterbaugh site. As discussed in January during our site visit, it appears that some manipulation of the site will be necessary to establish a forest. Given the site's archeological constraints, the use of herbicides to remove the thick sod was discussed. Based on your email correspondence, it appears that test plots will be created, treated with herbicide, and broadcasted with woody seed mix this fall. Are there other measures being used to encourage natural regeneration?

In regard to the report on Oxon Hill and Hohensee, it is focused on the percentage survival rates for the various planting sites. However, it does not contain information regarding the resulting number of woody stems per acre for each of the Critical Area planting sites. As you are aware, there should not be averaging between the sites for Critical Area purposes. We will need documentation of stems per acre to conclude that reforestation has been achieved.

Similarly, we need documentation of the reforestation areas at the wastewater treatment plant for our files. Is there a monitoring report that is more recent than 2004 for this site, or was 2004 the end of the minimum two-year monitoring period?

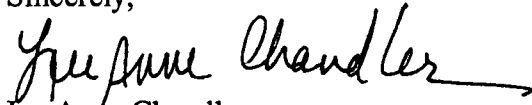
Lastly, in reviewing the conservation easement for the Hohensee property and recalling the conditions seen during the site visit in January, it may be appropriate to install signs or other

Ms. Joy Jones
July 5, 2006
Page 2 of 2

markers along the boundaries of the easement property, rather than just at the road where people park their vehicles. This would prevent inadvertent encroachment into these areas during maintenance of the model airplane field.

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

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler", with a long horizontal flourish extending to the right.

LeeAnne Chandler
Science Advisor

cc: Ms. Lisa Hoerger, CAC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION

December 21, 2006 **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/

Ms. Vivian Swinson
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Administrative Variance Application 06-04-07; McGuire

Dear Ms. Swinson:

Thank you for the information concerning the intent of the above property owner to seek an administrative variance to add an addition to an existing dwelling. The property is located on Queen Anne's County Tax Map 70, Parcel 104, Lot 44. The site consists of approximately 12,000 square feet and is designated LDA Buffer Exempt with a reduced 50 foot setback. The applicant intends to construct a total of approximately 1,348 square feet of new impervious surface including the additional living space, a screened porch and garage.

No answer from the applicant was provided regarding how this project will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and how the granting of this variance will be in harmony with the general spirit and intent of the Critical Area regulations. Commission staff agree that the overall project has minimized the footprint of the impact. However, we would respectfully request that the applicant address the issues regarding water quality impacts by planting the setback area in native vegetation (trees and shrubs) on the site at a ratio of not less than 2:1 for all new impervious surfaces on the entire lot. This would total approximately 2,700 square feet of mitigation. This mitigation should be provided entirely within the setback area and the 100 foot Buffer.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: QC804-06

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/

December 21, 2006

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

VIA FACSIMILE

RE: Addition and Deck; File #10791

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a 647 square foot addition and deck. The parcel consists of a 5,993 square feet, is designated IDA with a 15-foot setback. The site is waterfront and existing impervious surface on the site will increase from 3,793 square feet to 4,260 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation\landscaping requirements.

Commission staff has the following comments based on the information provided:

1. The afforestation requirement is met through the two percent cost of construction method. The applicant is exceeding this requirement and has attached a landscaping plan for review. Please provide as much of the landscaping in the setback as possible but at a minimum it must meet the 25% requirement.
2. All new impervious surfaces must drain toward pervious surfaces. In addition an infiltration trench will be installed under the pervious deck to intercept rooftop runoff.
3. The deck must be constructed to conform to the pervious detail.

Mr. Blaine Smith
Case # 11928
November 13, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the word "Sincerely,".

Chris Clark
Natural Resources Planner
cc: OC 756-06

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/

December 20, 2006

Ms. Jean Fabi
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #03-06-12-0001-C Florence III Minor Subdivision

Dear Ms. Fabi:

Thank you for the information concerning the intent of the above property owner to seek minor subdivision approval for one sliding scale lot, one agricultural lot and two large lots. The site consists of approximately 194.35 acres with 102.427 acres within the Critical Area. It is understood that property is located on Queen Anne's County Tax Map 15, Parcel 1. The current parcel is designated Resource Conservation Area (RCA) and is waterfront adjacent to the Chester River. We have the following comments:

1. The applicant will be required to provide afforestation per 14:1-38.D.(6)(a) to ensure the planting requirement of 15% of the site area is met. This should be accomplished by first planting the 100 foot Buffer per COMAR 27.01.09.C.(6). Then placing the afforestation on the remainder of the property. Please indicate this on the site plan.
2. Please revise Note 5. on the site plan to reflect that the Critical Area Line was taken from the Queen Anne's County Critical Area Map 15.
3. Please provide this office with a copy of the Heritage letter when it is received.
4. Pursuant to § 14:1-23.L. the location of all existing or proposed site improvements including the approved location of wells and septic reserve areas must be shown on the site plan. The lot developer can not be responsible for the

calculation of the stormwater requirement and be solely responsible for the final determination of whether rain gardens will be necessary.

5. Please add a note to the Critical Area line indicating that the site is designated RCA.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC796-06

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/

December 20, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

Re: Minor Subdivision and Tract Line Revision – Local Case #06-064

Dear Ms. Porter:

Thank you for the recent submission of the documents related to the minor subdivision and Tract line revision for the above referenced project. The project is located at 3441 Frazier Neck Road and is referenced on Caroline County Tax Map 58, Block 8/7, Parcel 50. The 153.0± acre parcel is described as consisting of two tracts partially within the Critical Area. It is not clear how the applicant is intending to abandon and reconfigure the two tracts in order to meet the requirement of the Caroline County zoning ordinance regarding density within the Rural (R) designation. Nevertheless, the applicant indicates the presence of six new lots wholly within the Critical Area and a "reserved area" partially within the Critical Area. All of the proposed lots are waterfront. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA) and is partially forested along the waterfront.

The tidal wetlands were delineated by Mr. Jan Reese of Environmental Regulations Consultant, Inc. as requested by Commission staff. The areas of State owned wetlands were field located and surveyed. The resulting Critical Area statistics were provided on a site plan labeled "Plat Showing Subdivision 'Skillington's Right'" by C & R Professional Land Surveyors updated 12-15-06. Not all of the wetlands were field delineated and some are left as "undetermined." The appropriate density was obtained from the delineation for the 7 lots in the RCA (143.124 acres). A more accurate survey of the shoreline was also supplied for review and the appropriate acreage updated on the site plan.

Ms. Porter
Project # 06-064

December 20, 2006
Page 2

The Critical Area Commission staff concurs with the delineation provided from the consultant. Please provide a signed and stamped copy of the plat from the land surveyor for our files. We have no further comment on this subdivision.

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in cursive script, appearing to read 'Chris Clark', written in dark ink.

Chris Clark
Natural Resources Planner

cc: CR 471-06

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/

December 19, 2006

Ms. Donna Landis-Smith
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File 03-06-12-0001-C - Minor Subdivision; Jefferson

Dear Ms. Landis-Smith:

Thank you for the information request for Minor on the above referenced property. The site is referenced on Queen Anne's County Tax Map 56, Parcel 30 and is located at 846 Thompson Creek Road in Stevensville. The property consists of one developed lot of 1.04 acres±. The site is currently developed as a residential waterfront property and is designated as Limited Development Area (LDA). The applicant intends to create two (2) lots with Lot 1 of 0.778± acres retaining the entire current impervious surface associated with the home. The new Lot 2 will consist of 0.259 acres± of undeveloped land with the intent of constructing a new single family home on this lot. I have reviewed the information provided and have the following comments:

1. The site plan needs to indicate Critical Area statistics (impervious surface cover, statement regarding the limitation of permissible impervious cover, Critical Area property designation, etc.), existing vegetation and the afforestation location.
2. How will the afforestation area be protected?
3. The applicant is requesting that the area within the 100 foot Buffer count toward the open space ratio. Please provide a note on the site plan related to the permissible uses in the open space and that the 100 foot Buffer must remain in natural vegetation.
4. Please submit a copy of the Heritage letter when it is received from DNR.

Ms. Landis-Smith
Jefferson Subdivision

December 19, 2006
Page 2

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read 'Chris Clark', with a stylized flourish at the end.

Chris Clark
Natural Resources Planner

cc: QC 795-06

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/

December 18, 2006

Mr. Steve Cohoon, Deputy Planning Director
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

Re: Queen Anne's County Critical Area Program

Dear Mr. Cohoon:

At its meeting on December 6, 2006, the State of Maryland Critical Area Commission reviewed and voted on the Queen Anne's County Critical Area Program update. This update was determined by the Chairman to be processed as an amendment. It is understood that the Program was updated from the previous version in order to incorporate legislative changes and to address issues of particular concern within the County. This is an update of the Program document only.

The Commission placed the following two conditions on the County Critical Area Program approval:

1. Approve the document with staff recommendations (attached) excluding the "2006 Growth Allocation Policy" found on pages 16-18.
2. Remove the "2006 Growth Allocation Policy" portion of the program and send it back to the County for further legal analysis by the County attorney to ensure consistency with the State Constitution and relevant case law.

Please let me know if you have any questions related to the Commission's decision. I can be reached directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

Commission approved changes to the Queen Anne's County Critical Area Program:

1. Page 5 Section: Policies for Development
Add provisions for ADA Compliance under the heading:

Reasonable Accommodations for the Needs of Disabled Citizens

(This language is from the Commission's Model Ordinance and has been incorporated into many local Critical Area Programs.)

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

- (1) **An applicant shall have the burden of demonstrating the following:**
 - A. **The existence of a physical disability;**
 - B. **Literal enforcement of the provisions of this ordinance would result in discrimination by virtue of such disability;**
 - C. **A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this ordinance;**
 - D. **The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this ordinance as applied to the property;**
 - E. **Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the particular disability of the applicant.**
- (2) **The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.**

- (3) The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this ordinance. Appropriate bonds may be collected or liens placed in order to ensure the County's ability to restore the property should the applicant fail to do so.

2. Page 7 Section: Policies for Development in Intensely Developed Areas
Delete the last sentence of the first paragraph as follows:

~~In addition, all projects must meet Maryland Department of the Environment (MDE) the requirements of the 10% pollution requirements.~~

3. Page 10 Section: Program for New Development and Redevelopment in Limited Development Areas
Revise the sections as follows:

Switch paragraphs 1.c. and 1.d.

4. Page 10 Section: Program for New Development and Redevelopment in Limited Development Areas
Revise the paragraph 1.d. as follows:

1.d. "In addition to 1.a.-c. above, all development activities that require a grading permit..."

5. Page 13 Section: Policies for Development in the Resource Conservation Area
Add the following concerning additional dwelling units in the RCA from §8-1808.1(e)(2) Annotated Code of Maryland:

Within a Resource Conservation Area, the County may consider one additional dwelling unit per lot or parcel as part of a primary dwelling unit for the purpose of the density calculation under this subsection if the additional dwelling unit:

1. A. Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit;
B. Does not exceed 900 square feet in total enclosed area; and
C. Is served by the same sewage disposal system as the primary dwelling unit; or
2. A. Is located within the primary dwelling unit;
B. By its construction, does not increase the amount of impervious surface already attributed to the primary dwelling unit; and
C. Is served by the same sewage disposal system as the primary dwelling unit.

6. Page 14 Section: Policies for Development in the Resource Conservation Areas
Revise paragraph under Bullet number 4:

~~The area of private wetlands shall be based on the 1972 State Wetlands maps. In the case of a discrepancy between the 1972 State Wetlands Maps and existing site conditions, the applicant may be required to provide a field survey of existing vegetation and tidal influences.~~ "The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps or by private party survey approved by the County and the State Department of Natural Resources. This survey will be conducted...."

7. Page 14 Section: Intrafamily Transfer
Revise the definition of "immediate family"

For the purposes of this section "immediate family" is defined as father, ~~step-father~~, mother, ~~step-mother~~, son, ~~step-son~~, ~~step-daughter~~, grandfather, grandmother, grandson, granddaughter.

8. Page 15 Section: Intrafamily Transfer
Revise paragraph 1. as follows:

1. "The lot is created for purposes of an intrafamily transfer..."

9. Page 15\16 Section: Grandfathered Lots
Revise the second paragraph, last sentence as follows:

"...encourages the reconfiguration of lots under single ownership ~~without loss of density~~ as permitted under the terms of the Chapter 18...."

10. Page 16 Section: 2006 Growth Allocation Policy
The Critical Area Commission has returned this section for further legal review by the County.

11. Page 18 Section: Policies on Future Growth in the Critical Area
Update with growth allocation standards from 2006 legislation

When locating new intensely developed or limited development areas, the County shall use the following guidelines:

1. Locate a new intensely developed area in a limited development area or adjacent to an existing intensely developed area;
2. Locate a new limited development area adjacent to an existing limited development area or an intensely developed area;
3. Locate a new limited development area or an intensely developed area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09 and in an area and manner that

optimizes benefits to water quality; and

- 4. Locate a new intensely developed area or a limited development area within the RCA at least 300 feet beyond the landward edge of tidal wetlands or tidal waters**
- 5. Locate a new intensely developed area where it will minimize impacts to the defined land uses of the resource conservation area.**

When the County submits a request for the Commission to review and approve the use of growth allocation, the request shall address the preceding guidelines. The Commission shall ensure that the guidelines set forth in this section have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the critical area law and all criteria of the commission.

12. Page 26

Section: Growth Allocation and Growth Sub-Area Pre-mapping

Delete Paragraphs 4, 5 and 6

If definitions of Amendment and Refinement are to stay in the Program they should be changed to:

“Program Amendment” means any change or proposed change to an adopted program that is not determined by the Commission Chairman to be a program refinement.

“Program Refinement” means any change or proposed change to an adopted program that the Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

- 1. A change to an adopted program that results from state law;**
- 2. A change to an adopted program that affects local processes and procedures;**
- 3. A change to a local ordinance or code that clarifies an existing provision; and**
- 4. A minor change to an element of an adopted program that is clearly consistent with the provisions of this subtitle and all the criteria of the commission.**

13. Page 27 Section: Variances and the Critical Area Buffer
Delete a portion of the Section heading

~~VARIANCES AND THE CRITICAL AREA BUFFER~~

14. Page 27 Section: Variances and the Critical Area Buffer
Insert variance standards after "Variance Standards and Procedure"

Standards. The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:

- (1) Special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of provisions and requirements of the County's Critical Area Program would result in unwarranted hardship;
- (2) A literal interpretation of the provisions of the Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;
- (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County Critical Area Program to other lands or structures within the Critical Area;
- (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property;
- (5) The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;

15. Page 30 Section: Water Dependent Facilities
Add the following factors to be used by the County in evaluating area suitable for water dependent facilities.

The County shall evaluate on a case-by-case basis all proposals for

expansion of existing or new water-dependent facilities. The County shall work with appropriate State and federal agencies to ensure compliance with applicable regulations. The following factors shall be considered when evaluating proposals for new or expanded water dependent facilities:

- (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;**
- (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;**
- (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;**
- (4) That adverse impacts to water quality that may occur as a result of these activities, such as non-point source run-off, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;**
- (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;**
- (6) That dredging shall be conducted in a manner, and using a method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the critical area, generally;**
- (7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area except as necessary for:**
 - A. Backfill for permitted shore erosion protection measures;**
 - B. Use in approved vegetated shore erosion projects;**
 - C. Placement on previously approved channel maintenance spoil disposal areas; and**
 - D. Beach nourishment.**
- (8) That interference with the natural transport of sand will be minimized; and**

- (9) **That disturbance will be avoided to historic areas of waterfowl staging and concentration or other Habitat Protection Areas identified in the Habitat Protection Area sections of this Program.**

16. Page 42 Section: Habitat Protection Areas

Revise paragraph number four under "Part 1: The Buffer":

"The Buffer is located immediately landward of the Mean High Water Line of tidal waters, **the edge** of all tributary streams, and **the landward edge** of tidal wetlands and has a minimum width of one-hundred feet."

17. Page 43 Section: Significance of Buffer Areas

Revise paragraph three:

Natural vegetation within a Buffer area may be comprised of a mixture of trees, tall grasses, and shrubs. ~~or a mixture of vegetation.~~

18. Page 45 Section: Establishing the Buffer

Revise paragraph five:

"Queen Anne's County has established a Buffer of a minimum of 100 feet landward from the Mean High Water Line of tidal waters, ~~tidal wetlands, and perennial tributary streams~~ the edge of all tributary streams, and the landward edge of tidal wetlands in the Critical Area....."

19. Page 48 Section: Threatened and Endangered Species in need of Conservation

Revise the last paragraph:

"...endangered species it supports, thus the emphasis in the Critical Areas Program is on habitats as well as species."

20. Page 49 Section: County Characteristics

Revise the first paragraph:

~~"MFHWA~~ The Department of Natural Resources also identified habitats of species in need of conservation..."

21. Page 55 Section: Policies

Insert additional anadromous fish propagation protection language:

When considering applications the County shall use the following policies:

- (1) **The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.**

- (2) **Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish shall be prohibited.**
- (3) **The County shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:**
 - A. **Minimize development activities or land disturbances within the watershed;**
 - B. **Maintain, or if practicable, improve water quality in affected streams or other water bodies;**
 - C. **Minimize to the extent possible the discharge of sediments into affected streams or other water bodies;**
 - D. **Maintain, or if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams;**

22. Page 56

Section: Policies

Add the following provisions pertaining to applications for approval of shore erosion control measures.

The County shall require that each application for shore erosion protection meet the following standards:

- (1) **Structural control measures shall only be used in areas where appreciable erosion occurs and where non-structural measures would not be practical or effective in controlling erosion.**
- (2) **Where structural erosion control is required, the measure that best provides for conservation of fish and plant habitat, and which is practical and effective shall be used;**
- (3) **Non-structural measures shall be utilized in areas of erosion where they would be a practical and effective method of erosion control ;**
- (4) **Structural erosion measures shall not be encouraged in areas where no significant erosion occurs;**
- (5) **If significant alterations in the characteristics of a shoreline occur, the measure that best fits the change may be used for sites in that area.**

23. Page 57 **Replace 1. with 3.**

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 18, 2006

Ms. Karen Houtman, Planner
Town of Snow Hill
Municipal Building
P.O. Box 348
Snow Hill, MD 21863

RE: Byrd Park – Stormwater Plans

Dear Ms. Houtman:

Thank you for supplying the requested stormwater plans for the proposed concession stands and restroom facilities in Byrd Park. The plans and associated approval by Mr. Bobby Shockley are sufficient for satisfying the requirements of the consistency report previously provided. This office agrees that the project is consistent with the local Critical Area Program no further review or approval of this project is required unless the design is significantly changed.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me directly at (410) 260-3476.

Best regards,

A handwritten signature in cursive script, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: SN126-06

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/

December 18, 2006

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

VIA FACSIMILE

Re: Site Plan – 114 Winter Harbor Drive; Stinson Residence

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a sunroom and pervious deck on a 5,970 square foot lot designated IDA with a 1-foot setback. The site is waterfront and it is assumed that 735 square feet will be disturbed during construction. Existing impervious surface on the site will increase from 1,832 square feet to 1,932 square feet. This figure is based on a credit from removing a shed from the setback area. Critical Area issues include stormwater management and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method. The landscape plan indicates the applicant will plant 5 shrubs and 2 trees to mitigate the impact. The shrubs should be placed in front of or next to the deck to provide the 25% landscaping requirement and to meet the intent of the pervious deck detail description.
2. Stormwater will be met through the combination of landscaping and the removal of impervious surface in the setback. This should be more justification for the requirement of planted vegetation in the setback area.

Mr. Blaine Smith
114 Winter Harbor Drive
December 18, 2006

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Clark', written over the word 'Sincerely,'.

Chris Clark
Natural Resources Planner

cc: OC789-06

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/

December 14, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

Re: Beach Homes Development Corp; Variance Application

Dear Ms. Davis:

Thank you for submitting the site plan for the above referenced variance application. The property is located on Worcester County Tax Map 19 P/O Parcel 90, Lot 8B. The applicant is requesting a variance to the 100 foot limit for a pier over tidal wetlands from the Board of Zoning Appeals. The information supplied indicates the applicant intends to extend the pier to a length of 135 feet over the tidal portion. This is measured from an arbitrary point of reference on Lot 7A. Measurements from the scaled drawing indicate the applicant should update the variance request for the full 150 feet as depicted on the drawing supplied referenced as "Pier Plan" from Frank G. Lynch, Jr. & Associates, Inc.

The applicant will be required to secure all necessary permits from MDE to install the pier and to mitigate for any impacts to tidal or non tidal wetlands and their associated buffers.

The Commission will defer any decision regarding the pier to the County and MDE.

I appreciate the opportunity to comment on this project. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner
cc: WC 764-06

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/

December 14, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

Re: Ruark Variance

Dear Ms. Davis:

Thank you for submitting the updated information for the above referenced project. The agent for the applicant has requested a hearing from the Board of Zoning Appeals in regard to his site development plans. The site is referenced on Worcester County Tax Map 17, P/O Parcel 1, Parcel A – P/O Outlot B. The 0.58 acre site is within the Critical Area and is designated as RCA. The site currently consists of a dilapidated building, rubble, native vegetation and soils. It is reported that approximately 10,678 square feet of the site is impervious. The applicant contends that 9,700 square feet is impervious due to compacted earth. Permitted impervious surface on this site is 6,768 square feet. The applicant proposes to construct a home and semi-pervious driveway on the site. Given a 30 percent void ratio for the paving system, the total proposed impervious surface on the site after construction will consist of 5,333 square feet.

Previous concerns related to this project included the remote septic reserve area, a stormwater management plan and diversification of the landscape plan. The agent for the applicant has provided information to the Commission that states the applicant is willing to:

1. Connect the property to the Lighthouse Sound wastewater treatment system.
2. Obtain engineer sealed drawings for the stormwater management plan.
3. Diversify the landscaping to better meet the intent of the ordinance.

Ms. Janet Davis
Ruark Variance

December 14, 2006
Page 2

Provided all of the above conditions are met and the previous information supplied above has remained consistent, this office does not oppose the requested relief from the Board of Zoning Appeals.

I appreciate the opportunity to comment on this application. Please forward a written decision made by the Board when it becomes available. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written in a cursive style.

Chris Clark
Natural Resources Planner

cc: WC 628-06

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/

December 14, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

Re: Variance Case – 12316 Savannah Court, Lighthouse Sound

Dear Ms. Davis:

Thank you for submitting the site plan for the above referenced variance request. It is understood that the applicant is requesting an after-the-fact variance for a patio and concrete hot tub pad. The site is located at 12316 Savannah Court in the Lighthouse Sound Development. This is a grandfathered lot in a subdivision that predated the implementation of the Critical Area law. This property may be more fully found on Worcester County Tax Map 17, Lot 74. The property is fully within the Critical Area, is designated as Limited Development Area (LDA) and is subject to a 31.25% impervious surface limit. This is much higher than the current 15% new LDA subdivisions are permitted. This site was the subject of a previous variance request to construct a dwelling in March 2006. At that time, Commission staff had asked the Board of Appeals to consider the attempt to minimize the area of disturbance on the site. It was understood that the dwelling was under construction at the time of the request.

Commission staff reviewed the information presented during the previous submittal. An "As-Constructed" survey was provided, stamped and signed by a registered Professional Surveyor with the Critical Area notes stating the LDA designation and impervious surface limit. Information provided to the Commission at that time included proposed impervious surface coverage as 4,341 square feet or 28 percent. According to our records the Board granted the applicants request to construct the dwelling subject to mitigation and the proposed plan. The current survey provided and labeled as "Final As-Constructed" survey provided indicates the applicant has not only constructed a structure in the Buffer without a permit or variance but has also exceeded both the permitted

allowance of impervious surface and the impervious surface limit under the County Critical Area Code.

Based on previous information supplied to the Board by the agent for the applicant (BZA Case #100321) it was stated that the variance should be granted because "The property is designated LDA under the Critical Area Law, which will restrict the amount of impervious surface". The same agent for this applicant is now stating that the same special circumstance exists here today. The Commission staff would agree that the Critical Area Law does restrict the amount of impervious surface and this applicant has exceeded not only the amount previously requested during the last BZA hearing but has also exceeded the limit allowed under the Law.

Commission staff respectfully request that this application be denied and the applicant be required to retrofit the property to bring it into compliance with the impervious surface coverage permitted during the previous hearing in March 2006.

I appreciate the opportunity to comment on this application. Please forward a written decision made by the Board when it becomes available. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written in a cursive style.

Chris Clark
Natural Resources Planner

cc: WC 112-06

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/

December 13, 2006

Ms. Donna Landis-Smith
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File 04-06-1-0015-C Administrative\Sliding Scale Subdivision; Grollman

Dear Ms. Landis-Smith:

Thank you for the information request for Administrative\Sliding Scale Approval on the above referenced property. The site is referenced on Queen Anne's County Tax Map 49, Parcel 1 and is located south of the intersection of Steamship Road and Grollman Road in Stevensville. The property consists of two undeveloped lots of 44.79 and 0.901 acres± respectively. Approximately 12.60 acres lies within the Critical Area and is designated as Resource Conservation Area (RCA). The applicant is proposing to first reconfigure the lot lines by an administrative subdivision to create Lots 1 and 2 of 37.775 and 7.925 respectively then create one other lot (Lot 3) of 7.55 acres± using the sliding scale subdivision technique. I have reviewed the information provided and have the following comments:

1. Please provide the existing lot line boundaries for Lot 2.
2. Please provide the history of the previous subdivision as it relates to Parcel 1 and the existing Lot 2.
3. Please explain how the density requirement in the RCA is being met through this subdivision as required in § 14:1-39.C.(1). This site does not appear to have the proper supporting acreage to increase the density after the administrative subdivision.

4. The afforestation requirement in the Critical Area portion of the site totals approximately 1.9 acres. Before any planting is placed elsewhere on the site, the 100-foot Buffer must be established as required in COMAR 27.01.09.01.C.(6). Any remaining afforestation after this requirement is met may be concentrated along the property boundary as depicted.
5. Please note the Critical Area line as RCA.
6. Please add the Critical Area Statistics to sheets 2-3 of the Subdivision drawings.
7. Please submit a copy of the Heritage letter when it is received from DNR.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC 766-06

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/

December 13, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

RE: 201-60th Street Case #06-09500015; Fager's Island

Dear Mr. Smith:

Thank you for your recent submittal of the above applicant's information related to an after-the-fact variance request for a 10'x20' bar and gazebo within the required 25 foot setback. It is not clear from the information provided if the gazebo was constructed or placed in its current location prior to the adoption of the Town's Critical Area Program since the only structure identified on the application was the bar. Nevertheless, there appears to be adequate room for moving the location of the bar toward the upland portion of the property and eliminating the need for a variance.

The applicant has not presented any information related to each one of the requirements for a variance as outlined under § 8-1808.(d), Annotated Code of Maryland. The Critical Area Commission opposes this request for a variance. Commission requests that the applicant move the bar out of the setback and mitigate the location of intrusion at a ratio of not less than 3:1 for the area disturbed with native vegetation.

We look forward to the updated documentation. If you have any further questions regarding this project, please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner
cc: OC788-06

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/

December 13, 2006

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

Re: File MASP #04-06-11-0008-C – Project: MD General Land Co., LLC.

Dear Mr. Cohoon:

I have reviewed the submitted site plan and related documents for the above referenced project. The site consists of 8.867 acres± with 3.4 acres± within the Critical Area. Currently, the Critical area portion of the site consists of 0.5 acres± of Intensely Developed Area (IDA) and 2.9 acres± Limited Development Area (LDA). The site may be further referenced on Queen Anne's County Tax Map 57, Grid 10, Parcels 155,469, and 485 Lot 2.

At its meeting of November 1, 2006, the State of Maryland Critical Area Commission concurred with the Chairman's determination that the above referenced request for growth allocation qualifies as a refinement to the Queen Anne's County Critical Area Program. The LDA Critical Area designation of the MD General Land Company site will be changed IDA. This will only occur after the Queen Anne's County Commissioners award final approval for the growth allocation.

The Commission placed a condition on the growth allocation requiring a total of at least 400 trees and shrubs to be present on the site after the site is developed. Since the site has been reconfigured after the conceptual plan was submitted, the Commission requires that the engineer submit new calculations to determine conformance with the ten percent pollution reduction requirement for the site. All other environmental studies performed to date are sufficient.

Thank you for the opportunity to comment on this site plan. If you have any questions or concerns, please contact me directly at (410) 260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: QC498-05

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/

December 11, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

RE: Stoltzfus Local Case # 06-143

Dear Ms. Moredock:

Pursuant to your request I have reviewed the information supplied related to the above applicant's intent to pursue a variance to the impervious surface limits under the Kent County Critical Area Ordinance. It is understood that the property consists of 7.56 acres±, is not waterfront and is designated Limited development Area (LDA). The LDA designation requires the property owner to remain below the 15 percent threshold for impervious surface. Our review indicates that past uses of the property have gradually created new impervious surface on the site without the proper authorization from the County. It is our understanding that all buildings on the site have been demolished and the property has been vacant since at least May 2005.

Commission staff does not believe that a new use for the site can be developed without first addressing the non compliance of the property that has continued for a period of years. It is our opinion that the site should be restored to fit the appropriate mapped use with the appropriate restrictions on the property as outlined in the Kent County Ordinance and Critical Area Law. The applicant has requested the Kent County Board of Appeals to provide for relief related to the 15 percent limit by increasing the approved impervious surface of the site to approximately 32 percent. Critical Area staff opposes this request.

Thank you for the opportunity to comment on this application. Please notify the Commission in writing of the decision by the Board.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: KC264-03

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

December 11, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Ramada Inn Hotel\Condo; Case #06-18100009

Dear Mr. Smith:

Thank you for the recent updated submittal of the above applicant's site plan to convert hotel units within an existing building into multi-family residential units. The parcel consists of approximately 77,128 square feet, is IDA and waterfront. The parcel is subject to 25-foot setback. Current structures within the setback are not proposed to be removed. Critical Area concerns include 10% stormwater pollution reduction, afforestation, and setback mitigation. Staff has reviewed the application and has the following comments:

1. Ten percent stormwater compliance and stormwater volume control will be accomplished through a reduction in impervious surface and infiltration trenches on the site.
2. The landscaping requirement and mitigation of the setback will require the planting of 11,569 square feet of landscaping; 13,350 square feet are proposed on the landscaping conversion chart. However, a review of the site plans indicate that on sheet C 1.9 there are significant portion of the parking lot that are labeled "VUA Pervious (not plantable)". These are the same areas used on the landscaping plan to plant the majority of the trees and shrubs for the site. Clarification is needed.
3. On lots of 40,000 square feet or greater the applicant must consult with the Maryland Department of Natural Resources to determine the existence of any Habitat Protection Areas that may be affected by the proposed development. Please provide this letter.

4. Sheet C1.10 indicates the presence of wetlands on the site with a notation of "wetlands limit line (1986)" on the sheet. This information is 20 years old. Please provide a discussion regarding the current wetlands type, condition and extent as they appear today.
5. Please provide the Commission with an Atlantic Coastal Bay Critical Area Report as required in Section 30-559.(d).(2). Items 4 and 5 may be addressed in this report.

Thank you for the opportunity to comment on the proposed project. Please provide staff with the revised information for review. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: OC 723-06

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/

December 8, 2006

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

VIA FACSIMILE

RE: Case # 12246; Sauers

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct an open deck, walkway and screen in an existing porch attached to a single family dwelling. The parcel consists of 5,117 square feet, is IDA, waterfront and subject to a 15 foot setback. It is estimated that 738 square feet will be disturbed during construction. There will be no new impervious surface associated with this activity. Critical Area issues include setback mitigation; and afforestation/landscaping requirements.

At least 25% of the setback must be vegetated and meet the 2% cost of construction method. The applicant has provided a site plan and associated landscape schedule.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: OC 776-06

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/

December 8, 2006

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

VIA FACSIMILE

RE: Case # 12266; Donna & Earl Maisel

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to replace an existing home with a new single story dwelling. The parcel consists of 3,600 square feet, is IDA, waterfront and subject to a 5 foot setback. It is assumed the entire site will be disturbed during construction. The new home will increase the impervious surface on the site from 2,177 to 2,460 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

Commission staff has the following comments based on the information provided:

1. The afforestation requirement is met through the two percent cost of construction method. The applicant has attached a landscaping plan for review. A fee-in-lieu of planting is proposed in the amount of \$900.00 for the afforestation the applicant can not meet on site.
2. At least 25% of the setback must be vegetated.
3. Stormwater will be controlled through the use of grass swales and a rain garden.
4. The applicant will exceed the impervious surface limit of 60% by approximately 300 square feet. A payment of \$360.12 will be made as a fee-in-lieu.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Clark', with a stylized flourish at the end.

Chris Clark
Natural Resources Planner

cc: OC 771-06

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/

December 7, 2006

Ms. Donna Landis-Smith
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #07-06-11-0012-C; John Ramsey Minor Subdivision

Dear Ms. Landis-Smith:

Thank you for the information concerning the intent of the above property owner to seek a minor subdivision using the intrafamily transfer provisions. It is understood that the property is located on Queen Anne's County Tax Map 5, Grid 4, Parcel 90. The property is wholly within the Critical Area and is designated RCA. The property owner is currently seeking to subdivide the 16.291 acre± parcel into three lots of 6.167, 6.354, and 3.77 acres± respectively. Staff offers the following comments:

1. Please have the applicant provide a reference on the site plan as lying within the Resource Conservation Area (RCA) of the Critical Area and subject to the regulations related to the RCA.
2. Please ensure that the applicant has complied with all requirements under the Intrafamily Transfer Provision as outlined in § 14:1-39.D.

Since there is no construction pending on the property as part of this minor subdivision, the Commission has no further comment. Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner
cc: QC761-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

December 5, 2006

Ms. Vivian Swinson
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Administrative Variance 06-04-06

Dear Ms. Swinson:

Thank you for the information concerning the intent of the above property owner to seek an administrative variance for the replacement of a dwelling within the 100 foot Buffer. The property is located at 508 Broad Creek Drive in Stevensville and may be found on Queen Anne's County Tax map 56, Parcel 413, Lot 29. The site consists of 1.915 acres± is waterfront and is designated Limited Development Area (LDA).

Currently, the lot is undeveloped and the previous home has been demolished. Nearly the entire lot is within the 100 foot Buffer. A footprint of the previous dwelling has been provided for review. The size and configuration of the home appear to be reasonable for the size and location of the existing parcel.

Staff recommends the property owner minimize impacts to the site by providing planting at a ratio of 2:1 of native species and through some type of innovative stormwater control such as a rain gardens to disconnect any rooftop runoff. As proposed, Critical Area Commission staff does not oppose the approval of the administrative variance.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,


Chris Clark
Natural Resources Planner
cc: QC 783-06

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/

December 5, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA FACSIMILE

RE: Creekside at Public Landing; Tax Map 65, Parcel 48

Dear Ms. Davis:

Thank you for submitting the site plans for the above referenced project. I have reviewed the information submitted and have provided comments below. The applicant is proposing to develop a total of 37 residential lots near the end of Public Landing Road and adjacent to Scarboro Creek in Worcester County. The property may be more fully found on Worcester County Tax Map 65, Parcel 48. The site consists of approximately 221 acres±. Seven (7) of the proposed lots are fully within the Critical Area and are designated as Resource Conservation Area (RCA). Staff has reviewed the latest submittal and offers the following comments:

1. Please clarify the correct acreage used to calculate density for the proposed Critical Area lots on the site plan. It is clear in the Environmental Report that 17.41 acres of property within the Critical Area zoned as C-1 (Conservation Zone) are not used in the density calculations but it is confusing on the site plan.
2. Please provide a 100-foot Buffer line on the site plan.
3. What will be used to delineate the Buffer on the site for the future homeowners?
4. Please update the Environmental Report to reflect the actual wetland impacts and reflect those impacts on the site plan.

TTY for the Deaf

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

5. The building restriction lines and non tidal wetland buffers severely restrict some of the building sites to very small development envelopes. Are there going to be future requests for additional non tidal wetland of non tidal wetland buffer impacts?
6. The letter to Mr. Steve Dawson regarding wetland buffer impacts being eliminated does not appear to be accurate. It appears the driveway accessing what are now Lots 8 and 9 will cross the non tidal wetland buffer.
7. Please indicate on the plan what areas are currently forested and what areas are proposed to be cleared.
8. Can the roads and/or driveway sizes be minimized?
9. Several of these lots have remote septic reserve areas. Presumably this is because this is the only place they would perk. Is there any plan or room within the development envelope to establish a new septic system if one or more fail?
10. Please correct any building restriction lines extending into the Buffer.
11. Please provide any letters of authorization of impacts to tidal or non tidal wetlands as well as an approval letter from the Board of Public Works for the delineation of the private and State owned tidal boundary.
12. The lot numbers in the Critical Area have changed since the last review. Does this affect the areas referred to in the Environmental Report as being cleared?
13. Please clarify what "formal access" to open water is in regard to in the Environmental report as there is a note that homeowners may have a six foot path through the Buffer.

I appreciate the opportunity to comment and look forward to receiving the additional information required for site plan review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: WC-139-06

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/

December 5, 2006

Ms. Jennifer Rhodes
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #02-05-11-0011-C Patterson Administrative Subdivision

Dear Ms. Rhodes:

Thank you for the information concerning the intent of the above property owner to seek an administrative subdivision through the adjustment of common lot lines. It is understood that property is located on Queen Anne's County Tax Map 4, Parcel 46 and is described as Lots 547, 548, and 549. The lots are wholly located within the Critical Area, are designated LDA, waterfront and in a Buffer Exempt Area (BEA). Please note that being in a BEA does not mean there are no Buffer restrictions; only that the Buffer has been reduced. The property owner will still need to comply with the requirements of the BEA and the impervious surface limits during construction. The property owner is currently seeking to combine the parcels by removing the common lot boundaries between the lots.

Since there is no construction pending on the property as part of this administrative subdivision, the Commission has no further comment. Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in dark ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: QC762-06

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 30, 2006

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

VIA FACSIMILE

RE: Patio - Case # 12245

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a 640 square foot paver over sidewalk and patio. The parcel consists of a 7,800 square foot lot designated IDA with a 15-foot setback. The site is waterfront and existing impervious surface on the site will increase from 3,184 square feet to 3,824 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

Commission staff has the following comments based on the information provided:

1. The afforestation requirement is met through the two percent cost of construction method. The applicant is exceeding this requirement and has attached a landscaping plan for review.
2. All new impervious surfaces must drain toward pervious surfaces.
3. No new structures are permitted within the 15-foot setback.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC 756-06

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 29, 2006

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

VIA FACSIMILE

Re: Renovations and Additions St. Peter's Lutheran Church Case# 06-18100010

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The existing site plan and Critical Area application indicates that the applicant intends to redevelop an 84,000 square foot parcel. The site is designated IDA, is not within the 100-foot Buffer and is not waterfront. The property is located at 10301 Coastal Highway and may be more fully found on Tax Map 116 Parcel 1862A.

The information provided to this office is either conflicting or incomplete and we are asking for a complete resubmittal addressing the following items:

1. Please provide a complete Critical Area site plan indicating the areas of current impervious and pervious surface as well as future conditions as required in Section 30-559.(d)(1).
2. Please provide a landscape plan that is consistent with the supplied landscaping conversion chart. The supplied landscaping site plan indicates a total landscape cover of 15,207 square feet and the conversion chart indicates a cover of 21,325 square feet.
3. The stormwater management calculations for compliance with the ten percent pollution reduction calculation are inconsistent. The applicant proposes to provide

Mr. Blaine Smith
Case # 06-18100010
November 29, 2006

a grass channel non rooftop disconnect of 9,030 square feet but then also uses this area in the bioretention area 4 for treatment credit. What is being treated by the existing stormwater infiltration structure on the northeast portion of the building? It seems fairly substantial. The applicant is barely meeting the requirements of the 10 percent rule and a more complete drainage area explanation and depiction on the site plan is required.

4. Pursuant to Section 30-555.(6)(c)(1)-(3) the applicant must request and receive a letter from the Department of Natural Resources Wildlife and Heritage Division to determine if there are any rare, threatened or endangered species on the site. Please include as part of the Atlantic Coastal Bays Critical Area Report along with all of the documentation required under Section 30-559(d)(1)(a)-(h).

As submitted, the application can not be reviewed as complete at this time. Please update the application with the requested information and Commission will continue its review. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC757-06

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 28, 2006

Ms. Jean Fabi
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #05-06-11-0009-C; Waterman Realty

Dear Ms. Fabi:

Thank you for the information concerning the intent of the above property owner to seek an administrative subdivision/minor subdivision through the combination of two lots of record and creation of five (5) large lots. It is understood that property is located on Queen Anne's County Tax Map 58a, Parcel 195. The current parcel is designated Intensely Developed Area (IDA) and is not waterfront or within the 100-foot Buffer. The applicant is seeking to create five lots with an average size of approximately 0.26 acres. We have the following comments:

1. It is unclear how the applicant has applied the future impervious surface calculations. There are no buildings, driveways or accessory structures shown on the site plan to use for review. Further, it is unclear where the applicant is getting the impervious surface calculations as listed on the "Site, Sediment, & Erosion Control Plan".
2. Please indicate the presence of any existing trees located on the site and which trees will be removed. In addition, please provide this office with a landscape plan for review. Please refer to the requirements under §14:1-37.E.(3) for woodland protection.
3. Please provide this office with a copy of the Heritage letter when it is received.

TTY for the Deaf

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

4. Pursuant to § 14:1-23.L. the location of all existing or proposed site improvements including stormwater management facilities must be shown on the site plan. The lot developer can not be responsible for the calculation of the stormwater requirement and be solely responsible for the final determination of whether rain gardens will be necessary. This information needs to be supplied before site plan approval. Too many assumptions are made on this site plan for the Commission to provide an adequate review.
5. Commission staff will defer to the County regarding the requirements related to the combination of lots and subdivision of the project site.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC758-06

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 28, 2006

Mr. Steve Cohoon
Queen Anne's County
Department of Planning and Zoning
160 Couresevall Drive
Centreville, MD 21617

RE: Corsica River Sailing Center

Dear Mr. Cohoon:

Thank you for the information concerning the intent of the above applicant to seek input from the Critical Area Commission related to the recent submission of site plans for an access road and pier configuration on lands owned by the Commissioners of Queen Anne's County. The subject site is part of a 227.5 acre± parcel located on Queen Anne's County Tax Map 27, Grid 18, Parcel 6. The access would intrude through the Critical Area Buffer toward the Corsica River and is intended to allow access to the water for the public as an educational facility with handicapped capabilities. The Commission staff believes this can qualify as a water dependent facility. Based on the site plan provided we offer the following comments:

1. As a water dependent facility the subject site would be required to conform to all aspects of COMAR 27.01.03.04 and the applicant should be prepared to make findings addressing these requirements.
2. Similarly, the applicant will be required to address Queen Anne's County Critical Area Code § 14:1-46.B. In particular, the following requirements must be addressed:
 - Adequate sanitary facilities exist;
 - Service facilities are, to the extent possible, located outside the Buffer;
 - Disturbance to natural vegetation is minimized

3. Can the project design be further minimized to cause less disturbance? (i.e. roadway width, road location, road type and style of turnaround?)
4. Does the road need to access the tidal wetlands or could the piers be extended to an upland portion of the site?
5. Please be advised that mitigation at a ratio of 2:1 will be required for all areas of disturbance in the Buffer.
6. Would the County require a variance for the portion of the development on steep slopes?
7. How will stormwater on the site be controlled?
8. Commission staff would like to conduct a site visit before any further site plans are prepared.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC721-06

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 28, 2006

Ms. Jennifer Rhodes
Queen Anne's County
Department of Planning and Zoning
160 Couresevall Drive
Centreville, MD 21617

RE: File #04-06-11-0010-C; Charles Work & Veronica Haggert

Dear Ms. Rhodes:

Thank you for the information concerning the intent of the above property owner to seek an administrative subdivision through the combination of two lots of record and creation of one (1) large lot. It is understood that property is located on Queen Anne's County Tax Map 76, Grid 16, Parcel 23. Lots 66 and 67 consist of approximately 1.503 and 1.284 acres respectively. The current parcels are designated Limited Development Area (LDA) and are waterfront and within a Buffer Exemption Area with a reduced Buffer to 50-feet from Mean High Water (MHW). The combination of the two lots would eliminate lot 66.

At this time no development of the future combined parcel is proposed. If subsequent development is proposed, the applicant must conform to all applicable provisions as outlined in § 14:1-53 – Specific Provisions for Buffer Exempted Areas and those applicable under § 14:1-38 Development Standards in Limited Development Areas.

Commission staff will defer to the County regarding the decision to grant the Administrative Subdivision under the requirements of Title 18 – Zoning Ordinance and Subdivision Regulations of Queen Anne's County.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: QC759-06

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

November 27, 2006

Mr. Neal Welch
Public Lands Policy and Planning
Tawes Office Building E-4
580 Taylor Avenue
Annapolis, MD 21401

Re: Project Review ID #NRT0038, Martinak State Park

Dear Mr. Welch:

The Commission is in receipt of the information related to the Martinak State Park National Recreation Trails Grant you have supplied. After a review of the information, the project does not appear to conflict with the policies or goals of the Critical Area Commission. It is unclear if the project will impact the 100-foot Buffer. If it does this project will be subject to Commission approval under COMAR 27.02.06 – Conditional Approval of State or Local Agency Programs in the Critical Area.

After PLPP's review is complete, please contact this office for coordination related to Commission approval.

If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: DNR General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

November 21, 2006

Ms. Betsy Walk
Caroline County Department of Planning and Codes
403 South Seventh Street
Health and Public Services Building, Suite 210
Denton, MD 21629

Re: SRA Revision – Local File # 06-100; Jones Property

Dear Ms. Walk:

Thank you for providing information on the above referenced SRA revision. The applicant has requested that the County approve the relocation of a sewage reserve system on an existing parcel of record. The property may be found on Caroline County Tax Map 26, Grid 11, Parcel 10.

As long as the development activity does not exceed impervious limits in the RCA and no development activity is planned in the 100-foot Buffer, this office has no further comment on this project and would defer the decision to the County for the appropriate area to establish the SRA.

Thank you for the opportunity to provide comments. If you have any questions, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: CR 734-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

November 21, 2006

Ms. Donna Landis-Smith
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #05-06-11-005 Project: Kent Narrows Properties

Dear Ms. Landis-Smith:

Thank you for providing the information concerning the applicant's to request for minor subdivision approval at the above reference site. The site is located at the intersection of MD Route 18 and Wells Cove Road and can be found more specifically on Queen Anne's County Tax Map 57, Block 18, Parcel 341. The site consists of 4.423 acres±, is IDA and waterfront. The intent of the applicant is to divide the parcel into Lots 1 and 2 consisting of 2.723 acres± and 1.7 acres± respectively. Lot 1 was recently developed with a hotel and commercial marina and it is not expected that portion of the site will change with future development proposals. Limited information concerning the current and proposed future site statistics related to impervious surface and landscape proposals have been provided for review.

Since a site plan for construction has not been provided for review, the Commission will defer to the County for any decision regarding the requirements of the subdivision as they pertain to the County Code. Please provide this office with any future information related to the proposed development when it becomes available.

Thank you for the opportunity to review this proposal. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner
cc: QC008-082

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 15, 2006

Mr. Paul Comfort
Queen Anne's County Administrator
The Liberty Building
107 North Liberty Street
Centreville, MD 21617

Re: MD General Land Company Growth Allocation

Dear Mr. Comfort:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area growth allocation request. On November 1, 2006, the Critical Area Commission concurred with Chairman Madden's determination that the MD General Land Company growth allocation could be reviewed as a refinement to the County's Critical Area Program. The Commission supported the County's approval to award 2.904 acres of growth allocation to change the designation of a portion of Parcel 155, Lot 7 as shown on Tax Map 57 from Limited Development Area (LDA) to Intensely Developed Area (IDA), and recommended to the Chairman that the request could be approved with one condition.

On November 15, 2006 the Chairman approved the County's request for growth allocation with the following condition:

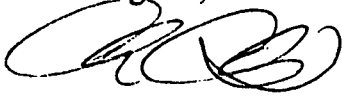
- The applicant will be required to have a total of at least 400 native trees and shrubs present on the site after the site is developed.

This refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. If you have any questions regarding this matter please contact me directly at 410-260-3476.

TTY: for the Deaf

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

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: Mr. Steve Cohoon, Queen Anne's County Planning and Zoning
Mr. Joe Stevens, Stevens and Associates
Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 15, 2006

Mr. Paul Comfort
Queen Anne's County Administrator
The Liberty Building
107 North Liberty Street
Centreville, MD 21617

Re: Kay Wilson Growth Allocation

Dear Mr. Comfort:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area growth allocation request. On November 1, 2006, the Critical Area Commission concurred with Chairman Madden's determination that the Kay Wilson growth allocation could be reviewed as a refinement to the County's Critical Area Program. The Commission supported the County's approval to award 0.56 acres of growth allocation to change the designation of a portion of Parcel 155, Lot 6 as shown on Tax Map 57 from Limited Development Area (LDA) to Intensely Developed Area (IDA) and recommended to the Chairman that the request could be approved with one condition.

On November 15, 2006 the Chairman approved the County's request with the following condition recommended by the Commission:

- The applicant will be required to have a total of at least 90 native trees and shrubs present on the site after the site is developed.

This refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. If you have any questions regarding this matter please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: Mr. Steve Cohoon, Queen Anne's County Planning and Zoning
Mr. Joe Stevens, Stevens and Associates
Amendment File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 15, 2006

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

VIA FACSIMILE

RE: Site Plan – 1540 Teal Drive; File 11767

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 14,132 square foot lot designated IDA with a 15-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling, associated parking, and a swimming pool. Existing impervious surface on the site will increase from 3,021 square feet to 7,065 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

The applicant has provided a new submittal addressing comments from Commission staff in a letter dated October 27, 2006. All previous concerns have been addressed. Commission staff has no further comments regarding this project.

Thank you for the opportunity to comment on this project. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC704-06

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 15, 2006

Ms. Holly Tompkins, Planner
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

Re: File MISP #05-06-10-0013-C Minor Site Plan; Grasonville Station Lot#6

Dear Ms. Tompkins:

Thank you for providing the information related to the above referenced Minor Site Plan. The project is located at 115 Pullman Crossing in Grasonville and may be found on Queen Anne's County Tax Map 58-A, Parcel 58, Lot 6. The total parcel size is 4.355 acres with 1.617 acres within the IDA. The applicant is proposing to construct a commercial building with 7,901 square feet of floor area.

This site received growth allocation in 2001. A review of those records indicates that the award of growth allocation was given to vacant land without any site development proposals provided to the Commission for review. The only development activity shown on that plan was the street with a cul-de-sac and the stormwater management pond. In order to remain consistent with the intent of the State and County Critical Area requirements, the Commission would not approve the request from the applicant to waive the Critical Area Environmental Assessment for this project. Please provide all required information related to the assessment including an updated DNR Heritage letter, stormwater calculations, ten percent calculations, habitat protection areas, etc. since it appears the proposed development activities have changed after the award of growth allocation.

Ms. Tompkins
File #MISP #05-06-10-0013-C

November 15, 2006
Page 2

Thank you for the opportunity to comment on this site plan. Please provide the requested information during the next phase of review. If you have any questions related to this project please feel free to call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: QC 719-06

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 14, 2006

Ms. Jean Fabi
Queen Anne's County
Department of Planning and Zoning
160 Couresevall Drive
Centreville, MD 21617

RE: File #05-06-11-0002-C; Craig and Lori Frase

Dear Ms. Fabi

Thank you for the information concerning the intent of the above property owner to seek a minor subdivision through the division of an existing parcel into two lots. It is understood that property is located on Queen Anne's County Tax Map 58a, Parcel 193. The current parcel is designated Intensely Developed Area (IDA) and is not waterfront. The applicant is seeking to create Lots 1 and 2 of .239 and .232 acres respectively. We have the following comments:

1. The applicant has used the development standards in Limited Development Areas under §14:1-38 to calculate impervious surface and afforestation requirements. The applicant should refer to the requirements for Intensely Developed Areas within §14:1-37 for the correct County requirements. The subsequent corrections should be made to site plan.
2. Please indicate the presence of any existing trees located on the site. Aerial photographs reviewed indicate the presence of some woodland on the eastern portion of the property. Please refer to the requirements under §14:1-37.E.(3) for woodland protection.
3. Please update Section Two of the Environmental Assessment to reflect the requirements of the IDA.
4. Please update Section Six of the Environmental Assessment to indicate that any future development within the IDA will be required to comply with the 10 percent

pollution reduction rule and stormwater requirements as outlined in §14:1-37.E.(4).

5. Please clarify the statement in the Environmental Assessment under Section Six that "No non tidal wetlands have been delineated in the areas of proposed improvements." Does this mean that there are no non tidal wetlands present or are there non tidal wetlands outside the future area of development?
6. Please update Section Ten of the Environmental Assessment to reflect the requirements of the IDA.
7. Please update Note 3. in order to reflect the requirement for stormwater management control on both Lot 1 and Lot 2 in relation to any requested building permits.

Since there is no construction pending on the property as part of this minor subdivision, the Commission has no further comment. Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC720-06

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 13, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Sunburst Townhouses – Case # 06-18100012

Dear Mr. Smith:

Thank you for the recent submittal of the above applicant's site plan to construct 11 townhouse units. The parcel consists of approximately 15,956 square feet, is IDA and not waterfront or within the 100-foot Buffer. The development will result in an increase in impervious surface from 10,280 square feet to 13,504 square feet. Critical Area concerns include 10% stormwater pollution reduction and landscaping\afforestation requirements. Staff has reviewed the application and has the following comments:

1. Ten percent stormwater compliance and stormwater volume control will be accomplished through infiltration trenches under the boardwalk areas as depicted on the site plan and through the use of rain gardens or bioretention swales on-site. The site plan indicates the presence of three rain gardens but it does provide any detail related to the construction or planting requirements. Please have the applicant provide this detail to the Town as part of the final drawings.
2. The applicant is required to remove 0.150 lbs/year and is proposing to remove 0.141 lbs/year. The deficit will be addressed through a fee-in-lieu of \$180.00.
3. The landscaping requirement of 15 percent of the parcel size for sites outside the 100-Buffer will be met. The applicant is required to plant 2,394 square feet and 4,250 is provided.

Mr. Blaine Smith
File #06-18100012

Page 2
November 13, 2006

Thank you for the opportunity to comment on the proposed project. Please provide staff with the revised information for review. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: OC 722-06

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 13, 2006

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

VIA FACSIMILE

RE: Site Plan – 501 Bayshore Drive # 12; Case # 12012

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 2,986 square foot lot designated IDA with a 10-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to demolish and reconstruct a townhouse unit. Existing impervious surface on the site will increase from 1,786 square feet to 1,884 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

Commission staff has the following comments based on the information provided:

1. The afforestation requirement is met through the multi-family worksheet and the landscape plan provided.
2. Stormwater management requirements will be met through the use of two 160 foot grass swales and a 25 square foot rain garden. Please have the applicant supply a detail to the Town for the rain garden if this is to be used as a stormwater control measure.
3. Please have the applicant supply a detail to the Town for all decking to ensure they will be constructed pervious per the Town standards.

Mr. Blaine Smith
Case # 12012
November 13, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the word "Sincerely,".

Chris Clark
Natural Resources Planner

cc: OC716-06

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 13, 2006

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

VIA FACSIMILE

RE: Addition – 702 – 32nd Street; Case # 11929

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a 334 square foot addition and pervious deck to an existing duplex. The parcel consists of a 2,795 square foot lot designated IDA with a 10-foot setback. The site is waterfront and existing impervious surface on the site will increase from 1,391 square feet to 1,725 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

Commission staff has the following comments based on the information provided:

1. The afforestation requirement is met through the multi-family worksheet and the landscape plan provided.
2. Stormwater management requirements will be met through the use of grass channels.
3. All decking will be pervious per the detail provided.

Mr. Blaine Smith
Case # 11929
November 13, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the word "Sincerely,".

Chris Clark
Natural Resources Planner

cc: OC717-06

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 13, 2006

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

VIA FACSIMILE

RE: Addition – 801 Penguin Drive; Case # 11928

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a 414 square foot addition and pervious deck to an existing duplex. The parcel consists of a 2,795 square foot lot designated IDA with a 10-foot setback. The site is waterfront and existing impervious surface on the site will increase from 1,429 square feet to 1,843 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

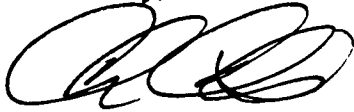
Commission staff has the following comments based on the information provided:

1. The afforestation requirement is met through the multi-family worksheet and the landscape plan provided.
2. Stormwater management requirements will be met through the use of grass channels and a rain garden on the southern portion of the property.
3. All decking will be pervious per the detail provided.

Mr. Blaine Smith
Case # 11928
November 13, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written in a cursive style.

Chris Clark
Natural Resources Planner

cc: OC718-06

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 13, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

VIA FACSIMILE

RE: Site Plan – Ramada Inn Hotel\Condo; Case #06-18100009

Dear Mr. Smith:

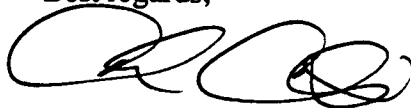
Thank you for the recent submittal of the above applicant's site plan to convert hotel units within an existing building into multi-family residential units. The parcel consists of approximately 77,128 square feet, is IDA and waterfront. The parcel is subject to 25-foot setback. Current structures within the setback are not proposed to be removed. Critical Area concerns include 10% stormwater pollution reduction, landscaping\afforestation, and setback mitigation. Staff has reviewed the application and has the following comments:

1. Ten percent stormwater compliance and stormwater volume control will be accomplished through a reduction in impervious surface and infiltration trenches on the site.
2. The landscaping requirement and mitigation of the setback will require the planting of 11,569 square feet of landscaping; 11,350 square feet are proposed. The applicant is proposing a fee-in-lieu of \$1,751.76 as an offset.
3. The wooden deck adjacent to the wetlands is described as impervious on the "Existing Impervious Areas" sheet. They are described as pervious on the "Proposed Impervious Areas" sheet. They are once again described as "Existing Deck to Remain" on the proposed landscape plan. If the existing deck is pervious and is to remain then it can not be claimed as impervious in the calculations for the 10 percent pollution reduction requirement. If the deck existing within the setback is to be reconstructed, the applicant should use the pervious deck detail provided by the Town and specify this on the site plan. Please clarify.

4. On lots of 40,000 square feet or greater the applicant must consult with the Maryland Department of Natural Resources to determine the existence of any Habitat Protection Areas that may be affected by the proposed development. Please provide this letter
5. Sheet C1.2 indicates the presence of wetlands on the site with a notation of "wetlands limit line (1986)" on the sheet. This information is 20 years old. Please provide a discussion regarding the current wetlands type, condition and extent as they appear today.
6. Please provide the Commission with an Atlantic Coastal Bay Critical Area Report as required in Section 30-559.(d).(2). Items 4 and 5 may be addressed in this report.

Thank you for the opportunity to comment on the proposed project. Please provide staff with the revised information for review. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: OC 723-06

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 8, 2006

Ms. Cathy Maxwell
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA US MAIL

RE: Variance Application File #V-100008; Wesley P. Yeary

Dear Ms. Maxwell:

Thank you for the information concerning the intent of the above property owner to seek a variance from a rear yard setback requirement for the construction of a deck attached to an existing home. The property is located at 700 Claiborne Road in Stevensville and may also be found on Queen Anne's County Tax Map 76, Block D, Lot18R, and Parcel 54. The lot is wholly within the Critical Area, is not waterfront and is designated LDA.

The property owner is seeking to encroach into the building setback for the rear yard by reducing the requirement from 50 feet to 40 feet. Critical Area concerns on this parcel would include limits on impervious surface. As long as the deck is constructed as a pervious structure (that is without a roof structure, at least a 1/8" gap between flooring planks, and 4-6 inches of gravel placed beneath the structure) this office would defer the variance decision to the County per the standards in Queen Anne's County Building Code Chapter 18-1-19 E.

In addition, the applicant intends to construct a 15x24 above ground pool. This parcel is subject to a 15 percent impervious limit. If the applicant can demonstrate the parcel will remain under the required limit, the Commission would also defer the request for the structure to the County for conformance with Building Code.

At this time, the Commission does not have any further comments related to this proposal and does not oppose this variance as presented.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: QC697-06

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 6, 2006

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

VIA FACSIMILE

RE: Site Plan – Aronimink #6; File 11799

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 7,602 square foot lot designated IDA with a 10-foot setback. The site is waterfront on two sides and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a multifamily condominium complex and associated parking. The property is located at 310 13th Street in Ocean City, MD and may be found on Tax Map 111, Parcel 3493. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

1. The applicant has provided Commission staff with a corrected Town of Ocean City Critical Area Project Application and the Critical Area Project Notification Forms as requested
2. No further information was provided regarding the additional landscaping that could be planted around the extent of the building. Commission staff will assume that the applicant will be required to pay the previously provided fee-in-lieu.
3. The impervious surface (concrete sidewalk) in the setback on the northeast portion of the property has been removed on the revised site plan.

Mr. Blaine Smith
File #11799
November 6, 2006

Commission staff has no further comments on this project. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Clark', with a stylized, cursive flourish.

Chris Clark
Natural Resources Planner

cc: OC699-06

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 6, 2006

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

VIA FACSIMILE

RE: Site Plan – 316 N. Heron Gull Ct.; Case #11888

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to develop a 6,778 square foot lot designated IDA with a 15-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling and associated parking. Existing impervious surface on the site will increase from 0 square feet to 3,556 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

Commission staff has the following comments based on the information provided:

1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method. The applicant will fall short of being able to provide all providing all required landscaping on site and proposes to pay a fee-in-lieu of \$6,675 as an offset.
2. Stormwater will be met through the use of an infiltration trench under the proposed deck in addition to dry swales and rain gardens as proposed on the site plan.
3. All decking will be pervious per the detail provided.

Mr. Blaine Smith
Case #11888
November 2, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: OC713-0506

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 2, 2006

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

VIA FACSIMILE

RE: Site Plan – 67th Street; Ocean Isle Areas 1- 5; Case # 06-181000008

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to develop a 78,650 square foot property on multiple parcels. All parcels are designated IDA. Parcel 2 is waterfront and subject to a 25 foot setback. Parcel 5 is water front and subject to 10 foot setback. Parcels 1, 3, and 4 are non waterfront and out of the 100-foot Buffer. It is assumed that the entire area of all parcels will be disturbed during construction. Critical Area concerns include stormwater, buffer disturbance/mitigation, tidal and non tidal wetlands, and afforestation. Staff has reviewed the information supplied and has the following comments:

General:

1. It is extremely difficult to review a project in pieces or phases. The breakdown by phases is appropriate but the Commission must have some documentation to reflect the fact the entire site is within compliance. Please supply information addressing the entire site.
2. Please provide site statistics on the pre-development site plan.
3. The Critical Area Report indicates the area of the site is 204,212 square feet or 4.68 acres. Please provide one State Critical Area Application that supplies all necessary information required for review and documentation. The applicant must supply all site statistics.

Mr. Blaine Smith
Case # 06-181000008
November 2, 2006

4. The Critical Area Report states that there are tidal and non-tidal wetlands present on this site. Please identify each and the appropriate buffers. The Report indicates that there are wetland delineations attached. No wetland delineation information was supplied to this office.
5. It is unclear what the applicant's intent is by stating in regard to the landscape requirement that they "will investigate this further during the final permit process". If the provided landscape plan is not close to the final design, Commission staff should not be reviewing this project at this time.
6. Please provide engineering details concerning the type of pervious paver being proposed, requirements for installation, and an ongoing maintenance agreement.
7. It appears that there may be acceptable habitat on this site for a state listed endangered species identified during the environmental review from DNR's Wildlife and Heritage Service. We suggest that a qualified expert provide the Commission with a survey of the property to establish if this species is present.
8. Please provide evidence of consistency and justification between the Critical Area Law and the proposed number of slips indicated on the site plan.

Area 1

- Please indicate what type of juniper is proposed to meet the landscaping credit.

Area 2

- Please indicate what type of juniper is proposed to meet the landscaping credit.
- Indicate what extends past the indicated shoreline to the west. It appears to be some sort of structure.
- Please describe the current condition of the shoreline and what attempts may be made to reinforce it non-structurally.
- Please describe any potential access to the shore through the setback.
- Please note if any impervious surface extends into the setback.

Area 3

- Please indicate what type of juniper is proposed to meet the landscaping credit.
- Please indicate the extent of the existing bulkhead.
- Please indicate what is present or proposed between the bulkhead and the landscape area.

Mr. Blaine Smith
Case # 06-181000008
November 2, 2006

Area 4

- Please indicate what type of juniper is proposed to meet the landscaping credit.

Area 5

- Please indicate what type of juniper is proposed to meet the landscaping credit.

I look forward to receiving the updated materials in order for me to continue my review. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC814-05

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/

November 2, 2006

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

VIA FACSIMILE

RE: Site Plan – 69 – 70th Street; Case # 11577

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to develop a 171,807 square foot property designated IDA with a 25-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct 77 dwelling units (townhomes) and a single family house with associated parking. The site will be evaluated via a "Phasing Plan" provided by the developer to ensure compliance in each phase with respect to stormwater, afforestation/landscaping and other Critical Area requirements. Overall existing impervious surface on the site will increase from 92,691 square feet to 105,995 square feet. Ten percent pollution reduction calculations provided for the total project were all incomplete. Please have the applicant provide all future completed calculations. The total value of the landscaping provided as stated on the Mitigation worksheet in the 100-foot Buffer includes credit for "plantable area". While it is correct to reserve the required square footage as open and available to sunlight to be considered "plantable", it is not appropriate to claim credit as plantable area for mitigation.

Phase 1 is not waterfront and no impacts to the setback are expected to occur. This phase of the project, as submitted, includes the ten percent calculations that were apparently completed by Ocean City staff. Ocean City staff should not be responsible for completing the 10% worksheet. This is the responsibility of the developer. While corrections to the document are certainly appropriate during the local review, Commission staff prefers that the applicant responsible for the implementation and mitigation measures that may be required complete the application. In addition, the applicant is claiming credit for stormwater storage and pollution reduction through the

Mr. Blaine Smith
Case #11577
November 2, 2006

use of a pervious paver storage system. No details were provide to Commission staff regarding the type of paver, installation measures, site constraints on the soils or water table present on the property or any intention, agreement or schedule related to the on going maintenance of the pavers.

The site overall must meet a 15 percent afforestation requirement. The overall site plan addresses this issue. If the intent of the applicant is for Commission staff to review each of the 14 phases independently, the applicant must address all aspects of the Critical Area requirements on a Phase by Phase basis. In the future, please provide a table for each phase on the site plan that addresses each element of the requirements of the applicant for conformance with the Critical Area Program for the Town of Ocean City.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program for Phase 1 of the Broad Marsh Project. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC674-05

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 31, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

Re: Site Plan Review – Map 26, Parcels 178 & 18; Rite Aid Pharmacy

Dear Ms. Davis:

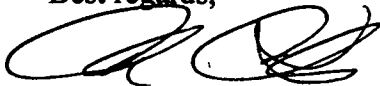
Thank you for submitting the site plan for the above referenced project. The applicant intends to develop two adjacent parcels as found on Worcester County Tax Map 26, Parcels 178 and 18. The parcels consist of 1.66 and .36 acres respectively and are partially within the Critical Area and are not waterfront. Each parcel is currently designated IDA. I have reviewed the information submitted and have provided comments below.

1. The applicant has proposed to divide the site into Critical Area and Non-Critical Area zones for the development review process. Approximately 1.29 acres of the site is within the Critical Area. Stormwater calculations provided only address the load produced within the Critical Area. Ten percent calculations were provided for review but are incomplete and incorrect. The applicant has used 0.26 mg/l as the flow weighted mean concentration of pollutant in urban runoff. The correct number should be 0.30 mg/l. The applicant may download a new copy of the worksheet at:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html
2. Please provide details on the type of "pond" and "filter" that are specified in the 10% worksheet. This will enable Commission staff to review the efficiency of each BMP.

3. Please provide a stormwater management site plan for review with the drainage area, pond details, filter details and locations.
4. Please state Critical Area designation on the site plan as Intensely Developed Area.
5. The requirement within the Critical Area portion of the site for total landscaping is 15 percent. This translates into approximately 8430 square feet of landscaping within the Critical area. Please state the landscape requirements and what is provided in the Critical Area on the site plan.
6. The use of the Dwarf Fountain Grass on the site may only be credited for 2 square feet of landscaping instead of 50 square feet. Please replace with a more substantial shrub from the approved Worcester County plant list for the appropriate credit.

I appreciate the opportunity to comment and look forward to receiving the additional information required for site plan review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: WC 711-06

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/

October 30, 2006

Ms. Betsy Walk
Caroline County Department of Planning and Codes
403 South Seventh Street
Health and Public Services Building, Suite 210
Denton, MD 21629

Re: Variance Case # 06-013V

Dear Ms. Walk:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit the continued use of a storage structure constructed without a permit to remain within nine feet of a side yard property line with a 25-foot setback requirement. The site is located wholly within the Critical Area, consists of 1.075 acres± (or 46,804 sq. ft.±) and is designated Limited Development Area or LDA. The structure under consideration by Board measures approximately 10x40 or 400 square feet and is attached to an existing garage.

The total existing impervious surfaces on this site have been delineated by a licensed surveyor and provided to Commission staff for review. As stated in COMAR 27.01.02.04.C.(7) the permitted impervious surface limit for this property located within the LDA is 15 percent of the site area or 7,021 square feet. Existing impervious surface on the property without the structure is approximately 11,165 square feet. This translates to 24 percent impervious surface before the addition of the 400 square foot structure. The site is already clearly over the impervious surface limits within this designation of the Critical Area.

Commission staff is aware that the subject of this applicant's variance relates to the required setback from a side yard and the applicant is not requesting a variance to exceed the impervious surface limits. Nevertheless, upon discovery of nonconformity with other State or local laws or regulations, the Board should weigh this evidence in its decision.

Ms. Betsy Walk
October 30, 2006
Page 2 of 2

It is our position, that unless the County finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of nonconformance the County must deny this application and require the removal of the storage structure.

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

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: CR 375-05
Ms. Marianne E. Dise, Esq., 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
www.dnr.state.md.us/criticalarea/

October 30, 2006

Ms. Holly Tompkins, Planner
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

VIA EMIAL AND US MAIL

RE: File #MISP #05-06-06-0010-C Project: William and Jacquelyn Saunders

Dear Ms. Tompkins:

Thank you for providing the information related to the above referenced Minor Site Plan. The applicant proposes to construct a two story commercial building with a 2,200 sq. ft footprint on a 0.458 lot wholly within the Critical Area and designated IDA. The site is limited to an 80% impervious limit (or 0.366 acres); the applicant proposes to construct a total of 0.232 acres of impervious surface. Commission staff has reviewed the proposal and has the following comments:

1. Updated 10 percent pollution reduction calculations were provided to Commission staff for review. The site will fall short of meeting the required reduction by 0.04 pounds/year. The applicant proposes to pay the County a fee-in-lieu as an offset. Chapter 14:1-37.D.(2)(c) of the Queen Anne's County Code provides for this form of offset. Commission staff would recommend that the County follow the formula for the establishment of an offset fee as stated in Appendix G of the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Guidance Manual. The Manual establishes the basis for an offset fee that fully covers the cost of removing the pollutant load with two different estimates; the equivalent cost and stormwater retrofit methods. Not knowing which offset may be appropriate at any given time, the County should use an average of the two estimates (approximately \$30,000/pound). This translates into a \$1,200 fee-

in-lieu payment to the County for failing to meet the required ten percent pollutant reduction on site.

2. It was noted that the overall site afforestation has decreased by six trees and eight shrubs. It appears that there is sufficient room of the site for these plantings. If this original landscaping schedule can not be met please provide information as to why this is impracticable as required in § 14:1-37.D.(3).

Thank you for the opportunity to comment on this site plan. If you have any questions related to this project please feel free to call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'CC' or similar initials, written in a cursive style.

Chris Clark
Natural Resources Planner

cc: QC 708-05

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 27, 2006

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

VIA FACSIMILE

RE: Site Plan – Aronimink #6; File 11799

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 7,602 square foot lot designated IDA with a 10-foot setback. The site is waterfront on two sides and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a multifamily condominium complex and associated parking. The property is located at 310 13th Street in Ocean City, MD and may be found on Tax Map 111, Parcel 3493.

Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

1. A review of the Town of Ocean City Critical Area Project Application and the Critical Area Project Notification Form indicates the existing impervious surface of the site consists of 7,602 square feet. This would make the site 100% impervious, not 67.5% as further referenced on the project application. In addition, the existing conditions on the site plan provided indicate the presence of landscape areas. This does not support the 100% impervious assumption. It appears the applicant has incorrectly assumed that the 100-foot Buffer calculations are to be used in the overall site imperviousness. The 100-foot Buffer calculation is to be used to calculate mitigation for the landscape requirement; which was correctly applied. However, the same impervious calculations may not be used to calculate for the ten percent pollution reduction requirement. In order for Commission staff to continue the evaluation of this project, please have the

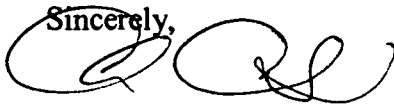
Mr. Blaine Smith
File #11799
October 27, 2006

applicant correct the information provided and have all pervious\impervious calculations consistently applied to each piece of correspondence for review including all application forms, ten percent calculations, site plans, etc.

2. It was noted that the applicant intends to pay a fee-in lieu for the landscaping requirement. In reviewing the site plan it appears there is more room on the site for additional vegetation. Please have the applicant investigate the possibility of additional landscaping around the building.
3. The impervious surface (concrete sidewalk) in the setback on the northeast portion of the property must be removed or replaced with a pervious extension of the wooden walkway surrounding the bulkhead.

Please provide Commission staff with the updated materials so we may complete our evaluation of this project. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC699-06

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/

October 27, 2006

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

VIA FACSIMILE

RE: Site Plan – 196 Pine Tree Road; Local Case # 12067

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 3,345 square foot lot designated IDA with a 5-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling and associated parking. Existing impervious surface on the site will decrease from 1,926 square feet to 1,846 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method.
2. Stormwater will be met through the use of infiltration trenches and dry swales and rain gardens as proposed on the site plan and through the additional minimum homeowners BMP's required by the Town.
3. All decking will be pervious per the detail provided.

Mr. Blaine Smith
File #12067
October 27, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'CC', written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC703-06

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/

October 27, 2006

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

VIA FACSIMILE

RE: Site Plan – 135 South Ocean Drive; File 12003

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 4,000 square foot lot designated IDA with a 5-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling and associated parking. Existing impervious surface on the site will increase from 1,082 square feet to 2,728 square feet. Critical Area issues include stormwater management and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method. The landscape plan indicates the applicant will plant 36 large shrubs or grasses. The grasses would not count toward the total landscape requirement and should be removed from the plan or given less credit.
2. Stormwater will be met through the use of dry swales and a 5x5 rain garden on the site. It is assumed that this rain garden will be placed on the northwest corner of the site. It was not labeled on the landscape plan.
3. The applicant intends to exceed the permitted impervious surface permitted on this site and proposes to pay a fee-in-lieu \$393.60.

Mr. Blaine Smith
File #12003
October 27, 2006

4. There are minimum requirements placed on the applicant by the Town under the Stormwater Management Application for single family homes. One requirement is for the applicant to provide for pervious sidewalks. The site plan provided indicates that the sidewalks will consist of concrete.
5. All decking will be pervious per the detail provided.

Please have the applicant provide a revised site plan that reflects the requirements of the Town's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC698-06

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/

October 27, 2006

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

VIA FACSIMILE

RE: Site Plan – 1540 Teal Drive; File 11767

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 14,132 square foot lot designated IDA with a 15-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling, associated parking, and a swimming pool. Existing impervious surface on the site will increase from 3,021 square feet to 7,065 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

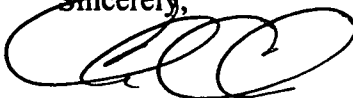
1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method. A plant schedule was supplied for review and appears satisfactory. However, a landscape plan was not provided and it is unclear where the applicant will place the prescribed vegetation or how the Town will enforce compliance without the plan. Please provide this on the updated site revision.
2. Stormwater will be met through the use of dry swales and rain gardens as proposed on the site plan and through the additional minimum homeowners BMP's required by the Town for single family homes over 5,000 square feet.

Mr. Blaine Smith
File #12067
October 27, 2006

3. Pursuant to Section 30-554.(d)(2)a. "the setback shall be measured from the landward face of a bulkhead or rip-rap, the mean high water line, or the wetland line, whichever is more restrictive." The applicant has provided a plan which measures the setback from "approximate mean high water line". This must be revised to provide a 15-foot setback from the landward edge of the existing rip-rap. Please also have Project Note 2. on the site plan to reflect this change.
4. Please have the applicant change the notation of "100' Critical Area Line" to "100-foot Critical Area Buffer".
5. All decking must be indicated as pervious on the site plan and a detail provided for review.

I look forward to receiving the updated materials as requested. Thank you for the opportunity to comment on this project. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC704-06

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/

October 27, 2006

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

VIA FACSIMILE

RE: Site Plan – 1540 Teal Drive; File 11767

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 14,132 square foot lot designated IDA with a 15-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling, associated parking, and a swimming pool. Existing impervious surface on the site will increase from 3,021 square feet to 7,065 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

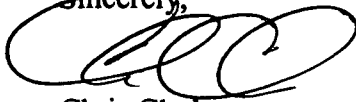
1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method. A plant schedule was supplied for review and appears satisfactory. However, a landscape plan was not provided and it is unclear where the applicant will place the prescribed vegetation or how the Town will enforce compliance without the plan. Please provide this on the updated site revision.
2. Stormwater will be met through the use of dry swales and rain gardens as proposed on the site plan and through the additional minimum homeowners BMP's required by the Town for single family homes over 5,000 square feet.

Mr. Blaine Smith
File #12067
October 27, 2006

3. Pursuant to Section 30-554.(d)(2)a. "the setback shall be measured from the landward face of a bulkhead or rip-rap, the mean high water line, or the wetland line, whichever is more restrictive." The applicant has provided a plan which measures the setback from "approximate mean high water line". This must be revised to provide a 15-foot setback from the landward edge of the existing rip-rap. Please also have Project Note 2. on the site plan to reflect this change.
4. Please have the applicant change the notation of "100' Critical Area Line" to "100-foot Critical Area Buffer".
5. All decking must be indicated as pervious on the site plan and a detail provided for review.

I look forward to receiving the updated materials as requested. Thank you for the opportunity to comment on this project. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC704-06

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/

October 23, 2006

Ms. Cathy Maxwell
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA US MAIL

RE: Variance Application File #V-100008; Wesley P. Yearly

Dear Ms. Maxwell:

Thank you for the information concerning the intent of the above property owner to seek a variance from a rear yard setback requirement for the construction of a deck attached to an existing home. The property is located at 700 Claiborne Road in Stevensville and may also be found on Queen Anne's County Tax Map 76, Block D, Lot18R, and Parcel 54. The lot is wholly within the Critical Area, is not waterfront and is designated LDA.

The property owner is seeking to encroach into the building setback for the rear yard by reducing the requirement from 50 feet to 40 feet. Critical Area concerns on this parcel would include limits on impervious surface. As long as the deck is constructed as a pervious structure (that is without a roof structure, at least a 1/8" gap between flooring planks, and 4-6 inches of gravel placed beneath the structure) this office would defer the variance decision to the County per the standards in Queen Anne's County Building Code Chapter 18-1-19 E.

At this time, the Commission does not have any further comments related to this proposal and does not oppose this variance as presented.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: QC697-06

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/

October 17, 2006

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

RE: Site Plan – 10610 Pine Needle Road; Local Case # 11814

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 5,366 square foot lot designated IDA with a 15-foot setback. The site is waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a single family dwelling and associated parking. Existing impervious surface on the site will increase from 2,408 square feet to 2,630 square feet. Critical Area issues include stormwater management, setback mitigation, and afforestation\landscaping requirements.

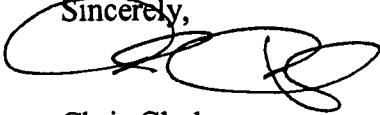
The Commission has the following comments based upon the information provided:

1. The afforestation requirement and the 25% landscape mitigation for intrusion into the setback will be met on-site through the proposed landscape schedule using the 2% cost of construction method.
2. Stormwater will be met through the use of infiltration trenches and dry swales on the site.
3. All decking will be pervious per the detail provided.

Mr. Blaine Smith
File #11814
October 17, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC685-06

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/

October 17, 2006

Mr. Jim Barton, Zoning Administrator
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

Re: Narrows Point Stormwater Ponds

Dear Jim:

Thank you for providing the information related to the control of vegetation in the stormwater management ponds on the Narrows Pointe Property. The proposal provided to the Commission for review is extremely vague and would leave open the option for the property owner or association to direct their consultant to remove all vegetation within the ponds. It appears by the scope of work provided in the proposal from Tymatt Industries this very well may be the intent. These ponds are to serve a primary use other than the enjoyment of lighted aesthetic fountains for the surrounding residents. The planting in these ponds serve several purposes; nutrient uptake, slope stabilization, habitat creation, etc. The spraying and removal of vegetation without a specific plan addressing all of these concerns would not be permissible.

I have attached correspondence between this office and Aqua-Niche Consulting Services, dated May 2003, who designed the original pond plantings. Staff's suggestion would be for the applicant to contact Aqua-Niche or a company with similar experience to review the current state of the ponds and provide a detailed schedule of services including a long term maintenance and planting schedule.

It is understood that some ongoing maintenance may be required to retain the primary functions of the ponds but the proposal submitted is not a permissible approach.

Mr. Jim Barton
Narrows Pointe

October 17, 2006
Page 2

If you have any questions or comments, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: QC 595-00

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/

October 17, 2006

Mr. Jim Barton, Zoning Administrator
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

Re: High Meadows Farm Buffer Management Plan

Dear Jim:

Thank you for providing the information related to the Buffer Management Plan for High Meadows Farm. The Buffer Management Plan results from our site visit to the property with Maryland Environmental Trust (MET). MET's photo records indicated a potential violation. At that time, we observed numerous trees (in excess of 30 per my records) that were cut and removed. Some of these trees were obviously dead before cutting but it was the consensus on-site that many of these were living when removed in violation of the Queen Anne's County Critical Area Program. Nevertheless, no trees are to be removed from the Buffer without prior authorization from the County and all could count toward the violation.

The agreement on-site was to have the property owner replant 45 trees of (2-inch caliper minimum) in the Buffer to mitigate for the removal of 15 trees at a 3:1 ratio. This is the requirement under the County's Program. At the time of the meeting, it was agreed that no civil penalties needed to be addressed as long as the property owner was willing to comply with the requirement of the plantings and the preparation of the Buffer Management Plan. The proposed Buffer Management Plan is sufficient going forward but the need to address the required mitigation is still outstanding. Please notify the property owner of his ongoing requirement to replant in the Buffer with the required mitigation. Please have the applicant respond within 30 days of receipt of this letter with a proposed planting plan.

Mr. Jim Barton
High Meadows Farm

October 17, 2006
Page 2

If you have any questions or comments, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', with a large, stylized 'C' and 'C'.

Chris Clark
Natural Resources Planner

cc: Marianne Dise, CAC Counsel
John Hudson, MET w/attachment
Jon Chapman, MET w/attachment
QA General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

October 15, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

Re: Minor Subdivision and Tract Line Revision – Local Case #06-064

Dear Ms. Porter:

Thank you for the recent submission of the documents related to the minor subdivision and Tract line revision for the above referenced project. The project is located at 3441 Frazier Neck Road and is referenced on Caroline County Tax Map 58, Block 8/7, Parcel 50. The 153.0± acre parcel is described as consisting of two Tracts partially within the Critical Area. It is not clear how the applicant is intending to abandon and reconfigure the two tracts in order to meet the requirement of the Caroline County zoning ordinance regarding density within the Rural (R) designation. Nevertheless, the applicant indicates the presence of six new lots wholly within the Critical Area and a "reserved area" partially within the Critical Area. All of the proposed lots are waterfront. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA) and is partially forested along the waterfront.

An on-site meeting was held on Friday October 13, 2006 with the applicant, Caroline County planning staff and Critical Area staff. The potential development site was reviewed and several issues of concern were discussed. Currently, the following issues must be resolved:

1. A jurisdictional determination must be obtained from the Army Corps of Engineers.

2. The tidal wetlands must be delineated by a qualified consultant to determine the extent of State owned and privately owned wetlands. Please respond with the methodology used in this determination as previously requested. State owned tidal wetlands may not be used in the determination of site density, impervious surface and forest clearing calculations. The plat supplied indicates that all of the tidal wetlands on the site are privately owned. A preliminary review of the property during the site visit indicates that some areas of the site labeled "privately owned marsh" may be State tidal wetlands. In addition, the property line extends out over open water in numerous instances. A more accurate survey of the shoreline must be supplied for review and the appropriate acreage updated on the site plan.

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: CR 471-06

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/

October 12, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Ruark Variance Notification

Dear Ms. Davis:

Thank you for submitting the site and landscaping plan for the above referenced project. I have reviewed the information submitted and have provided comments below. The site is referenced on Worcester County Tax Map 17, P/O Parcel 1, Parcel A – P/O Outlot B. The 0.58 acre site is within the Critical Area and is designated as RCA. The site currently consists of a dilapidated building, rubble, native vegetation and soils. It is reported that approximately 10,678 square feet of the site is impervious. The applicant contends that 9,700 square feet is impervious due to compacted earth. Permitted impervious surface on this site is 6,768 square feet. The applicant proposes to construct a home and semi-pervious driveway on the site. Given a 30 percent void ratio for the paving system, the total proposed impervious surface on the site after construction will consist of 5,333 square feet.

The following are our comments on the proposed plan:

1. Recent conversations with Worcester County Planning staff indicated the applicant's intent to tie-in to the Lighthouse Sound wastewater treatment system. The plans provided continue to show an offsite septic reserve area. Please clarify the applicant's intent.
2. Stormwater on this site will be extremely difficult to control. Commission staff requests a review of an engineered plan that addresses the specifics of the stormwater BMP's. There is some concern on this site as to how the applicant will be able to control stormwater given the relatively high water table on the site.

3. The applicant will be required to meet the afforestation mitigation of 16,000 square feet of landscaping on-site. The detail provided indicates the applicant intends to only provide approximately 7,000 square feet of afforestation. This is accomplished through grasses and shrubs. The applicant will also need to increase the diversification of landscape material to better meet the intent of the Critical Area Program. Native trees shall be interspersed within the landscape to compensate for the difference.

I appreciate the opportunity to comment and look forward to receiving any additional information you feel may clarify the issues above. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read 'Chris Clark', with a stylized, cursive script.

Chris Clark
Natural Resources Planner

cc: WC 628-06

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/

October 12, 2006

Ms. Jean Fabi
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA FACSIMILE AND EMAIL

Re: File #04-06-09-0016-C Relocation of Lot Line

Dear Ms. Fabi:

Thank you for the information concerning the intent of the County Commissioners to seek an administrative subdivision through the adjustment of common lot lines. It is understood that property is located on Queen Anne's County Tax Map 48, Parcels 131 and 111 and is further described as being located at 310-Bateau Drive, Stevensville, DM 21666. Parcel 131 consists of 10.09 acres and Parcel 111 consists of 265.697 acres. Both parcels are wholly within the Critical Area. Parcel 111 is designated RCA and Parcel 131 is designated IDA. A review of recent aerial photography indicates there are many more structures and uses located on the site than what is depicted on the site plan provided. It appears the applicant is proposing to include an existing structure within the boundaries of Parcel 131 that currently extends beyond the property line.

No discussion related to the purposed intent of moving the lot lines was provided. It appears the applicant is moving the lot line on the southwest portion of the property to bring the concrete structure denoted on the site plan wholly onto Parcel 131. It is unclear why the lot line adjustment is needed in the northwest corner of Parcel 131. Please provide some narrative explaining this configuration. In addition, a review of recent (2005) aerial photographs indicates that portions of the IDA activities are overlapping onto Parcel 111 which is designated RCA. Please provide some explanation of these activities; as the expansion of this facility would not be a permitted use in the RCA.

None of the lots described are waterfront or are affected by any shoreline Buffer. Please note, the relocation of lot lines by the administrative process does not change the original Critical Area designation. Therefore, we request that you continue to coordinate with us as your process moves forward.

Ms. Fabi
File #04-06-09-0016-C

October 12, 2006
Page 2

Please provide the additional information requested so we may continue our review.
Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: QC657-06

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/

October 10, 2006

Mr. Tom Patton
Rackliffe House Trust
P.O. Box 578
Berlin, MD 21811

Re: Access Road Improvements, Utility Installation, and Re-Establishment of On-Site Potable Well and Septic

Dear Mr. Patton:

I am pleased to inform you that the project proposed by Rackliffe House Trust was unanimously approved during the regular meeting of the Critical Area Commission on October 4, 2006.

The Commission authorized the improvement of the existing easement by the emplacement of approximately 1680 linear feet of gravel 10-feet wide, on-grade without excavation. The limited (less than 500 square feet per your site sketch) grading and establishment of the small 4-5 car parking area was also approved. Further, the utility installation and future re-establishment of the on-site well and septic areas will also be permitted as part of this authorization.

There was some discussion from a Commission member as to whether the future Rackliffe House wastewater discharge can be connected to the National Park Service wastewater treatment plant. We hope this will be a consideration when Rackliffe House pursues the establishment of wastewater treatment for the property.

The Commission approved the project scope with the following conditions:

- 1.) The applicant will not grade any portion of the access road prior to the placement of the stone.
- 2.) The access lane will not exceed ten (10) feet in width.
- 3.) No woody vegetation will be removed as part of this project.

- 4.) The applicant will comply with all applicable requirements issued by the Worcester Soil Conservation District including the installation of erosion control measures by certified personnel.
- 5.) Any future re-establishment of the potable well or septic system will require any applicable permits and be and inspected by Worcester County Environmental Health.

It has been a pleasure working with you on this project. If you have any questions or comments, please do not hesitate to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: DNR 39-06
Raj Williams, DNR Public Lands Policy and Planning

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 10, 2006

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

VIA FACSIMILE

RE: Site Plan – D. Mitch Wyatt; Local Case #12010

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to develop a 4,232 square foot waterfront lot designated IDA with a 10-foot setback. It is understood that the entire lot will be disturbed during construction. From the information provided, it appears the site is currently vacant. The applicant intends to develop the site with a dwelling, pervious deck, impervious parking pad and a porch. After all improvements are made the total site imperviousness is reported to be 2,870 square feet. This exceeds the permitted impervious surface limit on this parcel by six percent. The applicant is proposing to pay a fee-in-lieu of \$358.75 for exceeding this limit (287sf @ \$1.25/sf). Additional Critical Area issues include stormwater management and afforestation/landscaping requirements.

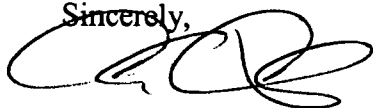
The Commission has the following comments based upon the information provided:

1. Stormwater management appears to meet the needs of the site by the incorporation of dry swales along the edges of the site draining to rain gardens. The stormwater plan does not indicate the presence of the proposed four rain gardens as indicated on the supplied site plan. Pervious deck and rain garden details should be supplied to the applicant.
2. The applicant is proposing to use the Town of Ocean City's "2% cost of construction" landscaping requirement by planting \$3,487 of trees and shrubs and by paying a fee-in-lieu of \$6,513 as an additional offset. Cost of construction is reported to be \$500,000.

Mr. Blaine Smith
File 12010
October 10, 2006

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Clark', with a stylized, flowing script.

Chris Clark
Natural Resources Planner

cc: OC 664-06

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/

October 10, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

VIA FACSIMILE

Re: Minor Subdivision and Tract Line Revision – Local Case #06-064

Dear Ms. Porter:

Thank you for the recent submission of the documents related to the minor subdivision and Tract line revision for the above referenced project. The project is located at 3441 Frazier Neck Road and is referenced on Caroline County Tax Map 58, Block 8/7, Parcel 50. The 153.0± acre parcel is described as consisting of two Tracts partially within the Critical Area. It is not clear how the applicant is intending to abandon and reconfigure the two tracts in order to meet the requirement of the Caroline County zoning ordinance regarding density within the Rural (R) designation. Nevertheless, the applicant indicates the presence of six new lots wholly within the Critical Area and a "reserved area" partially within the Critical Area. All of the proposed lots are waterfront. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA) and is partially forested along the waterfront.

Critical Area staff has reviewed the supplied information and has the following comments:

1. A jurisdictional determination must be obtained from the Army Corps of Engineers.
2. The tidal wetlands must be delineated by a qualified consultant to determine the extent of State owned and privately owned wetlands. State owned tidal wetlands may not be used in the determination of site density, impervious surface and

forest clearing calculations. Please respond with the methodology used in this determination as previously requested.

3. An environmental review letter must be obtained from DNR's Wildlife and Heritage Service. A preliminary review indicates the possible presence of a federally protected species within close proximity of the project site. Initial reviews indicate the possible presence of a State Sensitive Species on or near the project site. Please forward this response when received.
4. Areas of the Buffer where steep slopes are present may require the expansion of the 100-foot Buffer. If applicable, please provide for the expanded Buffer for steep slopes as provided for in COMAR 27.01.09.C.(7). If the applicant does not feel that an expanded Buffer is warranted then please forward this response and any pertinent information related to a potential exemption from this requirement.

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Plan

cc: CR 471-06

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/

October 10, 2006

Ms. Lee Schnappinger
McCrone, Inc.
207 N. Liberty Street
Centreville, MD 21617

RE: Riverwalk Terrace; Federalsburg, MD

Dear Ms. Schnappinger:

Thank you for the recent submittal of information regarding the above referenced project. It is understood that the applicant intends to develop 49 townhomes within the Critical Area. The total site includes 6.282 acres within which 6.098 acres fall within the Intensely Developed Area. Approximately 0.165 acres are designated as Resource Conservation Area. The RCA portion of the project has all been identified as expanded Buffer.

All previous comments have been addressed. This office has no further comment on this project. Please notify the Commission of any pertinent revisions to the site plan.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: FE 302-06

Mr. Roby Hurley, MDP Circuit Rider

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 10, 2006

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

VIA FACSIMILE

RE: Site Plan – 104 Seabreeze Drive; Local Case #11900

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 3,600 square foot waterfront lot designated IDA with a 5-foot setback. It is understood that approximately 3,524 square feet of the lot will be disturbed during construction. The site currently consists of a mobile home and 2,082 square feet of impervious surface. The applicant intends to redevelop the site with a single story rancher, deck, porch and shed. After all improvements are made the total site imperviousness is reported to be 2,260 square feet which is a 178 square foot increase of over existing conditions. The limit of impervious surface allowed on this parcel is 60.2 percent. The applicant is proposing to exceed this limitation by 2.8 percent. Critical Area issues include stormwater management, Buffer mitigation and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

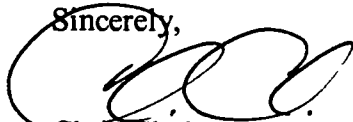
1. It is assumed the applicant will be required to pay a fee-in-lieu to offset exceeding the impervious surface limits.
2. Stormwater management appears to meet the needs of the site by the incorporation of dry swales along the edges of the site draining to rain gardens.
3. The applicant is proposing to use the Town of Ocean City's "2% cost of construction" landscaping requirement by planting \$2,625 of trees and shrubs. Twenty-five percent of this landscaping should be in the setback.

Mr. Blaine Smith
File 11900
October 10, 2006

4. Pervious deck and rain garden detail have been supplied for review.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the word "Sincerely,".

Chris Clark
Natural Resources Planner

cc: OC667-06

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/

October 10, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

Re: Subdivision- 06-079; Eveland, James & Roberta

Dear Ms. Porter:

Thank you for the submission of the documents related to the Subdivision Plat for the above referenced project. The project is located at 10948 Tuckahoe Road and is referenced on Caroline County Tax Map 26, Block 11, Parcel 3. The applicant intends to create Lot 1 through this subdivision. Lot 1 will be parsed from the existing 95.01± Parcel 3 which is in agricultural preservation. Much of Parcel 3 and all of the proposed Lot 1 is in the Critical Area. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA).

Critical Area staff has reviewed this site with Caroline County Planning and Zoning Staff. An on-site visit was conducted to determine the existence of any features that may have been present prior to the County's adoption of the Critical Area Program. It was determined that the cutting of live trees was performed without proper authorization. In addition, a pervious road currently exists on the site, in the Buffer. The road previously served the surface mine mapped on the soil conservation maps for Caroline County. On-site examination of the property revealed that the site has been previously disturbed. The surface mine is no longer used and has been reclaimed from natural regeneration. Critical Area staff recommends:

- The enhancement of the existing Buffer by the replacement of trees at a 1:1 ratio for the area disturbed. This includes providing the County with a planting plan and landscape schedule. The minimum requirement on this site will be to replant the site with 25 trees of a 2-2 ½ - inch caliper, balled and burlapped stock. The

applicant has proposed a suitable area for the reforestation lying north and west of the proposed dwelling within the 100-foot Buffer. The landscape plan and schedule should be provided to the County as part of the building application and this planting requirement should be made a condition of the applicant receiving any occupancy permit.

- Any attempt to render the existing drive into the site impervious will require a variance from the Caroline County Board of Appeals.

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the printed name.

Chris Clark
Natural Resources Planner

cc: CR 538-06
Kevin Clark, Caroline County Planning

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 3, 2006

Ms. Betsy Walk
Caroline County Department of Planning and Codes
403 South Seventh Street
Health and Public Services Building, Suite 210
Denton, MD 21629

RE: Variance Case # 06-019V

Dear Ms. Walk:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit the construction of a 720 square foot garage within the 100-foot Buffer of a perennial stream. The property is 0.51 acres in size, is partially vegetated, and is designated as a Limited Development Area (LDA). It is currently developed with a single-family dwelling, walkways, deck, 160 square foot shed, septic system, and well. Because the application does not contain information sufficient for the County to make the findings required under the Critical Area law, this office opposes the variance application.

In 2002 and 2004, the Maryland General Assembly strengthened the Critical Area Law and reiterated its commitment to protection of the 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 that of "unwarranted hardship". The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot". Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law.

The 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 a 720

TTY for the Deaf

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

square foot garage and move an existing shed closer to a perennial stream that is protected by a 100-foot Buffer in the Critical Area. The applicant must present competent and material evidence to satisfy the burden of proof on each of the variance standards described below. Under law established by the General Assembly, even if there is nowhere else on the lot to site the proposed garage, the variance cannot be granted unless the applicant proves and the County finds that, without the variance, the applicant would suffer an unwarranted hardship, that is, "denial of reasonable and significant use of the entire parcel or lot". We do not believe that this standard is met in this case and accordingly, the variance should be denied. I have discussed each one of the standards below as it pertains to this site:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area Program that would result in an unwarranted hardship to the applicant.* As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, the applicant would be denied reasonable and significant use of **the entire parcel or lot**. Based on the information in our file, we do not believe that the County has evidence on which to base a favorable finding in this factor.
2. *That a literal interpretation of this subtitle or the Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.* The applicant has reasonable use of this property for residential purposes and therefore, would not be denied a right commonly enjoyed by neighbors. In addition, accessory structures are not permitted in the buffer. Even if other properties have detached garages, certain structures that existed prior to December 1, 1985 or the effective date of the Caroline County Critical Area regulations are considered grandfathered and do not convey a right for similar structures to be built in the future. The General Assembly made this clear in the 2002 amendments to the Critical Area Law, as discussed above. We do not believe that the applicant has met this standard.
3. *The granting of a variance will not confer upon the applicant any special privilege that would be denied by this subtitle or the local Critical Area Program to other lands or structures within the jurisdiction's Critical Area.* If a variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to place development within the Buffer would confer a special privilege on the applicant. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the proposed variance does not conform to the Critical Area Law. We do not believe that the 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, it is our understanding that this variance is not based upon conditions or circumstances that are a result of actions by the applicant, or arise from any neighboring conforming condition.
5. *If granting of a variance will not adversely affect water quality or adversely affect fish, wildlife, or plant habitat within the jurisdiction's Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations.* In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area Law and regulations. It appears that at least 720 square feet of new development and consequential disturbance to the land will occur, which results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. In addition, the applicant intends to move an existing shed to within 34 feet of the stream. There has been no evidence presented to the Commission that would suggest that the applicant has made an attempt at minimizing any disturbance.

In conclusion, it is our position, that unless the County finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of nonconformance and the burden to prove that the applicant has met each one of the variance standards, the County 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,



Chris Clark
Natural Resources Planner

cc: CR 636-06
Ms. Marianne E. Dise, Esq., 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
www.dnr.state.md.us/criticalarea/

October 2, 2006

Mr. Paul Comfort, County Administrator
County Administrators Office
Queen Anne's County
107 North Liberty Street
Centreville, MD 21617

Re: Growth Allocation Request; Tax Map 57, Parcel 155, Lot 6 (Kay Wilson)

Dear Mr. Comfort:

Commission staff is in receipt of your request for the Critical Area Commission to review the County's request to use growth allocation for the above referenced property. The purpose of the growth allocation is to change the Critical Area designation of 0.56-acres of Limited Development Area (LDA) to Intensely Developed Area (IDA).

At this time, Commission staff has determined that the following information is necessary in order for the submittal to be accepted for processing. Please provide the Commission with the following items for review:

- Please provide documentation regarding the required standards for locating new intensely developed areas as outlined in the Queen Anne's County Critical Area Program, Natural Resources Article Title 8 1801.1(c), and COMAR 27.01.02.06.B. Please note that in the spring of 2006 legislation was passed that clarified the authority of the Commission regarding program changes. See copy of attached Senate Bill 751.
- Please provide a conceptual stormwater plan with 10% calculations for review.
- Please provide a current letter from the DNR Wildlife and Heritage Service for this site as the previous letter has expired.
- Please provide a copy of the County's Critical Area Map with the area of the requested growth allocation highlighted.

Kay Wilson Growth Allocation

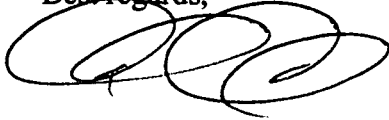
10/2/2006

Page 2

Upon receipt and staff review of this additional information, you will be notified if the submittal is complete or not. If the submittal is complete, the Chairman will make an amendment or refinement determination within 30 days, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

If you have any questions, please call me at (410) 260-3476.

Best regards,

A handwritten signature in black ink, consisting of several overlapping loops and a final horizontal stroke, positioned below the text "Best regards,".

Chris Clark
Natural Resources Planner

cc: Ms. Faith Elliott-Rossing, QAC Planning Director
Mr. Steve Cohon, QAC Deputy Planning Director
Mr. Joseph Stevens, Esquire
Mr. Thomas Davis, Davis, Moore, Shearon & Associates

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 2, 2006

Mr. Paul Comfort, County Administrator
County Administrators Office
Queen Anne's County
107 North Liberty Street
Centreville, MD 21617

Re: Growth Allocation Request; Tax Map 57, Parcel 155, Lot 2 (MD General Land)

Dear Mr. Comfort:

Commission staff is in receipt of your request for the Critical Area Commission to review the County's request to use growth allocation for the above referenced property. The purpose of the growth allocation is to change the Critical Area designation of 2.904-acres of Limited Development Area (LDA) to Intensely Developed Area (IDA).

At this time, Commission staff has determined that the following information is necessary in order for the submittal to be accepted for processing. Please provide the Commission with the following items for review:

- Please provide documentation regarding the required standards for locating new intensely developed areas as outlined in the Queen Anne's County Critical Area Program, Natural Resources Article Title 8 1801.1(c), and COMAR 27.01.02.06.B. Please note that in the spring of 2006 legislation was passed that clarified the authority of the Commission regarding program changes. See copy of attached Senate Bill 751.
- Please provide a conceptual stormwater plan with 10% calculations for review.
- Please provide a copy of the County's Critical Area Map with the area of the requested growth allocation highlighted.

MD General Land Growth Allocation

10/2/2006

Page 2

Upon receipt and staff review of this additional information, you will be notified if the submittal is complete or not. If the submittal is complete, the Chairman will make an amendment or refinement determination within 30 days, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

If you have any questions, please call me at (410) 260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: Ms. Faith Elliott-Rossing, QAC Planning Director
Mr. Steve Cohon, QAC Deputy Planning Director
Mr. Joseph Stevens, Esquire
Mr. Thomas Davis, Davis, Moore, Shearon & Associates

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 28, 2006

Ms. Lee Schnappinger
McCrone, Inc.
207 N. Liberty Street
Centreville, MD 21617

RE: Riverwalk Terrace; Federalsburg, MD

Dear Ms. Schnappinger:

Thank you for the recent resubmittal of information regarding the above referenced project. It is understood that the applicant intends to develop 49 townhomes within the Critical Area. The total site includes 6.282 acres within which 6.098 acres fall within the Intensely Developed Area. Approximately 0.165 acres are designated as Resource Conservation Area. The RCA portion of the project has all been identified as expanded Buffer.

The applicant has responded that a request for a letter from DNR's Wildlife and Heritage Service was requested on July 27, 2006. Please forward a copy of that letter to this office as soon as it is received. All previous comments have been addressed.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over the words "Best regards,".

Chris Clark
Natural Resources Planner

cc: FE 302-06

Mr. Roby Hurley, MDP Circuit Rider

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 28, 2006

Ms. Betsy Walk
Caroline County Department of Planning and Codes
403 South Seventh Street
Health and Public Services Building, Suite 210
Denton, MD 21629

Re: Variance Application 06-020V

Dear Ms. Walk:

Thank you for providing the information related to the above referenced variance application. The applicant is proposing to renovate a 3,256 square foot existing home. The property is designated RCA and a portion of the current structure is present within the 100-foot Buffer. The current structure is grandfathered as it predates the Critical Area Law. The property is approximately 5.537± acres in size and is entirely in the Critical Area.

COMAR 27.01.11 outlines the standards an applicant must meet in order to be considered for relief from the Code. As previously requested, the County should adopt a system whereby the applicant is required to supply a response to the five findings required to be addressed by the applicant under this subsection. This is State Law and supercedes any requirements in the County's Critical Area Program or Ordinance. In addition, particular attention should be focused on the applicant's requirement to meet the standard of an "unwarranted hardship" as defined in Natural Resources Article, § 8-1808(d), Annotated Code of Maryland. If the County finds the applicant is entitled to relief, we would ask that the following conditions be placed upon the approval:

1. Require the applicant to address the variance standards listed in COMAR 27.01.11 for consideration by the County.
2. Provide for mitigation of vegetation in the Buffer at a ratio of 3:1 for all area disturbed.

3. Require the applicant to minimize any impact to the Buffer by keeping the original building footprint of the home as shown on the plans.

Thank you for the opportunity to comment of this application. Please notify this office in writing with the result of this variance application for our records. If you have any questions or comments, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written in a cursive style.

Chris Clark
Natural Resources Planner

cc: CR 637-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 26, 2006

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #387

Dear Ms. Wimbrow:

Thank you for providing information on the above referenced rezoning case. The applicant has requested the rezoning of two parcels referenced on Worcester County Tax Map 15 as Parcels 19, 23, 34, 39, 40, 41, 50, 159, and 178. The Parcels listed are not within the Critical Area Program for the Chesapeake and Atlantic Coastal Bays.

The Critical Area Commission has no further comment regarding this application.

Thank you for the opportunity to review this case. If you have any questions or concerns, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: WC641-06
Janet Davis, Worcester County Critical Area Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 22, 2006

Mr. Russell Blake, City Manager
Pocomoke City
P.O. Box 29
Pocomoke City, MD 21851

Re: Drawbridge Villas – Pocomoke River Front

Dear Mr. Blake:

The Commission has received updated site plans and 10 percent pollution reduction calculations for the above referenced site. The site consists of 4.15± acres bordering the Pocomoke River. Staff has reviewed the submitted plans and stormwater calculations and offers the following comments:

1. The previous cover letter indicates the applicant has currently taken the 10% calculations into account for Phase I of the site consisting of 3.42 acres of disturbance with the remainder left as "open space." Phase II will be required to meet the 10% requirement as the project proceeds.
2. The applicant intends to use plantings as an offset to reach the pollutant removal requirement. As stated in the 10% Guidance Manual only one-third of the plantings may be shrubs. Please revise the landscape schedule. Further, the applicant intends to use 30 raingardens to redirect rooftop runoff. The intent of the raingardens is to function as a standalone credit for the disconnect and must be constructed to a standard which will allow for both stormwater infiltration and nutrient uptake. The applicant may not take credit for both the planting of the raingardens as would be required to count as a disconnect and also use those plantings to count toward the 10% offset.
3. The applicant has provided the Commission with information related to the intent to provide an innovative offset for the 0.57 pounds of phosphorous that could not be met by conventional BMP's. The applicant has entered into an

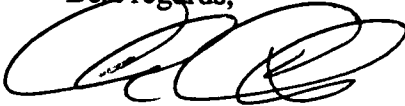
Mr. Russell Blake, City Manager
Drawbridge Villas

September 22, 2006
Page 2

agreement with the Town to install six (6) trash interceptors on the project site in order to receive 0.1 pounds of removal credit for each device installed. The Town of Pocomoke has agreed in writing to maintain the trash interceptors per the specifications provided by The Atlantic Group and Associates, Inc.

Thank you for the opportunity to comment on this site plan. This office has no further comments on this site plan. If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: PO 580-05
Stephen Yuhas, Atlantic Group
Bruce Morrison, Worcester County Commission Representative
Bob Shockley, Worcester SWM Review

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 22, 2006

Ms. Virginia Dadds
McCrone, Inc.
207 N. Liberty Street
Centreville, MD 21617

RE: Riverwalk Terrace; Federalsburg, MD

Dear Ms. Dadds:

Thank you for the recent resubmittal of information regarding the above referenced project. It is understood that the applicant intends to develop 49 townhomes within the Critical Area. The total site includes 6.282 acres within which 6.098 acres fall within the Intensely Developed Area. Approximately 0.165 acres are designated as Resource Conservation Area. The RCA portion of the project has all been identified as expanded Buffer. Staff has the following comments.

1. The most recent submittal indicates what appears to be the presence of three BMP structures within the RCA portion of the project site. As you are aware no stormwater treatment may be placed within the RCA for development serving the IDA. Further consultation with Mr. Roby Hurley, MDP Circuit Rider for the Town of Federalsburg, indicates that these areas are intended to be planted with warm season grasses and do not serve as pocket ponds or any other type of stormwater BMP. Please identify this on the site plan.
2. Mitigation for the outfall is indicated on the site plan and has been determined to be sufficient for the impact from the stone outfall in the Buffer. Please provide notify this office when the mitigation plantings are complete so an inspection may be performed.
3. The 10% pollution calculations have been included with this submittal. The pollution reduction requirement is met through the reduction in impervious surface.

Ms. Dadds
Riverwalk Terrace

September 22, 2006
Page 2

4. The applicant has responded that a request for a letter from DNR's Wildlife and Heritage Service was requested on July 27, 2006. Please forward a copy of that letter to this office as soon as it is received.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: FE 302-06

Mr. Roby Hurley, MDP Circuit Rider

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 21, 2006

Ms. Helen Spinelli
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

Re: MASP #05-05-05-0006 Project: Kent Narrows Properties, LLC

Dear Ms. Spinelli:

Thank you for the recently submitted amended site plan to the above referenced project. Since the last review, the applicant is proposing to alter the site plan in order to relocate the access point off of Route 18, provide a different circulation pattern and additional landscaping in the parking lot, stagger the footprint of the buildings, and change some of the architectural details of the buildings.

The proposed changes to the Critical Area site calculations for the site are insignificant and do not require further review. Commission staff has no further comments on this project.

If there are any further modifications to this site plan please submit them for our review. If you have any questions, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resource Planner

cc: QC 351-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 21, 2006

Ms. Donna Landis-Smith
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA EMAIL AND US MAIL

Re: File # 02-06-09-0006-C; Relocation of lot lines and subdivide into two (2) lots

Dear Ms. Landis-Smith:

Thank you for the information related to the above referenced application. As proposed the applicant is requesting approval for both an Administrative Subdivision by the relocation of existing lot lines in concurrence with a Minor Subdivision to create an additional lot via the Large Lot Subdivision technique. The site is located on Queen Anne's County Tax Map 9 and consists of Parcel 5, Parcel 187, Lot 1 and Lot 2. Gross acreage of all four lots currently total 5.835± acres. The property is waterfront, wholly within the Critical Area and is designated LDA. The proposed lot line revision will adjust the total area of Lot 5 and Parcel 187 slightly. It is assumed that the area of Lot 1 and Lot 2 will remain the same. It is unclear on the plan why the statement "Area of Lot 11 to be conveyed to Lot 10 = 0.002 Ac.±" is present. As no construction is planned as part of the Administrative Subdivision, this office has no comments.

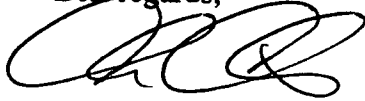
The second portion of the submittal refers to the intent of the applicant to pursue a Minor Subdivision to subdivide Parcel 5 into two lots of 1.434± acres (Lot 1) and 1.000± acres (Lot 2). It is understood that one of the existing homes located on Lot 1 (formerly Parcel 5) will be moved to Lot 2 (also formerly part of Parcel 5). Existing impervious and proposed impervious tables have been included for review. Please provide all dimensions of any proposed improvements that will accompany the moving of the home including walkways, decks, sheds, etc. The potential owner should have some awareness of the limit of impervious surfaces permitted on this site. As stated in the cover letter, the applicant has requested a letter from DNR's Wildlife and Heritage Program for review. Please provide a copy of the letter to this office when it is received.

Ms. Landis-Smith
File #02-06-09-0006-C

September 21, 2006
Page 2

Thank you for the opportunity to review this project. If you have any questions or concerns please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: QC 610-06

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/

September 21, 2006.

Ms. Holly Tompkins
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

Re: File Major Site Plan (Informational Submittal); Lands of George Helfrich

Dear Ms. Tompkins:

Thank you for the submittal of information for review regarding the above referenced project. It is understood that the intent at this time, is for the Planning Commission to review the preliminary concept plan of a proposed commercial development of a site located at the intersection of Maryland Highway No.18 and Shopping Center Road in Stevensville. The project site is further described on Queen Anne's County Tax Map 57, Grid 7, Parcel 356. The project site is waterfront adjacent to Cox Creek, is potentially Buffer Exempt, and is designated IDA.

A review of the Queen Anne's County Critical Area Map number 57 for this property indicates that at least a portion of it is Buffer Exempt. The Buffer Exempt status of this property should be further clarified. At a minimum the shoreline Buffer should extend 50 feet from Mean High Water (MHW) or the head of tidal wetlands. It appears that the applicant is proposing to preserve a large portion the existing forested Buffer at a distance of 100-feet from MHW and a small portion of the Buffer is reduced on the conceptual drawing to 50-feet. Critical Area Commission staff would concur with the Planning Director's determination of the appropriate mapped Buffer width. It would be encouraged however, to preserve as much of the heavily forested Buffer already present and outlined on the concept plan. This may assist the applicant's requirement to preserve at least 20 percent of the existing woodland on the site while providing for maximum protection of the Buffer.

Ms. Tompkins
Helfrich Property

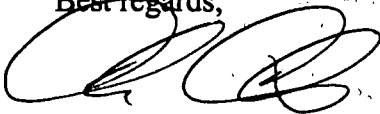
September 21, 2006
Page 2

As this project moves forward the Commission would request a submittal of all IDA review requirements including:

1. A Critical Area Report including:
 - Appropriate site statistics on impervious and pervious surfaces
 - The total acreage of existing woodlands onsite and the proposed removal of vegetation
 - A qualified professional determination of the MHW line
 - Information on soil types
 - A jurisdictional determination
 - Any habitat protection areas on the site
 - A letter from the DNR's Wildlife and Heritage Division
2. A stormwater management plan including 10% pollutant reduction calculations

Thank you for the opportunity to review this preliminary plan. Please forward a copy of any additional material related to this project as it becomes available. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC612-06

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/

September 21, 2006

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

RE: Permit #06-10481; 600 Osprey Road, Unit 3

Dear Mr. Smith:

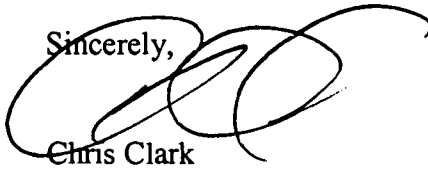
Pursuant to your request, I have reviewed the supplied information regarding the above building permit application. It is understood that the applicant has constructed a 225 square foot deck. The property is IDA and waterfront.

The applicant will be required to plant a total of 1,031 square feet of vegetation with 118.75 square feet of this within the setback.

If the applicant is within the impervious limits as set forth under the Town of Ocean City's Critical Area Program and the applicant provides the required afforestation, this office has no further comments on this project.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,


Chris Clark
Natural Resources Planner

cc: OC-542-06_2

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 20, 2006

Ms. Holly Tompkins
Queen Anne's County
Department of Planning and Zoning
160 Couresevall Drive
Centreville, MD 21617

VIA US MAIL AND EMAIL

RE: File #05-06-03-0010-C Project Name: Kilby, Roy – Revision #2

Dear Ms. Tompkins:

Thank you for the information concerning the intent of the above property owner to seek an administrative subdivision through the adjustment of common lot lines. It is understood that property is located on Queen Anne's County Tax Map 77, Grid 22, Parcel 7 and is described as Units 5, 6, and 7.

Previous comments from Commission staff were addressed during this submittal. This office has no further comment on this application. Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: QC189-06

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/

September 20, 2006

Ms. Jean Fabi
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA US MAIL AND EMAIL

RE: File #04-06-09-0003-C; Huffman Administrative Subdivision

Dear Ms. Fabi:

Thank you for the information concerning the intent of the above property owner to seek an administrative subdivision through the adjustment of common lot lines. It is understood that property is located on Queen Anne's County Tax Map 70, Parcel 24 and is described as Lots 13, 14, 15, and 15. Lots 14 and 16 are partially located within the Critical Area and are designated LDA. None of the lots described are waterfront or are affected by any shoreline Buffer. The property owner is currently seeking to combine the parcels by removing the common lot boundaries between the lots.

Since there is no construction pending on the property as part of this administrative subdivision, the Commission has no further comment. Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: QC609-06

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/

September 20, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

VIA FACSIMILE

RE: Willis Local Case # 06-119; Walter Corson

Dear Ms. Moredock:

Thank you for submitting the information related to the above applicant's request for a variance related to a failing septic system. It is understood that the property is located at 9774 Vogeler Drive and is further described on Kent County Tax Map 35, Parcel 51.

Much of the property is located within the 100-foot Buffer. A failing septic system is a public health issue. If no other options exist to relocate the septic system outside the Buffer then the system should be placed as far upland as possible. The Commission would request 3:1 mitigation for any trees removed during the replacement.

It was noted that included with the site information showing the location of the future SRA, was a plan for a "proposed two story dwelling" and a deck. Comments from this office currently only address the relocation of the current failing septic. We would appreciate the opportunity to comment on any future construction plans for this property as we feel there is a potential to minimize future impacts to the Buffer.

If the Board finds that the applicant is entitled to relief, the Critical Area Commission would not oppose the requested variance. Please be aware that all other LDA requirements must be met during site construction.

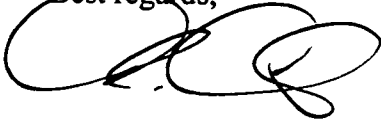
Thank you for the opportunity to comment on this application. Please notify the Commission in writing of the decision by the Board.

Ms. Moredock
Variance Case 06-119

September 20, 2006
Page 2

If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the text "Best regards,".

Chris Clark
Natural Resource Planner

cc: KC 611-06

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/

September 20, 2006

Ms. Jean Fabi
Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA US MAIL AND EMAIL

RE: File #MISP #4-06-09-0012-C (Amendment)

Dear Ms. Fabi:

Thank you for the recent submittal of information related to the proposed amendment of the Thompson Creek Shopping Center infill development. The subject property is bound by Thompson Creek Road to the north and Marion Quimby Drive to the south and can be further described on Queen Anne's County Tax Map 56, Block 12, Parcel 251. The applicant is proposing to construct a 3,666 square foot building between two portions of the existing commercial development. Nearly the entire project is located within the Intensely Developed Area of the Critical Area and has been reviewed for compliance in 1997. The purpose of the amended site plan is to regain approval of this portion of the development since the previous approval from 1997 has since lapsed. Commission staff has the following comments:

1. The applicant will be required to request a letter from DNR's Wildlife and Heritage Division regarding any sensitive species on or near the subject property. Previous letters are only good for two years.
2. Please correct Note 6. on the Title Sheet to correctly identify the source of the tidal and non tidal wetland delineations.
3. The applicant is requesting the County and the Commission to rely on the previous Critical Area Site Assessment report for the property. This site assessment is nearly nine years old. Please update the report with current data.

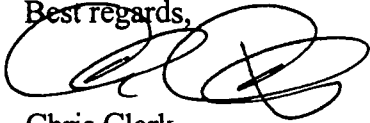
Ms. Fabi

September 20, 2006

File #MISP #04-06-09-0012-C (Amendment)

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: QC608-06

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/

September 15, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA US MAIL

RE: Minor Subdivision – Lands of Stewart Mumford, Tax Map 10, Parcel 120

Dear Ms. Davis:

Thank you for submitting the site plan for the above referenced project. The applicant is proposing to subdivide 20.79± acres referenced on Worcester County Tax Map 10, Parcel 120. The site plan provided proposes the creation of lots 1, 2, and 3 of 2.00, 2.33, and 2.69 acres respectively. The remainder of the site will consist of 13.59 acres of agricultural land. A portion of Lot 1 is within the Atlantic Coastal Bay Critical Area. I have reviewed the site plan and have the following comments:

1. It appears that a blue line stream binds the parcel to the north. Further review of this stream indicates that is most likely an agricultural ditch used for drainage. However, the western portion of Lot 3 is bound by a blue line stream that was verified through historical USGS topographic maps and Worcester County Soil Conservation Maps. Appropriate stream buffers must be maintained along the western portion of Lot 3.
2. A letter from DNR Natural Heritage Division must be provided to this office for review.
3. Fifteen percent (15%) of Lot 1 will be required to be afforested within the Critical Area. Please indicate on the site plan where this afforestation will occur. This afforestation area must be placed into a conservation easement or protected in a similar fashion.

Janet Davis
Mumford Subdivision

September 15, 2006
Page 2

I appreciate the opportunity to comment and look forward to receiving the additional information required for site plan review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: WC 594-06

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/

September 15, 2006

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

VIA FACSIMILE

Re: Site Plan – 2nd Street Rooming House; File #06-18100007

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant is proposing to redevelop parcels 3949 and 3947 on Block 29N of Tax Map 110. The total project size is reported to be 42,600± square feet. All current structures and parking lots will be removed and replaced with a 20,464 square foot and a 2,569 square foot housing complex with a picnic area and associated parking. The site is designated IDA is within the DMX downtown district and is not within the 100-foot Buffer. Critical Area issues include stormwater management, habitat protection, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

1. Please provide an engineered drawing of the proposed infiltration trench cross section. Please provide the product specifications for the paving system. Please also provide a plat note stating that a long-term maintenance agreement for the paver system will be put in place prior to occupancy.
2. It is understood the applicant will not meet the requirements under the 10% pollution reduction requirement. A fee-in-lieu will be provided to the Town in the amount of \$3,600.00.
3. Please request and supply this office a letter from MD DNR Heritage Division regarding the presence or absence of any sensitive species on the site.

Mr. Blaine Smith
File #11800
August 14, 2006

4. Please ensure that at least 15% of the site is "plantable." The required afforestation\landscaping has been met on the proposed landscaping plan and schedule.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: OC589-06

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/

September 15, 2006

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

VIA FACSIMILE

RE: Site Plan – 107 – 10th Street; File #11800

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 24,384 square foot lot designated IDA with a 10-foot setback. The site is not waterfront and it is assumed that the entire lot will be disturbed during construction. The applicant proposes to construct a hotel and associated parking. Critical Area issues include stormwater management, and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

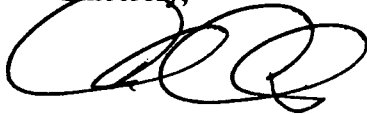
1. An existing site plan was not provided for review. This should show all existing structures, impervious/pervious surfaces, proposed grading, clearing and disturbance.
2. The Critical Area Report, Section 7 indicates that the development is in the 100-foot Buffer. This will change the afforestation requirements since the site was previously landscaped with 25% vegetation. Please clarify.
3. The Critical Area Site Plan indicates that post development landscaping will fall short of the 15%. The Critical Area Report indicates the site will exceed the landscaping requirement. Please clarify.
4. Only 25% of the total landscaping area may be covered in hardscape (stone).
5. The total site area is wrong in the Critical Area report. Please correct.

Mr. Blaine Smith
File #11800
August 14, 2006

6. Please provide a total of the "plantable" area. This must total 15% of the site area that is open to the sky and available for planting. The Critical Area Site Plan indicates this area is 3,139 square feet. The requirement for this site is 3,658 square feet.
7. The applicant intends to use permeable pavers as the BMP for the stormwater quantity and quality control. This approach demonstrates the pollutant removal requirement will be met.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC585-06

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/

September 15, 2006

Ms. Raj Williams, AICP
Eastern Region Planning Chief
Public Lands Policy and Planning
Tawes Office Building E-4
580 Taylor Avenue
Annapolis, MD 21401

Re: Project Review ID #2006-DNR-228

Dear Ms. Williams:

The Commission is in receipt of the information related to the Idylwild WMA Stream Cleaning project you have supplied. After a review of the information, the project does not appear to conflict with the policies or goals of the Critical Area Commission. Commission staff does have the following recommendations:

1. Provide the minimal amount of clearing within the stream in order to provide passage for non-motorized watercraft.
2. Avoid excessive disturbance to the stream bottom during the clean-up activity.
3. Avoid any disturbance to the surrounding stream bank and Critical Area Buffer.
4. Conduct all clean-up activities using hand tools only. Do not permit any heavy equipment within the Buffer.
5. Leave any woody vegetation that may provide habitat or bank stabilization within the stream corridor.

Ms. Raj Williams
DNR Project #2006-DNR-228

September 15, 2006
Page 2

If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'C. Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner
cc: DNR General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 12, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

VIA FACSIMILE AND US MAIL

RE: Revised Landscaping Plan – Gateway Grand Condominium #2 – 48th Street

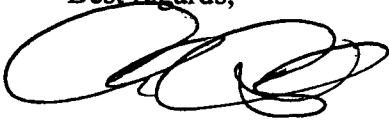
Dear Mr. Smith:

Thank you for the recent submittal of the above applicant's revised landscape plan and required Critical Area supporting documentation. The applicant intends to demolish several existing motel/condominium buildings and redevelop the site with a 196-unit condominium with associated parking. The site is 4.31 acres in size, is not waterfront and does not fall within the 100-foot Buffer. Critical Area requirements for this project include the 10% pollutant reduction and the 15% afforestation requirements. Commission staff has reviewed the information provided and we have the following comments:

1. The parcel is subject a 15% "plantable" area requirement. It is understood that the applicant has demonstrated that 15% of woody vegetation will be placed on the site using the square footage allotment for each type of proposed plant. However, no information was provided to address the previous comments of Commission staff stating that the site is required to have 15% of "plantable" area on the site. We understand that more plantings can be placed in a smaller area but in order to meet the intent of the ordinance, at least 15% of the site must be open to sunlight and be available to plant.
2. The Commission is in receipt of the letter from Heritage as previously requested.
3. The Town should request details on the proposed "porous" asphalt related to the requirements for the installation and maintenance as well as performance standards before allowing this product to count as 100% pervious. This disconnects nearly an acre of the site from the 10% calculations.

Thank you for the opportunity to comment on the proposed project. Please provide staff with any revised information for review. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: OC528-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 7, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

VIA FACSIMILE

RE: Willis Local Case # 06-114RH

Dear Ms. Moredock:

I have reviewed the request for a variance to construct a driveway in order to gain access to a residential lot. The site is described as being located on Kent County Tax Map 501, Parcel 188-1, Lot 1. The property consists of approximately 2.5 acres, is IDA and is not waterfront. The applicant will impact approximately 1,010 square feet of nontidal wetland and has received a Letter of Authorization from MDE for the impacts.

If the Board finds that the applicant is entitled to relief, the Critical Area Commission would not oppose the requested variance. Please be aware that all other IDA requirements must be met during site construction.

Thank you for the opportunity to comment on this application. Please notify the Commission in writing with the decision by the Board. If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resource Planner

cc: KC 577-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 7, 2006

Ms. Jean Fabi
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA EMAIL AND US MAIL

Re: File 05-06-08-0018-C; Lacrosse Homes – 500 Chester River Beach Road

Dear Ms. Fabi:

Thank you for the information related to the above referenced application. The site is located on Queen Anne's County Tax Map 58, Grid 9, Parcel 568. The applicant is proposing to subdivide 1.037± acres into three lots. The property is wholly within the Critical Area and is designated LDA with a reduced 50-foot shore Buffer. I have reviewed the information supplied and have the following comments:

1. The easternmost lot on the site plan indicates that there are nontidal wetlands contiguous with the 50-foot Shore Buffer. Chapter 14:1-52A.-C. provides for the expansion of the Buffer to include sensitive areas of a site where development activities may adversely affect wetlands.
2. A copy of the wetland impact authorization was supplied indicating the permanent impacts of 2,873 square feet of forested nontidal wetlands. Please indicate on the site plan the extent of the authorized impact on the nontidal wetland and wetland buffers. Please be aware that none of this disturbance may impact the 50-foot shore Buffer without a variance.
3. The Planning Director and/or Planning Commission must determine if the property can maintain the Buffer Exempt status under § 14:1-53C. – Applicability since the Buffer exemption status references lots of record as of December 1, 1985. These appear to be new lots of record.

Ms. Jean Fabi
Chester River Beach Road

September 7, 2006
Page2

4. The BRL's on all three lots cross into the 50-foot shore Buffer. Please move them out unless the applicant demonstrates and the Planning Director finds there is no feasible alternative as outlined in § 14:1-53D.(1).
5. The BRL extends into the 25-foot nontidal wetland buffer. If this is not an authorized area of disturbance as outlined by MDE then the BRL must be moved.
6. Please provide a JD for the site.
7. Notice from the Maryland Department of the Environment indicates that the Delmarva Fox Squirrel, a state and federally endangered species, is known to occur on or in the immediate vicinity of the project site. Guidelines to protect the habitat for the Fox Squirrel have been provided to the applicant. The applicant must seek additional guidance from the Fish and Wildlife Service regarding the specific impacts proposed by this subdivision.

Thank you for the opportunity to review this project. If you have any questions or concerns please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC403-06
Mary Ratnaswamy, USFW

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 6, 2006

Mr. Spencer Rowe
Spencer Rowe, Inc.
12430 Fleetway Drive
Ocean City, MD 21842

VIA FACSIMILE AND US MAIL

Re: Buffer Management Plans for Bay Point Plantation

Dear Spencer:

Thank you for the draft submission of Buffer Management Plans for Lots 1 and 2 for Bay Point Plantation. As you are aware all lots within Bay Point will need to have a Buffer Management Plan prepared. I have reviewed the draft documents and have the following comments:

1. Please use the outline format as was prepared for Lot 1 for future Plans.
 - Property owner
 - Location
 - Purpose
 - Existing Conditions
 - Surety Requirements
 - A New Section on Violations and Remedies (this may need to be provided by the County)
 - Section Referencing Supporting Documents as Exhibits to be Included with the Plan.
2. Please add a statement similar to that of "no paths or walkways are permitted through the Buffer at any location other than lots where common access was previously approved i.e. marina."
3. The existing conditions section for Lot 2 was excellent. Please keep the discussion relevant to the existing conditions. I think it would be best to make a statement that the existing conditions meet the forest density requirement for the County rather than saying the existing conditions exceed the requirements. This will alleviate the argument that one may cut into the Buffer and still be within the County requirement.

Mr. Rowe
Bay Point Plantation

September 6, 2006
Page 2

4. Where a Lot may require planting please state why in the existing conditions and also include a section on supplemental plantings and who will be responsible for the plantings.
5. I believe that all of the information supplied for supporting documentation is appropriate to include with the proposed Plans.
 - As discussed, pictures of the Buffer at the concrete, surveyed markers is an excellent way of establishing a visual baseline of each Buffer. Please complete the remainder of the pictures before Fall leaf drop or ground cover die-back.
 - The to-scale drawing supplied by Bob Hand is an excellent resource for both the homeowner and regulatory agencies when the need to evaluate the limits of the Buffer may be required.
 - The aerial photograph referenced in the establishment of the existing densities should be included.

I appreciate your continued effort in the preparation of each of these plans going forward. Please also incorporate any ideas from the County's perspective that they may feel are appropriate to include in the Plans. If you have any questions or comments please feel free to call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: WC 766-03

Chris McCabe, Worcester County Planning
Janet Davis, Worcester County Planning
Bob Hand, R.D. Hand and Associates, Inc.

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 5, 2006

Ms. Gail Blazer, Environmental Engineer
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

RE: Planting Plan

Dear Ms. Blazer:

Thank you for the recent submission of materials related to the proposed pilot project to provide planting and stabilization at three locations within the Town. Staff has reviewed the proposed plan and concurs with the Town's assessment that stabilizing the secondary dunes at the end of 58th, 85th, and 86th street will provide erosion control, increased habitat and water quality improvements.

It is understood that Ocean City staff will request permission from the Mayor and City Council to transfer \$10,000 from the Critical Area Mitigation Deferred Revenue account to support this project. Critical Area staff agrees that this is an appropriate use of the mitigation funds and meets the intent of the Town's Program.

Thank you for the opportunity to review and comment on the proposed project. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 5, 2006

Ms. Terri Sullivan
Town of Snow Hill
P.O. Box 348
Snow Hill, MD 21863

Re: Sturgis Memorial Park Planting Plan

Dear Ms. Sullivan:

Thank you for supplying the Commission with the planting plan to mitigate the disturbance at Sturgis Memorial Park. Ms. Houtman has recently asked if the plan was approved as submitted. I apologize for not following up on this project sooner. I was under the impression that you only needed feedback if the proposed plantings were not up to the Commission's expectations.

I have reviewed the plan and I believe that it will provide an adequate solution to the Buffer encroachment issues in the park. As always, we appreciate the Town's cooperation and effort. Please contact me directly at 410-260-3476 if you have any questions or comments.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: Karen Houtman, Town of Snow Hill
Keith Lackie, MDP

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 5, 2006

Ms. Carolyn Sorge, Mayor
Town of Betterton
#3 Third Avenue
P.O. Box 339
Betterton, MD 21610

VIA FACSIMILE

**RE: Comprehensive Review of Critical Area Program and Correction of Bayside
Boulevard Mapping Mistake**

Dear Ms. Sorge:

Thank you for providing information related to the comprehensive review of the Town's Critical Area Ordinance and the proposal to amend the Town's Critical Area Maps to correct a mapping mistake. It is my understanding that on June 20, 2006 the Mayor and Town Council approved a new Critical Area Ordinance (Article VI, Section II CAZ Critical Area Overlay District) as well as a revised Critical Area Map reflecting the correction of a mapping mistake.

Based on my conversations with Mary Ann Skilling, the new Critical Area Ordinance uses portions of the Town's existing ordinance and portions of the "model Critical Area ordinance" developed by Commission staff, and revisions have been made throughout the document to reflect the specific needs of the Town. Because a redline version of the Ordinance was not provided to the Commission during the time that it was being developed, Commission staff will need to fully review all Critical Area provisions for consistency with the Critical Area law and Criteria in order to make appropriate recommendations to the Commission.

With regard to the correction of Bayside Boulevard mapping mistake, in evaluating map amendments that involve the correction of mistakes made during the original Critical Area mapping, local governments are guided by the Court of Special Appeals decision in August Bellanca v. County Commisisoners of Kent County. The Commission's role in reviewing these amendments is to ensure that they are consistent with the purposes, goals, and provisions of the State law and all criteria of the Commission.

The Town is proposing to change the Critical Area designation of 15 parcels from Limited Development Area (LDA) to Intensely Developed Area (IDA). The Town contends that these parcels were incorrectly designated LDA at the time the original mapping was completed. Pursuant to COMAR 27.01.02.07(C) the parcels are required to meet the standards for IDA in order for the mapping change to occur. This includes the parcels having at least one of the following features:

1. Housing density equal to or greater than four dwelling units per acre;
2. Industrial, institution, or commercial uses are concentrated in the area; or
3. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

In order for the Commission to begin formal processing of the map amendment, the following information should be submitted:

1. Information about all development on the property at the time of original mapping;
2. Aerial photography from the time of original mapping;
3. A draft Critical Area Map reflecting the proposed change;
4. Supporting documentation that may aid the Commission in ensuring the map change is consistent with the purposes, goals, and provisions of the State law and all criteria of the Commission. It is not clear from the information submitted whether the area meets the density provisions set forth above. As stated, parcels served by public sewer and water collection and distribution systems must be located in an area where the density of dwelling units is greater than three units per acre.

Because the map amendment and the Ordinance were submitted together, the current submittal cannot be accepted as complete for processing. Please advise the Commission in writing if the Town would like to have the review of the new Ordinance handled separately from the mapping change. Upon notification of the Town's desire to proceed with the Ordinance separately or the receipt of the additional information requested above, you will be notified that the submittal is accepted as complete for processing. In the interim, if you have any questions, please call me at (410) 260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: Mary Ann Skilling

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 5, 2006

Mr. Mike Burlbaugh
Elm Street Development
175 Admiral Cochrane Drive, Suite 204
Annapolis, MD 21401

Re: Gibson's Grant Buffer Management Plan

Dear Mr. Burlbaugh:

Critical Area Commission staff has completed the review of the proposed Buffer Management Plan for the Critical Area Buffer and the 55-acre Conservation Easement for the Gibson's Grant project.

I am pleased to inform you that the Buffer Management Plan has been accepted as complete. Thank you for working so diligently with Commission staff in the development of the plan. Your work and dedication toward this effort has produced an excellent product. We look forward to seeing the implementation of the Plan and following its progress through time.

If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in dark ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: QA 595-00

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/

August 28, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

Re: Subdivision- 06-079; Eveland, James & Roberta

Dear Ms. Porter:

Thank you for the submission of the documents related to the Subdivision Plat for the above referenced project. The project is located at 10948 Tuckahoe Road and is referenced on Caroline County Tax Map 26, Block 11, Parcel 3. The applicant intends to create Lot 1 through this subdivision. Lot 1 will be parsed from the existing 95.01± Parcel 3 which is in agricultural preservation. Much of Parcel 3 and all of the proposed Lot 1 is in the Critical Area. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA).

Critical Area staff has reviewed the supplied information and has the following comments:

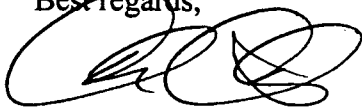
1. Please place the RCA designation along the Critical Area line.
2. Conversations with Caroline County planning staff indicate that the site may be in violation of the County Critical Area Program and the State Critical Area Law. It was reported that a new driveway and electric transformer are currently located within the 100-foot Buffer. In addition, it was reported the trees and vegetation on the property has been cleared to some extent, also in violation of the County Critical Area Program and the State Critical Area Law. The driveway must be removed and relocated. The electric transformer will require an after the fact variance if it is to remain in its current location. The entire lot will need to be

evaluated by County staff to determine the extent of mitigation plantings that will be required due to any clearings violations.

3. A jurisdictional determination must be obtained from the Army Corps of Engineers.
4. An environmental assessment must be performed on this site as required by the Caroline County Critical Area Program.
5. Pursuant to COMAR 27.01.02.05.C.(4) land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling per 20 acres. The "agricultural preservation area" within the Critical Area may be used as part of this density calculation (except for State owned tidal wetlands) but 18 acres of this area must then be put into a permanent conservation easement and labeled as such on the plat. Agricultural activities would be permitted to continue on this parcel provided a soil conservation plan is in place.
6. An environmental review letter must be obtained from DNR's Wildlife and Heritage Service. A preliminary review indicates that this property is prime Forest Interior Dwelling Bird (FIDS) habitat.
7. Please define all soil types on the site plan.
8. Private and State tidal wetlands must be delineated.

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: CR 538-06

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/

August 28, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Minor Subdivision – Shay, Donald

Dear Ms. Davis:

Thank you for submitting the site plan for the above referenced project. The applicant intends to subdivide one 3.01 acre lot from an existing 80.0 acre parcel located on Worcester County Tax Map 99, Parcel 7. The southern and eastern portions of the site are located in the Chesapeake Bay Critical Area and the property is designated as a Resource Conservation Area (RCA). I have reviewed the information submitted and have provided comments below.

1. Please have the applicant request and supply this office with DNR's comments from the Wildlife and Heritage Service.
2. The afforestation area presented is sufficient to comply with the 15% requirement but should be put into a conservation easement and require surety guarantees as part of the approval process. The afforestation should be of a similar species present on the property. It appears that all Loblolly Pines are presented as the proposed plantings.
3. Worcester County Code § NR 3-219.(c)(5) states that "...When lands are proposed to be developed or converted to new uses, the Buffer shall be established." The applicant should indicate how this will be accomplished. It appears that the applicant is close to a fully vegetated Buffer. This office would not oppose natural regeneration of the area currently cultivated. If this approach is used then some field demarcation of the Buffer should be incorporated into the site plan requirements.

4. The site currently has an existing dirt road access into the property that bifurcates Hall Branch, a tributary of the Pocomoke River and extends into the 100-foot Buffer. It appears that the site plans indicate an extension of this dirt road to serve the property. There is a note on the site plan that this road would not be expanded but it will obviously need to be extended to serve the new lot. Staff recommends that where the dirt road does extend to the new lot that the applicant provide for mitigation of the new portion of the road at a rate not less than 3:1. This should be addressed independently of the other afforestation requirements.
5. The total reported size of the current property is reported to be 80.0 acres. The applicant is reserving 17.0 acres of the parent tract. The RCA designation dictates a density requirement of one dwelling per 20 acres. Future subdivision of lots on the parent tract may be restricted due to the presence of State owned tidal wetlands on the property. Only private tidal wetlands may be used for the density calculations.

I appreciate the opportunity to comment and look forward to receiving the additional information required for site plan review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: WC 543-06

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/

August 28, 2006

Mr. Russell Blake, City Manager
Pocomoke City
P.O. Box 29
Pocomoke City, MD 21851

Re: Drawbridge Villas – Pocomoke River Front

Dear Mr. Blake:

The Commission has received updated site plans and 10 percent pollution reduction calculations for the above referenced site. The site consists of 4.15± acres bordering the Pocomoke River. To reiterate previous comments from the Commission, this area is within the portion of the City that was granted an exclusion from the Critical Area requirements. However, as established by Resolution 174 as signed in 1988, development within 1000 feet of the Pocomoke River or its wetlands, is to comply with the Critical Area Criteria insofar as possible whenever redevelopment occurs. Staff has reviewed the submitted plans and stormwater calculations and offers the following comments:

1. The cover letter indicates the applicant has currently taken the 10% calculations into account for Phase I of the site consisting of 3.42 acres of disturbance with the remainder left as "open space." Phase II will be required to meet the 10% requirement as the project proceeds.
2. The applicant intends to use plantings as an offset to reach the pollutant removal requirement. As stated in the 10% Guidance Manual only one-third of the plantings may be shrubs. Please revise the landscape schedule. Further, the applicant intends to use 30 raingardens to redirect rooftop runoff. The intent of the raingardens is to function as a standalone credit for the disconnect and must be constructed to a standard which will allow for both stormwater infiltration and nutrient uptake. The applicant may not take credit for both the planting of the raingardens as would be required to count as a disconnect and also use those plantings to count toward the 10% offset. They

Mr. Russell Blake, City Manager
Drawbridge Villas

August 28, 2006
Page 2

must be addressed independently. Either offsite plantings or other innovative offsets must be considered or further stormwater management must be addressed onsite.

Thank for he opportunity to comment of this site plan. We look forward to the updated materials as soon as they become available. If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: PO 580-05
Stephen Yuhas, Atlantic Group
Bruce Morrison, Worcester County Commission Representative
Bob Shockley, Worcester SWM Review

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 28, 2006

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

RE: Building Permit; Abott - 604 Westway Drive

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to replace a 320 square foot pervious deck with an impervious deck with the same dimensions. The parcel size is approximately 5,600 square feet, is IDA and is waterfront. The deck is proposed on the upland side of the existing home. Critical Area considerations include impervious surface limitations, and afforestation/landscaping requirements.

The impervious limits for the subject parcel will be exceeded by approximately 17 square feet. It is understood that the Town will collect a fee-in-lieu for the excess impervious surface. Landscaping/afforestation requirements are met through the 2% cost of construction worksheet. The applicant is proposing to plant 10 small shrubs on the property as mitigation. It would be helpful if the applicant could provide the Town with the type and proposed size of the shrubs. Nevertheless, it appears the applicant has met the intent of the Town of Ocean City's Critical Area Program.

This office has no further comment on the proposed building permit.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC525-06

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/

August 28, 2006

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

RE: Variance Request – Permit #10498; 709 South Surf Road

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above variance application. It is understood that the applicant constructed an impervious deck extending approximately 16" into the 15-foot setback for the Critical Area. This was noted on an as-built survey submitted by the applicant after construction.

The applicant is required to mitigate for the new impervious surface and has submitted a landscape schedule that would address the requirements. If the applicant is within the impervious limits as set forth under the Town of Ocean City's Critical Area Program and the applicant provides the required afforestation, this office would not oppose the variance request.

This office has no further comment on the proposed variance request.

Thank you for the opportunity to comment. Please provide this office with a written response of the Board of Appeals decision for our records. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark", written over the word "Sincerely,".

Chris Clark
Natural Resources Planner

cc: OC-542-06

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/

Memorandum

TO: MR. RAY DINTAMAN, JR., DIRECTOR, ENVIRONMENTAL REVIEW UNIT, DNR

FROM: CHRIS CLARK *cc*

SUBJECT: MD20060810-0883 - WILDFOWL TRUST OF NORTH AMERICA, INC./
CHESAPEAKE BAY ENVIRONMENTAL CENTER

DATE: 8/28/2006

I have reviewed the enclosed packet regarding the construction of a new building at the Chesapeake Bay Environmental Center. The Critical Area Commission has been in contact with the County regarding the proposed concept plan and will continue to follow this project through the review process. I have attached a copy of the Commission staff comments on this project for your files. Please contact me directly with any questions you may have.

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 25, 2006

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #386

Dear Ms. Wimbrow:

Thank you for providing information on the above referenced rezoning case. The applicant has requested the rezoning of two parcels referenced on Worcester County Tax Map 9 as Parcels 51 and 245. The two petitioned parcels are not within the limits of the Critical Area.

The Critical Area Commission has no further comment regarding this application.

Thank you for the opportunity to review this case. If you have any questions or concerns, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: WC539-06
Janet Davis, Worcester County Critical Area Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 23, 2006

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

RE: Site Plan – Worcester County Public Library, Ocean City Branch

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a 12,500 square foot library on what is currently a municipal parking lot. The total lot size is reported to be 25,650 square feet. The site is outside of the 100-foot Buffer and is designated IDA. The proposed plan indicates a reduction in total impervious surface area from .877 acres to .733 acres. A non-structural BMP is proposed to disconnect .053 acres through the use of a bioretention area. Critical Area issues include stormwater management, pollutant removal and afforestation.

The Commission has the following comments based upon the information provided:

1. There is a 15% afforestation requirement outside the 100-foot Buffer. For the proposed project this would require 3,848 square feet of landscaping. The applicant is proposing to plant 7,075 square feet of landscaping. The project will meet the afforestation requirement as currently proposed.
2. The applicant is in compliance with the 10% pollution reduction requirement.
3. Detail on the pervious paver materials and installation requirements have been provided.
4. It is understood that this submission is labeled "100% Bidding Documents" Please have the applicant indicate Critical Area information on the final construction drawings supplied to the Town (i.e. site status (IDA), notification that the site is within the Critical Area for Chesapeake and Atlantic Coastal Bays, impervious/pervious area, etc.)

Mr. Blaine Smith
August 23, 2006
Page 2

Thank you for the opportunity to comment on this project. All Critical Area comments have been addressed. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: OC184-06

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/

August 23, 2006

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

RE: File MASP #04-06-07-0007 Project: Ruby Tuesday

Dear Ms. Spinelli:

Thank you for the submittal of the information related to the request for major site plan approval for above referenced project. The applicant is proposing to redevelop a 1.92 acre site fully within the Critical Area located at 1707 Main Street, Chester, MD. The site is partially developed with a retail store and paved parking lot. The entire site is designated as an Intensely Developed Area (IDA). Critical Area concerns include 10% rule compliance, habitat protection, and stormwater management.

Commission staff has reviewed the information supplied and has the following comments:

1. Please add a note citing that this project is located in the Critical Area of Queen Anne's County along with the pertinent site statistics.
2. Please provide a DNR Heritage letter to this office for review.
3. It appears that the applicant is removing the stormwater BMP for the site currently treating both the parking area and the Chesapeake Outdoor building rooftop runoff. If the BMP is to be removed, the rooftop and parking area outside the proposed limits of disturbance must be included in the 10% water quality and stormwater volume calculations.
4. It is not clear on the site plan where the grass swale BMP is to be located on the property. Please clarify.

TTY for the Deaf

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

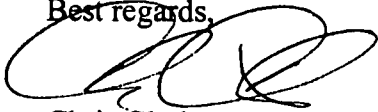
Ms. Spinelli
Project: Ruby Tuesday

August 23, 2006
Page 2

5. This office was supplied with incomplete site plan documents. Sheets 14-17 are missing. Please submit the missing sheets for review.

Thank you for providing the site plan documents for review. If you have questions or comments regarding this correspondence please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: QC 508-06

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/

August 23, 2006

Ms. Holly Tompkins
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #03-05-10-0028-C Project: Claggett, Hershell

Dear Ms. Tompkins:

Thank you for the recent submittal of the information related to the relocation of lot lines for the above referenced applicant. The applicant's intent is to apply for an administrative subdivision. Currently, the site consists of two existing lots of 41.549± and 42.701± acres (totaling 82.99±) acres with 66.208± in the Critical Area. The property is designated RCA. The applicant intends to relocate the existing lot line to create lots of 20.26± (Tract 5A) and 63.99± acres (Tract 5B) respectively.

It is understood that Tract 5B will remain completely in agriculture and no new development is currently proposed on either parcel. This office has further comment on this administrative subdivision.

Thank you for your comments regarding this project. If you have questions or comments regarding this correspondence please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: QC718-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 23, 2006

Ms. Helen Spinelli, Planner
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

RE: File SSP #05-05-05-0007 – Project: Walters Properties Revision #4

Dear Ms. Spinelli:

Pursuant to your request, I have reviewed the documents related to the proposal to construct a single family cluster subdivision consisting of 41 townhomes and 127 single family lots plus a "donation parcel" and five open space lots.

Previous comments have addressed the need for an "emergency access easement" separating the areas noted as "Critical Area Conservation Easement" # 2 and 3. The road will cross a portion of the site designated as a Resource Conservation Area (RCA). Most of the previous comments were addressed with this submission. The following items continue to be outstanding:

GENERAL COMMENTS:

1. It is understood that the details on the Critical Area Forest Conservation Easements will be addressed at preliminary.
2. Queen Anne's County Code § 14:1-38.E.(c) will require mitigation for any clearing of trees with a diameter at breast height (DBH) greater than four inches must be accomplished at a ratio of 1:1. This mitigation should be FIDS quality habitat creation. A licensed forester should be retained to review the surveyed area of the proposed clearing for the access road to determine the required mitigation requirements due to any required clearing. Minor road adjustments should be considered in order to maintain the maximum amount of canopy within the forested area.

3. Please provide a mitigation planting plan for review with the next submittal including the proposed native vegetation plantings proposed along the access easement.

Thank you for the opportunity to comment on this sketch plan. If you have any questions or concerns, please contact me directly at (410) 260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: QC350-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 22, 2006

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

RE: File MASP #04-06-06-0002 Revision #2 Project: Cole, Francis

Dear Mr. Cohoon:

Thank you for the information concerning the intent of the above property owner to construct an 8-unit duplex condominium unit. The project can be found on Queen Anne's County Tax Map 48, Parcel 13.

This site is outside of the limits of the Critical Area. This office has no comments on the proposed development activity.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over the typed name.

Chris Clark
Natural Resources Planner

cc: QC507-06

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/

August 22, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

RE: Palm Harbor Condominiums (a.k.a. Misty Harbor Condominiums)

Dear Mr. Smith:

Thank you for the most recent submission of site plans related to the above referenced project. The applicant intends to construct a 79 unit condominium complex on a 2.49 acre parcel. The project is within the 100-foot Buffer, is IDA, and waterfront. Issues of concern include the 25-foot setback, afforestation, sensitive species, and pollutant removal requirements. Commission staff offers the following comments:

1. The applicant is proposing to address the 10% rule with a series of infiltration trenches. The efficiency of the trenches must be addressed. The applicant is proposing to keep a 2 foot separation of the stormwater from groundwater. The Town of Ocean City's Engineering Department has indicated that the depth to water of the site is between 0-1 foot below ground surface (bgs). An elevation of groundwater in the calculations has been reported as 1 foot bgs as a "conservative" design measure. This statement seems contradictory in regards to the available data.
2. The afforestation requirement is not met on-site. As stated in the Town of Ocean City's Code Section 30-554.(d)(8)a. "The option of paying a fee in lieu of mitigation or landscaping is only available if, in the determination of the Department, the property owner has exhausted all reasonable possibilities of mitigation or landscaping on-site." The Commission would recommend that the Town require the applicant to provide additional landscaping within the Buffer as there appears to be adequate room to do so. As presented, the applicant is

Mr. Blaine Smith
Palm Harbor

Page 2
August 22, 2006

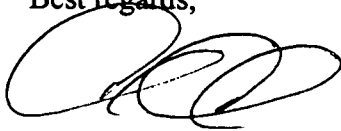
proposing to pay a fee-in-lieu of \$91,862.40 to mitigate the afforestation requirement.

3. Pervious pavers may not count toward landscape area. Staff could not locate this reference in Chapter 98, Article II, Landscaping Code of Ocean City. This may be a "practice" but it is not outlined in the Code. Please revise your calculations.

Please respond to the above comments and provide for resubmittal to the Commission staff for review.

We look forward to the updated documentation. If you have any further questions regarding this project, please call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: OC778-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 21, 2006

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

VIA US MAIL

RE: Site Plan – 13520 Holly Lane – File #11760

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a pervious 550± square foot deck connected to an existing dwelling. The parcel size is approximately 5,500 square feet subject to a 10 foot setback and is waterfront. Critical Area considerations include afforestation\landscaping requirements.

It was noted that a complete Critical Area Application was not submitted. Staff understands that the applicant is only proposing to construct a deck but it is important that we are provided with the existing site conditions for our database. In the future, please have the applicant complete the entire application. According to Section III of the application, the applicant is proposing to install two small trees as mitigation for the project. On the landscape plan these trees are proposed outside of the setback but several "small shrubs and flowering plants" are shown in the setback to meet the 25% afforestation requirement. These are not on the landscape conversion chart and it is unknown how many and/or what type of small shrubs and flowering plants are proposed. In addition, the site plan provided does not indicate the location of the Critical Area setback and incorrectly displays the extents of the proposed deck.

Staff would recommend the applicant supply the Town with an accurate drawing to scale for the proposed project as well as a listing of the proposed planting schedule within the setback before a permit is issued.

Mr. Blaine Smith

File 11760

August 21, 2006

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Clark', written over a horizontal line.

Chris Clark

Natural Resources Planner

cc: OC525-06

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/

August 21, 2006

Ms. Betsy Walk
Caroline County Department of Planning and Codes
403 South Seventh Street
Health and Public Services Building, Suite 210
Denton, MD 21629

Re: Variance Application 06-17V; Moran Construction

Dear Ms. Walk:

Thank you for providing the information related to the above referenced variance application. The applicant is proposing to construct a 140 square foot deck connected to an existing home. The property is designated LDA and the current structures present within the Buffer are grandfathered as they predate the Critical Area Law. The property is approximately 1.42± acres in size and is entirely in the Critical Area. The applicant is proposing to construct the deck on the rear of the home extending approximately 11 feet into the Buffer.

The deck, in its proposed configuration and size, is very modest and would present little impact to the Buffer. A detail of the proposed deck was not supplied to staff for review but it is assumed that the deck would be pervious without a roof or canopy to allow for the infiltration of stormwater. COMAR 27.01.11 outlines the standards an applicant must meet in order to be considered for relief from the Code. The County should adopt a system whereby the applicant is required to supply a response to the five findings required to be addressed by the applicant under this subsection. In addition, particular attention should be focused on the applicant's requirement to meet the standard of an "unwarranted hardship" as defined in Natural Resources Article, § 8-1808(d), Annotated Code of Maryland. If the County finds the applicant is entitled to relief, we would ask that the following conditions be placed upon the approval:

1. Require the applicant to address the variance standards listed in COMAR 27.01.11 for consideration by the County.
2. Provide for mitigation of vegetation in the Buffer at a ratio of 3:1 for all area disturbed.

3. Require the deck to be built to be pervious without any type of awning, roof or canopy that would render it impervious.

Thank you for the opportunity to comment of this application. Please notify this office in writing with the result of this variance application for our records. If you have any questions or comments, please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: CR 530-06

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/

August 14, 2006

Ms. Vivian Swinson
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA US MAIL

Re: Administrative Variance Application 06-02-04; Gretchen & Frederick Knowles

Dear Ms. Swinson:

Thank you for providing the information related to the above referenced administrative variance application. The applicant is proposing to construct a 525 square foot addition connected to an existing home. Currently, there is 1,857 square feet of impervious surface coverage. The property is designated IDA and is in a Buffer Exemption Area (BEA) with a 50-foot setback. The property is approximately 0.57± acres in size and is entirely in the Critical Area. A recent hurricane has turned the low lying area to the northeast into a tidal gut creating additional Buffer restrictions on the property.

Most of the current home is outside of the 50-foot setback. It appears that approximately two thirds of the new addition will intrude into the setback and will ultimately rest approximately 30 feet from tidal water at its closest point. The Commission would not oppose the variance request as currently proposed. If the Planning Director feels the applicant is entitled to relief, staff has the following recommendations:

1. As required in Queen Anne's County Code, Article XIII § 14:1-68.C.(3)(b) the area of the new dwelling in the Buffer should be mitigated at a ratio of 2:1 with native vegetation.
2. Provide for some type of residential stormwater control on the eastern portion of the addition. A rain garden would be an ideal solution to provide for rooftop disconnect before stormwater enters the Buffer.
3. Provide super silt fence around all construction activities.

Ms. Vivian Swinson
Administrative Variance 06-02-04

August 14, 2006
Page 2

Thank you for the opportunity to comment of this project application. Please notify this office in writing with the result of this variance application for our records. If you have any questions or comments, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: QC 518-06

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/

August 14, 2006

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

VIA FACSIMILE

RE: Site Plan – 416 Bering Road – File #06-11709

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to redevelop a 5,377 square foot waterfront lot designated IDA with a 15-foot setback. It is understood that the entire lot will be disturbed during construction. A three story home with a 1,848 square foot footprint will be constructed on the property. After all improvements are made the total site imperviousness is reported to be 2,389 square feet which is an 8.7 percent increase over existing conditions. An existing wood patio is proposed to remain in the setback in addition to an existing wooden walkway. Critical Area issues include stormwater management, Buffer mitigation and afforestation/landscaping requirements.

The Commission has the following comments based upon the information provided:

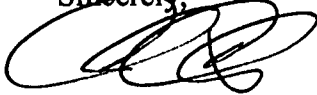
1. With the incorporation of pervious pavers for the driveway, the applicant will be below the threshold of 3000 square feet maximum impervious area for the site.
2. The second and third story steps intrude into the setback. It appears that there is adequate room to move the home toward the street to bring the steps outside the area of the setback. In addition, in order for the decks to remain pervious, no portion of the roof may extend over any level of the decks.
3. Stormwater management appears to meet the needs of the site by the incorporation of dry swales along the edges of the site draining to rain gardens.

Mr. Blaine Smith
File 06-11709
August 14, 2006

- The applicant is proposing to use the Town of Ocean City's "2% cost of construction" landscaping requirement by planting \$8,773 of trees and shrubs. Once again, we are not sure how the applicant arrived at the proposed landscape schedule and planting plan since the Commission has still not received a copy of the "Means" book value of plants apparently used by applicants when creating a landscape plan to meet the requirements of the Town.

As submitted, the applicant has met the intent of the Town of Ocean City's Critical Area Program. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC517-06

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/

August 10, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA FACSIMILE AND US MAIL

RE: Variance Request – Lots 31A and 33A Coastline Estates

Dear Ms. Davis:

Thank you for providing information on the above referenced variance application. The applicant is proposing to construct a shared pier between Lots 31 and 33A in the Coastline Estates Subdivision. Both parcels are designated IDA and are in Buffer Management Area B with a reduced Buffer of 50-feet.

The applicant is requesting to construct this shared pier in excess of the permitted 100 foot length across tidal wetlands. The total length of the pier will extend approximately 213 feet. Previous approvals were given to the applicant to construct the pier under the premise that it would extend no further than 100 feet across the tidal wetlands. Subsequent surveys indicated the need for a further extension. In order to better evaluate the need for such an extension, the Critical Area Commission required additional supporting documentation to be provided for review. A bathymetric survey was conducted by Spencer Rowe, Inc. to determine the possibility of locating the pier closer to shore. The information provided by Mr. Rowe supports the information supplied in the BZA application. Provided this pier is shared between the two lot owners and all appropriate permits are secured by the applicant for the construction of the pier by the appropriate agencies, the Commission would not oppose this variance.

Ms. Janet Davis
Coastline Estates Variance Request

August 10, 2006
Page 2

Thank you for the submission of the additional documentation for review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: WC400-06
Joe Kincaid, MDE Tidal Division

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 10, 2006

Mr. Russell Blake, City Manager
City Hall, P.O. Box 299
Pocomoke City, Maryland 21851

RE: Pocomoke City Critical Area Issues

Dear Mr. Blake:

The Critical Area Commission appreciates your continued support regarding the coordination and review of projects related to Pocomoke City. Recent development activities and annexations by Pocomoke City highlight the need for coordination between the City, Worcester County and the Commission in regard to Critical Area issues. While portions of Pocomoke City were excluded from the Critical Area Program for redevelopment purposes, to our knowledge there is no program or policy in place to address Critical Area requirements for development of annexed land. We understand that the portion of the City excluded from the original program requirements are to meet the intent of the Critical Area Law "insofar as possible" but there is a current need to address issues surrounding the annexed land and the submission requirements for review by the Commission.

Commission staff would greatly appreciate your assistance in arranging a meeting between Commission, Worcester County and City staff and you to begin resolving these issues. We are particularly interested in determining what areas have been annexed or are proposed to be annexed, to ensure the County's Critical Area maps are accurate. Review of development projects within the annexed areas is also a priority topic for discussion. The Commission is interested in working with the City needs to develop a Critical Area Program for the annexed parcels, as well as, an overall guidance document related to the portion of the City that was excluded from the program.

Please contact me at your earliest convenience to discuss potential dates for a meeting. I will gladly coordinate with Worcester County planning staff. Please contact me directly at 410-260-3476. Thank you in advance for your assistance with this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over the "Best regards," text.

Chris Clark
Natural Resources Planner

cc: Janet Davis, Worcester County
Keith Lackie, Maryland Department of Planning

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 8, 2006

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

VIA FACSIMILE AND US MAIL

RE: Variance Request #06-09500011

Dear Mr. Smith:

Thank you for the submission of required documents related to the above referenced variance request. It is understood that the applicant initially proposed to construct a new 338 square foot pervious deck connected to a single family home on a lot designated IDA subject to a 15 foot setback. It is further understood that after the start of construction it was noted that a 116 square foot impervious structure was to be placed on the deck intruding into the setback in violation of the Town's Code.

The applicant has applied to the Board of Appeals for a variance based on medical conditions; a list of which was supplied to this office. While this office has no intention of disputing the claims made by the applicant regarding a claimed medical condition, two issues regarding this application should be addressed:

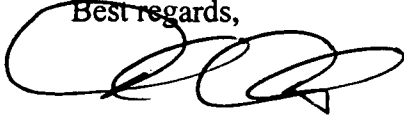
1. The Annotated Code of Maryland Natural Resources Article § 8-1808(C)(1)(xii) states that in the development of Town's Critical Area Program there is a requirement that there be provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability. The Town's Critical Area Program has no such provision. This situation should be remedied during the next update of the Town program. Nevertheless, Article § 8-1808 provides for the accommodation at the discretion of the Board.
2. It is important to note that this same provision also includes language that authorizes the local jurisdiction to require removal of the structure that was installed to accommodate a physical disability when the accommodation is no longer necessary.

Based on this provision in the law and mitigation requirements under the Town's Critical Area Program, the Critical Area Commission would not oppose the granting of the requested variance with the following conditions:

- The Board require the applicant to remove the structure when no longer necessary or upon the applicant moving from the home.
- The Board require impervious surface mitigation at a rate of 3:1 for the impact to the setback. This would require plantings of native trees or shrubs as described in Section 30-554(d)(7) at an amount equaling an area of not less than 348 square feet.

I appreciate the opportunity to comment on this variance application. Please notify this office in writing regarding the decision of the Board of Appeals. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: OC325-06

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/

August 8, 2006

Mr. Eric Roes
108 Altona Avenue
Pasadena, MD 21122

Re: Critical Area Violations – Caroline County Tax Map 23, Parcels 109, 42 and 43

Dear Mr. Roes:

It has come to our attention that during an inspection of your property with Caroline County Planning and Zoning staff several State Critical Area violations were noted. A previous clearing of trees within the Critical Area without a grading permit, sediment erosion control or timber harvest plan was documented by several agencies during the month of May 2005. Since this time, it has been noted that a sediment and erosion control plan has been put into place. It was clear during the site inspection that no effort has been made to replant the area of disturbance associated with the violation. Please note that the State of Maryland Code of Maryland Regulations (COMAR) 27.01.02.04.C.(5)(c) states that "Forests which have been cleared before obtaining a grading permit, or that exceed the maximum area allowed in §C(4) shall be replanted at 3 times the areal extent of the cleared forest." In addition, the Annotated Code of Maryland Natural Resources Article §8-1815.1.(b) states that "if a person cuts or clears or plans to cut or clear trees within the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in violation of an approved local critical area program or of the regulations adopted by the Commission, the local jurisdiction may bring an action or request that the Chairman of the Commission refer the matter to the Attorney General to bring an action."

Caroline County inspectors report the area cleared within the Critical Area amounts to 43,040 square feet. In order to comply with the above regulation you will be required to replant an area not less than 129,120 square feet or 2.97 acres.

It was also noted during the site inspection that the 100-foot Buffer has been used for access with motor vehicles and the storing of building materials. Section 2 of the Caroline County Critical Area Program clearly states that the Buffer shall be maintained

Mr. Roes
August 8, 2006

Page 2

as an area of natural vegetation, supplemented and maintained with planted vegetation as necessary to protect and stabilize the shoreline. The intent of the Critical Area regulations is to limit human disturbance within the 100-foot Buffer. Clearly the stockpiling of building materials and vehicular and tractor traffic intruding into the Buffer violates this intent and any further disturbance to the Buffer should immediately cease.

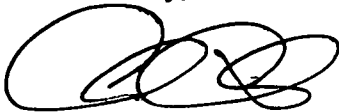
Tidal-wetland disturbance was also noted during the site inspection. The several large tires placed in a small ravine must be removed immediately. The placement of these tires or any other discarded materials into tidal wetlands is a violation of both State and Federal Law.

It is understood that a licensed forester has been contracted to provide a replanting plan for the site. Please have the forester contact the County for guidance regarding the replacement of trees within the Critical Area. The other violations should be resolved immediately.

We are requesting that Caroline County postpone the issuance of any pending permits regarding any future development activities on this project until you enter into a binding planting agreement with the County and correct all other violations within the Critical Area.

If you have any questions regarding the above requirements or need assistance to resolve these issues please call me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Clark", written in a cursive style.

Chris Clark
Natural Resources Planner

cc: Kevin Clark – Caroline County Planning and Zoning
Marianne Mason – Assistant Attorney General, DNR

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 8, 2006

Ms. Cathy Maxwell
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

Re: Local Case # CU-080001 Conditional Use - Chesapeake Bay Environmental Center
Expansion

Dear Ms. Maxwell:

Thank you for providing the information related to the applicant's request to construct a 4,718 square foot educational building at the Chesapeake Bay Environmental Center (CBEC). The property consists of approximately 307± acres resting entirely within the Resource Conservation Area (RCA). The applicant seeks a determination from the County as to the designation of the facility and whether it may be considered a water-dependent research facility operated by a nonprofit organization.

Section 14:1-39B.3.(e)[9] of the County's Critical Area Ordinance allows for placement of the described structure within the RCA provided that non-water-dependent facilities or structure are, to the extent possible, located outside the Buffer. The applicant is proposing to remove the existing restroom facilities now located in the pavilion and use the present SDA to serve the new restroom and kitchen facility being proposed in the new building.

The new facility is outside the 100-foot Buffer. However, it does abut non-tidal wetlands. A non-tidal wetland permit will be required for modification and impacts in this area of the wetlands and the wetland buffer. Since there appears to be adequate room, the Commission would request that the new building be located farther from the existing non-tidal wetlands without the deck cantilevering over the water. This seems to be logical in order to minimize impacts at an environmental education center. The Commission would request that the Board address this issue as part of the Conditional Use phase of the project.

Ms. Maxwell
File CU-080001

August 8, 2006
Page 2

For the purposes of the requested determination, the Commission does not oppose the limited expansion of this facility within the RCA as depicted on the site plan provided the County has no objection related to their Critical Area program or any other building or zoning ordinance.

Thank you for the opportunity to review this project. If you have any questions, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Planner

cc: QC 334-06

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/

August 8, 2006

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

VIA FACSIMILE AND US MAIL

RE: Site Plan – 1920 Marlin Drive; File #06-11698

Dear Mr. Smith:

Pursuant to your request, I have reviewed the supplied information regarding the above referenced site plan. The applicant proposes to construct a 1,234 square foot addition to an existing home. According to the Critical Area Project Application there will also be an additional 107 square feet of impervious surface. It is assumed that this is a result of the steps or other associated proposed structures. The total figure of 1,341 square feet is not reflected in the stormwater BMP calculation. This should be corrected when obtaining signatures on the application which are also missing. The site is designated IDA, is waterfront and is subject to a 15 foot setback requirement. Critical Area issues include stormwater management, and landscaping\afforestation.

It appears that the maximum impervious surface requirement will be exceeded by 103 feet and the town is collecting a fee in lieu of meeting this requirement. Stormwater requirements will be met by the construction of grass swales along both sides of the property as well as the installation of two rain gardens on the site. A landscaping detail has been provided and is sufficient to meet the Town's requirements. As presented, the proposed site plan appears consistent with the Town's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: OC492-06

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/

August 7, 2006

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

VIA FACSIMILE AND US MAIL

RE: Site Plan – 94th Street Ocean Plaza Redevelopment – File #06-1810005

Dear Mr. Smith:

Thank you for the submission of the documents related to the above referenced project. The site plans provided propose for the redevelopment of a 17.7± acre parcel. The parcel is IDA Buffer Exempt and is not waterfront. The applicant is proposing to construct 11 new condominium buildings, one containing a parking garage, a new grocery store, a bank, and retail pad space. The project will progress in five phases. The overall post site development will result in a net decrease of impervious surface from 661,498 square feet to 592,226 square feet; a reduction of 69,398 square feet. This is a result of an increase in plantable area and pervious paver systems proposed on the site. The main concerns include stormwater management and 110% rule compliance, habitat protection, and afforestation/landscaping requirements. Information regarding the Critical Area requirements has been supplied to the Commission and staff has the following comments:

1. Section 3.0 of the Critical Areas Report regarding forest cover states "There are several large mature trees at the rear of the property that will not be affected or touched per this redevelopment. Most of the trees reside on the adjacent property and all will remain in place. There is approximately 7,500 sf of forest cover at the rear of the property." Is it our understanding that all of the 7,500 square feet of forest is to be removed except for several mature trees? The existing tree line is consistent on all of the Critical Area Site Plans.
2. This area of forest is contiguous with lands owned by the Department of Natural Resources. It was noted through the supplied documentation from the Maryland DNR Wildlife and Heritage Service that there was a record of the endangered Beach Plum located on the site. Section 10.0 of the Critical Area Report indicates that the applicant does not propose to remove or impact any vegetation

Mr. Blaine Smith
File #06-1810005
August 7, 2006

on the project site and if there are any Beach Plums "it is believed that they would be in the areas that will not be directly affected by our proposed development." The Commission is requesting that the applicant consult with experts in this field to provide written documentation of the presence or absence of this endangered species as required by Section 30-555.(c)(3) of the Town of Ocean City's Critical Area Ordinance.

3. It appears that the 10% compliance will be achieved through a reduction impervious surface and the installation of a pervious paver system. This reduction in impervious surface will meet the rule in all phases except for Phase one (1). This is the area where the Commission would hope the applicant could be more proactive in capturing and treating the stormwater since it is adjacent to potential sensitive habitat. It seems as though additional BMP's could be incorporated into the design rather than rely on the fee-in-lieu. The proposed treatment efficiency may also need to be reevaluated and a 50% reduction in design capacity may be appropriate. The existing stormwater basin is not located on any of the site plans provided.
4. Section 8.0 of the Critical Area Report discusses a disturbance of 18.4± acres. The site plans indicate the total of 17.70 acres. Please clarify.
5. The landscaping plans appear adequate over all phases.

The Commission would ask the applicant to provide updated and detailed information for review as it becomes available. The Commission would require the review of each additional phase if the site plans varies from the information submitted.

Thank you for the opportunity to comment on this project. If you have any questions or concerns, please contact me directly at 410-260-3476.

Sincerely,



Chris Clark
Natural Resources Planner

cc: OC 249-06

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/

August 2, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

VIA FACSIMILE

RE: Stoltzfus Local Case # 05-26

Dear Ms. Moredock:

I have reviewed the information provided for the Concept Plan approval for a retail complex located at 31701 River Road in Millington. The Commission did not receive this information until July 31, 2006. Planning staff did not receive it for review until today. I understand our comments were due back to your office by August 1, 2006. It is difficult to comment on a large project in the IDA with very little notice. Kent County Planning date stamped this plan March 16, 2006.

Staff understands the property to be 7.56 acres with an existing gas station present. The applicant is proposing to construct a new retail complex on the property. Staff has the following comments:

1. A letter from DNR's Wildlife and Heritage Review Division evaluating the potential for any sensitive, threatened, or endangered species present on or around the project site is required.
2. All IDA requirements must be addressed at the time of site plan development including the 10 percent pollution reduction calculations.
3. It is stated that 1.4 acres of afforestation is to be accomplished off-site. Where is the afforestation to take place? The site appears large enough to accomplish this planting on-site.
4. One set of existing underground fuel tanks are not noted for removal. Are these to remain?
5. Please provide all Critical Area site statistics on the next submittal.

TTY for the Deaf

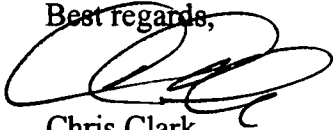
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

6. What is the purpose of listing impervious surface area per 1984 and current impervious area?
7. The Critical Area Project Notification form states the property is 7.56-acres. The Concept plan states the property is 7.015 acres. Which is correct?

If concept plan approval is granted by the Kent County Planning Commission, please provide any revised site plan for review to the Critical Area Commission as soon as possible.

Thank you for the opportunity to comment on this application.

Best regards,



Chris Clark
Natural Resource Planner

cc: KC264-03

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/

August 1, 2006

Ms. Helen Spinelli, Planner
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

VIA EMAIL AND US MAIL

RE: File #03-05-10-0011-C – Project: Coppage, Jane; Revision #1

Dear Ms. Spinelli:

Thank you for the information related to the proposed relocation of the lot lines on the above referenced project. The subject property is RCA and is partially within the Critical Area. This project was submitted to Commission Staff in October 2005 for initial review and comment.

It appears that all previous comments are addressed in this submittal. Additional required afforestation plans must be supplied to the Commission as part of this review. Pursuant to Queen Anne's County Code §14:1-38.D.(6)(a) "When the forest on the site totals less than 15% of the site area, additional forested areas shall be established so that at least 15% of the site is in forest cover. The location of the afforested area shall be designed to protect habitats or to provide continuity with forested areas on adjacent sites."

The Commission would recommend that the afforestation occur within the 100-foot Buffer to also accommodate the requirements under COMAR Title 27.01.09.01.(C)(6) which states "Where agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in the policies in this chapter."

The County and the Critical Area Commission can provide you with assistance in developing a Buffer Management Plan to fulfill both of these objectives.

TTY for the Deaf

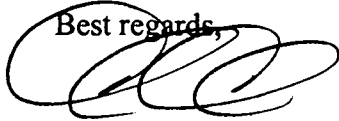
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Helen Spinelli
File 03-05-10-0011-C Revision #1

August 1, 2006
Page 2

Thank you for the opportunity to comment on this project. If you have any questions or concerns, please contact me at (410) 260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written over the text 'Best regards,'.

Chris Clark
Natural Resources Planner

cc: QC 695-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

August 1, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

VIA US MAIL

RE: Site Plan – Michael Smith, Site Plan Project 11548

Dear Mr. Smith:

Thank you for the recent submittal of the above applicant's site plan to replace a mobile home located on Lot 911 in Montego Bay. The parcel size is reported to be 5,258 square feet is IDA and waterfront. The parcel is subject to a 5-foot setback per the Town of Ocean City Ordinance. Staff has reviewed the application and has the following comments:

1. The parcel is subject to a 5-foot setback. It appears that the pervious deck will encroach into the setback to within 1-foot of the bulkhead. Please provide the Commission with information related to how the applicant will comply with the requirement of the Town of Ocean City's Article VII Atlantic Coastal Bays Critical Area Program Section 30-554.(d)(5) and (7)g. The applicant is obligated to provide 25 percent vegetation in the setback area and to mitigate at a ratio of 2:1 for the encroachment. Both of these issues need to be addressed independently.
2. If the Town does not intend to enforce the planting detail supplied to the Commission regarding the vegetative stabilization in front of the deck then please provide an alternative pervious deck detail. There is no indication that the planting information supplied in the deck detail is to be located on the lot and attaching a detail is not enough substantive information to ensure compliance with what the Town appears to require.
3. The applicant has outlined two landscaping conversion charts; one of which it appears he was not required to provide. The project is entirely within the 100-foot Buffer and the applicant has provided contradictory information related to the proposed landscaping mitigation. The information supplied addresses development both inside and outside the Buffer. The applicant may not just

transpose square footage credit for projects outside the Buffer into dollar amounts for the 2% cost of construction credit for single family dwellings inside the Buffer.

4. We are, once again, asking for what the Town provides to applicants when trying to calculate a "Means Book Value" in the landscaping plans.
5. Please begin to use to the new Critical Area Project Notification form sent to your staff.

Thank you for the opportunity to comment on the proposed project. Please provide staff with a revised application for review. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the text "Best regards,".

Chris Clark
Natural Resources Planner

cc: OC 479-06

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/

August 1, 2006

Ms. Helen Spinelli, Land Use Planner IV
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA EMAIL, US MAIL AND FACSIMILE

RE: Gibson's Grant Major Subdivision File #04-05-11-0009

Dear Ms. Spinelli:

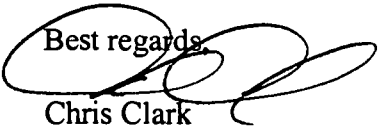
We have reviewed the latest submittal regarding the grading plans within the conservation area of Gibson's Grant. Previous staff comments were addressed in conjunction with a meeting on July 31, 2006 with Mr. Mike Burlbaugh, P.E., of Elm Street Development and subsequent delivery of new proposed grading plans to the Critical Area Commission office on August 1, 2006. The meeting was a result of Critical Area Commission comments related to the height of the berms on the southern portion of the project site.

In the latest submittal these concerns are addressed and the plans provided to this office are acceptable. However, per Mr. Burlbaugh's accompanying letter, the plan was to be dated July 31, 2006. The latest revision date noted on the grading plans is June 6, 2006 and the engineer seal is dated July 13, 2006. This is incorrect.

County Planning and Zoning should be aware of this change as it relates to their staff report and the **required replacement of sheets 6-GR, 7-GR, and 8-GR** as they correspond to the package provided to the County for review and approval by the applicant. If it is unclear if the County has the correct grading plan, we would suggest that the applicant provide additional information for review and concurrence.

This completes all comments related to this project from the Critical Area Commission. If you have any questions or concerns, please contact me directly at 410-260-3476.

Best regards,


Chris Clark
Natural Resources Planner
cc: QC595-00

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/

July 31, 2006

Mr. Blaine Smith, Zoning Administrator
Planning and Community Development
P.O. Box 158
Ocean City, MD 21843

VIA US MAIL

RE: Site Plan – James Mudgett, Site Plan

Dear Mr. Smith:

Thank you for the recent submittal of the above applicant's site plan to replace a mobile home located at 166 Beachcomber Lane. The parcel size is reported to be 3,600 square square IDA and waterfront. The parcel is subject to a 5-foot setback per the Town of Ocean City Ordinance. Staff has reviewed the application and has the following comments:

1. The parcel is subject to a 5-foot setback. It appears that the pervious deck will encroach into the setback to within 1-foot of the bulkhead. Please provide the Commission with information related to how the applicant will comply with the requirement of the Town of Ocean City's Article VII Atlantic Coastal Bays Critical Area Program Section 30-554.(d)(5) and (7)g. The applicant is obligated to provide 25 percent vegetation in the setback area and to mitigate at a ratio of 2:1 for the encroachment. Both of these issues need to be addressed independently.
2. If the Town does not intend to enforce the planting detail supplied to the Commission regarding the vegetative stabilization in front of the deck then please provide an alternative pervious deck detail. There is no indication that the planting information supplied in the deck detail is to be located on the lot and attaching a detail is not enough substantive information to ensure compliance with what the Town appears to require.
3. It is unclear from the information provided on the site plan how the applicant arrives at the "payment to fund" amount. As depicted on the site plan 2170.8 - 2160.0 does not equal 353. Please also provide some clarity as to what this mitigation number relates to as the applicant is proposing to pay \$12.96 into the "fund" using a calculation of $10.8 * \$1.20$. This is noted as mitigation payment

for the exceeding the impervious limits. If 353 is an incorrect figure, please correct.

4. The applicant has outlined two landscaping conversion charts; one of which it appears he was not required to provide. The project is entirely within the 100-foot Buffer and the applicant has provided contradictory information related to the proposed landscaping mitigation. The information supplied addresses development both inside and outside the Buffer. The applicant may not just transpose square footage credit for projects outside the Buffer into dollar amounts for the 2% cost of construction credit for single family dwellings inside the Buffer.
5. We are, once again, asking for what the Town provides to applicants when trying to calculate a "Means Book Value" in the landscaping plans.

Thank you for the opportunity to comment on the proposed project. Please provide staff with a revised application for review. If you have any further questions regarding this site, please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: OC 480-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 26, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA US MAIL

RE: Tax Map 27, Parcel 223 & 224 a.k.a. Proposed Surfer Boys Restaurant

Dear Ms. Davis:

Thank you for recent resubmittal of the site plans for the above referenced project. I have reviewed the information submitted and have provided comments below. The 0.41 acre site is within the Critical Area and is designated as IDA. The site currently consists of a single story commercial building and associated gravel parking area. It is reported that approximately 0.11 acres of the site is currently impervious. After redevelopment the site will consist of 0.32 acres of impervious cover. The applicant has submitted a Critical Area Site Plan and Coastal Bays Report as required under § NR 3-109.1.

Commission staff previously commented on compliance with the 10% pollution reduction rule, landscaping requirements, and a sensitive species review. It appears that all requirements and requests from this office have been met with this submittal.

At this time, Commission staff has no further comments on this project.

I appreciate the opportunity to comment on this project. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: WC 750-03

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/

July 26, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

VIA US MAIL

Re: Minor Subdivision and Tract Line Revision – 06-064

Dear Ms. Porter:

Thank you for the submission of the documents related to the minor subdivision and Tract line revision for the above referenced project. The project is located at 3441 Frazier Neck Road and is referenced on Caroline County Tax Map 58, Block 8/7, Parcel 50. The 153.0± acre parcel is described as consisting of two Tracts partially within the Critical Area. It is not clear how the applicant is intending to abandon and reconfigure the two tracts in order to meet the requirement of the Caroline County zoning ordinance regarding density within the Rural (R) designation. Nevertheless, the applicant indicates the presence of six new lots wholly within the Critical Area and a "reserved area" partially within the Critical Area. All of the proposed lots are waterfront. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA) and is partially forested along the waterfront.

Critical Area staff has reviewed the supplied information and has the following comments:

1. Please place the RCA designation along the Critical Area line.
2. Please provide an existing conditions site plan showing all current lot lines, impervious surface, easements and right-of-ways.
3. A jurisdictional determination must be obtained from the Army Corps of Engineers.

4. The tidal wetlands must be delineated by a qualified consultant to determine the extent of State owned and privately owned wetlands. State owned tidal wetlands may not be used in the determination of site density, impervious surface and forest clearing calculations.
5. Non-tidal wetlands must be field delineated and a 25-foot buffer provided on the site plan.
6. The indication of a 100-foot BRL is incorrect. The requirement is for a 100-foot Buffer from mean high tide. A qualified consultant must determine where the exact location of mean high tide is on the perimeter of the site and this location is where the 100-Buffer should be measured and surveyed. The field delineated MHW line should be depicted on the site plan.
7. The environmental assessment accompanying the application states that the "Rural" zoning designation in Caroline County will allow four (4) lots per tract. The site plan indicates the presence of six (6) lots on Tract 1 (including the "reserved area") and one (1) lot one Tract two. Please explain and/or clarify.
8. Pursuant to COMAR 27.01.02.05.C.(4) land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling per 20 acres. The "reserved area" within the Critical Area may be used as part of this density calculation (except for State owned tidal wetlands) but this area must then be put into a permanent conservation easement and labeled as such on the plat. Agricultural activities would be permitted to continue on this parcel provided a soil conservation plan is in place.
9. An environmental review letter must be obtained from DNR's Wildlife and Heritage Service. A preliminary review indicates the possible presence of a federally protected species within close proximity of the project site. Initial reviews indicate the possible presence of a State Sensitive Species on or near the project site.
10. Please define any areas of steep slopes on the site as indicated in the environmental report. It would be helpful to provide a topographic layer on the site plan with contours in 5 foot increments or less. Areas of the Buffer where steep slopes are present may require the expansion of the 100-foot Buffer.
11. The extent and acreage of all forested areas needs to be calculated for the entire site. The site must be planted to provide a forest or developed woodland cover of at least 15 percent (COMAR 27.01.02.04.C.(5)(e)).
12. Please indicate the location of all streams on the site plan.

Ms. Porter
Project # 06-064

July 26, 2006
Page 3

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Plan

cc: CR 465-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 26, 2006

Ms. Crystal Porter
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

VIA US MAIL AND FACSIMILE

Re: Minor Subdivision and Line Revision – CCB-CDG, LLC

Dear Ms. Porter:

Thank you for the submission of the documents related to the minor subdivision and lot line revision for the above referenced project. The project is located along River Road and is referenced on Caroline County Tax Map 23, Block 21, Parcel 109. The 24.046± acre parcel currently consists of two lots partially within the Critical Area. It is understood that the applicant is requesting to abandon the lot line bifurcating the property and create a total of seven lots. Six of the lots will be partially within the Critical Area. One lot is wholly within the Critical Area and is waterfront. The entire portion of the Critical Area on the property is designated as Resource Conservation Area (RCA) and is fully forested.

Critical Area staff has reviewed the supplied information and has the following comments:

1. The Critical Area boundary is marked as LDA on the site plan. This should be changed to RCA.
2. Under the Caroline County Critical Area Program, an applicant proposing to submit a major or minor subdivision must submit an environmental assessment which documents the use of the land before, during, and after construction and provides mitigation measures for any adverse effects caused by the development. The environmental assessment shall be prepared by a qualified consultant.

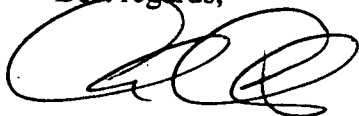
3. It is unclear why the applicant is proposing the protected forest retention area as depicted on the site plan. It seems to be a strange configuration as compared to the Limit of Disturbance Line.
4. The area of non-tidal wetland and buffer on Lot 2 is shown as cleared area. This area of non-tidal wetland and buffer should remain undisturbed.
5. Lots 2-6 extend into the RCA portion of the Critical Area. No development activities whatsoever are permitted with RCA to support uses outside the RCA. This includes accessory structures, septic reserve areas, wells, stormwater BMP's, etc. A conservation easement should be in place to ensure the continued protection of the RCA portion of the property and should be noted on the plat.
6. Please describe how all lots will be accessed.
7. An environmental review letter must be obtained from DNR's Wildlife and Heritage Service. A preliminary review indicates the possible presence of a federally protected species within close proximity of the project site.
8. The Critical Area portion of the site will qualify as protected Forest Interior Dwelling Species (FIDS) bird habitat. This is specially protected under the Critical Area Law. A review of the amount of clearing within the Critical Area must be performed and, if necessary, the FIDS mitigation worksheet must be completed.
9. A jurisdictional determination must be obtained from the Army Corps of Engineers.
10. Please state if there are any State or privately owned tidal wetlands present on the site and how they are used in any density calculations.
11. The mean high waterline must be delineated in the field to obtain the exact location of the 100-foot Buffer.
12. Please provide the proposed amount of impervious surface in the RCA.
13. The Legend needs to be corrected to depict the "Protected Forest Retention Area" hatching on the site plan.
14. Please define any areas of steep slopes on the site if present. It would be helpful to provide a topographic layer on the site plan with contours in 5 foot increments or less.
15. Please provide an account of all existing, proposed, and total impervious surface within the Critical Area and place this information on the site plan or include it in the required environmental report.

Ms. Porter
Project # CCB-CCB, LLC

July 26, 2006
Page 3

Thank you for the opportunity to review this project. If you have any comments or questions please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark
Natural Resources Plan

cc: CR 465-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 25, 2006

Mr. Eugene Morgenthaler
US Army Corps of Engineers Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Application # CENAB-OP-RMS (Chesapeake Landing Community Assn/Dredging)
06-63302-18

Dear Mr. Morgenthaler:

Thank you for the opportunity to comment on the above referenced application for maintenance dredging of 50,000 square feet of material within Worton Creek. It is understood that the dredge material will be transported to an approved upland disposal location. The purpose of the dredging is to maintain navigable access to an existing facility.

The Critical Area Commission would not oppose such activities inasmuch as they do not encroach into or disturb the Buffer vegetation during dredging process. In addition, pursuant to COMAR 27.01.03.04.A.(7) no dewatering or temporary stockpiling of the dredge material is to occur within the Buffer. The dredging operation should also be conducted in a manner and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area (COMAR 27.01.03.04.A.(6)).

If you have any questions or concerns regarding the above comments please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: Gail Webb-Owings, Kent County Planning
Kent County General File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 25, 2006

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA US MAIL

RE: Rezoning Case #385

Dear Ms. Wimbrow:

Thank you for providing information on the above referenced rezoning case. The applicant has requested the rezoning of one parcel referenced on Worcester County Tax Map 25, Parcel 91. The total area requested for rezoning is approximately 86.55± acres. The applicant states in the document provided that the current zoning of the parcel is A-1 Agricultural District. The proposal is to rezone the parcel to B-2 General Business District.

After review by this office it has been determined that the parcel is entirely out of the Critical Area. Therefore, this office has no further comment on the proposed rezoning application.

As always, thank you for the opportunity to review this case. If you have any questions or concerns, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: WC464-06
Janet Davis, Worcester County Critical Area Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 19, 2006

Ms. Vivian Swinson
Queen Anne's County Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

VIA US MAIL

Re: Administrative Variance Application 06-05-03; John Gentile

Dear Ms. Swinson:

Thank you for providing the information related to the above referenced administrative variance application. The applicant is proposing to construct a home with a footprint of approximately 3,888 square feet partially within the 100-foot Critical Area Buffer. The property is designated RCA and consists of 3.67± acres entirely within the Critical Area.

The site currently has a 1,736 square foot single story dwelling with several outbuildings that rest entirely within the 100-foot Buffer. An existing septic reserve area is also present within the Buffer. Plans call for the demolition of the existing home and outbuildings. Approximately 1,670 square feet of the new dwelling will intrude into the 100-foot Buffer. The new home has been positioned in order to move it further upland from the shoreline and preserve the existing vegetation to the extent possible. A new potable well is also proposed to be constructed within the 100-foot Buffer. The existing septic will continue to serve the new home.

The Commission would not oppose the variance request as currently proposed. If the Planning Director feels the applicant is entitled to relief, staff has the following recommendations:

1. As required in Queen Anne's County Code, Article XIII § 14:1-68.C.(3)(b) the area of the razed dwelling and the portion of the new dwelling in the Buffer should be mitigated at a ratio of 2:1 within the Buffer with native vegetation.
2. Relocate the proposed well out of the Buffer. If site constraints prevent this then relocate the well as far from the water as possible while remaining in compliance with the County environmental code. All drill cuttings should be contained and

immediately removed from the Buffer after drilling. Any purge water from the installation, development or testing of the well should be redirected outside the Buffer.

3. Provide for some type of residential stormwater control on the eastern portion of the property. A rain garden would be an ideal solution to provide some rooftop disconnect before stormwater enters the Buffer.
4. The proposed driveway should remain in gravel.
5. Provide super silt fence around all construction activities including the well construction area.

Thank you for the opportunity to comment of this project application. If you have any questions or comments, please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC450-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

July 17, 2006

Ms. Marianne Mason
Assistant Attorney General
Tawes State Office Building
580 Taylor Ave., C-4
Annapolis, MD 21401

Re: Worcester County Planning and Zoning Request for Assistance

Dear Ms. Mason:

I believe you are aware of the ongoing violation concerning Mr. William Blank of 7832 Scott's Landing Road in Snow Hill. Mr. Ed Tutor, Director, Department of Development Review and Permitting, has made repeated attempts to enforce the County's Critical Area Code in relation to a clearing violation at the above referenced property. Mr. Tutor has worked on this issue over a period of the last several years without success. He has asked the Commission to provide any legal advice and possible remedies the State may be able to offer the County regarding this situation.

Mr. Tutor would not forward the Commission a request for legal consultation unless he felt all other avenues of resolving this matter were exhausted. As stated in Mr. Tutor's cover letter, the violation and the associated mitigation would not put an undue burden on Mr. Blank but it has become an ongoing issue with several surrounding homeowners. An adjacent property owner provided the County with a prompt resolution to a related violation during the same time period while Mr. Blank continues to disregard all action initiated by the County.

I am forwarding you a complete copy of the package of the correspondence submitted to me by Mr. Tutor. Any assistance your office may be able to provide Worcester County to resolve this issue would be greatly appreciated. Please call me with any questions or you may contact Mr. Tutor directly at 410-632-1200.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: Ren Serey, CAC Executive Director w/o attachments
Mr. Ed Tutor, WC Director, Dept. of Development Review and Permitting w/o attachments

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 17, 2006

Ms. Cathy Maxwell

VIA EMAIL AND US MAIL

Queen Anne's County
Department of Planning and Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Administrative Variance Application File #CU-060017

Dear Ms. Maxwell:

Thank you for the information concerning the intent of the above property owner to seek an administrative variance to construct a 150-foot telecommunications tower on a 56.98-acre parcel partially designated RCA. It is understood that the tower will be erected on the portion of the site outside of the Critical Area.

At this time, the Commission does not have any comments related to this proposal. If the site design should change and the tower is relocated within the Critical Area, the Commission would appreciate the opportunity to review proposed change.

Thank you for the opportunity to review this project. If you have any further questions or comments please call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over the typed name.

Chris Clark
Natural Resources Planner

cc: QC423-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 14, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA US MAIL

RE: Bunting Road Bridge Replacement

Dear Ms. Davis:

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

After review, it was determined that this project is not within the Critical Area. Therefore, this office has no further comments on this project.

I appreciate the opportunity to review and comment on the proposed plan. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark", written over a horizontal line.

Chris Clark
Natural Resources Planner

cc: WC473-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

July 13, 2006

Ms. Raj Williams
Department of Natural Resources
Public Lands and Policy Planning
Tawes State Office Building, E-4
Annapolis, MD 21401

Re: Rackliffe House Trust Project Plans

Dear Raj:

Thank you for the opportunity to comment on the proposed site improvements on the Rackliffe House property. The subject property is located within the Atlantic Coastal Bays Critical Area and is designated RCA. Any development activity is subject to the regulations for State projects on State-owned lands as described under COMAR 27.02.05 and will require DNR to present this project to the Critical Area Commission for formal approval. Before any development activity could commence as described within the material provided, Critical Area Commission staff would require further information.

Commission staff would first need to review the lease agreement between DNR and UMES to determine the requirements imposed upon DNR via the lease and to evaluate the extent of the development activities that would require formal Commission approval. The information provided indicates that the intent of UMES\DNR is to:

- A. Establish a 30-foot gravel drive from the existing facilities to Rackliffe House. It is understood that this gravel drive will serve occasional bus traffic, maintenance activities, and handicap access.
- B. Establish a utility easement through the property running parallel with the gravel drive.
- C. Conduct grading adjacent to Rackliffe House to create a parking area.

Commission staff will require the following information:

1. An at-scale drawing indicating the existing and proposed conditions on the subject site including but not limited to:
 - The location of all existing structures and improvements on the site.
 - The extent of existing and proposed impervious surface for the site.
 - The location of the 100-foot Buffer.

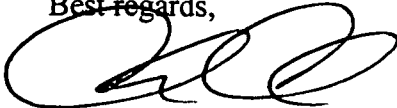
Ms. Williams
Rackliffe House

July 13, 2006
Page 2

- The location of any wetlands or other habitat protection areas on the site.
 - The exact location of the SRA and potable well.
2. Copies of all permits and correspondence from all appropriate agencies required for the improvements including a Heritage letter, MDE Sediment Erosion Control, Worcester County Public Works comments and permits for the potable well and SRA.
 3. A site visit to prepare photos and other documentation for the Commission meeting.

This project will not be able to proceed without formal approval. The submittal deadline for the Commission meetings is posted on our website. If DNR determines this proposal can move forward for CAC approval, please notify me as soon as possible and we can coordinate a site visit.

Best regards,



Chris Clark
Natural Resources Planner

cc: DNR 39-06

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 11, 2006

Mr. Russell Blake, City Manager
Pocomoke City
P.O. Box 29
Pocomoke City, MD 21851

Re: Drawbridge Villas – Pocomoke River Front

Dear Mr. Blake:

The Commission has received updated site plans and 10 percent pollution reduction calculations for the above referenced site. The site consists of 4.15± acres bordering the Pocomoke River. To reiterate previous comments from the Commission, this area is within the portion of the City that was granted an exclusion from the Critical Area requirements. However, as established by Resolution 174 as signed in 1988, development within 1000 feet of the Pocomoke River or its wetlands, is to comply with the Critical Area Criteria insofar as possible whenever redevelopment occurs. Staff has reviewed the submitted plans and stormwater calculations and offers the following comments:

1. Please provide a 1000-foot demarcation line on the site plan.
2. The cover letter indicates the applicant has currently taken the 10% calculations into account for the entire site. There are discrepancies within the 10% calculations and the site plan. The 10% worksheet indicates 1.52 acres of impervious surface and the site plan indicates 2.59 acres of impervious surface. Please clarify.
3. The 10 % worksheet needs to be completely redone. The Lpost numbers are incorrect and the percent of the DA served is incorrect. The pocket pond does not appear to serve 100 percent of the site. What about the rain gardens proposed? Please ensure the 10% calculations take into account all development activities and proposed BMP's.
4. It appears the site will fall well short of meeting the 10% pollution removal requirement. The applicant must propose an alternative as an offset. If

Mr. Russell Blake, City Manager
Drawbridge Villas

July 11, 2006
Page 2

additional plantings are proposed then the Commission would require a landscape schedule and planting plan. The offset should follow the Guidelines in the 10% Manual. The offset planting must be held in a conservation easement and the Town should be provided with a surety guarantee.

Thank for he opportunity to comment of this site plan. We look forward to the updated materials as soon as they become available. If you have any questions or comments please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the text "Best regards,".

Chris Clark
Natural Resources Planner

cc: PO 580-05
Stephen Yuhas, Atlantic Group
Bruce Morrison, Worcester County Commission representative
Bob Shockley, Worcester SWM Review

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 10, 2006

Ms. Helen Spinelli, Planner
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

VIA EMAIL, FACSIMILE & US MAIL

RE: File SSP #05-05-05-0007 – Project: Walters Properties Revision #3

Dear Ms. Spinelli:

Pursuant to your request, I have reviewed the documents related to the proposal to construct a single family cluster subdivision consisting of 41 townhomes and 127 single family lots plus a "donation parcel" and five open space lots.

Previous submission of this site plan did not include any development activities within the Critical Area. The most recent submittal indicates the presence of an "emergency access easement" separating the areas noted as "Critical Area Conservation Easement" # 2 and 3. The road will cross a portion of the site designated as a Resource Conservation Area (RCA). Typically, a road would not be permitted in the RCA serving development outside the RCA. Since the road is serving a public safety service, the Commission would not oppose the construction of the road through the Critical Area provided the following comments are addressed:

GENERAL COMMENTS:

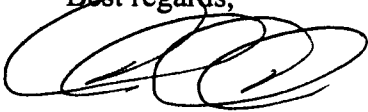
1. A letter from the DNR Wildlife and Heritage Service indicates the area where the emergency access road will be located is prime Forest Interior Dwelling Bird Species habitat (FIDS). Heritage provided the applicant with several recommendations related to the preservation of FIDS habitat. Presented with the possibility of an emergency access road within the Critical Area the applicant must address FIDS protection and conservation.
 - The road should be as narrow as possible; preferably less than 25 feet. It is noted on the plan that the road appears to be 20 feet in width but

the clearing will be 40 feet. Is it possible to limit the extent of clearing to 25 feet total?

- As much canopy closure over the emergency access road should be preserved as possible.
 - Maintain forest habitat up to the edge of the road; do not create or maintain mowed grassy berms.
2. Please provide road details. The road will need consist of materials creating the least impact necessary to serve fire apparatus. Grass block pavers may be an acceptable material.
 3. Please discuss how the road will be access restricted. The road may not at anytime serve the general public and must be restricted in such a manner that would prohibit this use.
 4. Please provide details on the Critical Area Forest Conservation Easements noted on the site plan.
 5. It appears the applicant will be within the impervious limits for the RCA portion of the site.
 6. Queen Anne's County Code § 14:1-38.E.(c) will require mitigation for any clearing of trees with a diameter at breast height (DBH) greater than four inches must be accomplished at a ratio of 1:1. This mitigation should be FIDS quality habitat creation.

Thank you for the opportunity to comment on this sketch plan. If you have any questions or concerns, please contact me directly at (410) 260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC350-05

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 10, 2006

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill, MD 21863

VIA US MAIL

Re: Rezoning Case No. 384

Dear Ms. Wimbrow:

Thank you for the submission of the above referenced rezoning case for review. It is understood that the applicant intends to rezone a 0.55 acre± parcel outlined on Worcester County tax map 26 as part of parcel 392 and lots 50-53 (now known as 50A). The property is currently zoned as B-2 General Business District. The applicant is requesting for the County to rezone the property R-2 Suburban Residential District. The property is within Critical Area and is designated as an Intensely Developed Area (IDA).

The IDA designation would permit the underlying R-2 zoning limit of two units placed on the site. The applicant would still be required to comply with the 10% pollution reduction requirement and other IDA development standards when any improvements are proposed for the site. At this time, staff has no further comments on this proposal.

Thank you for the opportunity to comment on this case. If you have any questions you may call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: WC 205-03

Janet Davis, Worcester County, Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 3, 2006

Ms. Holly Tompkins, Planner
Department of Planning and Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, MD 21617

VIA EMAIL, FACSIMILE AND US MAIL

RE: File #05-05-05-0012-C Project Name: High Meadows Farm, LLC

Dear Ms. Tompkins:

Thank you for providing the documentation regarding the intent of the above applicant to create a Sliding Scale Subdivision. The parcel consists of 211.85± acres with approximately 77.23± acres within the RCA portion of the Critical Area. The applicant intends to create three (3) waterfront lots of 162.15, 18.53, and 31.17 acres respectively. The property is currently encumbered by an MET easement on the entire parcel. Staff has the following comments:

1. The Critical Area Commission will require a review of the recorded copy of the MET Easement original and as amended, draft Conservation Easement for the Critical Area and the Draft Conservation Easement for the Non-Critical Area.
2. Please provide a copy of the JD as soon as it becomes available.
3. The current location of the SRA's must be moved out of the Buffer regardless of the terms of the MET easement agreement.
4. The mean high water line and tidal wetlands on the property must be field delineated in order to better locate the limits of the 300-foot shoreline Buffer.
5. Note 13. on Sheet 1 of 4 of the site plan includes a note stating that "there are no steep slopes located on the property shown hereon." Please remove this note as there are several areas of steep slopes located on the site within the areas of the "Downer Soils" (DOE). Commission staff would like to review the topographic site plan to determine if there are areas where the Buffer should be expanded due to steep slopes.

6. The building restriction line shown within Lot 1 is show entirely outside the Critical Area but there is also a note that this area is intended to remain in agriculture. The SRA and proposed well are some distance away from the BRL. Please clarify.
7. The BRL for Lots 2 and 3 can not be the woods line as the woods line extends closer to the shore than the 300-foot Buffer.
8. Construction of the approved SRA and any other building activities for Lot 1 will be date restricted (if they are planned within the protection zone) due to the presence of the bald eagle nest on the adjoining site.
9. Recommendations from the US Fish and Wildlife Service should be sought regarding the protection of the Delmarva Fox Squirrel known to occur on the site. Recommendations should include construction guidelines, habitat protection, appropriate signage, and long-term guidelines for future residents.
10. There is reference to stream buffers on the site plans but staff could not locate any streams on the plans. Please clarify.
11. Critical Area staff would like to meet on-site with the applicant, planning and zoning, and MET staff to review site conditions and the proposed development activities.

Thank you for providing the information regarding this minor subdivision. If you have any questions related to this project please feel free to call me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: QC 399-06

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL

DONNA HILL STATON
DEPUTY ATTORNEY GENERAL

MAUREEN M. DOVE
ATTORNEY GENERAL



MARIANNE E. DISE
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNSEL

SAUNDRA K. CANEDO
ASSISTANT ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.:

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

(410) 974-5338

(410) 260-3466

December 29, 2006

Ms. Mary Ann Shortall, Clerk of the Court
Circuit Court for Talbot County
11 North Washington Street
Easton, Maryland 21601

Re: *Bruce Bedford, et al., v. Martin G. Madden, et al.,*
Case No 20- C-06-0005699.

Dear Ms. Shortall:

As Judge Sause requested, enclosed please find for filing in the above-referenced case the State of Maryland Critical Area Commission's Documents, and a List of Documents, in the matter of the Town of St. Michaels' Request for Refinement to the Town's Critical Area Program.

You will note that the List of Documents does not include a transcript of the Critical Area Commission's meeting of May 3, 2006. The Commission does not conduct "contested case" proceedings or take "testimony" under the Administrative Procedure Act, Code, SG §10-201 et seq. Its May 3, 2006 regular business meeting was an open meeting, and it was recorded, but not transcribed. I have provided to counsel for the Plaintiffs the audio recording of the public meeting, so that Plaintiff may arrange for, and bear the cost of, any needed transcription.

I trust that the enclosed Documents and List comply with Judge Sause's request. Please bring this letter and the enclosures to the Judge's attention. Thank you very much for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Marianne E. Dise".

Marianne E. Dise
Assistant Attorney General

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

Enclosures

cc: Without Enclosures

Thomas A. Deming, Esquire

Thomas T. Alspach, Esquire

Richard A. DeTar, Esquire

Demetrios G. Kaouris, Esquire

**IN THE CIRCUIT COURT
FOR TALBOT COUNTY**

BRUCE P. BEDFORD, et al.
Plaintiffs,

v.

Case No. 20-C-06-0005699

MARTIN G. MADDEN, et al.,
Defendants

* * * * *

**CRITICAL AREA COMMISSION DOCUMENTS IN THE MATTER OF
THE TOWN OF ST. MICHAELS REQUEST FOR REFINEMENT TO THE
TOWN'S CRITICAL AREA PROGRAM, MILES POINT III 150 FOOT PLAN**

<u>DOCUMENT NAME</u>	<u>DATE</u>	<u>PAGES</u>
Letter to Barry W. Gillman from Martin G. Madden	May 10, 2006	1
Critical Area Commission Minutes of Meeting	May 3, 2006	2-12
Critical Area Commission Staff Report	May 3, 2006	13-15
Amendment/Refinement Determination	April 24, 2006	16-17
Letter to Ren Serey from Barry W. Gillman	April 17, 2006	18-20
Miles Point Conceptual Shoreline Buffer Plan (Oversize document)	September 2, 2005	21
Findings of Fact, Decision and Conditions	March 22, 2006	22-190
Findings of Fact, Decision and Conditions	March 17, 2006	191-360
Commissioners of St. Michaels List of Exhibits - MPIII 150' Plan	Undated	361-400

J. JOSEPH GURRAN, JR.
ATTORNEY GENERAL

DONNA HILL STATON
DEPUTY ATTORNEY GENERAL

MAUREEN M. DOVE
DEPUTY ATTORNEY GENERAL



MARIANNE E. DISE
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNCIL

SAUNDRA K. CANEDO
ASSISTANT ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.:

STATE OF MARYLAND

OFFICE OF THE ATTORNEY GENERAL

**CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

MEMORANDUM TO: Maureen Dove, Deputy Attorney General

FROM: Marianne Dise, Assistant Attorney General, Counsel to the Critical Area Commission

SUBJECT: Top Five Issues for OAG - Critical Area Commission

DATE: November 22, 2006

This Memorandum responds to the Attorney General's request for a description of the nature of the work performed by my unit and, in particular, of the top five issues in which this office is engaged. The top five issues identified below are quite representative of my work for the Critical Area Commission during the past 10 years: a mixture of advice to the Chairman and staff, and litigation.

By way of background, Maryland's "critical area" is all waters of and lands under the Chesapeake and Atlantic Coastal Bays and their tributaries to the head of tide, and all land within 1,000 feet of tidal waters and the landward edge of State or private tidal wetlands, an area that encompasses about 10% of the State. With the 1984 Critical Area law (Natural Resources Article 8-1801 et seq.), the General Assembly established land use policies that aim to minimize adverse impacts on water quality, conserve fish, wildlife, and plant habitat, and accommodate growth in the Critical Area. My client, the Critical Area Commission ("Commission"), consists of 29 members appointed by the Governor, including a full-time chairman. The Commission has oversight responsibility for "consistent and uniform" implementation of Critical Area programs by the 16 counties and 46 municipalities with programs approved by the Commission. The Commission chairman has broad statutory authority to intervene in, or to initiate, legal proceedings or appeals regarding any local project in the Critical Area. Natural Resources Art. 8-1812.

The General Assembly, through its Joint Legislative Oversight Committee on the Critical Area, monitors the work of the Commission. The Commission is staffed by an executive director and professional staff (planners and natural resource professionals), each of whom has

responsibility for coordinating with three or four counties and a dozen municipalities, reviewing proposed land-use actions (subdivisions, site plans, variances, etc.) from local jurisdictions, and testifying at local zoning board, planning commission, and county-level administrative hearings. As you know, the legal work for the Critical Area Commission has grown dramatically, as the counties and municipalities with approved Critical Area programs work through issues arising from implementation of their local critical area ordinances.

The most prominent legal issues that my office handles can be grouped into the following categories:

- **Conflicts between Local Governments and the Commission**

The primary example of this work is *Talbot County v. Department of Natural Resources*, No. 418, Sept. Term 2006, Court of Special Appeals. The case arose from an action taken by the Commission in 2004, in which the Commission voted to disapprove a proposed amendment to Talbot County's Critical Area program. The proposed amendment, (County Bill 933), had been enacted by the Talbot County Council, and it changed the way the County and the Towns of St. Michaels, Easton, and Oxford functioned with regard to future growth in the Critical Area of each jurisdiction. The Commission voted to disapprove the ordinance in part because the Bill had the retroactive effect of revoking previously awarded growth acreage, and of voiding a previous action by the Commission. The Towns of St. Michaels and Oxford intervened as parties defendant. The Circuit Court for Talbot County affirmed the Commission's action, and Talbot County appealed. The briefing schedule has not yet been established.

- **Enforcement of Critical Area Requirements**

An example of a case in this category is the ongoing (24 nights of contested hearings in the past 8 months) case before the Anne Arundel County Board of Zoning Appeals, *In re Dutchship, LLC, Application for Buffer Modification and for Critical Area Variances*. The Commission chairman intervened as a party, and an AAG has appeared on behalf of the chairman at all of the hearings. Our witnesses have provided expert testimony on behalf of our position in opposition to the requested Critical Area variances. The case involves a registered home-builder who purchased an island in the Magothy River and proceeded to demolish an existing residence, cut down most of the trees, and build a new, larger residence, swimming pool, driveway, and associated accessory structures, all without benefit of permits, in the 100-foot Critical Area buffer, and in violation of the Critical Area law. Anne Arundel County is supporting the applicant's request for after-the-fact variances. The Critical Area Commission, Magothy River Association, and Chesapeake Bay Foundation are opposing parties.

We expect a decision from the Board of Appeals by late December. The probability of an appeal is quite high, given the publicity surrounding this case in the *Evening Capital* and the *Maryland Gazette*. This case represents the extreme - most local zoning board cases in which our office represents the Commission involve only one, or at most, two or three, hearing sessions. Most often, we appear in support of the local government which has requested our participation,

as was the case recently in Charles County and St. Mary's County. Local governments often ask for the OAG's assistance in enforcement of local Critical Area ordinances. For example, the Town of Chesapeake Beach recently asked our office to assist in the first case brought by the Town in District Court to recover a substantial fine for illegal clearing in the 100-foot Buffer.

- **Ineffective Implementation of the Critical Area Program by Local Jurisdictions**

The most current example of my work with this general issue is the situation in Prince George's County. For the past several years, Prince George's County has not provided adequate county staff for enforcement or implementation of the county's Critical Area program. Citizens who observe apparent violations of the Critical Area law (e.g., cutting trees, grading slopes in the 100-foot Buffer) have notified Critical Area Commission staff when the county fails to respond to the complaints or to pursue enforcement actions against the violators. The Commission chairman has several options available to him, and I have been advising the Chairman on the potential benefits/detriments of each.

One option under Natural Resources Article 8-1815 is for the chairman to notify the county that he has reason to believe that Prince George's County is failing to enforce the requirements of its Critical Area program applicable to a particular development. (The chairman could name any of several outstanding Buffer violations). If the county fails to take action to remedy the problem within 30 days, the chairman may refer the matter to the OAG. Our office is then authorized to take any action the local jurisdiction could take, to enforce the local ordinance. This can create an awkward situation, in which the State steps in to enforce a county ordinance that the county has declined or neglected to enforce.

As a second option, the chairman could ask the Commission to invoke its "sanction" authority under Nat. Res. 8-1809 (1), whereby the full Commission votes to notify a local government that the local jurisdiction's Critical Area program contains a clear mistake, omission, or conflict, and to require the local jurisdiction to submit a corrected ordinance within 90 days. Neither option provides a completely satisfactory solution to the problem in Prince George's County, because the local government had not embraced its role as a partner in implementing the Critical Area program.

- **Mistakes in Mapping the Critical Area**

The counties and towns performed the mapping of their Critical Area based on the 1972 State Tidal Wetlands maps, as required by state law. Technology has improved greatly since 1972, and, partly as a result, the local jurisdictions are discovering mistakes in their adopted Critical Area maps, and asking the Commission's approval to adopt new maps. Caroline County is currently revising its maps, and the county attorney has a difference of opinion with me as to whether the county should/can rely on the 1972 Wetlands maps or the new technology, in cases where parcels may be moved into or out of the Critical Area. (Any map change affecting the

Critical Area must be approved by the full Commission).

Anne Arundel County has a mapping problem of an even greater magnitude: the County has very little "growth allocation" (Critical Area acreage permitted for up-zoning to more intense development) remaining. In the past year, the County has approved, and sent to the Commission, four "mistakes" in mapping that would have moved individual parcels of land from the "Resource Conservation Area" (1 home per 20-acres) classification to the "Limited Development" or "Intensely Developed" classification. The Commission has not approved any of these requests. Our office is defending two lawsuits against the Commission for its actions on Anne Arundel map amendment requests. One suit claims damages allegedly due to a 'devaluing' of the developer's property. I expect that two more suits will be filed in the next week to 10 days, for actions taken by the Commission on two Anne Arundel requests in November. The Commission's consideration of these alleged 'mistakes' has exposed a much more serious issue with Anne Arundel County's Critical Area maps, and I anticipate that the full Commission will address that issue at its December meeting.

• Growth Allocation Questions

The General Assembly created a reserve of "growth allocation" based on a calculation of 5% of each county's Resource Conservation lands as of December 1, 1985. That amount (the 5%) may be used for future growth in the Critical Area. There is no provision for what to do when the initial acreage is exhausted. Nor is there an express formula for how the counties are to 'share' their growth acreage with incorporated municipalities. Since 2004, several thorny issues have arisen regarding growth allocation:

(A) Talbot County tried to 'take back' the growth allocation acres that the County had initially given to the Towns of St. Michaels and Oxford, after the Towns had awarded some of 'their' growth allocation to developments within the Towns. The county's action, and the Critical Area Commission's disapproval of the county's proposed ordinance spawned the case discussed at page 1 of this memo - *Talbot County v. DNR*.

(B) Kent County has asked whether the County may 'give back' all of its growth allocation. Kent County does not want to have to decide on growth proposals; the county has not used one acre of its allotted growth in the critical area, and the current county administration wishes to return the acreage allotted to Kent County.

(C) Queen Anne's County has asked our office for advice on whether the County may 'sell' its growth allocation. The County has proposed to amend its Critical Area program to require payment from those who receive growth allocation acreage.

(D) The developer of Blackwater Resorts, and Dorchester County, have each sued the Commission over the Commission's recent disapproval of growth allocation for the Blackwater Resorts development in Cambridge. The Commission's deliberative process,

conducted over 4 months, consisted of a public hearing and numerous public meetings, resulting in a decision in October 2006 to deny the requested growth allocation. The decision was based in part on 2006 amendments to the Natural Resources Article, which emphasized the Commission's oversight role in considering awards of growth allocation. The Blackwater matter has been prominently discussed in the *Sun*. Although the State has agreed to purchase the land, the purchase has not been finalized and the litigation continues. I expect the two cases filed against the Commission to be consolidated with 7 pending cases on the Blackwater matter, all before Judge Sause in Dorchester County.

Last but certainly not least, I would be remiss if I did not mention *Edwin Lewis v. DNR*, No. 608, Sept. Term 2005, Court of Special Appeals. I argued this case in January, 2006, and we are awaiting a decision. I mention it only because it, too, has garnered significant publicity on the Eastern Shore, in the *Sun*, and in the General Assembly. Mr. Lewis built 7 cabins on an island, in the Critical Area buffer, without permits. The case began in 1999, when a US Fish & Wildlife agent noticed the new construction on an island in the Nanticoke River (Wicomico County). In 2000, the local zoning board denied Mr. Lewis' after-the-fact variance requests to legalize his cabins (we participated as a party opponent). The case has been in the courts ever since. The 2003 Court of Appeals decision (*Lewis v. DNR*, 377 Md. 382) resulted in amendments to the Critical Area law during the 2004 session of the General Assembly. The legislature stated that the Court of Appeals had wrongly interpreted the Critical Area law, and the General Assembly stated its intention to "overrule" the *Lewis* decision. The 2004 amendments strengthened the Critical Area law by reaffirming the strict standards that must be met before a local zoning board may grant a variance to the Critical Area law. Because the pending *Lewis* case in the Court of Special Appeals is the only matter state-wide that falls under the pre-2004 law, I did not put it into my 'top five.' However, an adverse decision by the CSA will likely lead to pressure on us - particularly from the Joint Legislative Oversight Committee - to seek cert.

I trust that this Memorandum responds to your request, and I would be happy to provide any additional information you may require.

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL

DONNA HILL STATON
DEPUTY ATTORNEY GENERAL

MAUREEN M. DOVE
DEPUTY ATTORNEY GENERAL



MARIANNE E. DISE
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNCIL

SAUNDRA K. CANEDO
ASSISTANT ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.:

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 22, 2006

HAND DELIVERED

Clerk of the Court
Circuit Court for Anne Arundel County
Courthouse
P O Box 71
Annapolis, Maryland 21404

Re: Wright Investment Group v. Department of Natural Resources, et al., Civil No. C-06-117695

Dear Clerk:

Enclosed for filing in the above-captioned case please find the Answer of Defendant Department of Natural Resources, along with Defendant's Civil Non-Domestic Case Information Report and a signed copy of the court's Scheduling Order.

Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Marianne E. Dise".

Marianne E. Dise
Commission Counsel

MED/jjd

Enclosure

cc: Martin G. Madden
Saundra K. Canedo, Esquire
David M. Plott, Esquire
Benjamin S. Wechsler, Esquire
Linda M. Schuett, Esquire

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL

DONNA HILL STATON
DEPUTY ATTORNEY GENERAL

MAUREEN M. DOVE
DEPUTY ATTORNEY GENERAL



MARIANNE E. DISE
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNCIL

SAUNDRA K. CANEDO
ASSISTANT ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.:

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 21, 2006

John Yacovelle, Esq.
Calvert County Planning Commission
8438 Mackall Road
Saint Leonard, MD 20685

Dear Mr. Yacovelle:

Enclosed is the copy of the Stipulation of Dismissal and Joint Motion for Remand regarding the Harbours at Solomons litigation.

Please send me a copy of the fully executed pleading when you have filed it with the Circuit Court.

Thank you for your assistance in resolving this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Marianne E. Dise".

Marianne E. Dise, Esq.
Commission Counsel

MED/jjd

Enclosure
cc: Walter Reiter, Esq.

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL

DONNA HILL STATON
DEPUTY ATTORNEY GENERAL

MUREEN M. DOVE
DEPUTY ATTORNEY GENERAL



MARIANNE E. DISE
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNSEL

SAUNDRA K. CANEDO
ASSISTANT ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.:

STATE OF MARYLAND

OFFICE OF THE ATTORNEY GENERAL

CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 20, 2006

Clerk of the Court
Court of Special Appeals of Maryland
Annapolis, Maryland 21401

Re: Talbot County, Maryland v. Town of Oxford, Maryland, et.al
Case No. 01509

Dear Clerk:

Enclosed for filing please find a Line to be filed in the above-referenced matter. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script, reading "Marianne E. Dise".

Marianne E. Dise
Assistant Attorney General

Enclosures

MED/jjd

H. Michael Hickson, Esq.
David R. Thompson, Esq.
Michael Pullen, Esq.
Richard A. DeTar, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December 2006, a copy of the foregoing Line was mailed first-class, postage prepaid to:

H. Michael Hickson, Esquire
Banks, Nason & Hicks, P.A.
113 Baptist Street
P O Box 44
Salisbury, Maryland 21803-0044

David R. Thompson, Esquire
Brynja M. Both, Esquire
Cowdrey, Thompson & Karsten, P.A.
130 N Washington Street
Easton, Maryland 21601

Michael Pullen, Esquire
Talbot County Courthouse
11 N Washington Street
Easton, Maryland 21601

Richard A. DeTar, Esquire
Miles & Stockbridge
101 Bay Street
Easton, Maryland 21601



Marianne E. Dise, Esquire

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

TALBOT COUNTY, MARYLAND

v.

No. 01509

September Term, 2006

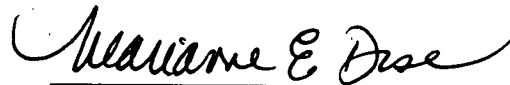
TOWN OF OXFORD, MARYLAND, et al.

LINE

Please note that effective October 1, 2006, the **name** of Marianne D. Mason, counsel for Defendant State of Maryland, Department of Natural Resources, Critical Area Commission **has changed to: Marianne E. Dise.**

The address of counsel for the Defendant Department of Natural Resources Critical Area Commission **has changed to: 1804 West Street, Suite 100, Annapolis, Maryland 21401.**

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL



Marianne E. Dise
Assistant Attorney General
Maryland Department of Natural Resources
Critical Area Commission
1804 West Street Suite 100
Annapolis, Maryland 21401
(410) 260-3466
Fax: (410) 974-5338

Attorneys for Maryland Department of
Natural Resources, Critical Area
Commission

December 18, 2006

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 7, 2006

Mr. Mark Kreaflle
Maryland Port Administration
Maritime Center II
2301 Broening Highway
Baltimore, Maryland 21224

Dear Mr. Kreaflle: *Mark:*

At the September 6, 2006 meeting, the Critical Area Commission unanimously approved the VPC building and guardhouse as well as the impacts to the 100-foot Buffer for the road repaving at Fairfield Marine Terminal. The MPA will continue to work to find a location for the 5100 square feet of Buffer mitigation and will notify this office once a site has been secured.

If you have any questions, please call this office at (410) 260-3460.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Mark Bozman, MPA
41-06 DOT - MPA

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

August 24, 2006

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

RE: Canton Maritime Services Piers 6, 7, and 8

Dear Mr. Hranicky: *Ken:*

I have received a copy of plan sheets L-1 and C-6, sealed 8/21/06, for the Canton Maritime Services warehouse. Sheet L-1 shows where the planting area is and Sheet C-6 shows a revised planting list which includes all native shrubs. These plans are satisfactory and we have no further comments.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Dave Booth, Century Engineering
BA675-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 11, 2006

Mr. Glenn Shaffer
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: Wilson Point Park Improvements Consistency Report

Dear Mr. Shaffer: *Glenn*:

Thank you for providing the consistency report for Wilson Point Park. At this time, it is my understanding that all the planting plan comments have been addressed. Therefore, this office concurs with your determination that the park is consistent with the County's Critical Area program.

Please call me if you have any questions.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: BC70-06

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/

August 10, 2006

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

RE: Canton Maritime Services Piers 6, 7, and 8

Dear Mr. Hranicky: *Ken:*

Thank you for providing the additional information regarding the planting areas for the Canton Maritime Services project. The plans, dated 9/19/05, with a note dated 8/1/06, indicate that up to 18 inches of soil will be provided to for the planting areas. That should be sufficient. However, the plans do not clearly indicate which areas are to be planted. Sheet C-6 shows Table 4, a woody shrub and grass mix list used to stabilize roadside areas, from page 40 of the CAMP. I recommend that the bristly locust robinia fertilis, rohispida, and the shrub lespedeza not be used, and substitutions from the list of shrubs shown on pages 41-42 of the CAMP be made.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

cc: BA675-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 8, 2006

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

RE: BGE Westport to Paca Phase II B 115 kV Duct Bank Project
Consistency Report

Dear Mr. Stuart:

Duncan
Thank you for providing the consistency report for the BGE duct bank. Based on the information provided, this office concurs with your determination that the proposal is consistent with the City's Critical Area program.

Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: BA447-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 28, 2006

Ms. Sally Nash
Department of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Back Creek Nature Center Consistency Report

Dear Ms. Nash:

I have reviewed the consistency report for the Back Creek Nature Center. It appears there is an error in the 10% calculations. Step 1 notes that 0.31 acres of permeable pavers were not included as impervious. Generally a percentage of perviousness is assigned to pavers, depending on the manufacturer's specifications. The calculations need to be redone to verify that the pollutant removal requirement has been met.

If the revised calculations show the pollutant removal requirement has been met, then this office concurs the project is consistent with the City's program.

Please forward the revised calculations for our review. If you have any questions, feel free to call me at (410) 260-3479.

Sincerely,


Regina A. Esslinger, Chief
Project Evaluation Division

cc: AN737-03

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/

July 28, 2006

Mr. Michael Kulis
Department of Environmental Protection
And Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: Wilson Point Park

Dear Mr. Kulis: *Mike:*

I have reviewed the Buffer planting plan and landscaping plans for Wilson Point Park. Based on our discussion today about the proposed lilacs in IDA Planting Area D, I concur with your opinion that bayberry would be best suited for the site, given the elevation and exposure. We also discussed adding Indian grass, big bluestem, and a native wildflower mix to the proposed grass mix for the same planting area.

I have no other comments. Thank you for the opportunity to review these plans. If you have any questions, I can be reached at (410) 260-3479.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Deanna Bailey, Dept. of Recreation and Parks
BC279-02

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

TO: Chip Price

FROM: Regina Esslinger



RE: POS/CPP #4918-24-228
St. Helena Park
Baltimore City

DATE: July 27, 2006

I have reviewed the proposal to replace playground equipment and surfacing at St. Helena Park with ADA compliant structures, to install a rubber play surface, and to add benches, landscaping, fencing, and paths. The City must address any development activity within the Critical Area on this site and ensure it is consistent with the local program.

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

cc: Duncan Stuart

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 18, 2006

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

RE: 20 Dean Street Subdivision

Dear Mr. Geratz: *Dirk:*

I have received the revised site plan and 10% pollutant reduction requirement calculations for the Dean Street subdivision. The applicant has addressed the comments from Dawnn McCleary's June 13, 2006 letter. We have no additional comments.

Sincerely,

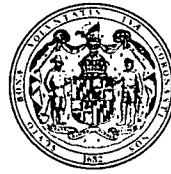
A handwritten signature in cursive script, reading "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Terry Schuman, Bay Engineering
AN224-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

July 14, 2006

Ms. Pat Pudelkewicz
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

Re: Flying Point Marina

Dear Ms. Pudelkewicz: *Pat:*

I have reviewed the reforestation plan, 10% calculations, and FIDS calculations for Flying Point Marina that were sent to us on May 31, 2006. The plans are dated February 23, 2005. The applicant is proposing 4 condominium buildings, a clubhouse, a pool, parking, and slips. The development is contained within the IDA portion of the site and is designated a Buffer Exemption Area. I have the following comments:

1. The 10% phosphorus reduction calculations provided in 2004 (enclosed) indicated that existing impervious surfaces comprised 8.63 acres of the overall 17.72 acre site. The current calculations indicate existing impervious surfaces comprise 6.22 acres. I cannot determine from the plans where the difference of 2.41 acres of existing impervious surface is. Please verify the correct existing impervious surface acreage. I need this acreage before I can determine if the most recently submitted 10% calculations are correct.
2. The applicant did not complete the FIDs worksheet correctly. When calculating pre- and post-development FIDs habitat, only the properties affected by the development should be included. The area of contiguous habitat is important only in the determination of whether FIDs habitat exists on site or not.
3. Notwithstanding the above, it appears that the applicant has met the FIDs guidelines by keeping development in the edge of the existing forest. Mitigation for clearing within the FIDs habitat must be provided at a 1:1 ratio.
4. The "Reforestation and Landscape Plan" did not properly account for all forest clearing associated with the development. Specifically, it did not include the proposed clearing on adjacent Parcel 291. While not on the applicant's property, this clearing is directly associated with the proposed project and it must be mitigated.

Ms. Pudelkewicz
July 14, 2006
Page Two

5. Based on 2004 and 2005 aerial photos (enclosed), it appears that Reforestation Area R-3 is already mostly forested. Given this, as well as the mitigation due for the adjacent property, additional mitigation areas must be identified. Please note that mitigation for FIDs habitat impacts must result in creation of new FIDs habitat.
6. A time of year restriction to protect FIDs during the breeding season should be placed on any approval. The restriction should prohibit forest clearing from April through August.

Please forward this information so that we can provide final comments and you can complete your review. Thank you for the opportunity to comment. Please call me at (410) 260-3479 if you have any questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Tony McClune, Planning and Zoning
Pete Gutwald, Planning and Zoning
Ren Serey
Lee Anne Chandler
HC720-02

Enclosures

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 12, 2006

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

RE: Louis and Carleen Giannotti Variance
2006-0186-V

Dear Ms. Rhodes: *Lori*

I have received the above referenced variance. The applicants are requesting a variance to allow an attached porch with less setbacks than required. This LDA lot is developed with a single family dwelling, attached decks, detached garage, and pool. The applicants are proposing to build a 275 square foot porch on top of one of the existing decks, 27 feet from the water. The site is a Buffer modification area and impervious surfaces will remain below the limit.

This office does not oppose a variance to build a porch on top of the existing deck. We recommend 2:1 mitigation for the area of new impervious surface, with plantings occurring on site where possible.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

cc: AA438-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

December 14, 2006

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

Wanda Cole
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

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

RE: 1604 Town Point Road Earthen Berm

Dear Ms. Cole:

This letter is to follow up on our site visit last week. On December 7, 2006, I visited the above referenced property in order to determine if the owner's construction of an earthen berm for the purpose of protecting his parcel from tidal flooding is consistent with the State Critical Area law and would therefore not require a variance.

The parcel is over 20 acres in size, located in the RCA and is currently improved by a single-family house, a driveway, shed, garage and an earthen berm. It is my understanding that the property owner sought guidance from local and State agencies on permits that may be required in order to replace the existing berm. All of the agencies that the parcel owner contacted informed him that permits were not needed to replace the existing berm. Once construction had begun the County followed up on a citizen complaint.

From our conversations and the site visit to this property, it appears that the County should address the issue of berms through a policy implemented by the Department of Planning and Zoning. Our office is available to assist the Department in this regard. However, we recognize that the situation on this property requires immediate attention we recommend that the property owner complete a Buffer management plan for approval by your office. The plan should include the amount of disturbance to the Buffer, a proposal for mitigation, and a process for consideration of maintenance.

Thank you for the opportunity to provide comments, if you have any questions please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

December 14, 2006

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: AA 779-06 Paul Demski
Local Case # 2006-0392-V 1606 Wall Drive

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure with less setbacks than desired and with disturbance to steep slopes. The parcel is 38,420 square feet, located in the LDA and is currently improved by a single-family house, porch, deck, shed, driveway and sidewalk. The applicant is requesting this variance to construct a single story garage.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be constrained by steep slopes. In addition, it appears that the applicant is going to minimize impacts, will not require the removal of any trees, and will not significantly increase the impervious surface area of the parcel. If this variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the Buffer and mitigation of 1:1 for impacts to any areas outside of the 100-foot Buffer. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer B. Lester", written over a circular stamp.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 14, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 780-06 Clifford Scheibach
Local Case # 2006-0394-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer. The parcel is 29,603 square feet, located in the LDA and is currently improved by a single-family house, driveway, decks, and pier. The applicant is requesting this variance to reconfigure the existing decks and to remove the wooden stairway that slopes down towards the water. This reconfiguring of the decks will move the structure further away from the shoreline than the current structure.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be constrained by the 100-foot Buffer because of its size and shape. In addition, it appears that the applicant is minimizing impacts as the reconfiguration of the decks will result in moving the structure further away from the shoreline than currently situated. If this variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the Buffer. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

December 13, 2006

**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/

Steve Dodd
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 786-06 New Horizon LLC
Local Case No.: 2314 6808 Choptank Landing**

Dear Mr. Dodd:

Thank you for providing information on the above referenced appeal to the decision of the Dorchester County Planning Department's decision to issue a building permit for the construction of a walkway over wetlands at the above referenced address. I have reviewed the documents submitted by Michael Hickson who is representing the Estate of Elizabeth Morgan, an adjacent property owner.

The parcel involved is 1.96 acres, an unimproved lot, and is located in the LDA. The owner of the parcel, New Horizon, LLC, originally submitted a request for a building permit to construct a 150 foot long by 3 foot wide walkway over tidal marsh which would connect to a 100 foot long pier with a 10 foot by 20 foot "L" housing a boat lift. At some later date New Horizon revised its request and eliminated the request for the pier, and to construct only the walkway as the parcel's point of access to navigable water.

We do not have any comments on this appeal at this time. Thank you for providing us the opportunity to review the appeal and provide comments. If you have any additional questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over the typed name and title.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

December 11, 2006

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

Ramona Plociennik
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

**RE: AA 276-05 Denise Smith
Local Case # 2006-0397-V 301 Summit Avenue**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant was granted a variance to permit a lot (Lot 8R) with less area than required; however, the lot was not recorded before the variance expired. The applicant is re-applying for the same variance that this office provided comments on in 2005. The property is designated an IDA and is currently developed with two single-family dwellings.

This office does not oppose the variance request. The applicant proposes to subdivide Lot 8 into two lots, creating Lot 8R and Lot 11R, with each lot containing one dwelling. It is our understanding that the existing dwellings were constructed on Lot 8 prior to the County subdivision regulations and that no new development is proposed at this time.

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

Sincerely,

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

December 4, 2006

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

Alexis Gray
NEPA Program Manager
Environmental Department
Patuxent River Naval Air Station
22445 Peary Road, Bldg. 504
Suite 106
Patuxent River, Maryland 20670

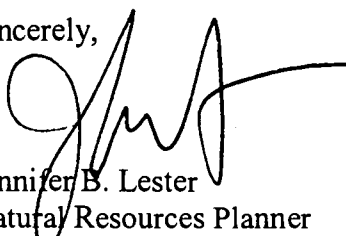
RE: 55-06 US Navy—Naval Air Station Shoreline Stabilization Patuxent River

Dear Ms. Gray:

Thank you for providing information on the above referenced project. I have reviewed the plans to conduct shoreline stabilization at the Patuxent River Naval Air Station. The Environmental Assessment identifies three alternatives for shoreline stabilization. Based on my review of this project, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria. If Alternative A or B is implemented we recommend that any impacts to the Buffer be mitigated at a ratio of 1:1 and any areas disturbed during construction be replanted with native vegetation.

Please contact Elder Ghigiarelli, Deputy Program Manager of the Maryland Department of the Environment's Wetlands and Waterways Program to ensure the project and proposed alternatives are in compliance with all other Coastal Zone Management laws. Mr. Ghigiarelli can be reached at 410-537-3763. If you have any additional questions please contact me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Cc: Elder Ghigiarelli, MDE

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**

December 4, 2006

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

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

RE: DC 755-06 Charles Irwin
Dorchester County Case # 1142

Dear Mr. Dodd:

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

- 1) The 100-foot Buffer is not shown on the plan; please have the applicant resubmit the plan with the 100-foot Buffer. The 100-foot Buffer shall be established from the mean high water line of tidal waters and from the landward edge of tidal wetlands, and tributary streams. In accordance with the Critical Area Criteria, the Buffer may need to be expanded for contiguous sensitive areas. The 100-foot Buffer needs to be shown on the plan and should be addressed in the environmental report.
- 2) The plan does not include information about proposed forest clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest establishment and replacement requirements are set forth in § 155-38.H.4 of the Dorchester County Code.
- 3) I have reviewed the November 22, 2006 letter from the Department of Natural Resources Heritage Division regarding the presence the Delmarva Fox Squirrel on the parcel. Federal and State law protect this species and its habitat. Any disturbance to the Delmarva Fox Squirrel's habitat must receive prior approval from the appropriate state and federal agencies.

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester".
Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 4, 2006

Yvonne Chaillet
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 751-06 Wicomico Shores
Local Case # 06-2896 35319 Golf Course Drive**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to the expanded Buffer to construct a patio. The Buffer has been expanded for hydric soils. The parcel is 13,500 square feet, located in the LDA, and is currently improved by a house, porch, garage, driveway and concrete walkway which totals 3,207 square feet of impervious surface. The applicant wants to construct a patio that is 420 square feet.

Provided that this lot is properly grandfathered we do not oppose this variance. If this variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the expanded Buffer. We also recommend that the applicant work with the County to address stormwater management for the additional impervious surface. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 4, 2006

Robert Tabisz, Section Chief
MDE—Wetlands and Waterways Division
Regulatory Services Coordination Office
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

RE: 200664905 07/WL-0017 Potomac River Fisheries Commission

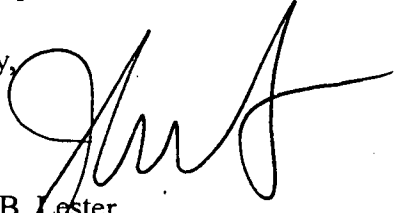
Dear Mr. Tabisz:

I have reviewed the Public Notice that includes information about the above referenced project. The applicant is requesting permission to construct an artificial oyster reef/sanctuary in the Potomac River off Hog Island and a second location off Kitts Point. Both locations are in St. Mary's County.

It is not clear from the information provided whether there will be any impacts to vegetation in the 100-foot Buffer. State and local law prohibits the removal of any vegetation within 100-feet of the Chesapeake Bay or any tidal tributary. However, COMAR 27.01.09(C)(5)(c) permits the cutting of trees or removal of vegetation where necessary to construct a water-dependent facility where all necessary State and federal permits have been received. Mitigation for this type of clearing is required at a ratio of 1:1. If there is any Buffer clearing, the applicant needs to quantify the amount of Buffer clearing and provide appropriate mitigation. Please ask the applicant to contact Yvonne Chaillet the Critical Area Planner for St. Mary's County at 301-475-4200 ext. 1523 for information on any potential planting requirements.

Thank you for the opportunity to provide comments on this project. If you have any further questions please contact me at 410-260-3481.

Sincerely,

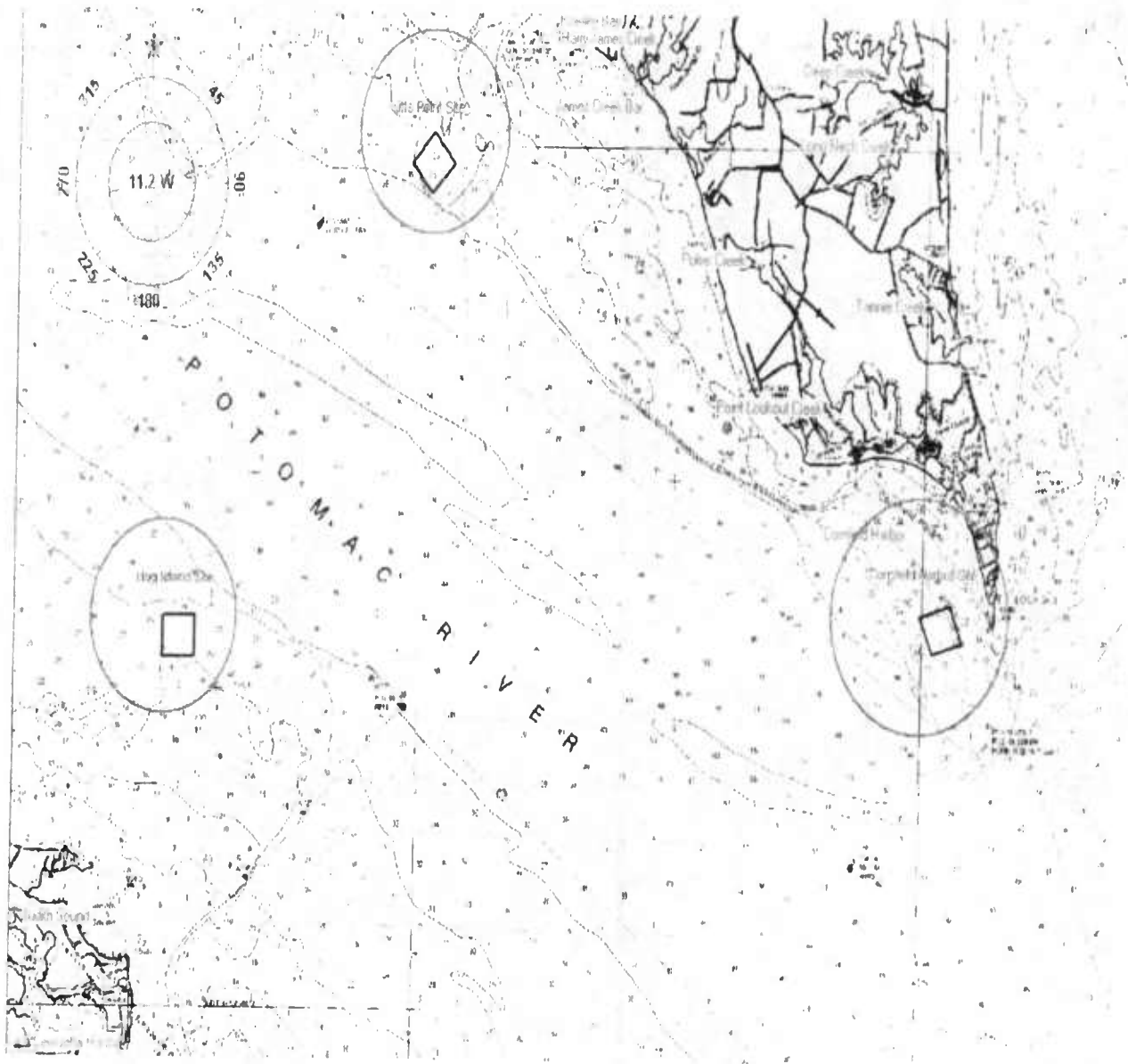

Jennifer B. Lester
Natural Resources Planner

Cc: Yvonne Chaillet

Potomac River
Overview of Selected Sites

DNR 1/19/05

Note: Areas within Red Circles show suggested sites for planting.



1 of 4

Proposed Artificial Reef
IN: Lower Potomac River
AT: Site off Hog Island or off Kitts Point
St. Mary's County
Appl. By: Potomac River Fisheries Commission
Date: 6/29/06

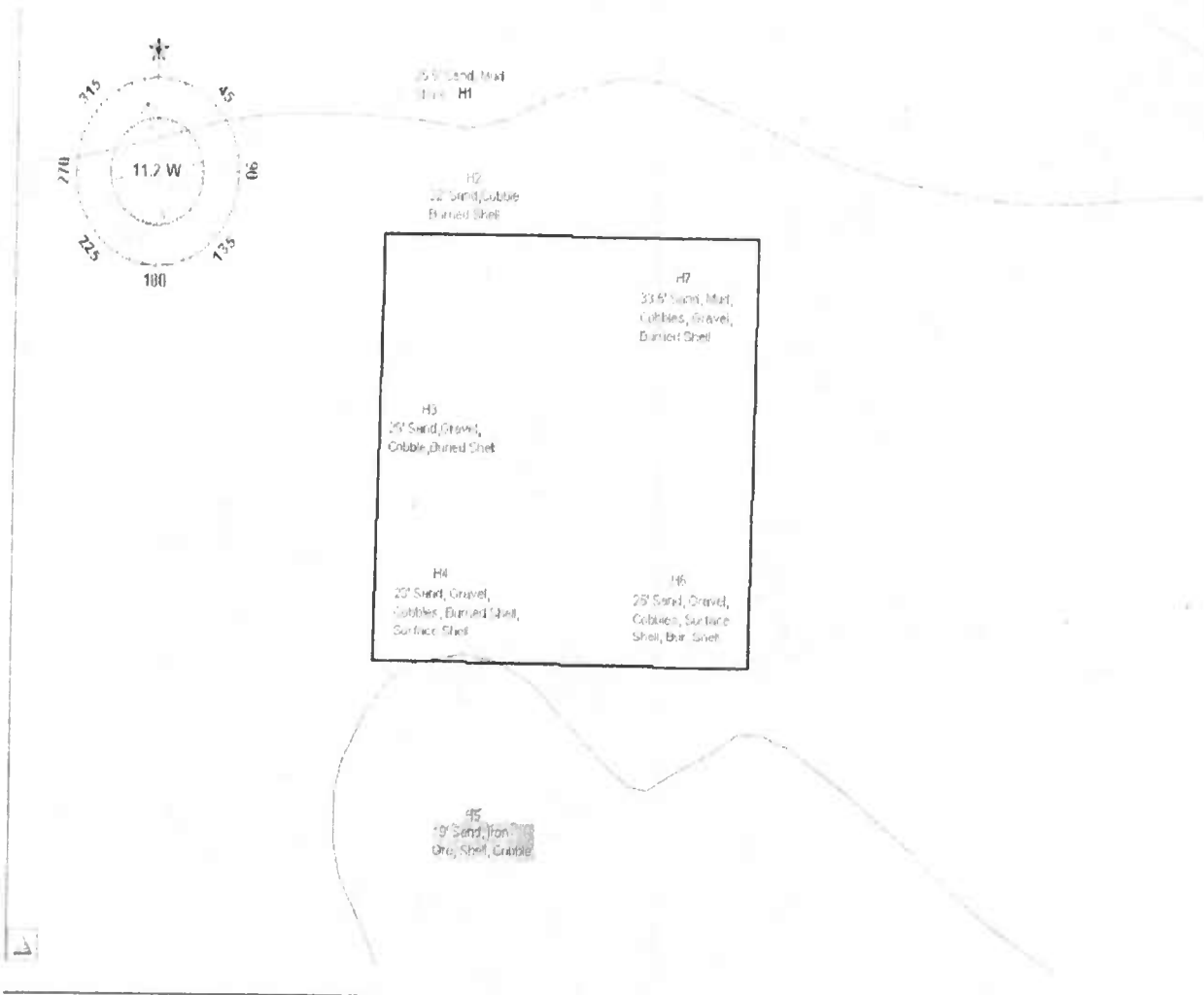
07-WL-0017

2006H905

1-5

Potomac River – Hog Island
Acoustic/Patent Tong Survey

DNR 12/18/02



2 of 4

Proposed Artificial Reef
 IN: Lower Potomac River
 AT: Site off Hog Island or Kitts Point
 St. Mary's County
 Appl. By: Potomac River Fisheries
 Commission
 Date: 6/29/06

Hog Island

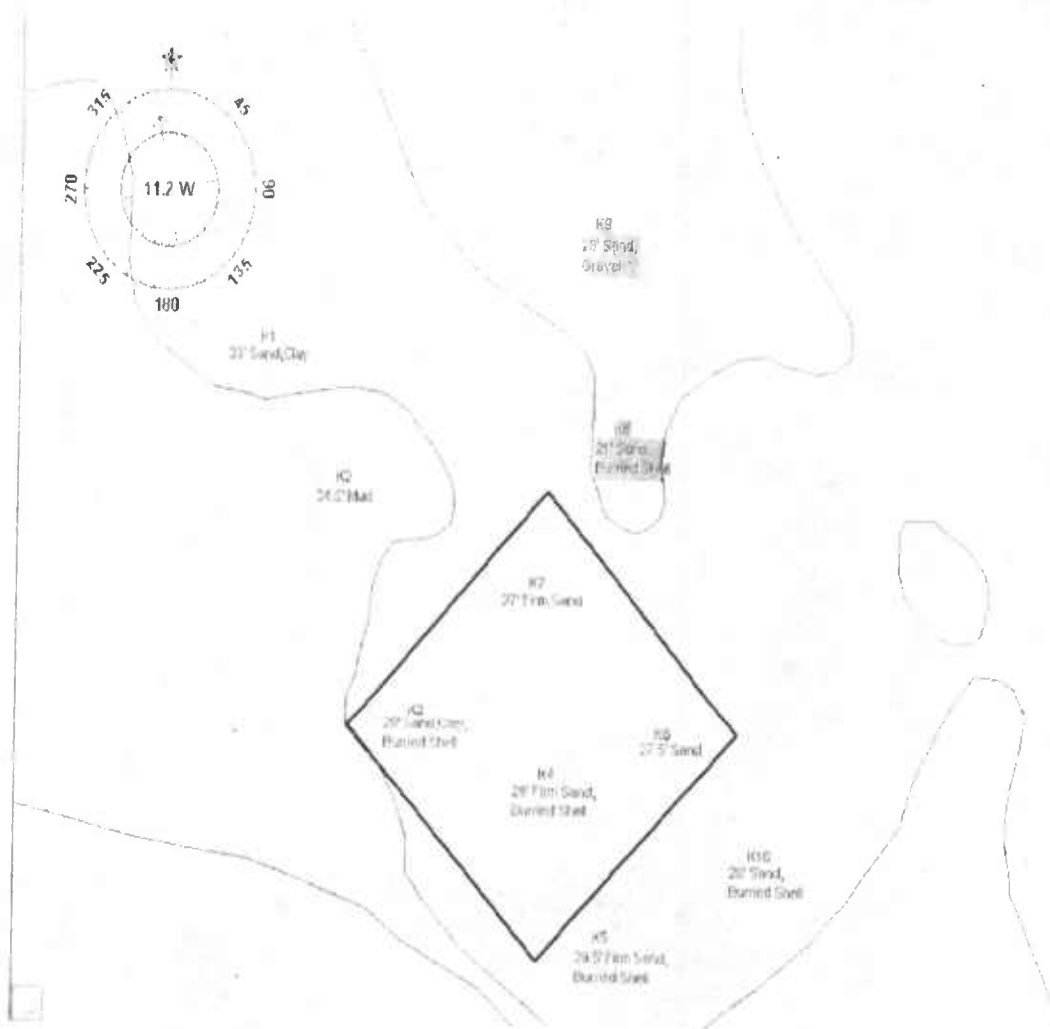
Coordinates for 50 Acre Boundary

38 02.276 N	38 02.274 N	38 02.030 N	38 02.033 N
76 27.503 W	76 27.194 W	76 27.199 W	76 27.508 W

07-WL-0017
 200664905
 2-5

Potomac River – Kitts Point
Acoustic/Patent Tong Survey

DNR 12/18/02



3 of 4

Proposed Artificial Reef
IN: Lower Potomac River
AT: Site off Hog Island or Kitts Point
St. Mary's County
Appl. By: Potomac River Fisheries
Commission
Date: 6/29/06

Kitts Point

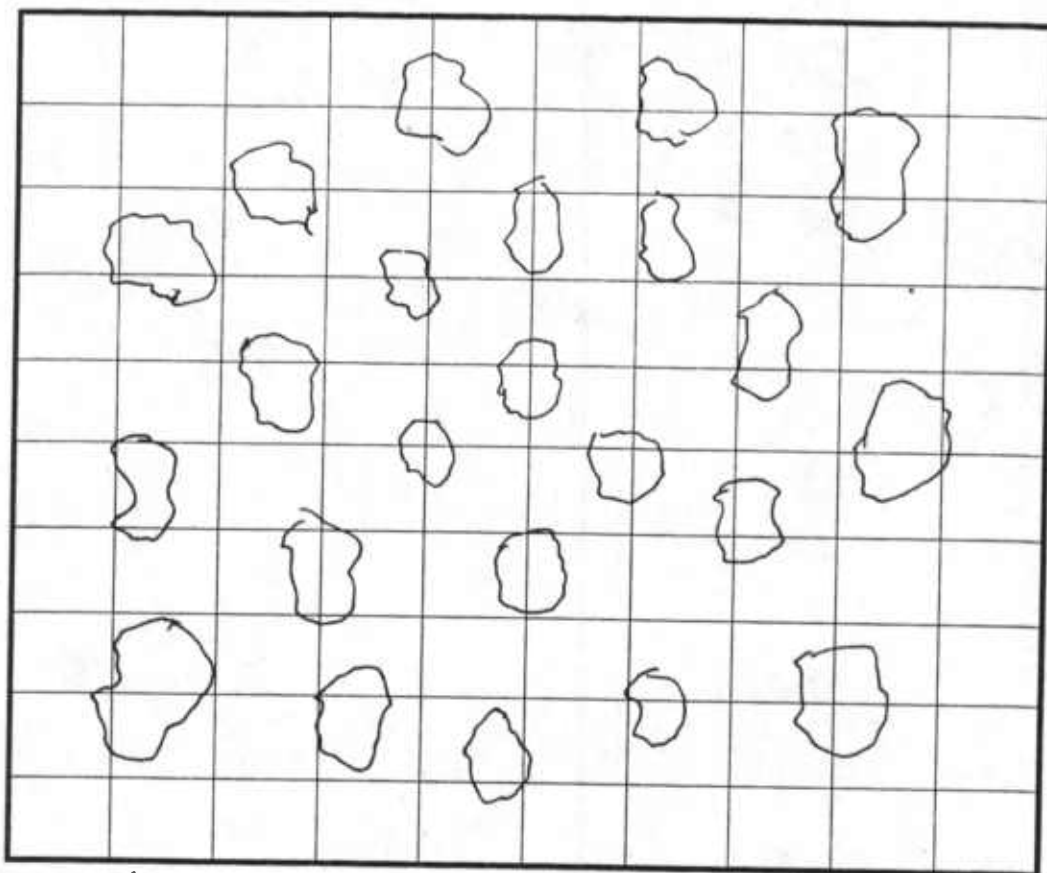
Coordinates for 50 Acre Boundary

38 04.908 N	38 05.084 N	38 04.903 N	38 04.730 N
76 25.113 W	76 24.898 W	76 24.689 W	76 24.903 W

07-CWL-0017

200664905

3-5



*Not drawn to scale

A top view plan showing where piles of material could be dumped on the proposed artificial reef sites from 220' x 60' barges. Piles of rubble would be deployed, starting at the center of the reef site. Piles would range from 10,000 to 25,000 square feet in area coverage.

07-WL-0017

200664905

4-5

Proposed Artificial Reef Project
In the Lower Potomac River
At a site off Hog Island, VA and a
site off Kitts Point, MD
St. Mary's County
Appl. By: Potomac River Fisheries
Commission
Date: 7/25/06

Surface

16' minimum depth (MLW)

Depth range of reef site
at MLW is 23-33'

For each pile of rubble,
top elevation will be 7-17'

Concrete rubble

River
bottom

*Not drawn to scale

Sheet 4 of 4

07-WL-0017

200664905

5-5

Proposed Artificial Reef
IN: Lower Potomac River
AT: Site off Hog Island or
off Kitts Point
St. Mary's County
Appl. by: Potomac River Fisheries
Commission

DATE: 6/29/06

No other info
available.

Permit Application Screening Form

Tracking No: 200664905

Applicant: Potomac River Fisheries Commission

County: Saint Mary's

ADC Map:

Ed:

Project Type: Artificial Reef

Waterbody: Potomac River

Fed. Nav. Channel?

Location

State Plane 83 Meters:

N

E

Latitude/Longitude 83:

N

W

DOQQ:

Critical Area/1000' Buffer?

100 yr Floodplain?

Floodway?

Reference Information

FEMA FIRM Index:

Taxmap:

Watershed:

02140101

Resource and Heritage Areas

NWI?

Yes

E1UBL

DNR Wetlands?

Yes

E1UBL

MHT?

Sens/Endg Sp?

Yes

NOB - Seed Area A

WSSC

SAV?

Screened By:

ac

Date Screened:

07/05/06

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/

December 4, 2006

John B. Norris, III
Norris & Duddebar, P.C.
44731 St. Andrews Church Road
P.O. Box 1039
California, Maryland 20619-1039

**RE: TEC Comments—Glazed Pine Planned Unit Development
Control Number: 06-145-0003
File No.: 06-0044b**

Dear Mr. Norris:

Thank you for providing information on the above referenced project. I have reviewed the documents submitted as well as a map of the Critical Area of St. Mary's County. It appears that the project is not located within the Chesapeake Bay Critical Area and therefore we have no comments on this project.

Please feel free to contact me if you have any additional questions at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Cc: Sue Veith

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 29, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 744-06 Terry Perkins
Local Case # 2006-0380-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less setbacks than required. The parcel is 4,000 square feet, located in the IDA and is currently improved by a single family home. The applicant is requesting this variance to the front property setbacks from the 25 foot requirement to 18 feet to construct a 5 x 20 foot front porch.

At this time we do not have any comments on this variance applicant. From the information provided it does not appear that applicants needs or is requesting a variance to the Critical Area law. In addition, it does not appear that the 100-foot Buffer or any other habitat protection areas will be impacted by the granting of this variance.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

November 29, 2006

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

**RE: AA 743-06 John Murray
Local Case # 2006-0379-V 290 Oak Court**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less setbacks than required. The parcel is 17,940 square feet, located in the LDA and is currently improved by a single-family house with an existing concrete patio. The applicant is requesting this variance to enclose the concrete patio with a 20 foot by 16 foot one-story A frame addition.

At this time, we have no comment on this variance. From the information provided it does not appear that the applicant will be impacting the 100-foot Buffer or requires a variance to the Critical Area law.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 16, 2006

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

**RE: DC 615-05 Marhsall's Landing
Local Case No.: 860B**

Dear Mr. Dodd:

Thank you for providing updated information on the above referenced subdivision. The applicant has addressed all of our comments raised in my September 29, 2006 letter. In addition, I have received a letter concerning the presence of rare and endangered species from the Department of Natural Resources Heritage Division. The proposed development does not appear to impact any habitat protection areas.

Thank you for the opportunity to provide comments the revised plans. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JLester", with a long horizontal stroke extending to the right.

Jennifer B. Lester
Natural Resources Planner

Cc: Sandy Russum, Lane Engineering

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**

November 15, 2006

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

Wanda Cole
Environmental Planner
Dorchester County Planning & Zoning
501 Court Lane, Room 107
P.O. Box 107
Cambridge, Maryland 21613

RE: DC 706-06 Glen Manning Rezoning

Dear Ms. Cole:

Thank you for forwarding the above-referenced rezoning to our office for our comments. Dorchester County is reviewing Mr. Manning's application to rezone his 1.51-acre parcel from a Resource Conservation to a B2 Commercial zoning. The parcel has a Critical Area overlay zoning classification of Resource Conservation Area (RCA) and the County is not requesting a change in this classification.

COMAR 27.01.02.05.C establishes acceptable uses for lands that are classified as RCA. In applying an overlay Critical Area zone Counties are not required to apply a different classification to each individual parcel within the Critical Area, but to establish the proper land use classification for areas based on existing land uses and development patterns in the Critical Area. Within the RCA development is limited and these areas are "chiefly designated for agricultural, forestry, fisheries activities, other resource utilization activities and for habitat protection." (COMAR 27.01.02.D.) In this instance, Mr. Manning's parcel was determined to be located in the RCA at the time the County adopted its Critical Area program because the existing land use and expected development patterns in the area were compatible with the acceptable RCA uses.

It is my understanding that the use of the property is not going to change from a low-impact commercial use that has existed on the parcel since 1940. Mr. Manning has owned and operated a boat building business on the parcel since 1981 and is currently planning on selling the property to a new owner who will change the business to a sheet metal fabrication operation. Although this is a change in business use, it is my understanding that there will not be an expansion of the existing facilities. This current use and change in type of business is consistent with the Dorchester County Critical Area ordinance Chapter 155-38.H.3.c which permits new commercial uses in existing structures as long as "the proposed new use does not constitute an intensification or expansion of the pre-existing commercial, industrial or institutional use." I concur with your assessment that the proposed new use is consistent with the Dorchester County Critical Area program.

Wanda Cole
November 15, 2006
Page 2 of 2

If this local re-zoning is adopted by the County Council, it should include a provision prohibiting intensification of the use without growth allocation. If you have any questions regarding our comments please feel free to call me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JB Lester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 14, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 692-06 Dennis Swick
Local Case # 2006-0362-V**

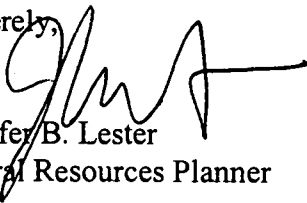
Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact the 100-foot Buffer for a two-story addition. The parcel is 12,528 square feet, located in the IDA in a Buffer exempt area, and is currently improved by a single-family house, driveway, garage, sidewalk, and pier. The applicant is requesting a variance to construct a two-story addition in the same footprint as a previously existing deck and patio. The deck and patio were 64 feet from mean high water and the applicant wants to place a two-story addition in the exact location.

Provided that the lot is properly grandfathered we do not oppose this variance to place a two-story addition in the exact footprint of the previously existing deck and patio. If this variance is granted it should be the minimum necessary to provide relief and we recommend 3:1 mitigation for any impacts to the Buffer in accordance with the Anne Arundel County Critical Area program. In addition, any areas disturbed during construction should be replanted in native vegetation.

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

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 14, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 469-02 Mary Boss
Local Case # 2006-0364-V**

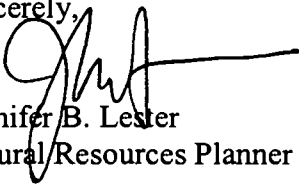
Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an extension of time required to implement and complete a previously approved variance. On October 10, 2002 the applicant received a variance to construct a dwelling with less setbacks and buffer than required and with disturbance to steep slopes. The parcel is 15,000 square feet, located in the LDA and is currently improved by a single-family house. The applicant requested, and received, the original variance to replace the existing dwelling with a larger home and a swimming pool with accommodations for handicap access to the pool.

Provided that the lot is properly grandfathered and that the application is the same as what was approved in 2002, we do not oppose a renewal of this previously approved variance. If this variance is renewed we recommend the same mitigation as previously required be part of this variance. Mitigation for impacts to the Buffer should be required at a ratio of 3:1 and mitigation at a rate of 1:1 should be required for impacts to areas outside the Buffer. Mitigation plantings should be used to achieve 15% afforestation and for treatment of stormwater runoff.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 6, 2006

Tressa Dolbeare, Environmental Specialist
MDE—Wetlands and Waterways Division
Regulatory Services Coordination Office
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

RE: 200665707 / 07-WQ-0221 Blackwater NWR

Dear Ms. Dolbeare:

I have reviewed the above referenced public notice. The applicant is seeking permission to discharge sandy dredge material into a confined area in order to restore wetlands. The applicant is proposing two scenarios for the creation of wetlands. The first is to use 3,000 cubic yards of sandy dredge material and discharge into two acres of shallow open water. The second option is to use 7,500 square feet of sandy dredge material and discharge into 5 acres of shallow water. Both options involve planting the area with native wetland vegetation.

If the applicant is granted a permit to create and restore tidal emergent wetlands the 100-foot Buffer shall be established landward from the edge of any newly created wetlands. COMAR 27.01.09.01(C)(1) requires that a 100-foot Buffer be established "landward from the mean high water line of tidal waters, tributary streams and tidal wetlands." The 100-foot Buffer shall be planted and maintained in natural vegetation if those conditions do not already exist on site. In addition, no new development activities are permitted within the 100-foot Buffer except water-dependent uses.

Thank you for the opportunity to provide comments on this application. If you have any further questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Cc: Wanda Cole

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**

November 6, 2006

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

Rob Konowal
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 631-06 George Tarantino
Local Case No.: 2006-0327-V**

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to allow a deck and retaining wall to be permitted to remain within the 100-foot Buffer. In addition, the applicant requires an after-the-fact variance for disturbance to steep slopes. The parcel is .145 acres, located in the RCA and is currently developed with a single-family home, two decks, a pier, and an illegally constructed deck and retaining wall.

We oppose these after-the-fact variances. The applicant appears to enjoy reasonable use of the property without further impacts to the 100-foot Buffer. In addition, the applicant is requesting these variances after construction of the accessory structures within the 100-foot Buffer. After-the-fact variances should not be approved as the approval of such variances condones the applicant's willful disregard of the law.

In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

In this case, the applicant currently enjoys reasonable and significant use of the property without impacting the 100-foot Buffer, or impacting steep slopes. In addition the need for these variances is self-created and this office believes that the standard of unwarranted hardship along with the other variance standards outlined below, have not been met.

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

The property is a .145-acre unrecorded lot containing a large house, and two decks in addition to the illegally constructed deck and retaining wall. It is our understanding that the purpose of the retaining wall is simply for astestic reasons and does not provide a structural function. There are no special conditions or circumstances that are peculiar to the property such that maintaining the Buffer in the natural state would result in an unwarranted hardship to the applicant.

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

The applicant has reasonable use of this property for residential purposes without approval of the requested variances, and therefore, would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. There is no right to place non-water dependent structures within the 100-foot Buffer or to impact steep slopes in the 100-foot Buffer. It appears that the applicant is already enjoying reasonable residential use of the property, and the existing residential uses do not affect vegetation in the Buffer.

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

If the requested variances are granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area are not permitted to remove natural vegetation from the 100-foot Buffer, or to construct non-water dependent accessory structures within the Buffer.

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

The applicant is requesting these variances after being cited for violating the Anne Arundel County Critical Area law which prohibits the placement of non-water dependent structures within the 100-foot Buffer and prohibits development impact of steep slopes. The actions of the applicant created the conditions and circumstances which make these variances necessary.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdictions' Critical Area, and that the granting of the*

Rob Konowal
November 6, 2006
Page 3 of 3

variance will be in harmony with the general spirit and intent of the Critical Area law and regulations.

The applicant bears the burden to prove that this standard is met, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting these variances will contribute to the decline of the Chesapeake Bay by substantially increasing the amount of disturbance in the Buffer on this site and decreasing the area of naturally vegetated Buffer. These impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

Thank you for you the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions feel free to contact me at 410-260-3481.

Sincerely,



Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 6, 2006

Robert Tabisz, Section Chief
Maryland Department of the Environment
Wetlands & Waterways Program
Tidal Wetlands Division - Baltimore Office
License & Permits Review Section
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

RE: 200660494 / 06-WL-0698 Dovetail Enterprises

Dear Mr. Tabisz:

I have reviewed the Public Notice that includes information on the above referenced project and have the following comments:

It is not clear from the information provided whether the site for the dredge spoil will impact any habitat protection areas. COMAR 27.01.03.04(B)(7) prohibits dredge spoil from being placed in an area that will impact the 100-foot Buffer or any habitat protection area except in the instances outlined in COMAR 27.01.03.04(B)(7)(a) through (e). Any impacts to the 100-foot Buffer for dredge spoils would require a variance and mitigation.

However, it appears that the applicant may have been previously approved to place dredge spoils in the 100-foot Buffer. Pursuant to COMAR 27.01.03.04(B)(7) the placement of dredge spoil in the 100-foot Buffer is consistent with the requirements of the Critical Area law as long as the spoil is placed on a "previously approved channel maintenance spoil disposal area." If this previously used dredge spoil area is now vegetated we recommend that 1:1 mitigation be provided to replace any vegetation that is impacted from the placement of new dredge spoil.

Thank you for the opportunity to provide comments on this application. If you have any further questions, please feel free to contact me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

November 3, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 677-06 Edward Mittelstedt
Local Case #: 2006-0345-V 1545 Baywood Road**

Dear Ms. Plociennik:

Thank you for providing updated information on the above referenced variance. The applicant is requesting a variance to improve an addition with less setbacks then required. The parcel is 7,500 square feet, located in the Intense Development Area and is currently improved by a house, a shed, concrete walkway, and concrete deck.

It is our understanding that the applicant does not require a variance to the Critical Area law and therefore we do not have any comments on this application. Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. Please include this letter in your file and submit it as part of the record for this variance.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

November 2, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: AA 680-06 Gwendolyn McCormick
Local Case #: 2006-0351-V 8178 Electric Avenue

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting two Critical Area variances: the first to permit a dwelling within the 100-foot Buffer and a second to impact steep slopes. The parcel is .57 acres, located in the Limited Development Area, is currently improved by a house and is entirely constrained by the 100-foot Buffer. The applicant is requesting a variance to replace the existing structure.

Provided that the lot is properly grandfathered we do not oppose this variance. The parcel appears to be severely constrained by the 100-foot Buffer and the applicant is minimizing impacts by keeping the dwelling in the same location and no further waterward. Any variance granted should be the minimum necessary to provide relief.

If this variance is granted we recommend 3:1 mitigation for new impacts to the Buffer and that all areas disturbed during construction be replanted with native vegetation. In addition, we recommend that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

November 1, 2006

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

RE: POS# 5002-9-131 Little Blackwater River Acq.

Dear Mr. Price:

Thank you for providing information on the above referenced project. It appears that no development is planned at this time and that comments are only requested for the acquisition of this site.

If future development is planned for this site, all critical area regulations will apply. All proposals for development must be sent to the Critical Area Commission staff prior to beginning work so that staff can determine if the proposed activities required full Commission review. If you have any questions feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", written over the printed name and title of Jennifer B. Lester.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

November 1, 2006

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

**RE: DOT 18-06
SHA Project #: DO 577A21
MD 16: From MD 355 to Brannocks Neck Road, Dorchester County**

Dear Mr. Grey:

Thank you for providing updated information on the above referenced project. After reviewing the information provided, this office agrees that the project is consistent with both the requirements of COMAR 27.02.02 and the MOU between the Critical Area Commission and Maryland Department of Transportation for the following reasons.

- 1) No Habitat Protection Areas will be disturbed, including the 100-foot Buffer.
- 2) This project is for the sole purpose of minor drainage improvements which are related to safety and flood control.
- 3) The project will not increase the quantity, nor will it lessen the quality of runoff.
- 4) Through the use of Best Management Practices the pollutant load will decrease by 10%, provided that the grass swales will be designed according to the specifications in the MDE Stormwater Manual.

If you have any questions or require further assistance please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: DC 374-06 1729 Garden of Eden Road
Local Case No.: 1128

Dear Mr. Dodd:

Thank you for providing updated information on the requested project. I have reviewed the revised plan and have the following comments:

- 1) Impervious Surface: Calculations for current and proposed impervious surface limits for the newly created 2-acre parcel were not provided. Please inform the applicant that without growth allocation, the 2-acre parcel is limited to 13,068 square feet of impervious surface. This limit includes existing and newly created impervious surface.
- 2) DNR Heritage Letter: Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester", followed by a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

October 25, 2006

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

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

**RE: DC 210-04 Mill Pond at Cabin Creek
Local Case #: 1042**

Dear Mr. Dodd:

Thank you for providing information on the above referenced project. I have reviewed the updated plan submitted, and it appears that the applicant has addressed the majority of our comments.

It is my understanding that the applicant is subdividing 95.7 acres, of which 27.60 acres are designated Resource Conversation Area (RCA) within the Critical Area. Limitations on development within the RCA permit one development right within the Critical Area portion of the subdivision. The environmental report and letter from Otwell Engineering indicates that the land within the Critical Area is and will remain as agricultural use and it appears that a large portion of the Critical Area parcel will remain undeveloped as protected forest preservation area. I have the following comments concerning any development that may occur within the Critical Area portion of this subdivision:

- 1) Access Point for Lot 46: My letter of April 27, 2006 re-iterated previous comments from our office concerning the need for access between the two portions of Lot 46 that are created due to the bisection of a tributary stream. The applicant appears to understand that a variance to cross this stream is not likely to be supported by the Commission and addressed our concern by stating in the October 4, 2006 letter from Perry A. Otwell that there is an access point "on the far side of the ditch to avoid crossing the stream." My review of the updated plats did not identify this access point.
- 2) SDA: An SDA is identified on Lot 46. It is not clear if this is a current or proposed SDA. This SDA can only be used for development which occurs within the Critical Area portion of this subdivision. Sewage disposal for the non-critical area portions of the subdivision cannot be handled within the Critical Area.
- 3) Stormwater Management: Stormwater management for the non-critical areas portion of the subdivision cannot be handled within the Critical Area portion of the subdivision.

Please be sure the applicant has an appropriate plan to manage stormwater of the subdivision and that this management does not occur within the Critical Area portions of the development.

- 4) Existing Barn: There is an existing barn on Lot 46 that is located within the 100-foot Buffer. It appears that there is room to relocate this structure outside of the 100-foot Buffer. We recommend that this barn be relocated.
- 5) Plat Discrepancies: There is a discrepancy between the Environmental Features plan and the Preliminary Plan. The Environmental Features plan shows a structure in the upland section of Lot 46 that is not shown on the Preliminary Plan. What is this structure on the Environmental Features plan?

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBL', with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 25, 2006

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

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

**RE: DC 413-03 Pleasant Rifts Subdivision—Final Plat
Local Case # 1023**

Dear Mr. Dodd:

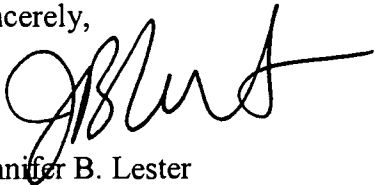
Thank you for providing the final plat of the above referenced subdivision for our review. I have reviewed the plan submitted, as well as the letters of prior reviews provided by our office and have the following comments:

- 1) Wetlands Delineation: Our letter dated August 16, 2005 from Mary Owens requested that the applicant forward to our office a copy of the wetland delineation field report and all associated documentation. To date a copy of this report has not been received.
- 2) 100-foot Buffer: It appears that the development envelopes for lots 4, 6, 7 and 9 are very close to the 100-foot Buffer. Non-water dependent development is not permitted within the 100-foot Buffer. Please have the applicant ensure that the building envelope does not encroach into the 100-foot Buffer.
- 3) Potential Habitat Protection Areas: Mary Owens requested in her August 16, 2005 letter that the applicant contact the U.S. Fish and Wildlife Service (USFWS) to verify that the project will not result in any impacts to the endangered Delmarva Fox Squirrel. This was also a request of the July 23, 2003 letter from Lori A. Byrne of the Wildlife and Heritage Service of the Maryland Department of Natural Resources. Specifically, Ms. Owens requested that the applicant provide copies of all correspondence between the applicant and USFWS prior to recordation of the plat. To date copies of this correspondence has not been received. The Delmarva Fox Squirrel is a federally protected species and as such its habitat is also protected by federal law. The applicant must ensure that this species does not exist on this parcel and should provide documentation of confirming this prior to recording the plat for this subdivision.

Steve Dodd
October 25, 2006
Page 2 of 2

Thank you for the opportunity to provide comments on this subdivision. Please provide revised the additional information requested prior to recording the final plat. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBLester', with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

October 24, 2006

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

Phil Shire
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, 23115 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: SM 513-06 St. George's Peninsula at Piney Point Concept Sketch Plan

Dear Mr. Shire:

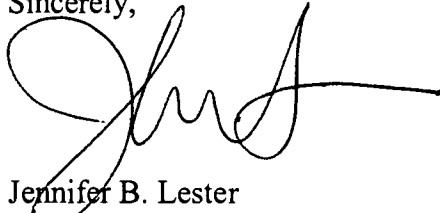
Thank you for providing comments on the above referenced concept sketch plan for lots 17-88. The sketch plan is provided for a 584.18 acre parcel located in the within the RCA. I have reviewed the sketch plan and have the following comments:

- 1) 100-foot Buffer: The 100-foot Buffer is not shown on the sketch plan. Please have the applicant depict the 100-foot Buffer measured landward from the mean high water line of all tidal waters, tributary streams and tidal wetlands. In addition, the 100-foot Buffer should be expanded for highly erodible and hydric soils that are adjacent to the 100-foot Buffer. Development is not permitted within the 100-foot Buffer.
- 2) Forested Areas: The St. Mary's County Zoning Ordinance Article 6 Chapter 60 section 4(1)(b)(6) requires that the applicant submit a sketch plan which shows the existing vegetation and vegetation to remain after development. While forested areas are shown, the applicant has not shown other vegetated areas or forested and vegetated areas that will remain after development.
- 3) Sewage Flow for Lots 12 through 15: Note 6 addresses how sewage flow will be handled for lots 12 through 15. It is not clear why this note is included on this sketch plan as it is the sketch plan for lots 17 through 88 which does not include lots 12 through 15. It is my understanding that the applicant had previously planned to locate the drip irrigation system inside the Critical Area portion of the development to accommodate sewage treatment for portions of the development which are outside the Critical Area. As you know, sewage treatment systems cannot be located within the RCA to support development outside of the Critical Area. It appears that the applicant has corrected this by locating the drip irrigation system for sewage treatment outside of the Critical Area; however, Note 6 raises some concerns about this issue as lots 12 through 15 are not shown on these plans. Please ensure that the applicant understands the development limitations that exist within RCA designated areas.

Phil Shire
October 24, 2006
Page 2 of 2

Thank you for the opportunity to provide comments on this project, please forward the requested additional information as it becomes available. In the meantime, feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lester', with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 24, 2006

Jimmy Sharp
Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: WI 593-06 Clayton Pilchard Subdivision

Dear Mr. Sharp:

I have reviewed the plat for this subdivision. It appears that Mr. Pilchard is proposing to subdivide parcel 36 into two parcels and to reconfigure the lot lines on parcel 35 which will provide access to the main road for the newly created lots. The new subdivision will contain 55.15-acres, of which 47.26 acres are located within the RCA. I have the following comments on this proposed subdivision.

- 1) Density: The applicant is permitted two dwelling units per the RCA density limitations of 1 unit per 20 acres.
- 2) Habitat Protection Areas: The plat does not show all habitat protection areas as required by the Wicomico County Code § 125-44(A)(2)(e). All habitat protection areas should be identified, including steep slopes, highly erodible soils, nontidal wetlands, and habitats of rare, threatened and endangered species.
- 3) Heritage Letter: A determination letter must be obtained from the Department of Natural Resources Wildlife and Heritage Service (WHS) regarding the presence of rare, threatened and/or endangered species and/or their habitats on this site. All WHS comments must be addressed on the plat. A copy of the WHS comments must be provided to this office prior to final plat approval.
- 4) Planting Plan: Wicomico County Code § 125-44(2)(a) requires the applicant submit a plan for woodland conservation or reforestation as required with comments by the Bay Forester. Please have the applicant submit this if required by other provisions of the Wicomico County Code.

- 5) Proposed Impervious Surface Areas: For the newly created lots the applicant must show an outline of building envelopes, paved drives and any other proposed impervious surface areas, see Wicomico County Code § 125-44(C)(d).
- 6) Open Space Maintenance Plans: Wicomico County Code § 125-44(C)(2)(b) requires that subdivisions include plans for protecting any open space, wildlife corridors or habitat protection areas for developments located in the Critical Area. Please have the applicant include such plans if applicable.

Please provide the updated information for our review when it becomes available. If you have any questions about my comments you can contact me at 410-260-3481. Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBL', with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 24, 2006

Jimmy Sharp
Environmental/Technical Services Planner
City of Salisbury---Wicomico County
Government Office Building
125 North Division, Room 203
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: WI 690-06 Waverly Drive Storm Drain

Dear Mr. Sharp:

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 Salisbury Critical Area Program for the reasons outlined below.

- There is minimal disturbance in the Critical Area.
- There will be no increase in impervious surface.
- No habitat protection areas located on the site.

It is my understanding that shore erosion protection will be used during construction and that any areas disturbed during construction will be replanted upon completion of the project. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 24, 2006

Sally Nash, Ph.D.
City of Annapolis
Office of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: AN 533-06 A. Reza Jafari
Local Case No.: 2006-7-826

Dear Dr. Nash:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an additional boat slip at the Little Harbor Way community pier. The applicant owns a condominium unit in the Little Harbor Way community in Annapolis. The applicant is requesting a variance to the Critical Area law to obtain a boat slip at the Little Harbor Way community pier. "Community Pier" is defined in State law as "a boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments, or other multiple-family dwelling units." Natural Resources Article § 8-1805.5(a)(1). It is our understanding that the Little Harbor Way Community Association applied for a variance to allow an additional boat slip in 2005 and that the application was withdrawn when it became apparent to the community association that they were not entitled to an additional boat slip. While this current variance request for a boat slip is submitted by the individual property owner it does not change the calculations for determining the number of boat slips permitted at the Little Harbor Way community pier under the City's ordinance and the Critical Area law.

In 2001, a determination was made that the Little Harbor Way community pier was permitted nine (9) boat slips. This calculation was made according to Natural Resources Article § 8-1805.5 Community Pier in the Buffer which provides the following:

(d) Number of slips.—The number of slips permitted at a facility shall be the lesser of the following: (emphasis added)

- (1) One slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource development area; or

- (2) A density of slips to platted lots or dwellings within a subdivision in the Critical Area in accordance with the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16-40	15 or 75% whichever is greater
41-100	30 or 50% whichever is greater
101-300	50 or 25% whichever is greater
More than 300	75 or 15% whichever is greater

In this case, the number of slips permitted at the Little Harbor Way community pier is determined by first calculating the number of slips allowed based on the linear feet of shoreline within the LDA and RCA and then comparing that number to the number of slips allowed based on the number of dwelling units. According to Natural Resources Article § 8-1805.5(d) of the Critical Area law the number of slips which is finally permitted shall be the "lesser" of the two calculations.

In 2001, boat slips for the Little Harbor Way community pier were calculated according to a survey of the shoreline which determined 405 linear feet of shoreline within the Limited Development Area (LDA) and 593 linear feet of shoreline within the Resource Conservation Area (RCA). This original survey permitted development of nine (9) boat slips. On June 17, 2005, the applicant had new survey done of the shoreline by Mountain Road Surveys which determined the shoreline to be 553.06 feet in the RCA and 340.94 in the LDA. According to the Critical Area law 1 slip is permitted for each 300 feet of shoreline in the RCA. In this case, following the shoreline determinations of the June 17, 2005 survey the Little Harbor community pier is entitled to 1.77 or 1 boat slip for shoreline in the RCA and 6.81 or 6 for the shoreline in the LDA. Thus, under the more recent survey, the law permits a total of 7 boat slips. However, based on the survey from 2001 the Little Harbor Community pier currently has 9 boat slips.

We oppose this variance for an additional boat slip. According to the June 17, 2005 survey, the Little Harbor Way community pier currently has more boat slips than is permitted by law. It is our understanding that these extra boat slips exist due to a survey that was done at the time of subdivision. Assuming that the original survey of the shoreline was inaccurate, the Community Association had a new survey done on June 17, 2005. The new survey identifies less shoreline than that of the original survey and therefore the Little Harbor Way community pier is actually entitled to fewer boat slips than currently exist. As the applicant is not able to meet any of the required variance standards to support the request for an additional boat slip at the Little Harbor Way community pier we oppose this request.

In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning

board finds that an applicant has satisfied the burden to prove that the request meets each one of the local variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

In this case, the applicant currently enjoys reasonable and significant use of the property without the requested variance for an additional boat slip. In addition, the other variance standards outlined below have not been met.

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

There are no special conditions or circumstances that are peculiar to the property such that complying with the statutory limits on boat slips would result in an unwarranted hardship to the applicant.

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

The applicant has reasonable use of this property for residential purposes without approval of the requested variance, and therefore, would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. There is no automatic property right which guarantees that an individual will be able to store their boat at a boat slip attached to their property. It appears that the applicant is already enjoying reasonable residential use of the property. In particular, the owner enjoys the use of 9 boat slips which, according to the applicant's survey, is 2 boat slips in excess of the amount of slips permitted by law.

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

If the requested variances are granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the City's Critical Area. Property owners within the Critical Area are permitted a specific number of boat slips and are not permitted to exceed this number. The property owner has exceeded this number of boat slips and is requesting more boat slips. Granting this variance will confer a special privilege to the property owner that would be denied to other property owners within the Critical Area.

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

The actions of the applicant have not created the conditions and circumstances which makes this variance necessary.

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

The applicant bears the burden to prove that this standard is met, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting this variance will contribute to the decline of the Chesapeake Bay by increasing the amount of disturbance in the Buffer on this site as it will increase the number and movement of people within the Buffer. Natural Resources Article § 8-1808(b)(3) identifies regulating land use as a necessary goal of the Critical Area law due to the adverse environmental impacts that the number and movement of people have on the Bay. These impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

Please include this letter in the file for this variance application and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,



Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 24, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 681-06 Fitzgerald
Local Case # 2006-0352-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the front yard setback. The parcel is 4,000 square feet, located in the IDA and is currently improved by a dwelling. The applicant is requesting this variance to replace the existing structure four feet closer to the front yard setback than permitted by law. The applicant is not requesting a variance to the Critical Area law at this time.

It is our understanding that the applicant is not requesting a variance to any Critical Area law at this time, therefore we have no comments on this application.

Thank you for the opportunity to review this variance request. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 682-06 Allen Bouchelle
Local Case # 2006-0354-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to tidal water buffer and the 100-foot Buffer for the construction of a single-family dwelling. The parcel is 18,000 square feet, located in the LDA and is currently unimproved. The applicant is requesting these variances to construct a single-family dwelling. It is our understanding that the applicant applied for, and was approved, for essentially the same variance in 2003. The applicant did not begin or complete the work prior to the expiration of the previously granted variance in 2003 and is re-applying for variances.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be entirely constrained by the expanded Buffer and severely constrained by the 100-foot Buffer for a tributary stream and a buffer for tidal wetlands. It appears that the applicant has minimized impacts to these buffers by locating the house as close to the front and side yard setbacks as possible. If this variance is granted we have the following recommendations:

- 1) Buffer Mitigation: Mitigation at a ratio of 3:1 for impacts to the Buffer should be provided. We recommend that some mitigation plantings be used to provide attenuation of stormwater runoff and water quality protection for the wetlands on the property. Plantings should be appropriate for the wet conditions on the site. In addition, any areas disturbed during construction should be replanted with native vegetation.
- 2) Stormwater: Stormwater should be directed to stable vegetated outfalls to provide water quality benefits on the property. Due to the extensive wetlands, we recommend that dense plantings be used to provide treatment of runoff on the site. A best management practice, such as a bioretention area, could be utilized for this purpose.

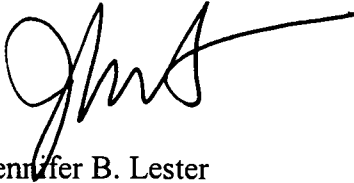
Ramona Plocienmik

October 23, 2006

Page 2 of 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBL', with a long horizontal flourish extending to the right.

Jennifer B. Lester

Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 23, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 315-05 Richard May
Local Case # 2006-0344-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting an extension of a previously approved variance and special exception. The parcel is 42,819 square feet, located in the LDA and is currently improved with a primary single-family dwelling, a secondary single-family dwelling (which has been approved as a legal non-conforming use), a garage, a shed, play area, swimming pool and other improvements. The applicant was granted a special exception on October 6, 2005 to permit the expansion of a nonconforming use and a Buffer variance of 40 feet to relocate the secondary single-family dwelling. It appears that the applicant did not complete the work permitted by the special exception and variance prior to the expiration of the time limits and requires renewal of these approvals.

We do not oppose renewal of the October 6, 2005 special exception and variance for the purpose of completing the work as proposed for the original request. However, it should be noted that our June 23, 2005 comment letter on the original variance and special exception application requested that the applicant resubmit the plans to depict the extent of tidal wetlands on the parcel so that our office could complete a review of the request. To date, this requested revision has not been submitted to our office. In addition, we note that while overall impervious surface will be reduced, the property will still have 18% impervious surface coverage and this amount of impervious coverage does not comply with the current requirements of the Critical Area law.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 683-06 Kevin and Melinda Howard
Local Case # 2006-0355-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact steep slopes for the construction of a dwelling. The parcel is 9,100 square feet, located in the LDA and is currently unimproved. The applicant is requesting this variance to construct a single-family dwelling.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be severely constrained by steep slopes and the applicant has minimized impacts to the greatest extent possible. This office recommends that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site. All areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

October 23, 2006

**STATE OF MARYLAND
CRITICAL AREA COMMISSION**

CHESAPEAKE AND ATLANTIC COASTAL BAYS

Ms. Ramona Plociennik

Anne Arundel County

Office of Planning & Zoning

2664 Riva Road, MS 6301

Annapolis, Maryland 21401

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

**RE: AA 679-06 George T. Kotula
Local Case # 2006-0350-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances: one to impact steep slopes and a second to impact the 100-foot Buffer for the construction of a dwelling addition. The parcel is 22,041 square feet, located in the LDA and is currently improved by a single-family house, driveway, sidewalk, deck, shed, retaining wall and pier. The applicant is requesting this variance to impact the 100-foot Buffer with 40 square feet of new construction. The new construction is a result of the applicant demolishing the existing single-story living room portion of the house and to rebuild a new first floor entry foyer, and two-story living room area. While the majority of the replacement construction is within the exact footprint of the existing living room, 40 square feet of the reconstructed house will extend beyond the existing footprint, but over an existing boardwalk and concrete surface. It is our understanding that no new impervious surface will be created in the 100-foot Buffer.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be uniquely shaped and developed, severely constrained by steep slopes, and severely impacted by the 100-foot Buffer. It appears that the applicant has attempted to minimize impacts by reconstructing and expanding the living space through developing upward instead of outward. In addition, the 40 square feet of new living space is being constructed over existing impervious surface. If this variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the Buffer. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

Jennifer B. Lester

Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 632-06 Kimberly Hamill
Local Case # 2006-0329-V 511 Westminster Road**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less setbacks than required. The parcel is .23 acres, located in the IDA and is currently improved by a single-family dwelling, deck, shed and driveway. The applicant is requesting this variance to place a front porch on the dwelling which will encroach 6 feet into the required tidewater setback.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be severely constrained by environmental features and the applicant has minimized impacts to the greatest extent possible. If this variance is granted we recommend mitigation at a ratio of 3:1 for impacts. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 649-06 Penello and Strunk
Local Case # 2006-0339-V 830 Cedar Drive**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact the modified Buffer for an addition to the primary dwelling. The parcel is 19,346 square feet, located in the LDA and a Buffer Exempt/Buffer Modified area, and is currently improved by a house, concrete slabs which are located in the Buffer, and driveway. The applicant is requesting this variance to impact the modified Buffer by 144 square feet for a screened-in porch. It is our understanding that the applicant is proposing to remove existing concrete slabs from the 100-foot Buffer which would reduce the overall impervious surface in the Buffer by 80 square feet.

Provided that the lot is properly grandfathered we do not oppose this variance. The property appears to be severely constrained by environmental features and the applicant has minimized impacts to the greatest extent possible. While the Anne Arundel County Zoning Code does not require mitigation when there is not an increase in impervious surface in the Buffer in a Buffer Modification area, we recommend that the area where the concrete slabs are being removed be planted with native vegetation. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

October 23, 2006

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

Yvonne Chaillet
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 640-06 Craig Property
Local Case # 04-2537 Bay Drive**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to clear in excess of 30% and exceed impervious surface limits to construct a dwelling and deck. The parcel is 15,656 square feet, located in the LDA and is currently unimproved.

Provided that this lot is properly grandfathered we do not oppose this variance. It appears that the parcel is oddly shaped and that the applicant has minimized impacts. If this variance is granted we recommend mitigation in accordance with the St. Mary's County Zoning Ordinance Article 7 Chapter 72. In addition, any areas disturbed during construction should be replanted in native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Yvonne Chaillet
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 619-06 Tiede Property
Local Case # 06-1795**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to tidal buffers for construction of a deck. The parcel is 31,535 square feet, located in the LDA and is currently improved by a house, driveway and front porch. The applicant needs a variance to add a deck onto the back of the house.

Provided that this lot is properly grandfathered we do not oppose this variance; however, a variance should be the minimum necessary to provide relief. In this case the applicant is proposing to construct a 732 square foot deck. There may be an opportunity for the applicant to minimize impact by reducing the square footage of the proposed accessory structure. If a variance is granted we recommend mitigation of 3:1 for impacts to the tidal wetlands buffer. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".
Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Yvonne Chaillet
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 625-06 Snow Hill
Local Case # 06-2501 47571 South Snow Hill Manor Road**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to the expanded Buffer to place a deck. The Buffer has been expanded for highly erodible soils. The parcel is 43,560 square feet, located in the LDA, and is currently improved by a house, driveway and patio.

Provided that the lot is properly grandfathered we do not oppose this variance. It appears that the parcel is severely impacted by the expanded Buffer and the applicant has minimized impacts. If a variance is granted we recommend mitigation at ratio of 3:1 for impacts to the expanded Buffer and any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 23, 2006

Yvonne Chaillet, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 560-06 16263 Richard Logue
Local Case # 05-1887 16263 Shipview Way**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to impact the 100-foot Buffer. The parcel is 42,826 square feet, located in the LDA and is currently improved by a single-family house, pier, shed, sidewalks and driveway. The applicant is requesting these variances to replace the existing house, and to construct a garage and parking pad.

As proposed we oppose these variances. A variance should be the minimum necessary to provide relief. In this case it appears that a significant portion of the property is located outside of the 100-foot Buffer and that it is possible to minimize impacts to the 100-foot Buffer by relocating the house further away from, or even outside of the 100-foot Buffer, therefore reducing the impacts to the 100-foot Buffer and perhaps even completely eliminating the need for a variance. It is our understanding that the applicant wishes to place this dwelling in the Buffer due to a stand of trees that exist on the parcel in the area located outside of the Buffer. We do not believe that this reason is enough to meet the variance standards required by law. While the St. Mary's County Zoning Ordinance Article 4, Section 41.5.3.i (3)(b) may permit replacement of impervious surface in the Buffer when "no feasible site for the proposed construction exists outside the Buffer," in this case, there is a feasible site for the proposed dwelling outside of the 100-foot Buffer. In addition, COMAR 27.01.09.01(C)(2) states:

"New development activities, including structures, road, parking areas and other impervious surfaces, mining and related facilities, or septic systems, may not be permitted in the Buffer, except for those necessarily associated with water-dependent facilities, as set forth in COMAR 27.01.03."

In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the 100-foot Buffer, water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

In this case, the applicant is requesting a variance to remove the current house and construct a replacement. The applicant currently enjoys reasonable and significant use of the property without further impacts to the 100-foot Buffer. In addition, there is ample space outside of the 100-foot Buffer for a new house to be built. Finally, we believe that the applicant has not met the standard of unwarranted hardship, along with the other variance standards outlined below.

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

The property is a 42,826 square foot lot containing a 1,095 square foot house, 862 square feet of driveway, and a 40 square foot fish pond within the 100-foot Buffer. Outside of the 100-foot Buffer is a portion of the driveway. Although the applicant is proposing to locate the new dwelling farther from the shoreline than the existing dwelling, space exists outside the Buffer for a replacement dwelling. There are no special conditions or circumstances that are peculiar to the property such that maintaining the Buffer in the natural state would result in an unwarranted hardship to the applicant.

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

The applicant has reasonable use of this property for residential purposes without approval of the requested variance, and therefore, would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. There is no right to place non-water dependent structures within the 100-foot Buffer.

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

If the requested variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's

Critical Area. Property owners within the Critical Area are not permitted to place non-water dependent structures within the Buffer.

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

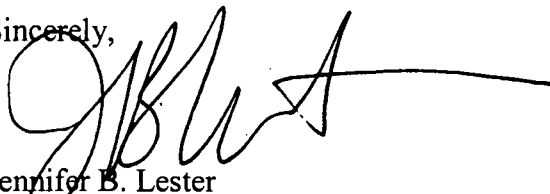
This variance would not be needed if the applicant had chosen to replace the existing house in the exact footprint of the existing dwelling.

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

The applicant bears the burden to prove that this standard is met, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting this variance will contribute to the decline of the Chesapeake Bay by substantially increasing the amount of disturbance in the Buffer on this site and decreasing the area of naturally vegetated Buffer. This impact will contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

In conclusion, we oppose these variances and recommend the County require the applicant to re-locate the replacement dwelling outside of the Buffer and to replant the Buffer with native plantings. Please provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,



Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Sally Nash, Ph.D.
City of Annapolis
Office of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: AN 543-05 Back Creek Nature Park: Stormwater Education Experience

Dear Dr. Nash:

Thank you for providing updated information on the above referenced project. I have reviewed the changes to the 10% worksheet based on the July 28, 2006 comments submitted by Regina Esslinger. It appears that the pollutant removal requirement is met.

We concur with the City of Annapolis's determination that the above referenced project is consistent with the City's Critical Area program. If you have any additional questions please call me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

October 18, 2006

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

**RE: DC 662-06 Samuel Maccherola
Local Case #: 2309 4901 Lee Terrace**

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to replace a dwelling in the 100-foot Buffer. The parcel is 1.11 acres, located in the LDA and is currently improved by a single-family house, pier, driveway and two garages. The applicant's dwelling was damaged during Tropical Storm Isabel and the applicant is requesting the variance to replace the damaged dwelling.

Provided that this lot is properly grandfathered we do not oppose this variance. A grandfathered parcel may replace a dwelling in the 100-foot Buffer as long as the replacement is on the exact footprint of the previous dwelling and there is not an expansion of this non-conforming use. It appears that the applicant plans to stay within these parameters when replacing the dwelling. If this variance is granted we recommend 3:1 mitigation for all disturbances to the Buffer that occur during replacement of the structure. This mitigation should be addressed through a detailed Mitigation and Planting Plan approved by the Dorchester County Department of Planning & Zoning. In addition, we recommend that the applicant comply with the other recommendations of the Dorchester County Planning & Zoning staff as a condition for approval of this variance.

Thank you for the opportunity to comment on this project prior to the issuance of final local approvals. Please contact me at (410) 260-3481 if you have any comments.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 12, 2006

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

Dolden Moore, Wetlands Administrator
Board of Public Works
Wetlands Administration
Louis L. Goldstein Building
Room 117
Annapolis, Maryland 21401

RE: 200663751 / 06-WL-1658

Dear Mr. Moore:

Upon review of Joseph Kincaid's staff report on the above referenced Maryland Department of Environment's Maryland State Programmatic General Permit I am amending the comments of my July 6, 2006 letter.

It appears that the applicant had previously been approved to place dredge spoils in the 100-foot Buffer. Pursuant to COMAR 27.01.03.04(B)(7) the placement of dredge spoil in the 100-foot Buffer is consistent with the requirements of the Critical Area law as long as the spoil is placed on a "previously approved channel maintenance spoil disposal area." If this previously used dredge spoil area is now vegetated we recommend that 1:1 mitigation be provided to replace any vegetation that is impacted from the placement of new dredge spoil.

Thank you for the opportunity to provide comments on this application. If you have any further questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JLester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Cc: Bob Tabisz
Joseph Kincaid

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**

October 12, 2006

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

Jimmy Sharp
Environmental/Technical Services Planner
City of Salisbury---Wicomico County
Department of Planning, Zoning and Community Development
Government Office Building
125 North Division, Room 203
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: SA 651-06 Salisbury Fire Station

Dear Mr. Sharp:

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 Salisbury Critical Area Program for the reasons outlined below.

- The site will be served by municipal water and sewage services.
- The disturbed area is 6.96 acres. The total parcel is 8.17 acres.
- There are no wetlands present on the site and the 10% pollutant reduction has been satisfied.
- No forest mitigation will be required as there is no existing forest area.
- No habitat protection areas located on the site.

If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 12, 2006

Yvonne Chaillet, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 654-06 Golden Beach
Local Case #: 05-0292 30032 Barger Drive**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to clear in excess of 30% for the construction of a single-family house, garage, driveway and rear patio. The parcel is 15,000 square feet, located in the LDA, and is currently improved by a shed.

Provided that the lot is properly grandfathered we do not oppose this variance. It appears that the applicant is minimizing impacts and that development of the parcel is not possible without the requested variance. If this variance is granted we recommend that mitigation in accordance with that mitigation is provided for forest clearing in accordance with the requirements of the St. Mary's County Zoning Ordinance Article 7 Chapter 72. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the variance file and provide our office with a copy of the written decision in this case. If you have any additional questions you can reach me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JLester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 11, 2006

Yvonne Chaillet, St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive, PO Box 653
Leonardtown, MD 20650-0653

**RE: SM 622-06 Aley
Local Case # 05-2144**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances: one to impact the expanded Buffer and a second variance to impact steep slopes. The Buffer is expanded for highly erodible soils. The parcel is 4.74 acres, located in the LDA and is currently improved by a trailer and parking pad. The applicant is requesting the variances to remove the trailer and construct a single family house.

Provided that this lot is properly grandfathered we do not oppose these variances. It appears that the lot is severely constrained by steep slopes and highly erodible soils and that location and size of the proposed house minimizes impacts. If the variance is granted we recommend mitigation in accordance with the requirements of the St. Mary's County Zoning Ordinance Article 7, Chapter 72. In addition, any areas disturbed during construction should be replanted with native vegetation.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 11, 2006

Yvonne Chaillet, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 623-06 St. Mary's Beach
Local Case #: 06-2498**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact a 100-foot stream buffer with the construction of a deck. The parcel is 25,796 square feet, located in the LDA, and is currently improved by a house, driveway, porch, and concrete walkway.

Provided that the lot is properly grandfathered we do not oppose this variance. It appears that the applicant has minimized impacts to the stream buffer and the size of the deck. If the variance is granted we recommend mitigation equal to the area disturbed by the new deck as required by the St. Mary's County Zoning Ordinance Article 7, Section 71.5.3.

Thank you for the opportunity to provide comments. Please include this letter in the variance application file and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over the word "Sincerely,".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

October 11, 2006

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

Yvonne Chaillet, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 638-06 Alfred Bochienek
Local Case # 06-2361**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer to place a stairway from the ground to the second story outside of an existing boathouse. The parcel is 35,719 square feet, located in the RCA and is currently improved by a single family house, decks, boathouse/shed, driveway and pier. The existing impervious surface is 4,992 square feet and the stairs will increase the impervious surface on the parcel by 96 square feet resulting in a total of 5,088 square feet of impervious surface.

We oppose this variance. It appears that the applicant is unable to meet all of the required variance standards, specifically the requirements to minimize impacts and a demonstration that there are unique conditions of the land that warrant a variance. It appears that a significant amount of the parcel is located outside of the 100-foot Buffer such that additional space for a workshop could be added outside of the 100-foot Buffer. In addition, it is not clear why the applicant could not place the stairway inside of the existing boathouse. If this variance is granted we recommend that 3:1 mitigation be required to be placed within the 100-foot Buffer and that any areas disturbed during construction are replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the file and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over the typed name and title.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

October 11, 2006

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

Yvonne Chaillet, Planning Specialist www.dnr.state.md.us/criticalarea/

Department of Land Use and Growth Management

P.O. Box 653, Government Center

23115 Leonard Hall Drive

Leonardtown, Maryland 20650

**RE: SM 639-06 Edward Curley
Local Case # 06-2144 26469 Peninsular Drive**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting variances to place single family home on a currently vacant parcel. The variances requested are as follows: to clear in excess of 30% and to impact the expanded Buffer. The parcel is 12,632 square feet, located in the LDA, and is currently unimproved. The applicant is requesting a variance to remove 4,503 square feet of forest cover. The Buffer has been expanded for highly erodible soils.

Provided that the lot is properly grandfathered we do not oppose these variances. It appears that the parcel is impacted by habitat protection areas, including the 100-foot Buffer and that the applicant has minimized impacts to the greatest extent possible. If the variance is approved we recommend mitigation in accordance with the St. Mary's County Zoning Ordinance Article 7, Chapter 72. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the variance file and provide our office with the written decision in this case. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 11, 2006

Yvonne Chaillet, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650.

**RE: SM 655-06 Karoly Meszaros
Local Case #: 06-0606 29968 Barger Drive**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variances. The applicant is requesting several variances to construct a new home on a vacant parcel. The parcel is 14,995 square feet, located in the LDA and is currently vacant. The applicant is requesting variances to the 100-foot Buffer and to clear a forested area for construction of a single-family home, decks, garage and driveway.

Provided that this lot is properly grandfathered we do not oppose these variances. It appears that it is not possible to develop the parcel without the requested variances. In addition it appears that the applicant has minimized impacts to habitat protection areas in the size and location of the house, deck, garage and driveway. Finally, it appears that only a small portion of the 100-foot Buffer will be disturbed during construction and will not be permanently impacted. If these variances are approved we recommend that the applicant mitigation impacts to the 100-foot Buffer at a rate of 3:1 and that mitigation is provided for forest clearing in accordance with the requirements of the St. Mary's County Zoning Ordinance Article 7 Chapter 72. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the variance file and provide our office with a copy of the written decision in this case. If you have any additional questions you can reach me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over the word "Sincerely,".

Jennifer B. Lester
Natural Resources Planner

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**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. Elder Ghigiarelli
Deputy Program Manager
Water Management Administration
Wetlands & Waterways Program
1800 Washington Boulevard
Baltimore, Maryland 21230

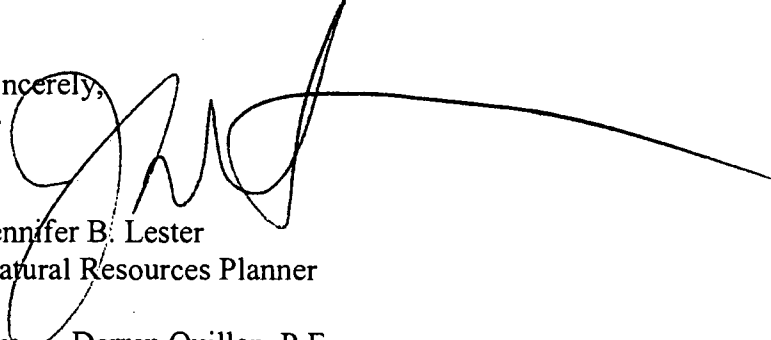
**RE: Naval Air Station Patuxent River
Improvements to AST Containment**

Dear Mr. Ghigiarelli:

Thank you for providing information on the above referenced project. I have reviewed the plans to make improvements to the AST Containment for the Naval Air Station at Patuxent River. It appears that the project does not impact any habitat protection areas and only a small area of a containment berm is within the Critical Area. Since this site is considered an area of intense development, the applicant has performed the 10% pollution reduction calculations and they appear to be correct. Therefore, it appears this project is consistent with the goals and objectives of the Critical Area law and criteria.

Please contact Elder Ghigiarelli, Deputy Program Manager of the Maryland Department of the Environment's Wetlands and Waterways Program to ensure the project is in compliance with all other Coastal Zone Management laws. Mr. Ghigiarelli can be reached at 410-537-3763. If you have any additional questions please contact me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Cc: Darren Quillen, P.E.

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

Staci Merriman, St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive, PO Box 653
Leonardtown, MD 20650-0653

**RE: SM 618-06 Robert Grant
Local Case #: 05-3122**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances: to the expanded Buffer and to impact steep slopes for the construction of a new home. The Buffer has been expanded for hydric soils and steep slopes. The parcel is 1.67 acres, located in the LDA and is currently vacant except for a few steps providing access to a pier.

Provided that this lot is properly grandfathered we do not oppose these variances. It appears that the lot is severely constrained by expansion of the Buffer and an irregular shape in that the front of the parcel is narrow and long. These natural constraints place limitations on an appropriate location for both a house and septic reserve area. Given these constraints it appears that the applicant has minimized impact to the expanded Buffer and steep slopes and that a variance is appropriate. If a variance is granted we recommend 3:1 mitigation for impacts to the expanded Buffer and steep slopes. In addition, any areas disturbed during construction should be replanted with native vegetation.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 5, 2006

Wanda Cole
Environmental Planner
Dorchester County Planning & Zoning
501 Court Lane, Room 107
P.O. Box 107
Cambridge, Maryland 21613

RE: DC 614-06 Dorchester County Consistency Determination

Dear Ms. Cole:

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 Dorchester County Critical Area Program for the reasons outlined below.

- There will be no new disturbances to the Critical Area or the 100-foot Buffer.
- There will be no increase in impervious surface.
- There will be no impacts to any Habitat Protection Areas.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 5, 2006

Staci Merriman, St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive, PO Box 653
Leonardtown, MD 20650-0653

**RE: SM 617-06 Sotterly Manor
Local Case # 06-2250**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the expanded Buffer to construct a garage and paved entrance area. The parcel is 1,086 acres, located in the LDA and is currently improved by a house, driveway, gravel walkway and steps to a dock. The Buffer has been expanded for highly erodible soils.

Provided that the lot is properly grandfathered we do not oppose this variance. It appears that the parcel is constrained by the expanded Buffer and the applicant has minimized impacts. If the variance is granted we recommend mitigation in accordance with the St. Mary's County Zoning Ordinance Article 7, Chapter 72 for disturbance to the expanded Buffer. In addition, all areas disturbed during construction are replanted in native vegetation.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 5, 2006

Staci Merriman, St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive, PO Box 653
Leonardtown, MD 20650-0653

**RE: SM 616-06 Robert Myers
Local Case # 06-1824 24245 Windy Court**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact the expanded Buffer to construct a house, driveway and garage. The parcel is .90 acres or 39,204 square feet, located in the LDA and is currently unimproved.

Provided that this lot is properly grandfathered we do not oppose this variance. The 100-foot Buffer has been expanded for highly erodible soils and as a result it appears that the parcel is severely constrained by the expansion of the Buffer. In addition, it appears that the applicant has minimized impacts to the expanded Buffer. If this variance is granted we recommend mitigation in accordance with the St. Mary's County Zoning Ordinance, Article 7, Chapter 72 and that all areas disturbed during construction be replanted with native vegetation.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer B. Lester". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 29, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 600-06 Phillip Rilee
Local Case # 2006-0304-V 1585 Manor Drive**

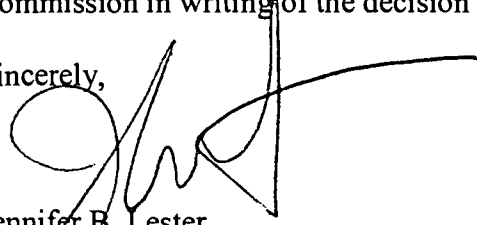
Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow mooring pilings with less setbacks than required. The parcel is 174,632 square feet, located in the LDA and is currently improved by a single-family house, driveway, and pier.

The Critical Area law does not govern the location of moorings therefore we have no comments on the requested variance. However, if the variance is approved we recommend that impacts to shoreline vegetation including Submerged Aquatic Vegetation be minimized.

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

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

September 29, 2006

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 602-06 Charles Bullen
Local Case # 2006-0307-V Kendall Road**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks than required and to disturb steep slopes. The parcel is 40,942 square feet, located in the LDA, and is currently vacant. The applicant is proposing to construct a single-family house, driveway and garage.

Provided that this lot is properly grandfathered we do not oppose this variance. It appears that this lot is uniquely shaped and that development of the parcel would not be possible without a variance. However, a variance should be the minimum necessary to provide relief. The application does not include a plan to manage stormwater on the site. The applicant should provide information regarding how stormwater will be managed on the site. This office recommends that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site. If approved we recommend mitigation plantings for disturbance to steep slopes. In addition, all areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. 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,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 29, 2006

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

**RE: DC 633-06 Carol Willey
Local Case No.: 219 A Fork Neck and DeCoursey Bridge Road**

Dear Mr. Dodd:

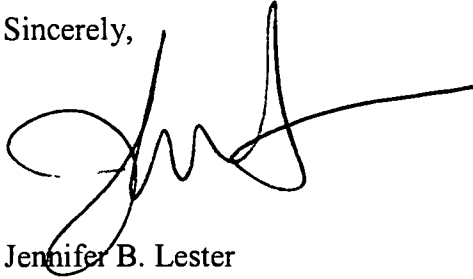
Thank you for providing information on the requested project. I have reviewed the plan submitted, and have the following comments:

- 1) The parcel is located in the Resource Conservation Area (RCA). This development area only permits 1 dwelling unit per 20 acres and subdivision for intra-family transfers are limited to parcels that are 7 acres or more and less than 60 acres. The applicant's plat does not provide enough information to determine whether or not the proposed subdivision is possible under guidelines for intra-family transfers or meets the density limitations. Please have the applicant provide additional information so that compliance with these two provisions can be determined.
- 2) The plan does not include information about current forest cover or proposed clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest establishment and replacement requirements are set forth in § 155-38.H.4 of the Dorchester County Code.
- 3) The plan does not clearly identify the existing structures located on the parcels. It is necessary to show the location of existing and future structures so that compliance with the impervious surface limitations identified in § 155-38.O of the Dorchester County Code can be demonstrated. Also, existing structures will determine how many new structures are permitted per the RCA density limits.
- 4) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.

Mr. Steve Dodd
September 29, 2006
Page 2 of 2

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Lester', with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 29, 2006

Wanda Cole
Environmental Planner
Dorchester County Planning & Zoning
501 Court Lane, Room 107
P.O. Box 107
Cambridge, Maryland 21613

RE: DC 614-06 Dorchester County Consistency Determination

Dear Ms. Cole:

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.

- There will be no new disturbances to the Critical Area or the 100-foot Buffer.
- There will be no increase in impervious surface.
- There will be no impacts to any Habitat Protection Areas.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 29, 2006

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

**RE: DC 615-05 Marhsall's Landing
Local Case No.: 860B**

Dear Mr. Dodd:

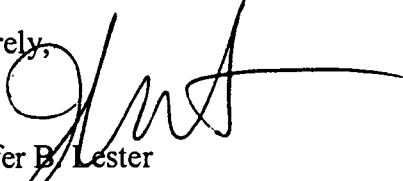
Thank you for providing information on the above referenced subdivision. The applicant is proposing a one-lot subdivision of this parcel for an existing dwelling. I have reviewed the submitted plat and have the following comments:

- 1) The parcel is zoned RCA and consists of 51.356 acres. The applicant is requesting a minor subdivision which will divide the land into one 6.356 acre residential lot and one 45 acre residual parcel. We recommend a note be added to the recorded plats which states that only one dwelling unit is permitted on the newly subdivided Lot 3 and that no dwelling units are permitted on the residue parcel. Density is limited to 1 unit per 20 acres and this density limit is reached as the parent parcel consisted of 70.456 acres which provided a total of 3 development rights which will be met with the subdivision of Lot 3.
- 2) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
- 3) Soils information must be shown on the plan in order to determine if the 100-foot Buffer has been properly expanded for nontidal wetlands.

Mr. Steve Dodd
September 29, 2006
Page 2 of 2

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Lester', with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

September 25, 2006

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

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

RE: DC 5610-06 Jeffery and Kathleen Kulski
Local Case No.: 525A

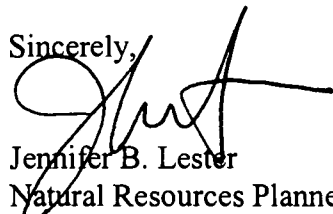
Dear Mr. Dodd:

Thank you for providing information on the above referenced subdivision. The subdivision is for two lots on a total of 45.63 acres which are located within the RCA of the Critical Area. I have reviewed the plan submitted, and have the following comments:

- 1) The plans do not show the proposed subdivision lines. Please have the applicant resubmit plans which include information identifying the lines of subdivision.
- 2) The plans do not show proposed development. Please have the applicant resubmit plans which include information identifying all current structures and plans for future building sites. In the RCA density is limited to 1 unit per 20 acres, the applicant needs to demonstrate compliance with that limitation by showing current and future structures.
- 3) All impervious surface located on the parent parcel, as well as the newly created parcel, need to be quantified in order to ensure compliance with the 15% impervious surface limits as required by Dorchester County Zoning Ordinance § 155-38(O).
- 4) Soils information must be shown on the plan in order to determine if the 100-foot Buffer has been properly expanded for nontidal wetlands.

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 25, 2006

Sally Nash, Ph.D.
City of Annapolis
Office of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

**RE: AN 627-06 William Aherne
Lot 4 Ridge Road**

Dear Dr. Nash:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact steep slopes. The parcel is 10,794 square feet, located in the LDA and currently vacant. The applicant is requesting the variance to impact steep slopes in order to place a dwelling on the parcel.

Provided that this lot is properly grandfathered we do not oppose this variance. It appears that the lot is unique in size and shape and severely constrained by steep slopes. Due to these constraints there are few alternatives for development and a variance is necessary. However, a variance should be the minimum necessary to provide relief. The application does not include a plan to manage stormwater on the site. The applicant should provide information regarding how stormwater will be managed on the site. This office recommends that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site. All areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 22, 2006

Ms. Staci Merriman, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 137-06 James H. Ball
Local Case # 06-229 Skyview Drive**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to impact the expanded Buffer and clear in excess of 30%. The parcel is 11,778 square feet, located in the LDA and is currently improved by a driveway and shed. The applicant is requesting these variances to construct a 48' x 30' garage and a 12' x 18' shed. We previously reviewed this variance application in March and April 2006.

My comments are substantially similar to those provided on April 12, 2006 and March 15, 2006. As proposed we oppose these variances. A variance should be the minimum necessary to provide relief. The proposed total amount of new impervious surface is 2,994 square feet, which includes 1,440 square foot garage and a 216 square foot shed. The applicant has not provided any information regarding how this proposal can meet the variance standards particularly that the variances are the minimum necessary. If the plan were revised to minimize the total amount of impervious surface through reducing the size of the garage and/or eliminating the shed then we would not oppose the variances. In the alternative, the applicant could provide sufficient information explaining how this request meets each of the required variance standards.

If granted, we recommend mitigation at a ratio of 3:1 for disturbance and removal of trees. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for these variances. Please notify the Commission in writing of the decision made in this case. If you have any questions please call me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 22, 2006

Kevin Scott
Land Use & Development Planner
City of Annapolis Department of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

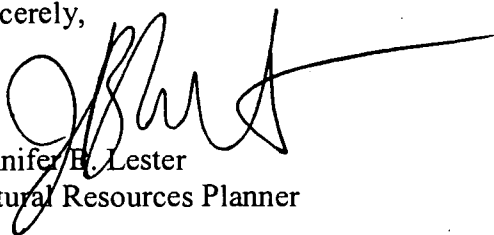
RE: AN 0419-06 Primrose Road – Poolhouse Expansion

Dear Mr. Scott:

Thank you for providing the complete 10% Rule Compliance Worksheet for the above referenced project. I have reviewed the calculations and plans for meeting the pollutant reduction requirement.

It appears that the applicant is meeting the requirements for pollutant reduction for this site. Thank you for providing this information. If I can be of further assistance please contact me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 22, 2006

Ms. Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 576-06 Richard Cozzens
Local Case # 06-2330 15384 Holly Drive**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to impact the 100-foot Buffer. The parcel is 6,229 square feet, located within the RCA and is currently improved by a one-story brick house. The applicant is requesting a variance to replace the existing structure.

As proposed we oppose this variance to impact the 100-foot Buffer. The applicant is proposing to remove a house located within the 100-foot Buffer and replace it with another house. We would not oppose a variance to remove the current house and construct a replacement house as long as the new house is located in the exact same footprint as the current structure. In this case the applicant is replacing the existing house with a structure that is closer to mean high water than the current house. If the applicant were to move the house away from mean high water so that the new structure maintains the current setback line as the current house then we would not oppose this variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 22, 2006

Ms. Staci Merriman, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 540-06 37406 River Springs Road
Local Case # 06-2346**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting variances to impact the 100-foot Buffer and the expanded Buffer. The parcel is 15,492 square feet, located in the LDA and is currently improved by a 900 square foot single-family dwelling. The applicant is requesting these variances to remove and replace the existing single-family home with a new dwelling, porch and deck.

Provided that this lot is properly grandfathered we do not oppose these variances. However, impacts must be minimized and the variances should be the minimum necessary. We recommend on-site mitigation, at a ratio of 3:1 for disturbance within the 100-foot Buffer and the expanded Buffer. Any areas that might be used for temporary staging and stockpile should be restored to the previous condition.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".
Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtwn, Maryland 20650

**RE: SM 575-06 Michael Sweeney
Local Case # 06-2441 24515 Little Creek Way**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to impact the 100-foot Buffer. The parcel is 27,878 square feet, located in the LDA, and is currently improved by a single-family house, two decks, garage and sidewalks.

Provided that this lot is properly grandfathered we do not oppose this variance. The applicant is proposing to place a 176 square foot addition on the side of the house and the addition is not located any closer to mean high water than the existing house or deck. If this variance is granted we recommend 3:1 mitigation for impacts to the Buffer. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 589-06 Francis Marceron III
Local Case # 2006-0294-V 1740 Shady Side Drive**

Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure with less setbacks than required. The parcel is 8,000 square feet, located in the IDA and is currently improved by a single-family house, deck, pool, fence, shed and driveway. The applicant is requesting a variance to place an additional shed on the parcel with less setbacks to the property line than permitted. The shed is being placed on an existing concrete slab and no habitat protection areas will be disturbed.

It does not appear that there is any impact to habitat protection areas or that a variance to the Critical Area law is necessary in this case. Since the structure is less than 250 square feet the applicant we recommend that the applicant mitigate for stormwater impacts through planting trees or shrubs on site. We do not have any additional comments on this application.

Thank you for the opportunity to provide comments. Please contact me if you have any additional questions at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Ms. Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 599-06 Golden Beach
Local Case # 06-1618 40225 Waterview Drive**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to clear in excess of 30% to construct a single-family dwelling. The parcel is 14,900 square feet, located in the LDA and is currently unimproved.

Provided that the lot is properly grandfathered we do not oppose a variance to clear in excess of 30% to construct a dwelling unit. If the variance is approved we recommend mitigation at a rate of 3:1. Mitigation plantings should be accommodated on site to the extent possible. Any areas that might be used for temporary staging or stockpile should be restored to the previous condition.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 591-06 Joan Feedesco
Local Case # 2006-0298-V 949 Buttonwood Trail**

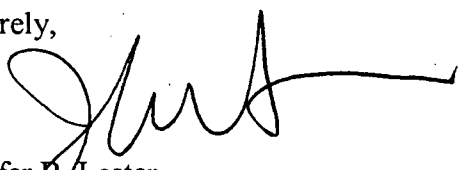
Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances. The first to allow an addition with less setbacks to the 100-foot Buffer than required and the second to permit disturbance to steep slopes. The parcel is 9,025 square feet, located in the LDA and is currently improved by a single-family home, deck, shed and driveway. The applicant is requesting these variances to enclose the existing deck and covert it into a sunroom.

Provided that this lot is properly grandfathered we do not oppose these variances to convert the existing deck into a sunroom. If the variance is approved we recommend 3:1 mitigation for all impacts to the Buffer and any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the variance application file and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 590-06 Richard Williamson
Local Case # 2006-0295-V 1286 Fairfax Avenue**

Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks than required. The parcel is 25,700 square feet, located in the LDA and is currently improved by a single-family house, driveway, garage and patio. The applicant is requesting a variance to construct a single-story and second story addition.

We do not oppose this variance. It does not appear that the proposed additions will impact any habitat protection areas. The applicant is proposing to reduce overall impervious surface on this parcel. If a variance is granted we recommend that any areas disturbed during construction be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the variance application file and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JLester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 591-06 Joan Feedesco
Local Case # 2006-0298-V 949 Buttonwood Trail**

Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances. The first to allow an addition with less setbacks to the 100-foot Buffer than required and the second to permit disturbance to steep slopes. The parcel is 9,025 square feet, located in the LDA and is currently improved by a single-family home, deck, shed and driveway. The applicant is requesting these variances to enclose the existing deck and covert it into a sunroom.

Provided that this lot is properly grandfathered we do not oppose these variances to convert the existing deck into a sunroom. If the variance is approved we recommend 3:1 mitigation for all impacts to the Buffer and any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the variance application file and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JH Lester", written over a horizontal line.

Jennifer H. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 11, 2006

Mr. Charles C. Jackson
Associate Vice President of Facilities
St. Mary's College of Maryland
18952 East Fisher Road
St. Mary's City, Maryland 20686-3001

RE: SM Coll 38-06

Dear Mr. Jackson:

At the September 6, 2006 meeting, the Critical Area Commission approved the above referenced project. Please note that the Critical Area law requires that all other necessary permits be obtained prior to starting construction.

Thank you for all of your assistance on this project. If you have any further questions please feel free to contact me at 410-261-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer B. Lester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Cc: Joe Lutz, Mahan Rykiel Associates, Inc.
Steve Jerrick, AMT

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 11, 2006

Ms. Staci Merriman, St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive, PO Box 653
Leonardtown, MD 20650-0653

**RE: SM 536-06 Audrey Norton
Local Case # 06-1942 49885 Airedale Road**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to place a single-family dwelling and a deck in the expanded Buffer. The Buffer is expanded for hydric soils. The parcel is 1.82 acres, located in the LDA and is currently improved by a single-family house and driveway consisting of 5,266 square feet of impervious surface. The applicant is proposing to add 2,838 square feet of new impervious surface and to remove 3,311 square feet of impervious surface which will result in a total impervious surface of 4,904 square feet, a net decrease in impervious surface on the parcel.

Provided that this lot is properly grandfathered we do not oppose this variance. The applicant appears to be rebuilding the house in a manner that decreases the impacts to the parcel through reducing impervious surface and by locating the replacement house further away from mean high water. If this variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the expanded Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over the typed name and title.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

September 8, 2006

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, 23115 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: ⁵⁷⁸SM ~~587~~-06
Potomac Land Lodge and Restaurant

Dear Ms. Veith:

Thank you for providing information on the above referenced development project. The applicant is planning to pave the parking area of their restaurant which is currently a gravel lot. The parcel is entirely located within the Critical Area and entirely constrained by the 100-foot Buffer. I have reviewed the submitted plat and your staff memorandum and I have the following comments:

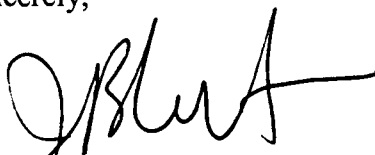
- 1) **100-foot Buffer:** It is my understanding that the 100-foot Buffer is not correctly delineated on the plat and that the entire parcel is within the 100-foot Buffer due to an expansion of the Buffer for hydric soils. In addition, it appears that the applicant is proposing to remove approximately 12 trees in the Buffer for paving of the parking lot. The Critical Area law prohibits such impacts to the Buffer for non-water dependent structures. The applicant will have to apply for a variance to remove these trees for paving. It is our understanding that the applicant is going to apply for a variance under the Impervious Surface Trading provision of the St. Mary's County Zoning Ordinance.
- 2) **Impervious Surface Trading:** It is our understanding that the applicant is going to utilize St. Mary's County Impervious Surface Trading provision which permits grandfathered lots to replace the existing impervious surface in the Buffer when no alternatives for development outside the Buffer exist and when the replacement surfaces do not encroach any closer to tidal waters, wetlands, or tributary streams than the surfaces they replace. In addition, the Impervious Surface Trading provision requires 2:1 mitigation for all new disturbances. We would concur with this mitigation rate as we would not support a variance without this Impervious Surface

Trading provision as non-water dependent structures are not permitted in the Buffer. Therefore, the mitigation for Buffer of impacts of 3:1 do not apply in this case.

- 3) **Stormwater Management**: The parcel is located within the IDA and therefore the applicant is required to submit plans for stormwater management that will provide a 10 percent reduction in pollutant loading from predevelopment levels. The applicant has not addressed stormwater management for this site; please have the applicant submit plans for stormwater management along with a 10% Rule Compliance and Best Management Practices worksheet.
- 4) **Habitat Protection Areas**: DNR's environmental review of the site indicates that there are no known areas of rare, threatened or endangered species within the project site.

Thank you for the opportunity to provide comments on this project, please forward the requested additional information as it becomes available. In the meantime, feel free to contact me if you have any additional questions.

Sincerely,



Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 7, 2006

Staci Merriman, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 516-06 David Underwood
Local Case #: 06-2284**

Dear Ms. Merriman:

Thank you for providing information on the above referenced after-the-fact variance for disturbance to the 100-foot Buffer. The parcel is 17,371 square feet, located in the LDA and is currently improved by a single-family house, driveway, carport, porch, patio, sidewalks and pier. The applicant placed a 12' x 16' gazebo and two 12' x 16' decks in the 100-foot Buffer without applying or receiving the required variances to the Critical Area law. State and local Critical Area law prohibits non-water dependent structures from being placed in the 100-foot Buffer. Decks and gazebos are not water dependent.

We oppose these after-the-fact variances. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

In this case, the applicant currently enjoys reasonable and significant use of the property without impacting the 100-foot Buffer. In addition the need for these variances is self-created and this office believes that the standard of unwarranted hardship, along with the other variance standards outlined below have not been met.

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

The property is a 17,371 square foot lot containing a house, carport, porch, patio, driveway and extensive sidewalks located outside the Buffer. Within the Buffer are water-dependent structures which include a pier and bulkhead. Extensive areas of this property are located outside of the Buffer. There are no special conditions or circumstances that are peculiar to the property such that maintaining the Buffer in the natural state would result in an unwarranted hardship to the applicant.

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

The applicant has reasonable use of this property for residential purposes without approval of the requested variances, and therefore, would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. There is no right to place non-water dependent structures within the 100-foot Buffer. It appears that the applicant is already enjoying reasonable residential use of the property, and this use is not affected by keeping non-water dependent structures outside of the Buffer.

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

If the requested variances are granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area are not permitted to place non-water dependent structures in the 100-foot Buffer.

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

The applicant is requesting these variances after violating the St. Mary's County's Critical Area law which prohibits placing non-water dependent structures within the 100-foot Buffer. The actions of the applicant created the conditions and circumstances which make these variances necessary.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdictions' Critical Area, and that the granting of the*

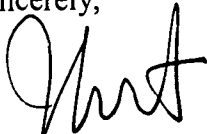
Ms. Staci Merriman
September 7, 2006
Page 3 of 3

variance will be in harmony with the general spirit and intent of the Critical Area law and regulations.

The applicant bears the burden to prove that this standard is met, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting these variances will contribute to the decline of the Chesapeake Bay by substantially increasing the amount of disturbance in the Buffer on this site and decreasing the area of naturally vegetated Buffer. These impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

In conclusion, this office opposes these after-the-fact variances. Please include this letter in the variance application file and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,



Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

September 5, 2006

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

Staci Merriman, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 551-06 Janice Ridgell
Local Case #: 06-2360**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact the expanded Buffer. The Buffer has been expanded for hydric soils and the applicant is requesting to impact the expanded Buffer to construct a driveway apron, garage and to relocate the two existing sheds. The parcel is 174,240 square feet, located in the RCA and is currently improved by a house, three sheds, concrete slab, sidewalk and driveway.

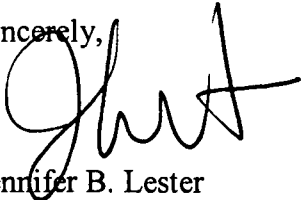
As proposed we oppose this variance. The applicant is proposing to relocate two of the three sheds and then to construct a large garage and driveway apron. This variance request does not appear to be the minimum necessary to provide relief. In this case it appears that the applicant could further minimize impact by reducing the size of the garage and eliminating the sheds. In particular, the proposed garage is 1,728 square feet which is larger than the primary structure. In addition, the applicant has three sheds on the property which seem to negate the need for additional storage space that a 1,728 square foot garage would provide.

In legislation that strengthened the Critical Area law in 2002 and 2004, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. In this case the applicant appears to have reasonable and significant use of the entire parcel or lot with three sheds, a parking pad, a driveway, sidewalks and the primary dwelling structure. If the applicant were to remove some of the sheds permanently in exchange for constructing a smaller garage than we would not oppose this a variance for a garage.

Ms. Staci Merriman
September 5, 2006
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over the word "Sincerely,".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 1, 2006

Staci Merriman, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 552-06 Mulberry South
Local Case #: 06-2342**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to add new impervious surface to the 100-foot Buffer in order to widen an existing walkway. The parcel is 4.38 acres, located in the RCA and is currently improved by a parking lot and walkway to a community pier. The applicant is requesting a variance to expand the walkway from 3 to 4 feet wide which will result in a disturbance of 716 square feet in the 100-foot Buffer.

We do not oppose this variance. Variances should be the minimum necessary. The applicant is proposing to expand and replace the current walkway with tamped base balcon pavers. If this variance is granted we recommend mitigation at a ratio of 3:1 for impact to the Buffer and that all areas disturbed during construction should be replanted with native vegetation.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

September 1, 2006

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

Staci Merriman, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 557-06 Lesley Cain
Local Case #: 06-2562**

Dear Ms. Merriman:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to place a deck in the expanded Buffer. The Buffer has been expanded for highly erodible soils. In July 2005 the applicant was granted a variance to place a dwelling in the expanded Buffer. The parcel is 10,000 square feet, located in the LDA and is currently improved by a single-family house and driveway.

Provided that this lot is properly grandfathered we do not oppose a variance for a deck. However, a variance should be the minimum necessary to provide relief. In this case, the applicant was awarded a variance to construct a house a year ago. In order to receive this variance the applicant demonstrated to the Board that this variance was the minimum necessary to provide relief. One year later the applicant's request for another variance implies that the variance awarded in 2005 was not the minimum necessary. In this case we do not oppose the variance request for a deck. However, in the future applicants should request a variance for all structures at one time.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 30, 2006

Ms. Sally Nash
City of Annapolis
Office of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: AN 523-06 Truxton Heights

Dear Ms. Nash:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer in order to place a dwelling and porch partially within the 100-foot Buffer. The property is 18,996 square feet, located in the LDA and currently is improved by a swimming pool, driveway and parking area. The applicant is proposing to remove the swimming pool and construct a 2,572 square foot house, porch, driveway and sidewalk.

We acknowledge the Buffer is currently developed with a pool, and the area outside the Buffer has a gravel parking area of approximately 1600 square feet. In proposing development activities within the Buffer, the applicant bears the responsibility to demonstrate that impacts to the Buffer have been minimized, and that each of the City's variance standards have been met. These standards include that the granting of the variance will not negatively affect water quality, or adversely impact fish, wildlife and plant habitat in the Critical Area, and demonstrate that a denial of the variance would result in an unwarranted hardship to the applicant.

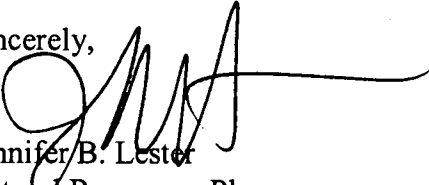
While we recognize that the applicant is attempting to prevent removal of a large tree on the parcel, preserving this tree will not provide the same benefits as reducing the amount of impervious surface in the Buffer. There are several alternatives that exist that would make it possible for the applicant to locate the house entirely outside of the Buffer. The simplest solution is for the applicant to simply relocate the house out of the Buffer further landward, thereby eliminating the need for a variance entirely.

In conclusion, this office opposes the requested variance for a dwelling and porch partially within the 100-foot Buffer. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the

Ms. Sally Nash
August 30, 2006
Page 2 of 2

Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBL', with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 29, 2006

Ms. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, 23115 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: SM 515-06 Haybarracks Minor Subdivision

Dear Ms. Veith:

Thank you for providing information on the above referenced minor subdivision. I have reviewed the plans to subdivide the above referenced parcel and have the following comments:

- 1) The site area is shown as 15.21 acres, but Lot 1 plus Lot 2 equals 20.883 acres. Please have the applicant clarify and identify which lot is the intrafamily lot and the identity of the recipient.
- 2) The plans do not show proposed development for Lot 2. Please have the applicant resubmit plans which include information identifying proposed structures for Lot 2. If there is not a plan for development on this parcel then please have the applicant provide proposed impervious surface amount and clearing limits for Lot 2.
- 3) At this time we have not received comments from the Department of Natural Resources concerning the presence of rare, threatened or endangered species. Please forward a copy of their letter to our office once it is received.
- 4) All habitat protection areas, highly erodible soils, nontidal and tidal wetlands should be identified. Critical Area Note 10 states that there are no known natural heritage areas or habitats of threatened or endangered species, yet the applicant has included a 25-foot habitat protection buffer on the plat. What is the purpose of this 25-foot buffer?
- 5) The plans indicate that the applicant is going to plant 83 trees in order to meet the afforestation threshold requirements. Please note that the 100-foot Buffer needs to be vegetated and the applicant should include plans to ensure that the 100-foot Buffer is planted in native vegetation.

TTY for the Deaf

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

Ms. Sue Veith
August 29, 2006
Page 2 of 2

Thank you for the opportunity to provide comments. We request any revisions be sent to this office for our review and comment, given the outstanding issues. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

August 29, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 519-06 Ginger Cove Health Center
Local Case No.: 06-0064**

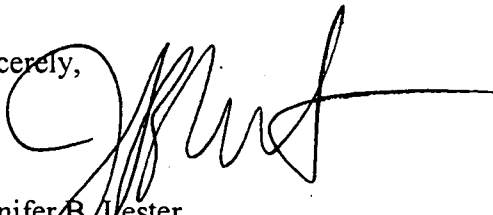
Dear Ms. Plociennick:

Thank you for providing information on the above referenced special exception. The applicant is requesting a special exception to modify the current use of the nursing home property through expansion of the existing Health Care and Wellness Center. The project site is located on 30 acres of land, in the LDA and is currently improved by a multi-story nursing home facility, ancillary service area, on-site parking, public utilities, recreational facilities and pier. The applicant is requesting a special exception to demolish a portion of the existing building and to reconstruct an enlarged facility in the center of the site on the landward side of the facility. This project will not increase impervious surface and no forest clearing will be required.

We do not oppose this special exception. It appears that the project is not going to impact any habitat protection areas, and the project will not increase impervious surface or result in removal of any forest. If this special exception is granted we recommend that all vegetated areas disturbed during construction or stockpiling of materials be replanted.

Thank you for the opportunity to provide comments. Please enclose this letter in the file and provide us with a written decision in this case. If you have any questions feel free to call me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

August 29, 2006

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

Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 306-06 Bobby Bean
Local Case # 06-1422 16402 Ball Point Road**

Dear Ms. Merriman:

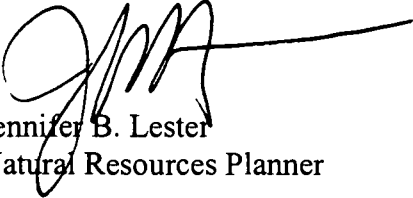
Thank you for providing information on the above referenced application. I provided comments on this variance on May 16, 2006; the applicant is submitting a re-design of the previously submitted variance application. My comments are the same as those provided on May 16, 2006. The applicant is requesting two variances, the first to place new impervious surface in the expanded Buffer, and a second variance to exceed the impervious surface limits. The property is 4,356 square feet and is designated LDA. The variance is requested to replace an existing dwelling with a larger house. Generally, property owners are not permitted to place non-water dependent structures in the Buffer or expanded Buffer, or to exceed the impervious surface limits. The Critical Area law permits the owner of this lot to have 25% + 500 square feet of impervious surface or in this case 1,589 square feet of impervious surface on a lot this size. The applicant is requesting a variance for an additional 311 square feet of impervious surface.

Provided that this lot is properly grandfathered we do not oppose these variances to replace the existing house. However, the requirements of the St. Mary's Zoning Ordinance concerning impervious surface trading as outlined in the St. Mary's County Comprehensive Zoning Ordinance at 41.5(3)(i)(3)(b) should be followed. This provision provides that impervious surfaces may be replaced within a Buffer on grandfathered lots when no feasible site exists outside the Buffer. The replacement structure should not encroach any closer to tidal waters, wetlands, or tributary streams than the surfaces that are being replaced, and the total area of replacement impervious surface should not exceed the lesser of the area removed or 1,000 square feet. In addition, we recommend that all required clearing and an area equivalent to the footprint of the new disturbance be mitigated at a rate of 2:1.

Ms. Staci Merriman
August 29, 2006
Page 2 of 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to be 'JBL', with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

August 25, 2006

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

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

**RE: DC 521-06 Josiah Pinder
Local Case No.: 1134 4616 Fork Neck Road**

Dear Mr. Dodd:

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

- 1) The 100-foot Buffer is not shown on the plan; please have the applicant resubmit the plan with the 100-foot Buffer. Merlin depicts several areas that possibly contain wetlands near and on the parcel. The exact location of these wetlands may affect the location and extent of the 100-foot Buffer. The 100-foot Buffer shall be established from the mean high water line of tidal waters and from the landward edge of tidal wetlands, and tributary streams. In accordance with the Critical Area Criteria, the Buffer may need to be expanded for contiguous sensitive areas. The 100-foot Buffer needs to be shown on the plan and should be addressed in the environmental report.
- 2) Soils information must be shown on the plan in order to determine if the 100-foot Buffer has been properly expanded for nontidal wetlands.
- 3) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
- 4) The parcel is located in the Resource Conservation Area (RCA). This development area only permits 1 dwelling unit per 20 acres. The applicant's plat shows an existing dwelling, three other existing buildings, and a "future dwelling location" on the proposed Lot 1. This amount of structures may exceed the 1 dwelling unit per 20 acre limitation. Please have the applicant provide additional information on the existing and proposed structures.
- 5) The plan does not include information about current forest cover or proposed clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest

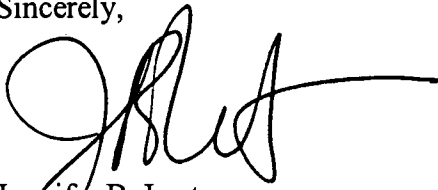
Mr. Steve Dodd
August 25, 2006
Page 2 of 2

establishment and replacement requirements are set forth in § 155-38.H.4 of the Dorchester County Code.

- 6) It is our understanding that this parcel is being subdivided under the provisions for intra-family transfers. At the time of recordation the plat should include a note which states that the parcel was created under the intra-family transfer provisions and any subsequent transfers of the parcel are subject to the requirements of those provisions.

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lester', with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 25, 2006

Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, 23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 395-06 Great Mills Farm
Local Case #**

Dear Ms. Veith:

Thank you for providing information on the above referenced minor subdivision. I have reviewed the plans for the minor subdivision and have the following comments;

- 1) It appears from State wetland maps that at a large portion of the site consists of State tidal wetlands. State tidal wetlands are not private property and cannot be counted toward density requirements for subdivision. The applicant must provide a plan showing all associated buffers; the methodology for delineating the wetlands must also be provided.
- 2) Due to the 1992 subdivision of this parcel, the applicant does not qualify for an intra-family transfer. The only method available for creating an additional lot from this parcel located in the RCA is through the growth allocation process.
- 3) If the applicant decides to pursue a growth allocation option then please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before a subdivision is approved.

Thank you for the opportunity to provide comments. We request any revisions be sent to this office for our review and comment. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. B. Lester", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

August 24, 2006

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

Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, 23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 571-99 Re-subdivision of Farmstead 5000-1A
Local Case # 99-250**

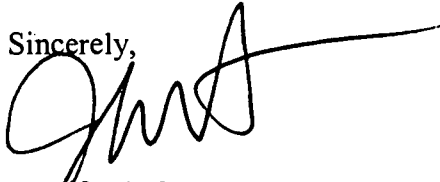
Dear Ms. Veith:

Thank you for providing information on the above referenced re-subdivision. I have reviewed the plans to re-subdivide the lots have the following comments:

- 1) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
- 2) All habitat protection areas should be identified, including, highly erodible soils, nontidal wetlands, and habitats of rare, threatened and endangered species.
- 3) A plat submitted in 1999 for subdivision of this parcel indicated that the parcel was impacted by a bald eagle protection zone. The applicant needs to determine whether this zone still impacts the parcel and if so identify the appropriate protection areas.
- 4) Impervious surface amounts need to be identified on Farmstead 5000-1A before and after subdivision.

Thank you for the opportunity to provide comments. We request any revisions be sent to this office for our review and comment. If you have any questions, please call me at (410) 260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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. Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, 23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 514-06 Subdivision of Lot 3 Joseph E. Goddard
Local Case # 01-11000109**

Dear Ms. Veith:

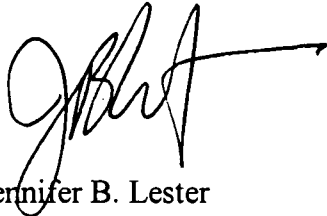
Thank you for providing information on the above referenced subdivision. I have reviewed the plans to subdivide the lots and have the following comments:

- 1) The portions of the parcel that are located in the Critical Area are in the IDA. The entire site is 13.56 acres with 3.91 acres located in the Critical Area. The applicant is proposing to re-subdivide the property to create two lots: lot 500-2 consisting of 12.91 acres with 3.28 in the Critical Area and Lot 3 consisting of .65 acres with .63 acres within the Critical Area. Lot 500-2 contains a garage, dwelling, and driveway and proposed lot 3 is currently unimproved.
- 2) It does not appear that any habitat protection areas exist on either parcel.
- 3) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
- 4) No topographic features are shown on the plat. Please have the applicant provide topographic features to verify the existence and location of steep slopes if any.
- 5) Any future development within the Critical Area portions of the lots must address the 10% pollutant reduction requirement.

Ms. Sue Veith
August 24, 2006
Page 2 of 2

Thank you for the opportunity to provide comments. We request any revisions be sent to this office for our review and comment. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBL', with a long horizontal stroke extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Mr. Steve Dodd
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 510-06 Richard Simmons
Local Case No.: 2303 3536 Green Point Road**

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the tidal wetland Buffer to construct a garage. The parcel is .18 acres, located in the Limited Development Area (LDA), and is currently improved by a house, carport, sidewalks and driveway. It is our understanding that this lot is properly grandfathered. The applicant is proposing to remove the existing house, carport, sidewalks and driveway and replace these structures with a new dwelling and a garage.

Due to the removal of extensive areas of existing impervious surface on this site, we do not oppose the requested variance. The parcel appears to be constrained on both a 100-foot Buffer for the Choptank River on the northwest of the parcel and the 100-foot Buffer for tidal wetlands on the southwest of the parcel. A variance is not required for impacts to the 100-foot Buffer for the Choptank River as the parcel is located in a designated Buffer Exempt Area (BEA). If the variance is granted we recommend that mitigation at a ratio of 3:1 for impacts to the Buffer. Mitigation should be located to the greatest extent possible within the Buffer. Any areas disturbed during construction should be replanted.

Thank you for the opportunity to provide comments. Please include this letter in the file for this variance application. Also, please forward the written decision of this variance to our office. If you have any additional questions feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

August 21, 2006

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

Mr. Steve Dodd
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 509-06 Dales
Local Case No.: 2301 4404 Pine Top Road**

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer to construct a dwelling, garage and driveway. The parcel is 2.22 acres, located in the Resource Conservation Area (RCA), located entirely within the 100-foot Buffer, and is currently unimproved.

The parcel appears to be entirely constrained by a 100-foot Buffer. However, a variance should be the minimum necessary to provide relief. The applicant is requesting a variance to construct a 3,560 square foot house and a garage. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

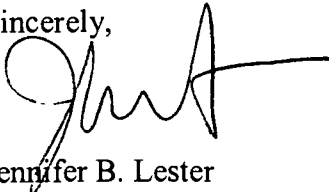
Any variance granted should be the minimum necessary to provide relief. In this case it is not clear that the applicant has met all of the standards for a variance. Given the size of the proposed dwelling, it does not appear that the applicant has sufficiently minimized the Buffer impacts. Therefore, we recommend that the Board not grant the variance as proposed and direct the applicant to work with the County staff to reduce the footprint of the proposed dwelling.

In addition, it appears that there may be state tidal wetlands located on this parcel. If this is the case, the amount of these wetlands needs to be taken into account when determining impervious surface limits.

Mr. Steve Dodd
Page 2 of 2
August 21, 2006

Thank you for the opportunity to provide comments. Please include this letter in the file for this variance application. Also, please forward the written decision of this variance to our office. If you have any additional questions feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. B. Lester', with a long horizontal stroke extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 385-06 29745 Hillview Drive
Local Case # 06-1179**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to the expanded Buffer to construct a pool, patio and deck which would impact steep slopes and highly erodible soils. It is our understanding that the patio and deck are structures that will be attached to the dwelling, and the pool will be freestanding in the expanded Buffer. The slopes are greater than 15%. The parcel is .50 acres, located in the LDA, and is currently improved by a single-family house, carport and gravel driveway.

Provided that this lot is properly grandfathered we do not oppose these variances to construct a patio and deck. However, we do oppose the variance for the pool. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

In this case, the applicant currently enjoys reasonable and significant use of the property without impacting the expanded Buffer for the placement of a pool. In addition, the other variance standards outlined below have not been met.

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

The property is a .50-acre lot containing a house, driveway, and carport. There are no special conditions or circumstances that are peculiar to the property such that maintaining the expanded Buffer in the natural state without a pool would result in an unwarranted hardship to the applicant.

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

The applicant has reasonable use of this property for residential purposes without approval of the requested variance for a pool, and therefore, would not be denied rights commonly enjoyed by neighboring property owners within the Critical Area. Rights commonly enjoyed must be compared to the rights of other property owners who develop or redevelop their properties in compliance with the Critical Area regulations. In contrast, a reasonably sized attached patio and deck are rights that are commonly enjoyed by others and therefore the variance request for the patio and deck does meet this standard. There is no right to place non-water dependent structures in the Buffer. No property owners are permitted to place a pool in the Buffer or expanded Buffer.

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

If the requested variance for a pool is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as those in similar situations within the County's Critical Area. Property owners within the Critical Area are not permitted to locate a pool in the Buffer. However, property owners within the Critical Area are permitted to place a reasonably sized attached patio or deck in the Buffer when no other options are possible. The applicants meets this standard for the variance request for the patio and deck, but not for the requested variance for the pool.

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

This request is not based upon circumstances or conditions which are a result of the actions by the applicant.

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

The applicant bears the burden to prove that this standard is met, along with those set forth above. In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance

Staci Merriman

August 18, 200

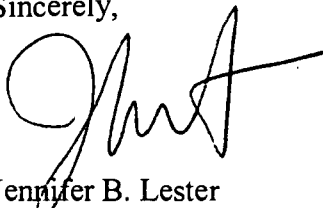
Page 3 of 3

of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Granting a variance to place a pool in the Buffer will contribute to the decline of the Chesapeake Bay by substantially increasing the amount of disturbance in the Buffer on this site and decreasing the area of naturally vegetated Buffer. These impacts contribute to declines in water quality and aquatic and terrestrial habitats that must be reversed in order to successfully restore and protect the Chesapeake Bay.

In conclusion, this office opposes the requested variance for a pool in the expanded Buffer. We do not oppose the variances for the deck and the patio. If the variances for the patio and deck are granted the applicant should be required to provide appropriate best management practices in order to reduce stormwater impacts. In addition, we recommend mitigation plantings at a ratio of 3:1 for Buffer impacts and any areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lester', with a large, stylized initial 'J' and a long horizontal stroke extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 496-06 Pielmeier
Local Case # 06-1787**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to construct a garage that will encroach into the expanded Buffer by 78 square feet. The parcel is .479 acres, located in the Limited Development Area (LDA), and is currently improved by a house, gravel driveway, garage, deck, patio and sidewalks.

Provided that this lot is properly grandfathered we do not oppose the requested variance. It appears that the applicant is placing a large part of the new garage on top of existing impervious surface. If the variance is granted it should be the minimum necessary to provide relief and we recommend appropriate mitigation for impacts to the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 497-06 Hewitt
Local Case # 06-1670**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to place new impervious surface in the expanded Buffer. The Buffer has been expanded for hydric soils and steep slopes. The parcel is 3.73 acres, located in the Limited Development Area (LDA), and is currently improved by a single-family house, driveway, and patio. The applicant is requesting a variance to place new impervious surface in the expanded Buffer with the construction of the attached garage.

Provided that this lot is properly grandfathered we do not oppose this variance. However, if a variance is granted it should be the minimum necessary to provide relief. If this variance is granted we recommend appropriate mitigation for the increase in impervious surface. In addition, we recommend that stormwater be directed away from steep slopes through the use of appropriate best management practices.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JB Lester", written over the typed name and title.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Staci Merriman, Planning Specialist
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 486-06 Sherman
Local Case # 06-1643**

Dear Ms. Merriman:

Thank you for providing information on the above referenced application. The applicant is requesting a variance to place new impervious surface in the 100-foot Buffer. The parcel is .983 acres, located in the Limited Development Area (LDA), and is currently improved with a single-family dwelling, deck and driveway. The applicant is requesting the variance to place an addition and deck in the Buffer, which will result in an increase of 707 square feet of impervious surface.

Provided that this lot is properly grandfathered we do not oppose this variance. It appears that the parcel is severely constrained by the 100-foot Buffer and the expanded Buffer. If a variance is granted it should be the minimum necessary to provide relief. We also recommend that mitigation be required at a ratio of 3:1 for impacts to the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JLester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**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 18, 2006

Mr. Steve Dodd
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 511-06 Piney Island Builders
Local Case No.: 2304**

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer to replace a dwelling and driveway. The parcel is .17 acres, located in the Limited Development Area (LDA), and is currently improved by a house, shed, sidewalks and driveway. The applicant is proposing to remove the existing house, shed, concrete pad and concrete sidewalks and replace those structures with a new dwelling and parking pad.

Provided that this lot is properly grandfathered we do not oppose the requested variance. The parcel appears to be severely constrained by the 100-Buffer and is irregularly shaped. If the variance is granted we recommend that mitigation at a ratio of 3:1 for impacts to the Buffer. Mitigation should be located to the greatest extent possible within the 100-foot Buffer. Any areas disturbed during construction should be replanted.

Thank you for the opportunity to provide comments. Please include this letter in the file for this variance application. Also, please forward the written decision of this variance to our office. If you have any additional questions feel free to contact me at 410-2603481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

August 18, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: AA 501-06 Bernia/Sprague
Local Case No.: 2006-0267-V

Dear Ms. Plociennik:

Thank you for providing updated information on the above referenced variance. The applicant is requesting a variance to place a covered porch within the 100-Buffer. The parcel is 16,850 square feet, located in the Limited Development Area and is currently improved by a house, asphalt driveway, concrete walkway, and brick patio attached to the back of the house. The applicant is requesting a variance to remove the brick patio and replace it with a 13' x 15'.

Provided this lot is properly grandfathered we do not oppose this variance request to replace the existing brick patio with a screened porch. If this variance is approved we recommend mitigation at a rate of 3:1 for the disturbance to the 100-Buffer. In addition all areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "JBL", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 503-06 Griffith
Local Case No.: 2006-0270-V**

Dear Ms. Plociennik:

Thank you for providing updated information on the above referenced variance. The applicant is requesting a variance to impact the 100-Buffer for a deck on top of an existing concrete patio. The parcel is 9,416 square feet in size, located in the Limited Development Area, and is currently improved by a house, shed, concrete walkways, and concrete patio. In this case the applicant is requesting a variance to place a deck above the concrete patio within the 100-Buffer.

Provided this lot is properly grandfathered, this office does not oppose a variance to place a deck directly above the existing concrete patio within the 100-Buffer. If this variance is approved we recommend mitigation at a rate of 3:1 for the disturbance to the 100-Buffer. In addition all areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 18, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: AA 502-06 Hoffman-McClaeb
Local Case No.: 2006-0269-V

Dear Ms. Plociennik:

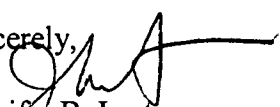
Thank you for providing updated information on the above referenced variance. The applicant is requesting a variance to allow for an extension of time to implement and complete a project under a previously approved variance. The parcel is .370 acres, located in the Limited Development Area and is currently vacant. The applicant is re-applying for a variance to impact steep slopes for a dwelling, deck, driveway, well and septic system.

Provided this lot is properly grandfathered, this office does not oppose a variance to disturb steep slopes for the construction of a dwelling, deck, driveway, well and septic system. Due to the constraints of the property by the steep slopes there are few alternatives for development and a variance is necessary. However, a variance should be the minimum necessary to provide relief.

The application does not include a plan to manage stormwater on the site. The applicant should provide information regarding how stormwater will be managed on the site. This office recommends that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site. All areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. 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,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

August 15, 2006

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: AA 117-05 Bruce Miller
Local Case No.: 2006-0266-V

Dear Ms. Plociennik:

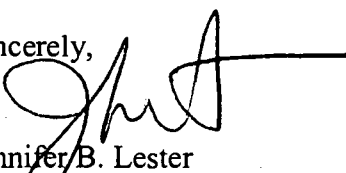
Thank you for providing updated information on the above referenced variance. The applicant is requesting a variance to impact steep slopes for a dwelling. The parcel is .344 acres in size, located in the Limited Development Area, and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose a variance to disturb steep slopes for the construction of a dwelling and parking pad. This office previously provided comments on a similar variance request in 2005. It appears that the proposed impact has been reduced. Due to the constraints of the property by the steep slopes there are few alternatives for development and a variance is necessary. However, a variance should be the minimum necessary to provide relief.

The application does not include a plan to manage stormwater on the site. The applicant should provide information regarding how stormwater will be managed on the site. This office recommends that all stormwater management devices be located within the limits of disturbance and that stormwater discharges be directed away from steep slopes on the site. All areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. 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,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

August 14, 2006

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

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

**RE: AA 500-06 Earl & Rose Johnson
Local Case No.: 2006-0265-V**

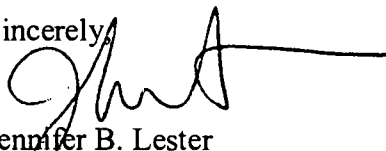
Dear Ms. Plociennik:

Thank you for providing updated information on the above referenced variance. The applicant is requesting a variance to impact the 100-Buffer for a greenhouse on top of an existing deck. The parcel is .15 acres in size, located in the Limited Development Area, and is currently improved by a house, shed, patio and deck. In this case the applicant is requesting a variance to convert a pervious area within the 100-Buffer, into a impervious greenhouse/sunroom.

Provided this lot is properly grandfathered, this office does not oppose a variance to place a greenhouse/sunroom on the existing deck within the 100-Buffer. If this variance is approved we recommend mitigation at a rate of 3:1 for the disturbance to the 100-Buffer. In addition all areas disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments on this variance request. If you have any questions please contact me at 410-260-3481. 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,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 4, 2006

Tressa Dolbeare
Environmental Specialist
MDE—Wetlands and Waterways Division
Regulatory Services Coordination Office
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

RE: 200664749 / 06-WL-1978 Edgar & Joyce Van Orden

Dear Ms. Dolbeare:

I have reviewed the Public Notice that includes information about the above referenced project. The project site is on Fishing Creek in the southeast branch at the end of Plantation Road in Cambridge. The applicant is requesting a permit for several shoreline erosion control actions and construction of water-dependent facilities. Relevant to the Critical Area law is the applicant's request for permission to fill, grade, and plant marsh vegetation along 77 feet of eroding shoreline within 70 cubic yards of sand and a low profile stone marsh edging within a maximum of 33 feet channelward of the mean high water line.

COMAR 27.01.C(3) permits planting vegetation in the Buffer where necessary to "protect, stabilize, or enhance the shoreline." However, the applicant should quantify the exact area and amount of 100-Buffer that will be filled and graded in their stabilization plan. Please have the applicant contact Wanda Cole the Critical Area Planner for Dorchester County at 410-228-3234 for guidance on developing a planting plan for the Buffer areas that are affected.

Thank you for the opportunity to provide comments on this project. If you have any further questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", with a long horizontal line extending to the right.

Jennifer B. Lester
Natural Resources Planner

Cc: Wanda Cole

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 4, 2006

Tressa Dolbeare
Environmental Specialist
MDE—Wetlands and Waterways Division
Regulatory Services Coordination Office
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

RE: 200664087 / 06-WL-1778 Doug Whittington

Dear Ms. Dolbeare:

I have reviewed the Public Notice that includes information about the above referenced project. The applicant is requesting a permit to place 1,824 feet of a riprap within 7-foot channelward of the mean high water line on two separate locations on Opossum Island.

It appears from the information provided that the applicant is planning on removing some of the 100-foot Buffer in construction of this revetment. State and local law prohibits the removal of any vegetation within 100-feet of the Chesapeake Bay or any tidal tributary. However, COMAR 27.01.09(C)(5)(c) permits the cutting of trees or removal of vegetation where necessary to construct a shore erosion protection device. Mitigation for this type of clearing is required at a ratio of 1:1. The applicant needs to quantify the amount of Buffer clearing and provide appropriate mitigation. Please ask the applicant to contact Wanda Cole the Critical Area Planner for Dorchester County at 410-228-3234 for information on this planting requirement.

Thank you for the opportunity to provide comments on this project. If you have any further questions please contact me at 410-260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Cc: Wanda Cole

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 3, 2006

John Fury
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 491-03 John Barry
Local Case No.: 2006-0203-V**

Dear Mr. Fury:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to disturb steep slopes. The parcel is .35 acres (15,246 square feet), located in the LDA and is currently not developed. The applicant is proposing to construct a single-family dwelling and the entire parcel is constrained by steep slopes therefore a variance is required to permit a dwelling on the parcel.

Providing that this lot is properly grandfathered we do not oppose this variance. The request appears to be similar to the one submitted in 2004. Our comments are substantially the same as provided for the previous variance request. It appears that the applicant has consolidated development activities away from the steepest slopes on the southeast corner of the property. Mitigation at a ratio of 1:1 for disturbance outside the Buffer should be required; we recommend that areas of steep slopes disturbed during construction be reforested to the extent possible. In addition, stormwater runoff should be directed to best management practices to provide water quality benefits on the site and should be discharged away from steep slopes.

Thank you for you the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 27, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: AA 461-06 Pete Clark
Local Case No.: 2006-0217-V 721 Magothy Road

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact side setbacks by expanding an existing pier and constructing a boat lift. The parcel is 7,500 square feet and is located in the LDA.

From the information provided it does not appear that there will be any permanent impacts to the Buffer. However, appropriate permits are required from the Maryland Department of the Environment and any vegetation damaged in the Buffer during construction must be replaced upon completion of the project.

Please provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

July 26, 2006

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

Ms. Yvonne Chaillet, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: SM 431-06 Becker
Local Case No.: 06-1311 16144 Thomas Road

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances: one for new impervious surface in the expanded Buffer and the other for clearing in the expanded Buffer. The parcel is .67 acres and is currently improved by a single-family house, concrete walkway and gravel driveway.

Provided the lot is properly grandfathered we do not oppose this variance. It is our understanding that the house was severely damaged by Hurricane Isabel and the applicant is proposing to move the house from a location that is 15 feet from the seawall to a location that is 52 to 64 feet from the seawall. The Maryland Natural Resources Article 8-1808(d) provides local jurisdictions with a set of strict standards to follow in the granting of a variance. Included is the standard that when a variance is granted it is the "minimum necessary to achieve a reasonable use of the land."

From the information provided, it appears that the applicant could further minimize impacts by locating part of the house on a portion of the property that is outside of the Buffer. In addition, a comparison of the 2003 aerial photographs it appears that the Buffer could be incorrectly delineated on the site plan. The exact location of the Buffer should be confirmed. If this variance is granted we recommend 3:1 mitigation plantings and that all areas disturbed during construction be replanted in native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in the file for the variance application and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

July 26, 2006

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

Ms. Yvonne Chaillet, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

RE: SM 432-06 Long
Local Case No.: 06-0264

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to place new impervious surface in the expanded Buffer. The Buffer has been expanded for hydric soils and nontidal wetlands. The parcel is .2066 acres in size, located in the RCA and currently unimproved. The applicant is requesting a variance to place a garage in the expanded Buffer. The St. Mary's County Zoning ordinance does not permit new impervious surface with the Buffer or expanded Buffer unless it is a water dependent facility, the site is within a designated Buffer Management Overlay section, or the applicant is able to meet all of the variance requirements.

The Maryland Natural Resources Article 8-1808(d) provides local jurisdictions with a set of strict standards to follow in the granting of a variance. Included is the standard that when a variance is granted it is the "minimum necessary to achieve a reasonable use of the land." From the information provided, it appears that the applicant could further minimize impacts to the expanded Buffer by reducing the size of the garage and driveway. If this variance is granted we recommend 3:1 mitigation plantings and that all areas disturbed during construction be replanted in native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

July 26, 2006

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

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 460-06 Mike Smithson
Local Case No.: 2006-0211-V 725 Magothy Road**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to impact side setbacks by expanding an existing pier and constructing a boat lift. The parcel is 7,150 square feet and is located in the LDA.

From the information provided it does not appear that there will be any permanent impacts to the Buffer. However, appropriate permits are required from the Maryland Department of the Environment and any vegetation damaged in the Buffer during construction must be replaced upon completion of the project.

Please provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 26, 2006

Ms. Yvonne Chaillet, Planning Specialist
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 467-06 Ficulora
Local Case No.: 06-1126 18480 Shipwreck Way**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck in the expanded Buffer. The Buffer has been expanded for hydric soils. The parcel is 8.722 acres, located in the RCA and is currently improved by a single-family house and driveway. The applicant is requesting a variance to construct a 672 square foot deck within the expanded Buffer.

It is our understanding that this lot is part of subdivision that was recorded prior to 1994 and that the house was recently built. At the time of subdivision the St. Mary's County Critical Area program did not include a provision that required expansion of the 100-foot Buffer for hydric soils. However, in 2004 the local program was amended to include expansion of the 100-foot Buffer for hydric soils and therefore the applicant is now required to obtain a variance to construct the requested deck which will partially be located within the expanded Buffer.

We do not oppose this variance. However, it appears from the information provided that the deck could be designed in a way that will minimize impacts to the expanded Buffer. If a variance is approved we recommend the applicant be required to minimize impacts by reducing the size of the deck, 3:1 mitigation plantings for all new impervious surface, and all areas disturbed during construction be returned to a naturally vegetated state.

Thank you for the opportunity to provide comments. Please include this letter in the file for the variance application and provide this office with a copy of the written decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 26, 2006

Yvonne Chaillet
Department of Land Use and Growth Management
P.O. Box 653, Government Center
23115 Leonard Hall Drive
Leonardtown, Maryland 20650

**RE: SM 466-06 David Buckler
Local Case No.: 05-2322**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced application. The applicant is requesting two variances. The first is to place new impervious surface in the expanded Buffer, and a second to disturb steep slopes to construct a septic system. The parcel is 439,956 square feet and is currently improved by a house, shed and driveway. The Buffer is expanded for steep slopes.

Provided this lot is properly grandfathered we do not oppose these variances. It appears that the lot is severely constrained by steep slopes and that the 100-foot Buffer has been expanded to include almost the entire parcel. In conformance with the requirements of St. Mary's County Zoning Ordinance § 22.5.4 the proposed septic system should not be located closer than 50 feet to mean high water, tidal wetlands or tributary streams, should not be located closer than 25 feet from nontidal wetlands, does not require the removal of existing vegetation and does not result in cumulative impervious surface to exceed 150 percent of allowed impervious surface on the site. If these variances are approved then we recommend mitigation at a rate of 3:1 and that all areas disturbed during construction be replanted with native vegetation.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

July 24, 2006

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

Ms. Wanda Cole
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 817-04 Gootees Marine Boat Storage Facility located MD RT 335
Local Case # 1059**

Dear Ms. Cole:

Thank you for forwarding me the Buffer Management Plan for the above referenced project. This Plan was required by the Critical Area Commission as a condition of approval of the growth allocation request.

On July 7, 2006, you provided me with the Buffer Management Plan. This plan describes two Buffer areas that will be managed as part of the requirement of the growth allocation. Area #1 consists of 2,000 square feet and will be treated with herbicide, tilled, and planted with 24" high native stock on a 10' x 10' grid for pine species and a 12' x 12' grid for deciduous species. This area will be marked by a row of blue bird boxes. Area #2 is regenerating with native tree species. This area will be monitored for two years and the area will be marked in the same fashion as Area #1. If after two years Area #2 is not thriving then it will be replanted in the same manner as Area #1.

Our office accepts this proposed plan as meeting the conditions of the Commission's growth allocation approval that pertained to the Buffer Management plan. The Dorchester County Planning Department will be responsible for monitoring this Buffer Management Plan and for take any steps necessary to ensure compliance with the plan. If you have any further questions please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 24, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 456-06 1317 Water Way Court
Local Case No.: 2006-0213-V**

Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance. The parcel is 25,585 square feet in size, located in the LDA and is improved by a townhouse and deck. The applicant is requesting a variance to the Buffer requirements to add a second deck and enlarge the existing deck.

Provided that the lot is properly grandfathered we do not oppose this variance request. It does not appear that there will be any impact to any habitat protection areas. If this variance is approved we recommend 3:1 mitigation for all disturbance and that any areas disturbed for construction or stockpiling be replanted.

Thank you for the opportunity to provide comments. Please enclose this letter in the file and provide us with a written decision in this case. If you have any questions feel free to call me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester".

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 21, 2006

Ramona Plociennik
Anne Arundel County
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

**RE: AA 457-06 1029 Park Road
Local Case No.: 2006-0215-V**

Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance. The parcel is 41,573 square feet and is located in the LDA. It is currently improved by a house, driveway and porch. The applicant is proposing an addition to the house in the expanded Buffer. The Buffer is expanded for steep slopes. The applicant will impact 2,384 square feet of the expanded Buffer.

Provided that the lot is properly grandfathered we do not oppose this variance request. The Buffer is expanded 50-foot for steep slopes, however, there will be no impacts to the slopes. The proposed addition is in the expanded Buffer, but is not in an area with steep slopes. If this variance is approved we recommend 3:1 mitigation for all disturbance and that any areas disturbed for construction or stockpiling be replanted.

Thank you for the opportunity to provide comments. Please enclose this letter in the file and provide us with a written decision in this case. If you have any questions feel free to call me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "JBL", followed by a long horizontal line.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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

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

**RE: DC 426-06 1401 Hudson Road
Local Case No.: 2298**

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a new porch, and a portion of a garage within the 100-foot Buffer. The parcel is 35 acres and is located in the RCA. Currently, the parcel is improved by a single-family dwelling that dates from the late 1700's to early 1800's. The applicant is requesting this variance in part to repair damage caused by Hurricane Isabel in 2002.

Provided that this lot is properly grandfathered we do not oppose a variance to place two porches and part of a garage in the Buffer. The applicants have sited the attached garage almost entirely outside of the Buffer. If a variance is granted we recommend mitigation plantings be required within the Buffer at a ratio of 3:1. Also, any areas disturbed during construction should be replanted with native vegetation.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

July 14, 2006

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

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

**RE: DC 374-06 1729 Garden of Eden Road
Local Case No.: 1128**

Dear Mr. Dodd:

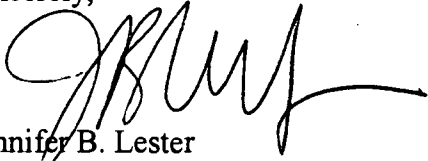
Thank you for providing information on the requested project. I have reviewed the plan submitted, and have the following comments:

- 1) It is my understanding that the 2-acre parcel is being subdivided from a parcel that consists of 199 acres and that the applicant has been informed that the newly created parcel will have to include a plat note that identifies the Critical Area reserve acres that will quantify the 1 per 20 development limitation. In addition, please have the applicant clarify how much of the farm is in the Critical Area, any and all structures in the Critical Area, and how many development rights remain.
- 2) The plan does not include information about current forest cover or proposed clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest establishment and replacement requirements are set forth in § 155-38.H.4 of the Dorchester County Code.
- 3) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.
- 4) To date, a copy of the environmental report for this project was not received by the Commission. Additional information is needed regarding the environmental features of the site.
- 5) All impervious surface located on the parent parcel, as well as the newly created 2 acre parcel, need to be quantified in order to ensure compliance with the 15% impervious surface limits as required by Dorchester County Zoning Ordinance § 155-38(O).

Steve Dodd
July 14, 2006
Page 2 of 2

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

July 6, 2006

**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/

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

**RE: AA 312-05 104 Fogle Drive
Local Case # 2006-0166-V**

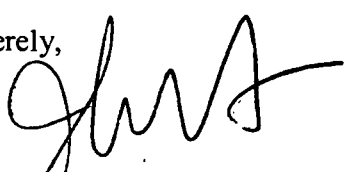
Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting two variances: the first is to disturb the 100-foot Buffer to remove an existing tennis court and to construct a single family dwelling just outside of the 100-foot Buffer, and to disturb steep slopes for the construction and placement of the new dwelling. The parcel is .36 acres or 15,584 square feet and is currently improved with a tennis court and a small shed.

Provided that this lot is properly grandfathered we do not oppose these variances. It is our understanding that the parcel currently contains 7,054 square feet of impervious surface and that removal of the tennis court and construction of the dwelling would result in a reduction of impervious coverage in the amount of 3,181 square feet. Most of this reduction in impervious surface would be within the 100-foot Buffer. This office supports reducing impervious surface in the 100-foot Buffer. If these variances are granted we recommend the applicant be required to mitigate for disturbances at a 3:1 ratio for disturbance to the 100-foot Buffer and for removal of 409 square feet of forest outside of the 100-foot Buffer at a ratio of 1:1. We recommend that all of these mitigation plantings be placed in the 100-foot Buffer to the extent possible and that any other areas disturbed during construction be revegetated upon completion of the project.

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

Sincerely,


Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 6, 2006

Mr. Andrew Parks, P.E.
Engineering Manager
Straughan Environmental Services, Inc.
9135 Guilford Road, Suite 100
Columbia, Maryland 21046-2579

RE: FED 31-06 Patuxent River NAS Officer's Club

Dear Mr. Parks:

Thank you for providing information on the above referenced project. I have reviewed the plans to construct the Officer's Club and parking lot at the Patuxent River Navel Station. It appears that the project is consistent with the requirements of Maryland's Critical Area law as outlined in COMAR 27.02.03.01B. We recommend 1:1 mitigation for all clearing done for the construction of the parking lot.

Please contact Elder Ghigiarelli, Deputy Program Manager of the Maryland Department of the Environment's Wetlands and Waterways Program to ensure the project is in compliance with all other Coastal Zone Management laws. Mr. Ghigiarelli can be reached at 410-537-3763. If you have any additional questions please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", written over a horizontal line.

Jennifer B. Lester
Natural Resources Planner

Cc: Elder Ghigiarelli, MDE

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 27, 2006

Ms. Michelle Jenkins
Town of Chesapeake Beach
P. O. Box 400
Chesapeake Beach, Maryland 21401

**RE: Ordinance No. O-6-14
Forest and Developed Woodland Master Plan
Amendments to Chapter 50 of the Chesapeake Beach Zoning Code**

Dear Ms. Jenkins:

Thank you for forwarding the above-referenced ordinance that adopts the *Forest and Developed Woodland Master Plan for the Town of Chesapeake Beach* and amends various sections of Chapter 50 of the Chesapeake Beach Zoning Code. The Commission staff has accepted the materials forwarded by the Town as a complete submittal. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Please telephone me at (410) 260-3480 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

Ms. Mary Alves
Historic St. Mary's City
P.O. Box 39
St. Mary's City, Maryland 20686

RE: Historic St. Mary's City Buffer Management Plan

Dear Ms. Alves: *Mary*

I am writing in response to your letter dated October 25, 2006 regarding expansion of the Historic St. Mary's City Buffer Management Plan. Based on our site visit on October 19, 2006 and the information in your letter, it is my understanding that the area of the Buffer that is to be managed is proposed to be expanded by 11,400 square feet to include the area west of the State House. This area is dominated by Paper Mulberry, and it would be desirable to eradicate this invasive species in order to provide an appropriate environment for natural regeneration and/or supplemental planting of native species. Additionally, the young Paper Mulberries along the driveway between the State House and Trinity Church will be cut back in an effort to maintain this access to the shoreline.

The proposal appears to be a reasonable expansion of the 52,000 square feet included in the original Buffer Management Plan. This original Plan is being successfully implemented; therefore, formal review of the expansion by the full Commission is not required. As we discussed, supplemental planting will be used to fill in the gaps where larger trees are removed in order to replace the canopy, and natural regeneration should provide adequate understory, shrub, and herbaceous cover. As in the past, if an erosion problem develops or natural regeneration is unsuccessful, appropriate measures, including supplemental planting, will be used to stabilize and establish native vegetation in the area.

I greatly enjoyed visiting the site with you and seeing the successful implementation of the original Buffer Management Plan. You, the maintenance staff of Historic St. Mary's City, and the staff of the Maryland Conservation Corps are to be commended for your excellent work and commitment to maintaining and enhancing the Buffer. If you have any questions, or if I can offer further assistance, please call me at (410) 260-3480.

Sincerely,

Mary R. Owens

Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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 19, 2006

The Honorable Gerald Donovan
Town of Chesapeake Beach
P. O. Box 400
Chesapeake Beach, Maryland 20732

**RE: Chesapeake Beach Ordinance O-6-14, Forest and Developed Woodland
Protection Plan and Amendments to Chapter 50 of the Zoning Code**

Dear Mayor Donovan:

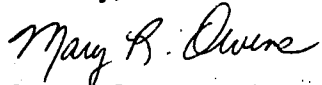
The purpose of this letter is to officially notify you of the Critical Area Commission's action on Chesapeake Beach Ordinance O-6-14. This Ordinance amends the Town's local Critical Area Program and Chapter 50 of the Zoning Code by adopting the Forest and Developed Woodland Master Plan and amending the Buffer and Buffer Exemption Area regulations, amending the woodland reforestation and afforestation standards, amending the Limited Development Area district regulations, and establishing a fees-in-lieu of mitigation program. On December 19, 2006, the Critical Area Commission concurred with the Chairman's determination that this ordinance could be reviewed as a refinement to the Town's Critical Area Program. The Commission also recommended that the Chairman approve the Ordinance with the following condition:

The Town shall prepare a report of all fees-in-lieu of mitigation collected and expended after two years of implementation, and every year thereafter, and present this report to the Commission. The report shall include the project name, the area cleared or impacted, the required mitigation, the fees collected, and a detailed list of mitigation projects on which the fees are spent. The report should also include a description of each mitigation project.

On December 12, 2006, the Chairman approved the refinement with the condition recommended by the Commission. These changes shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. Please provide a

copy of the final Forest and Developed Woodland Master Plan and the revised pages of the Zoning Code when they become available. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Eric Blitz, Webb and Blitz, LLC
Mr. Chris Jakubiak, Jakubiak and Associates
Mr. Bill Watson, Town of Chesapeake Beach

**CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100
Annapolis, Maryland 21401**

MEMORANDUM

To: Marti Sullivan
From: Mary Owens *mo*
Date: December 15, 2006
Subject: Leonardtown Wharf Acquisition

Thank you for providing information about the proposed property acquisition. Commission staff has coordinated closely with Leonardtown staff and officials on the design of the proposed waterfront park and public water access. On May 4, 2005, the Critical Area Commission voted to approve the park project with two conditions. The conditions of approval were as follows:

1. The Town shall obtain the required approvals from MDE for all impacts to tidal and nontidal wetlands. Any significant changes to the plans resulting from these authorizations will be submitted to Commission staff, and if necessary, the full Commission for review.
2. The mitigation requirements and mitigation strategies and credits shall be finalized and submitted to Commission staff, and if necessary the full Commission, for review and approval, prior to the Town issuing any permits for development activities on the park or commercial site.

At this time, the mitigation strategies and credits for the park have been finalized. The design for the park includes a significant portion of the required mitigation, and the remaining mitigation is to be accomplished off site. Commission staff will continue to work with the Town to ensure that all mitigation is properly implemented. If you have any questions, please call me at (410) 260-3480.

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 13, 2006

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: LE 704-05
Leonardtown Landing Phase II (Revised Plan for Change in Outfall)**

Dear Ms. Miller:

I have recently received a revised Landscape and Traffic Signage Plan and the Pollutant Removal Computations for the Leonardtown Landing Phase II Project, dated October 13, 2006. It is my understanding that the Plan has been revised to reflect a change in the stormwater conveyance and discharge point located next to the road between Phase I and Phase II. This change has created additional area for planting; therefore, two small trees and 120 shrubs have been added to the project. I have no comments on the change to the design as long as all other State and federal permits are properly amended.

The final landscape plans including the additional plantings described above qualify for a total of 48,225 square feet of Buffer mitigation credit. The table on the next page summarizes the current status of mitigation strategies and credits. It is anticipated that the other outstanding mitigation elements, the Washington Street Tree Planting and the Municipal Parking Lot Planting, will be accomplished within the next year. Please advise the Commission when this planting has been completed.

Thank you for providing the revised plans. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script, reading "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Larry Ludwig (D.H. Steffens Co.)

TABLE 1: Summary of Mitigation Strategies and Credits

Mitigation Proposed	Area in Acres Proposed	Area in Acres Provided	Comments
Waterfront Park Landscape Planting	0.43	0.54	
Waterfront Park Wetland Creation	0.08	0.08	In excess of area required to mitigate for wetland impacts
Waterfront Park Education Signage	0.05	0.05	Ten (10) signs at 200 SF of credit – signs to have environmental content
Waterfront Park Impervious Surface Removal	0.17	0.17	In excess of that required for stormwater management
Commercial Site Landscape Planting	0.31	1.11	
Off-Site Washington Street Tree Planting	0.30	0.30	65 Street trees at 200 SF of credit
Clean-up and Containment of Hazardous Materials on the Project Site	0.34	0.34	Sheet pile bulkhead preventing leaching from 15,000 SF
Off-site Forest and Developed Woodland Planting at Port of Leonardtown Site	1.37	0.31	Additional planting at park and commercial site reduced off-site planting necessary
Off-site Forest and Developed Woodland Planting - Municipal Parking Lot (P. 441/442)	0.00	0.15	
TOTAL	3.05	3.05	

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/

November 9, 2006

Mr. Greg Bowen
Calvert County Government
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Calvert County Zoning Ordinance Changes

Dear Mr. Bowen:

I am writing to follow up on our recent meeting regarding the changes to the Calvert County Zoning Ordinance resulting from the required six-year comprehensive review of the County's Critical Area Program. There were several issues that you requested further clarification on with regard to consistency with the Critical Area Law and Criteria and with how these provisions are being implemented throughout the State. These issues are: 1) Mitigation requirements for Buffer disturbance; 2) Buffer expansion for highly erodible soils for major subdivisions; 3) Mitigation requirements in Special Buffer Management Areas and 4) Subdivision within IDA Special Buffer Management Areas

Mitigation requirements for Buffer disturbance

On Page 57, revise Section 8-1.08.D.3.c as follows:

- c. *Any disturbance within the Critical Area Buffer requires either replacement planting on a two-to-one (2:1) basis and the collection of \$0.80 per square foot of disturbance, or if the site has sufficient open areas, replacement planting on a three-to-one (3:1) basis unless otherwise specified herein.*

This change is necessary because the Commission interprets Section 27.01.02.04.C(5)(c) of the Critical Area Criteria as specifying appropriate mitigation for situations where an environmental impact from a development activity exceeds that allowed by the Criteria. For example, in the situation for clearing beyond the 30 percent maximum allowed in the Criteria, mitigation is required at three-to-one. This is the same mitigation ratio is also appropriate for disturbance within the Critical Area Buffer because a development activity is being located in an area where development is prohibited.

The three-to-one mitigation requirement is reasonable because mitigation is required at two-to-one in the Special Buffer Management Areas where a variance is not required and where it is acknowledged

that the Buffer may not be optimally performing its functions for water quality and habitat. Where a variance is required, ostensibly because the area is not a Special Buffer Management Areas and the Buffer is functioning, then the mitigation requirement should be higher.

Most jurisdictions that specify mitigation requirements in the local ordinance require mitigation at three-to-one. Some jurisdictions have found that the three-to-one requirement serves as a deterrent to requesting large variances and promotes the establishment of vegetation in the Buffer on grandfathered lots, which would generally not be otherwise required.

The County staff has suggested requiring the mitigation as two-to-one in the form of plantings to be located on the site in the Buffer in addition to the collection of a fee-in-lieu of \$1.25 per square foot for the area of disturbance. This would be acceptable.

Buffer expansion for highly erodible soils

On page 55, revise Section 8-1.08.D.2.c as follows:

- c. ***Where highly erodible soils are found to be contiguous with the 100-foot Buffer, the following criteria shall be used to determine the extent of the expanded Buffer for all lots existing as of the date of adoption of this ordinance and all minor subdivisions.***

On page 55, add the following as Section 8-1.08.D.2.d

- c. ***For major subdivisions or development projects involving 40,000 square feet of disturbance, where highly erodible soils are found to be contiguous with the 100-foot Buffer, the Buffer shall be expanded to the extent of the erodible soils or to a maximum 500 feet, whichever is greater. At the Planning Commission's discretion, the expansion may be reduced to 300-feet if the project provides onsite infiltration of all stormwater through the use of trenches, basins, ponds, or similar practices, the project achieves flow attenuation through the use of swales, natural depressions or stormwater retention/detention structures, the project maintains or establishes the entire 300-foot area in forested vegetation, and for projects within the IDA, overall impervious surface coverage does not exceed 50 percent of the project area.***

This change is necessary because the Commission is concerned about the adverse impacts that may result from development activities located on highly erodible soils, particularly in light of the County's steep topography, and the ravine network that characterizes numerous perennial and intermittent streams in the County. In order to adequately protect streams, wetlands, and other aquatic environments as specified in COMAR 27.01.09.01.C(7), these areas require extra conservation measures in the form of an expanded Buffer or alternative measures that stabilize slopes and manage run-off particularly on projects that involve a large site area and more intense development. Originally, Commission staff had proposed that this provision apply to all new subdivisions and all development activities, even those on grandfathered lots. At the County's request, Commission staff examined the maps provided showing the extent of the affected areas and discussed how County staff typically addresses these proposals. Commission staff believes that by adding the provisions above for larger projects (major subdivisions or site plans for projects disturbing more than 40,000 square feet), the proposed conservation measures should be sufficient.

Mitigation requirements for redevelopment sites in Special Buffer Management Areas

On Page 65, revise Section 8-1.08.D.4.e.ii as follows:

- ii. ***“ ... Any area of impervious surfaces created or altered in conjunction with a development activity within the Special Buffer Management Areas shall be offset as described in paragraphs “f” and ‘g’ of this Section.***

This change is necessary because Section 27.01.09.02.C(8) of COMAR requires that when local jurisdictions implement a program such as the County’s Special Buffer Management Areas, allowing construction within the Buffer without a variance, the local jurisdiction shall propose other measures for achieving the water quality and habitat protection objectives of the Buffer provisions. Most jurisdictions address the required “other measures” by requiring mitigation for all development and redevelopment activities within the Buffer that involve land disturbance, regardless of whether or not additional impervious surfaces are created.

When the Critical Area Commission revised the Commission’s policy for Buffer Exemption Areas in 2000, they expressed concern about several projects that they had seen where it appeared that no mitigation was required. In these instances, a site was redeveloped with a far more intense use and larger structures were constructed; however, because the site was essentially completely impervious prior to the redevelopment, no mitigation was required. A literal reading of the jurisdictions’ zoning ordinances revealed that mitigation was required for the “creation of new impervious surfaces,” and in the cases analyzed, no new impervious surfaces were created because it was not possible to do so. The Commission felt that this interpretation was clearly inconsistent with the purpose and intent of these provisions because mitigation should be required whenever a development activity impacts the 100-foot Buffer.

Subdivision Within IDA Special Buffer Management Areas.

On Page 67, revise Section 8-1.08.D.4.e.v. as follows:

- v. ***Subdivision within IDA Special Buffer Management Areas-Land in a Special Buffer Management Area may be subdivided and retain its status if it meets all of the following criteria:***
- (1) Any development activity, including structures, roads and parking areas must be set back a minimum of 50 feet from tidal waters, tidal wetlands, or tributary streams-Accessory structures may be permitted within the Buffer, but not within the minimum 50-foot setback.***
 - (2) Community sewer must serve the property.***
 - (3) The development activity within the Special Buffer Modification Area shall minimize impact to the Buffer.***
 - (4) A vegetated bufferyard shall cover no less than 25% of the total area within the Special Buffer Management Area, but vegetated areas less than 10 feet wide may not be counted toward the 25% Buffer. The vegetated bufferyard may vary in width.***
 - (5) Total impervious surface area coverage within the Special Buffer Management Area shall be limited to 30% of the area within the Buffer.***

- (6) In addition to the mitigation and offset requirements for development within the Special Buffer Management Area, the redevelopment provides vegetative cover on the entire lot or parcel which equals and/or exceeds 15% of the total acreage of the lot or parcel.*
- (7) Existing native vegetation may not be removed from the Special Buffer Management Area except in accordance with an approved Buffer Management Plan designed to enhance the Buffer.*
- (8) All stormwater management treatment shall be provided by facilities that provide habitat as well as stormwater benefits such as stormwater management ponds (P1-P5), stormwater wetlands (W1-W4) or bioretention.*
- (9) Stormwater runoff shall be managed to provide an overall reduction in pollutant loadings such that a 20% improvement to water quality is achieved.*
- (10) The redevelopment shall be designed so that all stormwater quality and quantity management is accomplished on the project site.*

This change is necessary because Section 27.01.09.02.C(8) of COMAR regarding implementation of programs such as the County's Special Buffer Management Areas, does not include provisions that allow subdivision of parcels that are designated as Special Buffer Management Areas. When the Critical Area Commission revised the Commission's policy for Buffer Exemption Areas in 2000, they analyzed this issue in some detail. Ultimately, the Commission concluded in certain situations, subdivision of Special Buffer Management Areas may be appropriate as long as the resulting development project did not increase impacts to the Buffer over what would have been permitted without the subdivision.

The Commission did not include specific provisions addressing subdivisions within Buffer Exemption Areas in their policy but expressed a willingness to work with local governments to adopt appropriate provisions for subdivision. The Commission encouraged staff to work individually with local governments to adopt standards that would minimize encroachment in the Buffer, enhance water quality and habitat on the project site, provide a reduced vegetated buffer area (bufferyard), and require appropriate planted mitigation.

Commission staff believes that these standards are reasonable and can be accomplished on most project sites. The developer and his consultants on the Harbours at Solomons Project is currently working with Commissions staff to incorporate these standards into the project design and it is anticipated that all of the standards will be successfully implemented. Commission staff believes that all of these standards are necessary to ensure that development activities are accommodated, while still meeting the purpose and intent of the statute to minimize impacts to the Buffer.

I hope this letter clarifies the Commission's position regarding these necessary changes to the County's Critical Area Program. If you have any questions or would like Commission staff to attend a work session with the County Commissioners, please feel free to call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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 8, 2006

Mr. Stephen M. Horne
Elm Street Development
175 Admiral Cochrane Drive, Suite 204
Annapolis, Maryland 21401

RE: Vienna Village

Dear Mr. Horne:

I am writing to follow up on our telephone conversation and your letter dated August 30, 2006 regarding the Vienna Village Project in Vienna, Maryland. As we discussed, Critical Area Commission staff have met with Department of Natural Resources (DNR), Maryland Department of Planning (MDP), and Maryland Department of the Environment (MDE) staff to discuss the project and interagency coordination. At the meeting, Glenn Therres of the Heritage Division of the Department of Natural Resources presented the attached memorandum dated October 3, 2006 and explained the basis for the Department's position. It was agreed that if the 300-foot wetland buffer and 100-foot wetland buffer discussed in this memorandum are to properly function to protect the Natural Heritage Area, then further analysis and study of both sub-surface and surface flows will be necessary in order to ensure that no hydrologic changes to the tidal wetlands and the Natural Heritage Area will occur as a result of the development. It was also recommended that an independent third party hydrologic expert review the study design and results.

In addition to the recommendations in the memorandum, the following issues were discussed as being significant to the review of the growth allocation request both by the Town of Vienna and the Critical Area Commission:

1. The preliminary *Vienna Village Ecological Assessment* prepared by Jeff Wolinski and dated November 28, 2005 must be finalized. Section 9.3 of the Town's Critical Area Program includes specific procedures for addressing development projects that may affect threatened and endangered species and includes the development of protection measures that will be imposed on site activities.
2. The memorandum from Glenn Therres discusses environmentally sensitive design and low impact development methods that should be explored to manage stormwater quantity and quality. In comment 8)a., it is recommended that the developer "Pursue stormwater management methods, including but not limited to the use of sheet flow to buffers, vegetated channels (swales) to convey road runoff, and the disconnection of roof and non-roof runoff." It should be clarified that sheet flow should not be directed to the 100-foot Buffer and the 300-foot buffer, and that swales and

disconnections should be the recommended length and distance without encroaching into the 100-foot Buffer or 300-foot buffer.

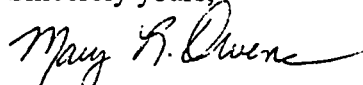
3. This spring, the General Assembly clarified the guidelines that local governments shall apply when reviewing requests for growth allocation. The restructuring of these provisions establishes that local governments are required to apply these provisions and must address their application. When the Town submits a request for the Commission to review and approve the use of growth allocation, an analysis of each of the following should be included:
 - a) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area in the County.
 - b) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area.
 - c) Locate a new Intensely Developed Area in a Limited Development Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality. The growth allocation request should include information regarding the minimization of impacts to all habitat protection areas on the site and any measures implemented to enhance or provide additional protection to these areas. The request should also include detailed information regarding the optimization of benefits to water quality. On past projects, the Commission has discussed that compliance with the 10% pollutant reduction requirement is a minimum standard and that additional water quality benefits should be proposed.
 - d) Locate a new Intensely Developed Area or Limited Developed Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands. Historically for projects involving significant growth allocation acreage and intense development, the Commission has looked at the 300-foot setback as a means to mitigate for and offset adverse impacts associated with development. If it is impractical for the applicant to provide a 300-foot setback, then the applicant must demonstrate that the proposed design incorporates other measures that provide equivalent or greater benefits. These measures may include, but are not limited to, options such as the conservation of land areas outside the 300-foot setback, a varying width setback that averages 300 feet, the creation or restoration of nontidal or tidal wetlands for habitat, and the establishment of forested areas to provide Delmarva Fox Squirrel or Forest Interior Dwelling Bird habitat.
 - e) 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 program approval or at a later date in compliance with Section 8-1809(g)
 - f) Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas.

Mr. Horne
November 8, 2006
Page 3

4. In addition, the Code of Maryland Regulations provides the following additional instructions for growth allocation requests from local jurisdictions in COMAR 27.01.02.06, which should be addressed in the Town's application:
 - a) The area of expansion of Intensely Developed or Limited Development Areas, or both, may not exceed an area equal to 5 percent of the county's portion of the Resource Conservation Area lands that are not tidal wetlands or federally owned.
 - b) New Intensely Developed Areas should be located where they minimize impacts to the defined land uses of the Resource Conservation Area.
5. There are extensive areas of hydric soils on this project site, and the Town's Critical Area Program and the Critical Area Criteria include provisions for expansion of the Buffer when these soils are contiguous to the Buffer. The Town's Program states, "Where the site of the proposed land disturbance is on or drains to hydric soils, soils with hydric properties, and erodible soils, within the Critical Area the Buffer will be expanded to include as much of the sensitive soil adjacent to the Buffer as needed to protect aquatic environments to the limit of the sensitive soil in the Critical Area." It is recommended that the Town and the developer work with appropriate soil scientists and hydrology experts to determine where and to what extent expansion of the Buffer for hydric soils is warranted.

I hope this letter will provide some further guidance on the project and the Commission's consideration of the recommendations from the Heritage Division of the DNR and the application of the growth allocation guidelines. The staffs of the Commission, DNR, MDP, and MDE are available to meet with you to discuss these issues in more detail and provide further direction regarding the protection of the Natural Heritage Area through thoughtful and sensitive design of the project. Please feel free to contact me at (410) 260-3480 regarding the scheduling of this meeting or if you have any questions about this letter.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Frank Dawson, DNR
Rich Hall, MDP
Marianne Dise, CAC
Keith Lackie, MDP
Ren Serey, CAC
Gary Setzer, MDE
Mike Slattery, DNR
Glenn Therres, DNR



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

MEMORANDUM

To: Ren Serey

From: Glenn Therres 

Re: Vienna Village

Date: October 3, 2006

The proposed Vienna Village residential project is currently located in an area that has been designated as a Natural Heritage Area (COMAR 08.03.08.10). This site, which is one of only 32 across the entire state, was selected because it contains state listed species and is considered to be amongst the best Statewide examples of this tidal natural community type. The current level of intactness of this system as a whole, the lack of degradation overall, and the presence of viable populations of sensitive species makes this Natural Heritage Area truly a special place.

Given the nature of potential impacts associated with this development project, we would like to point out that under the authority of the Natural Resource Article 8-1808(d) it is a matter of policy for Natural Heritage Areas to be protected by local jurisdictions. This is clearly stated in the Habitat Protection Area provisions of Subtitle 18. We feel it is also important to note that under the provisions of the newly enacted Senate Bill 751 that guidelines pertaining to moving from an RCA to an LDA call for locating development at least 300 feet beyond the landward edge of tidal wetlands or tidal waters. Although these are in fact only guidelines, it underscores the fact that our General Assembly recognizes the importance of protecting ecologically important areas from undesirable impacts associated with development.

DNR's Wildlife and Heritage Service (WHS) evaluation of the proposed Vienna Village residential development project has been based on field work by WHS staff, data provided within the "Vienna Village Ecological Assessment" dated Nov. 28, 2005 and prepared by consultant Jeff Wolinski for Elm Street Development, a meeting between the developers, their representatives, and DNR on August 1, 2006, and further discussions within DNR. After a careful consideration of all the relevant factors we have decided to revise our earlier recommendations (June 29, 2006 letter to Mary Owens from Scott Smith, WHS) of a 300-foot buffer on all tidal wetlands within the project site. Our final position and recommendations are as follows:

- 1) Establish a 300-foot upland buffer on the existing Mill Creek Natural Heritage Area.
- 2) No lot lines should occur within this 300-foot buffer.

- 3) Establish a 100-foot buffer on all tidal wetlands within the project area.
- 4) No lot lines should occur within this 100-foot buffer.
- 5) The 300-foot and 100-foot wetland buffers should be reforested.
- 6) A process to control invasive plant species within these buffers and elsewhere on the site should be incorporated into development plans.
- 7) Velvety sedge (*Carex vestita*), a state threatened plant, was located by the developer's consultant along a field edge in the south-central portion of the property. This is an upland species that requires frequent disturbance. The former practice of brush-hogging of field edges every few years is what has been responsible for maintenance of this sedge population. It will be important to continue this type of management practice in this specific area to maintain the sedge, specifically late summer/fall mowing.
- 8) Apply environmentally sensitive design and low impact development methods to address stormwater runoff. Promote the use of nonstructural best management practices to the greatest extent possible, and in accordance with the following guidance:
 - a. Pursue stormwater management methods, including but not limited to the use of sheet flow to buffers, vegetated channels (swales) to convey road runoff, and the disconnection of roof and non-roof runoff.
 - b. Reduce impervious cover as outlined in the Maryland Department of Environment (MDE) Stormwater Management Manual, Section 5.8, available online at: www.mde.state.md.us/assets/document/chapter5.pdf.
 - c. Pursue opportunities to include the use of shared parking/driveways and use of pervious materials wherever possible.
 - d. Locate impervious surfaces as far as possible from permanent and intermittent streams and 100-year floodplains to enhance opportunities for filtration and moderation of stormwater runoff before entering the adjacent wetland system.
- 9) To minimize risk of sedimentation in the aquatic and wetland habitats and to minimize changes to the hydrology and water quality of these habitats:
 - a. Special effort should be made to retain fine particle silt, sand and clay sediments. This may require the incorporation of redundant/additional control measures in the sediment and erosion control plan to ensure maximum filtration of any sediment-laden runoff (e.g. accelerated stabilization, super silt fence instead of silt fence, etc.)
 - b. All sediment and erosion control measures should be inspected daily to ensure that they are maintained at a high functional level through all stages of development. Any problems should be corrected immediately.

It has also come to our attention that the applicant is currently beginning a hydrologic study of only sub-surface flows. We recommend that this study also include surface flows, and that an

independent third party hydrologic expert review the study design and results. No hydrologic changes to the tidal wetlands and the Natural Heritage Area should occur as a result of the development.

If clarification or additional information is needed, I can be contacted at 410-260-8572.

VIENNAVILLAGEBUFFER.MEM

cc: T. Larney
S. Smith

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. David K. Humphreys, A.I.C.P.
Calvert County Government
Department of Planning and Zoning
County Services Plaza
150 Main Street, Suite 304
Prince Frederick, Maryland 20678

RE: Lot Line Adjustments and Lot Reconfigurations

Dear Mr. Humphreys:

I am writing to follow up on a recent meeting between Calvert County staff and Critical Area Commission staff regarding the changes to the Calvert County Zoning Ordinance resulting from the required six-year comprehensive review of the County's Critical Area Program. There was one issue that we discussed that Greg Bowen requested that we work with you to address the Commission's concerns.

Specifically, the issue involves the submittal of certain types of projects to the Commission for review and comment prior to the issuance of local approvals or authorizations. As you know, COMAR 27.03.01.03 specifies the types of project applications within each Critical Area land classification, RCA, LDA, and IDA, that shall be sent to the Commission for review and comment. Over the last several years, it has been brought to Commission staff's attention that some project applications involving lot line adjustments and changes to lot configurations are not being submitted to the Commission for review and comment. This is problematic because the Commission considers these types of applications to be a form of subdivision. It is the Commission's understanding that these activities result in the recordation of a new or revised subdivision plat that supersedes prior recorded plats; therefore, they are required to be sent to the Commission in accordance with the Critical Area Criteria.

In many cases, these lot line adjustments and reconfigurations involve grandfathered lots, and the resubdivision may affect the grandfathered status of the property, the development potential of the property, and the owner's ability to obtain a variance. In general, the Commission is often able to support these types of project applications, particularly when they involve efforts to reduce the number of nonconforming lots, minimize impacts to the Buffer, or avoid impacts to

Mr. Humphreys
October 25, 2006
Page 2

Habitat Protection Areas. However, it is important that a property owner fully understand all of the ramifications of a resubdivision and that the resulting subdivision plat include appropriate notes and references.

With regard to existing grandfathered lots and older subdivisions, it is also beneficial for Commission staff and County staff to work together. This cooperative approach can ensure that these types of resubdivisions are accomplished in a manner that brings the lots into conformance with the County's Critical Area Program insofar as possible as specified in COMAR 27.01.02.07.B(2)(a). In some cases, this may require a creative design approach in order to ensure that the new lot configuration accommodates the landowner's needs without increasing adverse environmental impacts.

It has been the Commission's experience that by providing comments to the County on proposed boundary lot line adjustments and lot reconfigurations as part of the County's normal review process, the property owner can be made fully aware of any issues that may affect the development potential of the property. It is important that the property owner have this information during the review process in order to guide his decision-making and ensure that the County's grandfathering provisions are appropriately applied.

I hope this letter clarifies the Commission's position regarding the need to submit these types of applications as required by the Critical Area statute. I believe that most jurisdictions find the Commission's technical assistance and comments on these types of applications helpful and conducive to effective implementation of their Critical Area Programs. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Greg Bowen, Department of Planning and Zoning
Dave Brownlee, Department of Planning and Zoning
Chris Campany, Department of Planning and Zoning
Miriam Gboll, Department of Planning and Zoning

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 18, 2006

Ms. Anne Roane
City of Cambridge
Department of Public Works
705 Leonard Lane
Cambridge, Maryland 21613

**RE: Residences at River Marsh
River Parcel 4, River Parcel 1-A
CM 135-06**

Dear Ms. Roane:

Thank you for providing information on the referenced project. It is my understanding that the applicant is requesting approval of a building permit for Building C at this time. I have reviewed the site plan, and I have the following comments:

1. The 10% Rule calculations submitted appear to be the preliminary calculations prepared for the entire site as part of the original concept approval. At the site plan review stage, a detailed stormwater management system should have been designed; therefore, revised calculations for the specific project site (i.e. River Parcel #1) or the specific drainage area should be submitted with a copy of the stormwater management plan.
2. The site plan does not address the comments we discussed regarding the conservation of additional mature trees in the areas around Building B and building A.
3. The site plan does not address the replacement planting of 20' to 30' trees in the areas around Buildings B and A. This replacement planting is required as a conservation measure to offset adverse impacts associated with human disturbance to the nesting bald eagles and herons, which are Habitat Protection Areas. Because of the size of the trees that are to be removed, mitigation is recommended at a minimum of two-to-one.

In addition, Glenn Therres of the Heritage Division of the Department of Natural Resources provided the following comments. The following time-of-year restrictions should be

implemented for construction of the three multi-family buildings to the west of the Hyatt for the protection of the bald eagle nest and great blue heron colony:

1. All clearing and grading for buildings A, B, and C should be completed by December 15, 2006.
2. Since Building C is beyond ¼ mile from the eagle nest, no time-of-year restrictions are required.
3. Building B is approximately 1100 feet from the bald eagle nest. Construction of that building should not begin prior to April 1, 2007 and before December 15, 2007.
4. Construction of Building A should have a time-of-year restriction of December 15 through July 31. We will assess the response of the nesting eagles and great blue herons to the construction activities for buildings B and C during the 2007 nesting season and modifications to this time-of-year restriction may be possible pending such assessment.

Thank you for the opportunity to provide comments on this project. At this time, the Commission believes that the City may authorize site preparation work for Building C and may issue a building permit for Building C. However, the comments in this letter should be addressed prior to the issuance of any other permits of approvals.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Roby Hurley, MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Mary
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 16, 2006

The Honorable Glenn L. Bramble
Dorchester County Government
P.O. Box 107
Cambridge, Maryland 21613

The Honorable Cleveland L. Rippons
City of Cambridge
P. O. Box 255
Cambridge, Maryland 21613

RE: Growth Allocation Request for Blackwater Resort Communities

Dear President Bramble and Mayor Rippons:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On October 4, 2006, the Critical Area Commission voted to deny the City and the County's joint request to use 313.12 acres to change the Critical Area designation of Parcels 42 and 128 on Tax Map 41 and Parcels 2, 13, 31, and 62 on Tax Map 52, identified as the Blackwater Resort Communities Project, from a Resource Conservation Area to an Intensely Developed Area.

The Commission voted to deny the proposed amendment to the local Critical Area program because the proposal is not consistent with the purposes, goals, and provisions of the Critical Area law and Criteria. Moreover, as explained more fully in the Panel Report submitted to the Commission, the Commission could not make the determination, required under State law, that the growth allocation guidelines had been applied in a manner consistent with the purposes, policies, goals, and provisions of the Critical Area law and criteria. The Panel Report summarizes the discussions of the panel of Commission members who conducted a public hearing on July 20, 2006, examined the record, and deliberated extensively prior to making its recommendations. This letter sets forth the statutory guidelines, goals, and provisions which the Panel discussed in its Report and on the basis of which the Commission voted to deny the proposed program amendment.

1. With regard to adjacency, the Commission could not determine that this guideline has been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area law. The Commission believes that the purpose of the statute is to accommodate growth by concentrating development and avoiding both isolated pockets of LDA or IDA located in the RCA and unwieldy patterns of development that promote areas of LDA or IDA that extend far from developed areas in a non-uniform manner.
2. With regard to optimizing benefits to water quality, the Commission believes that there was insufficient information about immediate and cumulative impacts to water quality. Specifically, there was a lack of baseline data about the Little Blackwater River system, a lack of analysis of an alternative stormwater treatment system that would not discharge directly to any watercourses on the site or off-site, and a lack of information about appropriate monitoring. The Commission also believes that the results of the independent research program, to be completed in 2007, recommended by the USFWS and any resulting recommendations are critical components of the request and are necessary for the Commission to make a determination regarding this standard. The Commission concluded that they cannot determine that this growth allocation is located in an area and in a manner that optimizes benefits to water quality.
3. With regard to minimizing impacts to Habitat Protection Areas, the project area has been defined by the City as a Habitat Protection Area – Locally Significant Habitat. This designation requires that the developer provide specific detailed studies to manage and protect the area. This information was not provided. While the Commission acknowledges the positive aspects of the proposed project (e.g. stream restoration), it believes that more information is needed on impacts to the downstream Blackwater Wildlife Refuge. The Commission concluded that it cannot be determined that this growth allocation is located in a manner that minimizes impacts to Habitat Protection Areas without this information.
4. In addition to #3 above regarding minimizing impacts to Habitat Protection Areas, the Commission believes that a Buffer Management Plan is needed to provide information on how the proposal would minimize impacts to the Buffer. While the Commission acknowledged that in the past Buffer Management Plans have not been required as part of a growth allocation submittal, they believe that the size and intensity of the project, the linear extent and overall acreage of the Buffer on the site, the importance of providing viable wildlife corridors, and the unique and fragile nature of the primary watercourse that the Buffer is protecting warrant a different approach. The Commission believes the Buffer Management Plan must be considered as part of the growth allocation application in order to determine if the 100-foot Buffer has been adequately protected. The Commission believes that without a detailed Buffer Management Plan that addresses these habitat concerns, it cannot be determined that this growth allocation is located in a manner that minimizes impacts to Habitat Protection Areas.

5. With regard to the 300-foot setback, the application does not provide a 300-foot setback. In addressing this guideline, the Commission believes that, if it is impractical for an applicant to provide a 300-foot setback, then the applicant must demonstrate that the proposed design provides equivalent or greater benefits. However, the application does not include alternative measures that meet or exceed the water quality and riparian habitat benefits that would be provided by a 300-foot setback on this project site. The Commission expressed concern about the location of the commercial center within the 300-foot setback and the proximity of the conference center to the 300-foot setback. The Commission believes that these structures and associated parking must be located outside the setback. The Commission concluded that they cannot determine that this growth allocation guideline has been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area law and Criteria because neither a 300-foot setback nor alternative measures for protection of the resources has been provided.
6. Regarding expansion of the Buffer for hydric soils, the Commission acknowledged that the project includes several measures that may provide some protection of streams, wetlands, and aquatic resources including locating most structures and impervious surfaces at least 300-feet from tidal waters and tidal wetlands and using significant portions of the areas of hydric soils within the Critical Area for development of the golf course. However, the Commission believes that the Criteria and the local Critical Area Program require that the Buffer on this site shall be expanded unless the application provides adequate scientific information that the Little Blackwater River system and adjacent wetlands will not be impacted by the proposed project. The Commission concluded that the growth allocation request as submitted is not consistent with the purposes, policies, goals, and provisions of the Critical Area Criteria because the Buffer has not been expanded, nor has adequate scientific information been provided regarding the impacts to the Little Blackwater River system and adjacent wetlands..
7. With regard to minimizing impacts on the defined land uses of the RCA, the Commission believes that the proposed project may promote development on surrounding lands and a sprawl development pattern that is not conducive to agricultural preservation or the conservation of natural resources in the RCA lands remaining in the area of the proposed growth allocation. The application does not contain information from which the Commission can determine that the new IDA has been located where it will minimize impacts on the defined land uses of the RCA. Due to this lack of information, the Commission can not conclude that this Critical Area Program Criteria has been achieved.
8. With regard to the Critical Area Law's goal to accommodate growth and also address the environmental impacts resulting from the number, movement, and activities of persons, the City and the County have not provided information regarding all of the direct environmental impacts associated with a project of this size and intensity, as well as the indirect impacts associated with the number, movement, and activities of people in the Critical Area relative to this project. The City's Comprehensive Plan does not propose

this area for future growth and development. The Commission believes that because the property was annexed into the City, and the project reviewed under City zoning, subdivision, and site plan regulations, the City should have amended its comprehensive plan in an appropriate manner to address the direct environmental and indirect impacts of the project. The Commission concluded that the growth allocation request as submitted is not consistent with the purposes, policies, goals, and provisions of the Critical Area law because this goal of the Critical Area law has not been met.

9. With regard to the mistake in the Critical Area boundary, the Commission concluded that they cannot determine that the growth allocation request as submitted is consistent with the purposes, policies, goals, and provisions of the Critical Area Criteria because the Commission believes that the Critical Area boundary in at least part of the proposed growth allocation area has been incorrectly mapped, which affects the growth allocation acreage that is being requested.

I want to thank you and your staff for your continued cooperation and assistance during the Commission's review of this growth allocation proposal. If you have any questions, please call me at (410) 260-3467 or Mary Owens at (410) 260-3480.

Sincerely,



Martin G. Madden
Chairman

cc: Effie Elzey, Dorchester County Council
William V. Nichols, Dorchester County Council
Ricky Travers, Dorchester County Council
David Yockey, Dorchester County Council
La-Shon Brooks, City of Cambridge Commissioner
Gilbert Cephas, City of Cambridge Commissioner
Kenneth P. Knox, City of Cambridge Commissioner
Donald Sydnor, City of Cambridge Commissioner
Walter Lee Travers, City of Cambridge Commissioner
Wanda Cole, Dorchester County
Anne Roane, City of Cambridge
Marianne Dise, Commission Counsel
Saundra Canedo, OAG
Roby Hurley, MDP
Ryan Showalter, Miles and Stockbridge

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 26, 2006

Mr. Mark Grant
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

RE: Water and Sewer Improvements to Washington/Fenwick Streets

Dear Mr. Grant:

Thank you for providing information on the referenced project and for discussing it with me on the phone. I have also spoken with the engineer from Stearns and Wheler, LLC, who has been working on the project. It is my understanding that this project involves the installation of utility lines in the existing road right-of-way. Because this project is a local government project that involves development of local significance, it may be reviewed in accordance with the provisions of COMAR 27.02.02. These provisions require that a jurisdiction certify that the appropriate agency (Town planning staff) has reviewed the project and determined that it is consistent with the local Critical Area Program.

Commission staff has prepared a one-page form that can be submitted as certification of consistency. I have enclosed a copy of the form for your use. This form should be completed and sent to the Commission with a copy of the final plans. Commission staff will review the information and provide a response in writing.

As we discussed, this project site does include areas of the 100-foot Buffer of Town Run; however, it is my understanding that all disturbance in this area is confined to the existing road which is bridged over the stream in this area. There will be no excavation of any pervious or vegetated areas; therefore, conditional approval will not be required for this project.

Thank you for the opportunity to review the project. If you have any questions about the process or how to complete the enclosed "Consistency Report for Local Government Projects," please call me at (410) 260-3480.

Sincerely,

Mary R. Owens, Chief
Program Implementation Division

Consistency Report for Local Government Projects

Project Name:	Jurisdiction:
Project Description:	
Local Agency proposing project:	
Contact Name and Phone Number:	
Project Location (include street address, tax map and parcel number):	
Critical Area acreage and designation:	

Project Data	
Existing forest/woodland/trees:	% of site:
Proposed clearing:	% of existing forest:
Mitigation to be provided:	
Planting location & species (also show on site plan):	
Existing impervious surface:	% of site:
Proposed new impervious:	
Total impervious surface:	% of site:
If the % of impervious cover exceeds the permitted amount in the LDA or RCA, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance.	
Total Area Disturbed:	
Stormwater Management: (If site is in the IDA, the 10% worksheets must be attached. Otherwise, local stormwater requirements must be addressed.)	
Has project received local approval of SWM and sediment and erosion control plans?	
Buffer impacts?	Is project water dependent?
If there are Buffer impacts proposed and the project is not water dependent, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance.	
<u>Other Habitat Protection Areas:</u>	
Colonial Nesting Waterbird site? Yes ☐ No ☐	Waterfowl Staging Area? Yes ☐ No ☐
Endangered / threatened species? Yes ☐ No ☐	Forest Interior Dwelling Bird Habitat? Yes ☐ No ☐
Anadromous Fish Propagation Waters? Yes ☐ No ☐	
Non-tidal Wetland Impacts? Yes ☐ No ☐ If yes, MDE permit #:	
Tidal Wetland Impacts? Yes ☐ No ☐ If yes, MDE permit #:	

In accordance with COMAR 27.02.02, we hereby certify that this local agency project is consistent with the requirements of the local Critical Area Program.

_____ (Signature)

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 25, 2006

Ms. Sue Veith
Department of Land Use and Growth Management
St. Mary's County Government
P. O. Box 653
Leonardtown, Maryland 20650

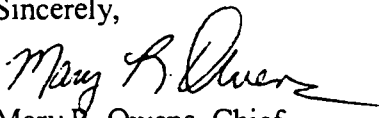
**RE: Correction of Critical Area Mapping Mistake
St. Mary's - Ryken High School**

Dear Ms. Veith:

Thank you for providing additional information on the referenced map amendment proposal, which involves a change in the Critical Area designation of the Ryken High School Property. The property is identified as Parcel 7 on Tax Map 41, Grid 7, and the proposed amendment would change the Critical Area classification of 75.024 acres from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). The County proposes to make this change on the basis that a mistake was made at the time of the original Critical Area mapping. The Commission staff has accepted the materials forwarded by the County as a complete submittal. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Please telephone me at (410) 260-3480 if you have any questions.

Sincerely,


Mary R. Owens, Chief
Program Implementation Division

cc: Jennifer Lester
Marianne Mason, OAG

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 5, 2006

Ms. Laschelle Miller
Commissioners of Leonardtown
P.O. Box 1
Leonardtown, Maryland 20650

**RE: LE 704-05
Leonardtown Landing Phase II**

Dear Ms. Miller:

I have recently completed my review of the revised Landscape and Traffic Signage Plan and the Pollutant Removal Computations for the Leonardtown Landing Phase II Project, dated July 11, 2006. At this time, I believe that all of my comments and recommendations on the pollutant removal computations and design and the landscape plans have been addressed.

The final landscape plans include plantings that qualify for 42,025 square feet of Buffer mitigation credit. This is considerably more than what was originally anticipated, so this will reduce the plantings required at the Port of Leonardtown Site. It is anticipated that the other outstanding mitigation elements, the Washington Street Tree Planting and the Municipal Parking Lot Planting, will be accomplished within the next year. Please advise the Commission when this planting has been completed.

The following table summarizes the current status of mitigation strategies and credits:

TABLE 1: Summary of Mitigation Strategies and Credits

Mitigation Proposed	Area in Acres Proposed	Area in Acres Provided	Comments
Waterfront Park Landscape Planting	0.43	0.54	
Waterfront Park Wetland Creation	0.08	0.08	In excess of area required to mitigate for wetland impacts
Waterfront Park Education Signage	0.05	0.05	Ten (10) signs at 200 SF of credit – signs to have environmental content
Waterfront Park Impervious Surface Removal	0.17	0.17	In excess of that required for stormwater management
Commercial Site Landscape Planting	0.31	0.96	
Off-Site Washington Street Tree Planting	0.30	0.30	65 Street trees at 200 SF of credit
Clean-up and Containment of Hazardous Materials on the Project Site	0.34	0.34	Sheet pile bulkhead preventing leaching from 15,000 SF
Off-site Forest and Developed Woodland Planting at Port of Leonardtown Site	1.37	0.46	Additional planting at park and commercial site reduced off-site planting necessary
Off-site Forest and Developed Woodland Planting - Municipal Parking Lot (P. 441/442)	0.00	0.15	
TOTAL	3.05	3.05	

Thank you for providing the revised plans reflecting adjustments made in response to my previous comments. At this time, the Commission staff believes that all of the Critical Area issues have been addressed and the project can be scheduled for final review and permitting by the Town. Thank you for your cooperation and assistance as we worked through the complex elements of the mitigation package. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Larry Ludwig (D.H. Steffens Co.)

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 30, 2006

Mr. Bill Watson
Town of Chesapeake Beach
P. O. Box 400
Chesapeake Beach, Maryland 20732

**RE: Fortier Variance
CB 574 - 03 Lot 31 Wickersham**

Dear Mr. Watson:

I am writing in response to our telephone conversation and the five questions that you provided to me via e-mail on August 28, 2006. I hope that the following clarifications will provide the Board of Appeals with the additional information that they need:

1. What is the actual lot size contained within the application?

Based on information provided to the Commission by the Town, the size of Lot 31, which is the subject of the variance request, is 0.310 acres or 13,480 square feet.

2. Are the proposed mitigation locations impacted by other features such as swales or ditches, and conversely, do any of the mitigation areas affect other land uses such as drives or parking areas?

Based on the information submitted to the Commission, it does not appear that the mitigation areas are located so as to adversely impact swales, ditches, drives, or parking areas. The Commission's review of the mitigation plan is to evaluate and make recommendations regarding the plant species, sizes, quantities, and general locations. Issues involving the specific locations of the plantings would generally be addressed by the Town. If it is necessary to move some of the proposed plantings five to ten feet to accommodate a ditch, swale, driveway, or parking area, this type of adjustment can be handled by the Town staff at the appropriate phase of construction.

3. Was the information upon which the Commission based its recommendation, correct? Are the proposed mitigation areas already sufficiently vegetated?

The Commission generally considers all information on plans prepared and stamped by licensed professional engineers, surveyors, and landscape architects to be accurate and correct. The Commission is not required to field verify the accuracy of this information. (Although the plans that have been reviewed are draft plans and have not yet been stamped, it is my understanding that the consultant intends to do so.) As we discussed, I did visit the site with you and we did look at the properties proposed to be permanently protected with an easement. The properties were determined to be completely forested. There is one area where the property is considered forested and where planting for mitigation credit is also proposed, and this is Lot 40. Initially, I did not support planting in this area; however, the consultant indicated that there was some space between the lot boundary and the edge of Freedly Avenue where the plantings could be located. I believe that this land is part of the Town's right-of-way. If the Town finds this planting location acceptable or if there is some area on the edge of the lot where the plantings can be located, this location is acceptable.

4. What effect does the Gary Coldsmith Access easement have on the minimum lot size?

The Critical Area regulations do not address lot sizes; therefore, this appears to be a Town zoning issue.

5. What impact to the Gary Coldsmith Access easement does the proposal have?

It is not clear exactly what information the Board of Appeals is requesting. It is the Commission's understanding that impacts of the proposed development on the existing access easement are primarily related to the improvements to the road and the installation of utilities in the area that is already disturbed by the existing road. It is the Commission's understanding that, except for the road improvements, all other impacts are temporary.

I hope this information is sufficient and will allow the board to move forward with their review of this variance. If I can provide further assistance, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serèy
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 29, 2006

Ms. Sue Veith
Department of Land Use and Growth Management
St. Mary's County Government
P. O. Box 653
Leonardtown, Maryland 20650

**RE: Correction of Critical Area Mapping Mistake
St. Mary's – Ryken High School**

Dear Ms. Veith:

Thank you for providing information on the referenced map amendment proposal, which involves a change in the Critical Area designation of the Ryken High School Property, identified as Parcel 7 on Tax Map 41, Grid 7, from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). The County proposes to make this change on the basis that a mistake was made at the time of the original Critical Area mapping.

In evaluating map amendments that involve the correction of mistakes made during the original Critical Area mapping, local governments are guided by the Court of Special Appeals decision in August Bellanca v. County Commisisoners of Kent County. See Enclosure (1). The Commission's role in reviewing these amendments is to ensure that they are consistent with the purposes, goals, and provisions of the State law and all criteria of the Commission. The "Public Hearing Staff Report" prepared by Jeffrey G. Jackman and received by the Commission on August 15, 2006 does not include sufficient information for the Commission to properly review the map amendment nor has the Commission received an official request from the County to amend its Critical Area Maps.

It is recommended that the County provide complete and thorough documentation regarding the County's determination that a mistake occurred, and that the property should have been designated IDA. The County should also provide information necessary for the Commission to be able to determine that at the time of original mapping in the County (1990), the area met the mapping standards for IDA. At that time, the property would have had to have had at least one of the following features:

- 1) Housing density equal to or greater than four dwelling units per acre;
- 2) Industrial, institutional, or commercial uses were concentrated in the area; or
- 3) Public sewer and water collection and distribution systems were currently serving the area and housing density was greater than three dwelling units per acre.

In order of the Commission to begin formal processing of the map amendment, the following information should be submitted:

1. A letter from the County stating that the map amendment was approved at the local level and requesting review by the Critical Area Commission;
2. Critical Area acreage of the property and the area proposed to be changed from RCA to IDA;
3. Information about all development on the property at the time of original mapping;
4. Aerial photography from the time of original mapping;
5. Analysis of how the proposal complies with the provisions of Section 41.3.3.c of the St. Mary's County Comprehensive Zoning Ordinance regarding mistakes in the designation of Critical Area Overlay Districts;
6. A draft Critical Area Map reflecting the proposed change;
7. Supporting documentation that may aid the Commission in ensuring the map change is consistent with the purposes, goals, and provisions of the State law and all criteria of the Commission.

When additional information has been received, Commission staff will notify you as to whether the submittal is complete. In the interim, if you have any questions, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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 3, 2006

Ms. Jackie Smith
Conservation Division, Environmental Department
22541 Johnson Road, Building 1410
Naval Air Station
Patuxent River, Maryland 20670-1700

RE: NASPAXRIVR Pt. Lookout Antenna Facility

Dear Ms. Smith:

Thank you for providing information on the proposed antenna facility located at Pt. Lookout on land that was recently acquired by the federal government from the Department of Natural Resources. In accordance with the Coastal Zone Management Act, development activities on federal lands are required to demonstrate general compliance with the State of Maryland Critical Area Act. The proposed project involves the installation of an antenna facility, the construction of a road and parking area, and the installation of fencing around the project site. It is my understanding that stormwater quality management is being provided through the implementation of a grass channel. This is an acceptable practice for use within the Critical Area. Additional stormwater quality improvement will be provided by mitigating for all forest clearing, including the clearing outside the 100-foot Buffer.

After reviewing the project submittal and discussing various aspects of the project with you, I have the following comments:

1. I have measured the area of the 100-foot Buffer that will be disturbed by the proposed construction and determined that the area of disturbance within the Buffer is 18,000 square feet. This area of disturbance should be mitigated at 3:1, which totals 54,000 square feet. I also calculated the area of "forest clearing" outside the 100-foot Buffer and determined that an additional 28,360 square feet will be disturbed. Based on my calculations, the total mitigation requirement is 82,360 square feet (1.89 acres) of planting. Every effort should be made to provide at least 18,000 square feet of planting within the 100-foot Buffer adjacent to tidal waters, tidal wetlands, or tributary streams. All plantings should be species native to the Chesapeake Bay watershed. An extensive list of plantings with pictures and habitat information can be found at <http://www.nps.gov/plants/pubs/chesapeake/pdf/chesapeakenatives.pdf>

2. The 82,360 square feet of required mitigation may be satisfied by planting an equivalent area of forest or by using a landscape credit system. The landscape credit system provides 100 square feet of credit for canopy trees, 75 square feet of credit for understory trees, 50 square feet of credit for large shrubs, and 25 square feet of credit for small shrubs. A combination planting of mixed trees and shrubs consisting of one canopy tree and two understory trees, or one canopy tree and three large shrubs can get 400 square feet of credit. Generally at least half of the landscape credit plantings at any given mitigation site must consist of trees, unless flight path, antenna signal patterns, or similar operational requirements limit the height of vegetation.
3. All plantings should be guaranteed for two years and should be replaced if they do not survive. All plantings are considered "permanent," and if it is necessary to remove them, mitigation will be required at 3:1 for plantings in the Buffer and 1:1 for all plantings outside the Buffer.
4. The federal agency may present a mitigation agreement and plan that contain alternatives; however, any alternatives located on land that is not owned by NASPAXRIVR must include a letter of intent from the property owner expressing willingness to have mitigation plantings located on his property and to permanently maintain them. The agreement should include language stating that if the off-site options cannot be planted within two years, then NASPAXRIVR locations will be used.
5. With regard to the question regarding obtaining credit for plantings installed as a memorial to the Columbia shuttle crew, you may get credit for those trees if they are were planted within a year prior to the execution of the planting agreement and if they are species that are native to the Chesapeake Bay watershed. Landscape plantings installed at the theodolite site itself can also be used for credit as outlined above.
6. In response to the project proponent's question about initiating work on the project after the planting agreement is executed, it is my understanding that on June 23, 2005 the Maryland Department of the Environment determined that the project was consistent with the Maryland CZMP. Once the planting agreement is executed, construction of the project may be initiated.

I hope this answers all of your questions. If you need additional information, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

Planting Agreement for State and Local Projects

State or Local Agency

Federal - NASPAXRIVR

Project Number

30-06

Agency Contact

Jackie Smith, Conservation Division - Env. Dept.

Phone Number

(301) 757-0007

Commission Approval Date

N/A

CAC Planner

Mary Owens

Project Name

Point Lookout Antenna Facility

Project Location

St. Mary's County

Square Feet Cleared Outside 100ft Buffer

28,360 SF

Mitigation Ratio for Clearing Outside Buffer*

Clearing of Forest/Woodlands up to 20% in CA 1:1

Mitigation Calculation Outside Buffer

28,360 SF

Square Feet Disturbed/Cleared Within 100ft Buffer

18,000 SF

Mitigation Ratio for Disturbance/Clearing Within Buffer*

New Development / Redevelopment (non-BEA) 3:1

Mitigation Calculation Within Buffer

54,000 SF

15% Afforestation Requirement Met?

Yes

Total Mitigation Required

82,360 SF

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

To be submitted ...

Planting Date**Year****First Site Visit Date****First Site Visit By****Second Site Visit Date****Second Site Visit By****Mitigation Completed?**

* see back for explanations

Revised 9/03

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/

July 26, 2006

Ms. Tracey Gordy
Maryland Department of Planning
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

**RE: Vienna Village
VI 295-06**

Dear Ms. Gordy:

I am writing to follow up on the Program Subcommittee's discussion of the referenced project at the Critical Area Commission meeting on July 5, 2006. At this meeting, you and Mayor Russ Brinsfield described the Town's long range planning efforts, the Vienna Village Project, and the significance of the project to the implementation of the Town of Vienna's vision for future growth.

The Subcommittee also heard a presentation from Mr. Jeff Wolinski, a consultant for Elm Street Development. A copy of the *Vienna Village Ecological Assessment* was distributed to all of the Subcommittee members. The Subcommittee was very interested in the extensive environmental survey and research work on the property that Mr. Wolinski had performed as part of the environmental analysis of the property, and his discussion of the many rare species that were identified. The Subcommittee generally agreed with Mr. Wolinski's that the natural resources on the site and the overall ecology of the wetland systems "deserve the highest level of conservation priority from both ecological and regulatory perspectives."

At the meeting, the Program Subcommittee received copies of a letter from Mr. Scott Smith of the Heritage Division of the Department of Natural Resources. The letter provides comments regarding the protection of the Mill Creek Natural Heritage Area and several State-listed species that were found on the property during the environmental survey work. See Enclosure (1). The Subcommittee reviewed the letter and directed Commission staff to coordinate with Heritage Division staff regarding the recommendations in the letter and how they should be applied to the proposed development project.

In addition to the issues discussed by the Program Subcommittee at the meeting, Commission member Glenn Bramble requested that the following questions be addressed at a future meeting with the Subcommittee. I believe that some of these questions may be appropriately answered by the Town or Elm Street Development, whereas others may require responses from Critical Area Commission staff or Heritage staff. The questions are as follows:

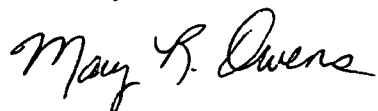
1. What size buffers exist on the site today? What is their condition?
2. What are the added benefits of a 300 foot buffer versus the proposed 100-foot Buffer. Can references to scientific literature be provided to support this?
3. Is it possible to quantify the current versus the proposed subsurface hydrology?
4. What are some of the proposed techniques being considered for stormwater treatment on the site?
5. How can the functionality of the 100-foot Buffer be increased?
6. Are there areas where the developer is proposing buffer widths greater than 100 feet?
7. What portion of water in the wetlands comes from adjacent buffers versus from the streams and ditches?
8. Does the developer propose to restore some of the ditches to their previous stream conditions? If so, what impact will this have on water quality and quantity?
9. Are all of the rare, threatened, and endangered species found within the wetlands?
10. How can the developer and the Town ensure that there will be no future impacts on the buffers?
11. What will the greenbelt look like? What role does it play in the project and the Town's vision for the future?
12. What impact would a 300 foot buffer on both farms play in that vision?
13. Considering the existing agricultural land use, will the proposed development provide additional protection to sensitive species on this site?
14. Notwithstanding the growth allocation issues, what additional environmental protection measures are provided as part of this project, above and beyond what any other IDA project would provide in accordance with "statutory requirements" in an IDA?
15. Is the proposed plan in keeping with the desires of the community to ensure a "logical extension" of existing Vienna. In looking at the two exhibits provided by the developer

Ms. Gordy
July 25, 2006
Page 3

(the proposed plan versus the 300 foot plan), is the proposed plan more in keeping with the Town's "visioning process," versus what appears to be a total disconnect as seen in the 300 foot plan?

At the end of the discussion, the Subcommittee members agreed that additional discussion at a future Subcommittee meeting was warranted. They directed staff to follow up on the recommendations from Heritage Division staff and the responses to Commissioner Bramble's questions. I will contact you to discuss the most appropriate person or agency to respond to the questions in this letter. If you need any additional information, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Frank Dawson, DNR
Steve Horn, Elm Street Development
Scott Smith, DNR
Glenn Therres, DNR
Jeff Wolinski, Consulting Ecologist



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

June 29, 2006

Mary Owens
Chesapeake Bay Critical Area Commission
1804 West St., Suite 100
Annapolis, MD 21401

Subject: Proposed Vienna Village, Dorchester County

Dear Ms. Owens:

I have reviewed the "Vienna Village Ecological Assessment" dated Nov. 28, 2005 prepared by consultant Jeff Wolinski for Elm Street Development. I have also reviewed the "Summary of Vienna Village Concept Plan" dated June 20, 2006 prepared by Stephen Horn of Elm Street Development, including the associated maps showing the 100 and 300 foot buffers on tidal wetlands. Lastly, I met on site yesterday with Jeff Wolinski, Chris Frye (State Botanist, DNR Wildlife & Heritage), and Jennifer Lester of your staff.

Elm Street Development should be commended for attempting to develop an environmentally-friendly concept plan. The proposed areas for open space, wetland restorations, FIDS & DFS habitat afforestation, forested stream buffer establishment, and state-of-the-art stormwater management are all excellent attempts to reduce impacts to a very sensitive natural area, Mill Creek NHA, and the Wetland of Special State Concern. I offer the following comments:

- 1) Given that Jeff Wolinski has discovered additional state-listed plant species (swamp oats, velvety sedge) within the contiguous tidal stream corridor north of the NHA and that this corridor is ecologically connected with Mill Creek NHA, it is appropriate to expand the Habitat Protection Area (HPA) to include these rare elements and the entire contiguous tidal wetland corridor.
- 2) I am concerned about the potential negative effects the development and associated impervious surfaces will have on quality and quantity of surface and subsurface flow of water into the wetlands, specifically in how these will affect the rare plant communities. It is appropriate to expand tidal wetland buffers to a minimum of 300 feet throughout the property to attempt to mitigate these impacts. The map titled "300' Buffer Exhibit" from Steve Horn's packet clearly and correctly indicates the areas of expanded 300 foot buffer.
- 3) Currently the existing agricultural fields act as a transition zone and buffer between the town of Vienna and the unique and sensitive marsh ecosystem that encompasses Mill Creek NHA. The current zoned designation as a Resource Conservation Area (RCA) has been an appropriate designation to maintain that transition. The proposed growth allocation will change this to an Intensively Developed Area designation, resulting in the loss of that transition zone. Expanding tidal wetland buffers to a minimum of 300 feet will maintain some of the transition zone.

- 4) Lot lines should not be included within this expanded 300 foot buffer. This area and all open space areas should be held in common by a landowner's association, the town or a conservation organization. These areas should all be placed in perpetuity in a conservation easement. The Wildlife and Heritage Service should be consulted for appropriate easement language, stressing maintenance of the rare plant communities and integrity of the marsh ecosystem.
- 5) State-of-the-art stormwater management will be very important to maintain existing hydrologic regimes. We recommend the developers follow MDE's new Stormwater Design Manual.
- 6) It is important to retain existing trees within the buffer. Afforestation of the remaining expanded buffer and open space areas should first consider allowing natural regeneration to occur before attempting to plant trees. I am concerned that seeds of invasive plant species will be inadvertently brought into the site during a tree planting and expand into sensitive natural areas.
- 7) Velvety sedge is an upland species that requires frequent disturbance. The former practice of brush-hogging of field edges every few years is what has been responsible for maintenance of this sedge population. It will be important to continue this type of management practice in this specific area to maintain the sedge, specifically late summer/fall mowing.
- 8) The water-dependent facility proposed for the northeast section of the Legg Farm will need further review by Larry Hindman, DNR Waterfowl Project Manager, as this area is a historic waterfowl concentration and staging area.
- 9) It is my understanding that Jeff Wolinski's report was considered preliminary, and in fact, a number of plant specimens that were collected from the property are still waiting to be identified by Charlie Davis. Depending on what species these plants are (e.g., state-listed or not), and where they were collected on the property, it is possible that the Wildlife and Heritage Service will have additional comments on potential impacts from this development.

In summary, Elm Street Development is to be commended for a sensitive concept plan. An expanded HPA to include all of the tidal wetlands and an expanded minimum 300 foot buffer will help maintain the ecological integrity of this important natural area. Please keep us informed as this project progresses.

Sincerely,

Scott A. Smith
Eastern Region Heritage Ecologist
Wildlife & Heritage Service

ER#2005.0785.do

Cc: G. Therres, DNR
T. Larney, DNR
L. Hindman, DNR
L. Byrne, DNR

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 25, 2006

Ms. Anne Roane
Department of Public Works
City of Cambridge
705 Leonard Lane
Cambridge, Maryland 21613

RE: Stream and 100-foot Buffer Restoration Plan for Blackwater Crossing

Dear Ms. Roane:

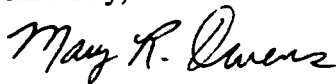
I have received a copy of the referenced plan from Geo-Technology Associates Inc., which has been submitted to satisfy the Critical Area Commission's conditions of approval of the growth allocation request. I have reviewed the plan, and I have the following comments:

1. For plant stocking, the standards published in the "Forest Mitigation" guidance adopted by the Commission in 2000, should be applied. For every 400 square feet of planting, there should be one canopy tree **and either** two understory trees or three shrubs. For the area proposed to be planted for the Blackwater Crossing Project, which is 164,477 square feet, the Commission's recommended planting (using 1" - 2" stock for trees and 1 - 3 gallon stock for shrubs) is 411 canopy trees, 411 understory trees, and 616 shrubs. Currently, 556 canopy trees, 101 understory trees, and 526 shrubs are proposed to be planted. Please make appropriate adjustments in the species.
2. Blackhaw (*Viburnum prunifolium*) is considered a shrub. At least 60 percent of the shrubs should be located in Zone A. Other recommended shrub species are Inkberry (*Ilex glabra*), Marsh elder (*Iva frutescens*), Sweet Pepperbush (*Clethra alnifolia*); Wax myrtle (*Morella cerifera*), and Southern Bayberry (*Morella caroliniensis*). The shrub species discussed in Eric Wahl's memo to Ken Usab dated July 19, 2006 are also acceptable. See Enclosure (1).
3. Sweetbay Magnolia (*Magnolia virginiana*) is considered an understory tree. Other recommended understory tree species are Eastern Redbud (*Cercis canadensis*), Shadbush (*Amelanchier arborea*), Silky Willow (*Salix sericea*), and Flowering Dogwood (*Cornus florida*).

4. A canopy tree species that might work well in Zone A is Willow Oak (*Quercus phellos*), which has significant wildlife habitat value.
5. In Zone B, it is recommended that some evergreen species be added to this area to provide year round cover. Recommended species are Southern Bayberry (*Morella carolinensis*), Atlantic White Cedar (*Chamaecyparis thyoides*), Sheep Laurel (*Kalmia augustifolia*), and Sweetbay Magnolia (*Magnolia virginiana*).
6. It may be appropriate to expand Zone B to the locations where the stormwater outfalls are located.
7. The Zone C: Upland Planting Table includes the species *Pinus strobes* and incorrectly identifies this as Eastern White Cedar. This species is actually Eastern White Pine, and it is not recommended for this site because it will be planted close to roads and parking areas that may be treated with salt in snowy conditions. It is recommended that this species be replaced with Eastern Red Cedar (*Juniperus virginiana*) or Virginia Pine (*Pinus virginiana*). It is also recommended that some large shrubs be used in Zone C in order to minimize human access to and activity in the Buffer. Recommended shrub species are Inkberry (*Ilex glabra*), Southern Bayberry (*Morella carolinensis*), Red Chokeberry (*Aronia arbutifolia*), and Black Chokeberry (*Aronia melanocarpa*).
8. It is recommended that the clumps of 1.5" – 2" caliper trees and the container trees should be spread out slightly to avoid having any areas of Zone A seed mix and whips greater than 100 square feet.

Thank you for the opportunity to provide comments on the Stream Restoration and Buffer Management Plan. If you have any questions about these comments, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Ace Adkins, MDE
Roby Hurley, MDP
Maria Lasek, USACOE
Ken Usab, Morris and Ritchie Associates, Inc.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS,
SURVEYORS, AND LANDSCAPE ARCHITECTS

DRAFT MEMORANDUM

TO: Ken Usab
PROJECT: Blackwater Crossing
Egypt Road - LLC
#: 13663
FROM: Eric Wahl
DATE: July 19, 2006
CC: Craig Shannon
RE: Blackwater Crossing Stream Restoration/100' Buffer

Per my conversation with Jayson Meyers at Wayfarer Nursery and his previous emails, the following comments should be addressed on the revised plan:

- Zone A should include containerized shrubs including Red Chokeberry (*Aronia arbutifolia*), Elderberry (*Sambucus Canadensis*), and Spicebush (*Lindera benzoin*). Sweet Bay Magnolia (*Magnolia virginiana*) should be replaced with Pin Oak (*Quercus palustris*).
- In Zone B, Red-osier Dogwood (*Cornus sericea*) should be replaced with Silky Dogwood (*Cornus amomum*) and *Viburnum dentatum* should be replaced with Black Chokeberry (*Aronia melanocarpa*) (all sizes of the containers should be 1 gallon).
- In Zone C, Scarlet Oak (*Quercus coccinea*) should be replaced with Red Oak (*Quercus rubra*). Red Cedar (*Juniperous virginiana*) should be specified at 4'-5' in height and Blackhaw Viburnum (*Viburnum prunifolium*) should be 2 gallons in size.
- The wetland seed mix should be no more than 20lbs per acre in the wetland area, and 15 lbs per acre elsewhere.
- Containerized trees at 3/4" caliper should be approximately 20% of the plantings, and be randomly spaced.
- Larger evergreen trees should be specified at a minimum 4' in height.

Once the plan has been revised, Jayson would like an updated plant table so that he can make sure we are all on the same page.

406 S. Bedford Street, Suite 5, Georgetown, Delaware 19947

Abingdon, MD
(410) 515-9000

♦ Annapolis Junction, MD
(410) 792-9792

♦ Towson, MD
(410) 821-1690

(302) 855-5734

♦ Wilmington, DE
(302) 326-2200

Fax: (302) 855-0157

♦ Georgetown, DE
(302) 855-5734

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 24, 2006

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

**RE: DC 203-05 Sunnyside Landing Subdivision
Dorchester County Project #1082**

Dear Mr. Dodd:

I have received additional information pertaining to the referenced project and addressing the comments in my letter to you dated March 16, 2006. I have reviewed this information, previous letters from Commission staff, and the revised plans, and I have the following comments:

1. The "Environmental Assessment for Sunnyside Landing Subdivision" includes current correspondence from the Department of Natural Resources Heritage Division and states that information regarding Delmarva Fox Squirrel was requested from the U.S. Fish and Wildlife Service. It is not clear if the USFWS confirmed that the site does not provide habitat for the Delmarva Fox Squirrel.
2. In accordance with § 155-38.J.18 of the Dorchester County Code, when agricultural lands are converted to other uses, the 100-foot Buffer shall be established in natural forest vegetation. The applicant recently submitted a general Buffer Management Plan, but it is recommended that additional detail and a site plan be added to the submittal. I have the following comments on the Buffer Management Plan:
 - a) The Plan discusses "seeding trees" and seedlings. Is this a typographical error?
 - b) In general when seedlings are proposed to be used within the Buffer on residential lots, at least 50 percent of the plantings must be larger stock. Generally trees should be 4' to 6' container or balled and burlapped stock, and shrubs should be 1 to 3 gallon container stock.
 - c) The Plan only includes one understory tree species. One or two additional understory tree species should be added.

- d) The Plan only includes one shrub species. Two or three additional shrub species, at least one of which should be a larger shrub (greater than 5' at maturity).
 - e) If the stocking is adjusted as recommended, then the bond for the planting should be adjusted, so that it will be sufficient to cover the cost of replacing larger trees and shrubs.
 - f) Loblolly pine is the predominant species that is proposed to be planted. Is this the predominant species in the existing forest? If it is not, it is recommended that loblolly pine in the planted areas make up no more than the same percentage of the existing forest. Because loblolly pines are shallow-rooted and become somewhat "top-heavy" when they mature, in shoreline conditions, loblolly pine tends to be easily uprooted during storm events.
 - g) Canopy (or large) tree species should comprise approximately 30 percent of the planting, understory trees should comprise approximately 30 percent of the planting, and shrubs should comprise approximately 40 percent.
3. On page 7 of the "Environmental Assessment for Sunnyside Landing Subdivision," it is stated that approximately 2.18 acres of woodland will be cleared for this project. This information is also included in the "Lot Specifications Table" on Sheet 1 of 2 of the subdivision plat. The proposed clearing is above 20%; therefore, reforestation is required at a ratio of 1.5 to 1 *for the entire area cleared*. The "Environmental Assessment for Sunnyside Landing Subdivision," and the table on sheet 1 are incorrect; 3.27 acres of reforestation will be required. The plat must indicate where the proposed reforestation areas will be located, and notes should be added to the plat to indicate that the reforested areas must be maintained as forest.
4. Note 17 includes information that conflicts with the information presented in the "Lot Specifications Table." Note 17 should be revised to reference the information in the table. It is my understanding that the proposed access to the community pier will be mowed grass. If some type of paved or gravel driveway may be constructed at a later date, then an appropriate allowance for this should be included in the impervious surface calculations.
5. The plans show a "Community Dock Access" and a community pier, and they indicate that 15 slips will be provided. This is the maximum number of slips permitted by §8-1808.5 of the Natural Resources Article of the Annotated Code of Maryland. The plat should include a note clearly stating that a community pier is provided for the property owners in the subdivision; therefore, individual private piers are not permitted.
6. On page 4 of the "Environmental Assessment for Sunnyside Landing Subdivision," it is stated that, "The runoff from the proposed residential subdivision will use grassed roadside swales and then discharge into the existing pond to treat stormwater." Please clarify that all stormwater quality treatment will take place in the grassed swales and

Mr. Dodd
July 24, 2006
Page 3

through the disconnection of roof-top run-off. The existing pond is located within the 100-foot Buffer and expanded Buffer, and cannot be used for stormwater management unless the applicant obtains a variance.

Thank you for the opportunity to provide comments on the latest plan for this subdivision. If the applicant is able to address these comments to the satisfaction of the Dorchester County Department of Planning and Zoning, the Commission has no objection to the project being placed on the Planning Commission's agenda for review and approval. Please provide a copy of the final plans to the Commission for the file. If the applicant needs assistance in addressing these comments, he may contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Ron Gatton, Environmental Consultants, Inc.
Ryan Showalter, Miles and Stockbridge

Mary - Reader



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

REVIEW AND EVALUATION
OF ACTIVITIES AFFECTING DNR LAND

Date: June 27, 2006

To: Mary Owens Chris Bushman
Robin Melton Lori Byrne
Kathy McCarthy Andy Hanas

From: Butch Norden *AWN*

Subject: Point Lookout State Park, Host Village Loop (2006-DNR-175)

Review the attached information regarding this project and forward your comments directly to me by July 18, 2006.

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

Check one: ☒ Comments are attached.

☐ I have reviewed this material and support approval of the project.

Mary R. Reader Signature

Critical Area Commission Agency

Timely processing of this request requires that this memorandum be returned no later than the date given above. If comments are not received by that date I will assume that you have none and support its approval..

RECEIVED

JUL 03 2006

CRITICAL AREA COMMISSION

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

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

**CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100
Annapolis, Maryland 21401**

MEMORANDUM

DATE: July 18, 2006

TO: Butch Norden, Policy and Planning

FROM: Mary Owens, Critical Area Commission

SUBJECT: Project Review # 2006-DNR-175, Point Lookout State Park
Host Village Loop

Thank you for providing preliminary information on the referenced project at Point Lookout State Park in St. Mary's County. I have reviewed the information, and I have the following comments:

1. It is not clear from the information submitted whether the project will involve impacts to the 100-foot Buffer from tidal waters or tidal wetlands. In general, new development activities are not permitted within the 100-foot Buffer.
2. If the camping loop or pads are located within the 100-foot Buffer, it is strongly recommended that DNR staff evaluate the site and identify a location outside the Buffer where these facilities could be located. If an alternate location cannot be identified, then conditional approval of the project, in accordance with COMAR 27.02.06.01, will be required.
3. The site plan submitted is not sufficient to review the project for compliance with all applicable Critical Area regulations. I have attached a copy of the "Chesapeake Bay Critical Area Commission Project Application Checklist," which describes the information that the Commission uses to evaluate projects in the Critical Area. While not all of this information is necessary or appropriate for this project, a detailed site plan drawn to scale, showing the project site, environmental features on the site, and the proposed camping pads and driveways must be provided.
4. **Critical Area Commission review and approval of this project will be required.** A site plan, drawn to scale, and depicting the applicable information set forth in the attached checklist should be submitted one month before the meeting. The Commission meets the first Wednesday of every month.

cc: Robin Melton
Andy Hanas

Critical Area Commission Project Application Checklist

State Agency Actions Resulting in Development on State-Owned Lands in the Critical Area (COMAR 27.02.05)

General Instructions

The following checklist contains a list of items for consideration by the Critical Area Commission during its review of each State project affecting the Critical Area. While some items will not apply to the project of concern, the responsible Agency should review and be able to discuss aspects of each relevant item. This checklist should be completed and sent, with all other completed information, to the Critical Area Commission staff contact prior to Commission review. Please be aware of the following general guidelines:

- (1) **The completed checklist, maps, and all other pertinent project materials must be submitted to Critical Area staff contact at least 1 month prior to scheduled review by the Project Subcommittee at the Critical Area Commission=s monthly meeting.**
- (2) **The sediment and erosion control plan must be finalized prior to scheduling the project for review by the Project Subcommittee.**
- (3) **All other resource/environmental permits and other release documents must be obtained or must be in their final stages (i.e., public comment period completed, permit conditions in final form) prior to scheduling the project for review by the Project Subcommittee.**

If there are any questions with any aspect of this form or with the Commission=s review process, please do not hesitate to call the Commission staff contact at (410) 260-3460.

General Mapping Features

Please include the following features on all site plans:

☐ Vicinity map	☐ Project boundary/Limits of disturbance
☐ Scale	☐ Orientation
☐ Project Name and Location	☐ Tract or lot lines
☐ Critical Area boundary	☐ Development area boundaries (Intensely Developed Areas - IDAs, Limited Development Areas - LDAs, Resource Conservation Areas - RCAs if information is available)

- ☐ **One hundred-year floodplain boundary**
- ☐ **Dredging activity and spoil site**
- ☐ **Topography**
- ☐ **Vegetative cover:**
 - ☐ Existing forest
 - ☐ Forest clearing
 - ☐ Afforestation/reforestation areas
 - ☐ Mitigation areas (Buffer impacts)
- ☐ **Agricultural lands**
- ☐ **Surface mining sites and wash plants**
- ☐ **Soil:**
 - ☐ Type
 - ☐ Area of hydric soils
 - ☐ Area of highly erodible soils
- ☐ **Existing and proposed structures** (buildings, roads, other paved or impervious areas, parking lots, lots, storm drains, septic, stormwater management systems, shore erosion control structures).
- ☐ **Natural parks**

Habitat Protection and other Sensitive Area Mapping Features

Please show the following Habitat Protection Area features on all site plans, if relevant to the particular project site:

- ☐ **Buffers:**
 - ☐ Minimum 100 ft. from tidal waters, tidal wetlands and tributary streams
 - ☐ Expanded Buffer to include 15% slopes, hydric soils and highly erodible soils
 - ☐ 25 ft. from nontidal wetlands
 - ☐ Plant and Wildlife Habitat (Colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest, forest interior dwelling bird habitat, areas of state or local significance, and natural heritage areas)
- ☐ **Tidal Wetlands**
- ☐ **Nontidal Wetlands**
- ☐ **Plant and Wildlife Habitats** (same as above)
- ☐ **Threatened and Endangered Species** (including species in need of conservation)
- ☐ **Anadromous Fish Propagation Waters**

General Project Information

Please include the following text information, if applicable to the site, in the project application materials. This information may be included in the form of letters, reports, or site plan notes.

☐ Project name and location	☐ State agency sponsoring project
☐ Project description (brief narrative including project type, i.e. industrial, port-related, etc.)	☐ Anticipated timeline (Include project milestones, approximate start and completion dates)
☐ Total acreage in Critical Area	☐ Whether project is on State-owned land, locally-owned land or privately-owned land
☐ Total forest area cleared	☐ Method of stormwater control
☐ 10% calculations (Please enclose worksheet) or impervious surface information	☐ Soil erosion and sediment control measures and implementation strategy
☐ Mitigation required for clearing of forest area (1:1 ratio outside the 100-foot Buffer, 1.5:1 if between 20%-30% clearing, and 3:1 ratio inside the 100-foot Buffer or if above 30% clearing)	
☐ Afforested area (site must have a minimum of 15% forest cover if not IDA)	

Minimum Documentation Requirements

The following permits and documents should be secured or must be in their final stages (i.e., public comment period completed, permit conditions in final form), if applicable to the site, prior to scheduling the project for review by the Project Subcommittee:

- | |
|--|
| ☐ Maryland Department of the Environment (MDE) |
| ☐ Stormwater Management |
| ☐ Sediment and erosion control plan * |
| ☐ Tidal wetlands permits |
| ☐ Nontidal wetlands permits |
| ☐ Water Quality Certification |
|
 |
| ☐ Army Corps of Engineers (ACOE) Tidal Wetlands Permit (404) |

* All applicants are required to obtain their sediment and erosion control plans from MDE prior to review by the CBCAC.

State / Federal Agency Recommendations

Review and comment from the appropriate MDE, DNR, and ACOE units shall be provided, if applicable to the site, for the following resources and habitats:

☐ Threatened and Endangered Species	☐ Plant and Wildlife Habitat
☐ Riparian Forests	☐ Forest Interior Dwelling Birds (FIDs)
☐ Natural Heritage Areas	☐ Colonial water birds
☐ Submerged Aquatic Vegetation	☐ Anadromous Fish Propagation Waters
☐ Other Aquatic Species (Shellfish, etc.)	☐ Historic Waterfowl Staging and Concentration Areas

Site Visits

Site visits should be arranged by the responsible agency in advance of Commission review. At a minimum, the site visit should include the Commission staff contact.

PLEASE MAIL OR FAX THE ABOVE INFORMATION TO:

**CRITICAL AREA COMMISSION
1804 WEST STREET, SUITE 100
ANNAPOLIS, MARYLAND 21401
(410) 260-3460
Fax (410) 974-5338**

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

MEMORANDUM

To: Ray D. Dintaman, Director
Environmental Review Unit

Date: December 28, 2006

From: Kate Schmidt *KS*

Subject: MD 20061208-1227
Swan Point, Brookfield Homes
Charles County

We are in receipt of the above referenced notice of application for a Clean Water Act permit and authorization to impact wetlands to facilitate proposed development of a Waterfront Planned Community on 897 acres of land in Charles County. Please be advised that a portion of the property/project is within the Critical Area of Charles County designated as Resource Conservation Area (RCA). The Critical Area Commission is currently in the process of reviewing a request by Charles County to upzone the subject property to allow the proposed development.

Thank you for the opportunity to provide comments. If you have any further questions please contact me at 410-260-3475.

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 22, 2006

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

Re: 2006-0409-V; 602 Tower Bank Court
Erin O'Neill

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new dwelling with less setback than required. The lot is 16,750 square feet in size, designated as Limited Development Area (LDA) and currently developed with a single family dwelling.

Provided this lot is properly grandfathered, we do not oppose the variance to the setback. However, based on the information provided I do have the following comment:

- The information provided in the Critical Area Report regarding existing forest conditions appears to be inconsistent with that shown on the site plan. While the applicant is allowed to clear the amount proposed, they must still meet Anne Arundel County Code Section 17-8-602(e) which requires a minimum 15% forest cover. It would appear that only 1,700 square feet of forest cover will remain, which is less than 15% or 2,513 square feet. I recommend the applicant verify this information further on the site plan and demonstrate that they meet the minimum forest cover required.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA791-06

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/

Mr. Matthew J. Mathias
Davis, Bowen & Friedel, Inc.
PO Box 93
One Plaza East, Suite 200
Salisbury, MD 21801

Re: UMES Utility Upgrade & Site Improvements
Planting Agreement

Dear Mr. Mathias:

This letter is to acknowledge receipt of the planting agreement and plan for the UMES utility upgrade project located on Board Street and approved by the Critical Area Commission on September 6, 2006. The Commission required that UMES provide an acceptable invasive species management plan and subsequent planting plan as a condition of that approval. This condition has been satisfied through this submittal.

As a part of the above approved plan, UMES will utilize the services of the Maryland Department of Agriculture to treat the invasive species on site over the summer of 2007. Based upon the success of that treatment, UMES will then implement the proposed planting plan that fall. As noted on the planting agreement, this office will conduct two site visits over the next two years. Should any changes or issues arise, the UMES representative may contact me at any time at (410) 260-3475. Thank you for all your work and assistance on this project.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

cc: C&U 36-06

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/

December 21, 2006

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

RE: SDP 60085
Morgantown Electric Generating Plant, 12620 Crain Highway
Mirant Corp Mid-Atlantic

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting the development of a coal barge unloader project. A portion of the generating plant property falls within the Critical Area and is designated as Intensely Developed Area (IDA). Additionally, the 100-foot Buffer is designated as Buffer Modification Area.

It is unclear from the submitted plans the total proposed impacts to the Critical Area and the 100-foot Buffer. I recommend the applicant provide a Critical Area narrative describing these impacts as well as the following information on the site plan: proposed changes in impervious surfaces, the 100-foot Buffer as delineated from the edge of Mean High Water (MHW), and any proposed stormwater management techniques to meet the 10% pollutant reduction rule. The site plan states a Buffer Management Plan will be submitted at a later process. However, given that the current proposal consists of activity in the Buffer, I recommend a plan be provided at this stage as mitigation for impacts to the Buffer will be required. Additionally, the applicant is required to provide compliance with 10% pollutant reduction requirements for disturbance in the IDA.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS805-06

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/

December 21, 2006

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

Re: 2006-0410-V; Lots 2&3 Shore Drive, Severn Grove
Steven Yelton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a extension in time for the implementation and completion of a previously approved variance. The previous variance was to permit a dwelling with less setbacks than required and with disturbance to steep slopes. It would appear the request remains substantially the same as was previously approved.

This office does not oppose the extension in time provided the following conditions continue to be applied:

- Mitigation, at a ratio of 1:1 for disturbance outside the Buffer.
- Stormwater should be directed to a best management practice to provide water quality benefits on site and prevent erosion of steep slopes.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA356-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

December 20, 2006

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

RE: ORD 60260
Port Tobacco Marina, 7536 Shirley Boulevard

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting an after-the-fact approval of an expansion of a parking lot at an existing marina. The property is approximately 6 acres in size and includes a peninsula on the Port Tobacco River. It is designated as Limited Development Area (LDA) and the marina side of the peninsula is Buffer Modification Area. The site is currently developed with a marina and the applicant is in the process of reconstructing a restaurant facility. The parking lot expansion took place as part of the restaurant reconstruction.

Based on the information provided I have the following comments:

1. It would appear the applicant has not adhered to the BEA performance standards for redevelopment. I recommend the pavement be removed to meet the BEA standards. Otherwise the applicant will be required to seek a variance. As you are aware, under Critical Area variance standards, the applicant must meet several standards including that of "unwarranted hardship". The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. At this point in time, I do not believe the applicant can meet this standard.
2. Given the applicant is required to provide mitigation plantings due to the violation they may not partially satisfy this requirement with plantings required for the construction of the restaurant facility. The applicant should provide information and verification concerning this issue.
3. The applicant should update the site plan to show the 100-foot Buffer, the 25-foot BEA setback and the location of mean high tide or edge of tidal wetlands.

4. Accurate information is needed on the site plan as to the total parcel size and the amount of existing impervious surface, including the driveway and expanded parking lot. The site is limited to 15% impervious surface. For Critical Area purposes, parcel size can not include areas of State water and the site plan should be revised to show property boundaries at the edge of mean high tide as mentioned above.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
CS787-06

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/

December 20, 2006

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

RE: XRS60082; Chapel Point Estates – Chapel Point Road
TM 43, Lot 1, Parcel 46

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced subdivision to create 1 lot within the Critical Area. The parent parcel lies partly within the Critical Area and is designated as Resource Conservation Area. The current proposed lot is 3.0 acres and entirely within the Critical Area.

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

1. The subdivision plan indicates areas of tidal wetlands on the site; however it is not clear if the wetlands are State or private tidal wetlands and how the wetlands were identified and delineated. A field delineation may be required to distinguish between State and private tidal wetlands. Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary and to determine if the wetlands are State or private. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area.
2. The current site plan states that the applicant has a right to 3 dwelling units based on the total acreage, including tidal wetlands. As stated above, however, State tidal wetlands cannot be used as part of the density calculations. I recommend that until further information is provided regarding the status of private versus State tidal wetlands, the applicant should revise the Critical Area plat notes regarding density as follows:
 - a) The allowable density is one (1) dwelling unit.
 - b) The remaining density is zero (0).
3. A review by DNR Wildlife and Heritage on August 15, 2006 indicates the presence of Forest Interior Dwelling Bird (FIDS) habitat on site. Please add a note to the Critical Area section of

TTY for the Deaf

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

the plat stating the any future development activities must meet Habitat Protection standards for FIDS as required by the Charles County Critical Area Program. The site plan should also indicate the forest location on the parcel and proposed lot as well as the amount of forest within the proposed lot.

Additionally, I recommend the applicant address the FIDS mitigation guidelines at this time which direct the applicant to avoid clearing forested areas. The applicant should demonstrate whether they propose to clear any forested area. If forested areas are to be cleared, I recommend the applicant provide FIDS mitigation according to the Commission's guidance paper, A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area at this time.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is fluid and includes a long horizontal flourish at the end.

Kate Schmidt
Natural Resource Planner
CS472-06

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/

December 20, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

Re: Charlestown Ordinance No: 2006-02
An Ordinance to Chesapeake Bay Critical Standards

Dear Ms. Skilling:

As you are aware, this office has reviewed the above referenced ordinance amending Section 175-23, Critical Area Overlay District O of the Charlestown Zoning Ordinance. This letter is to summarize the list of suggested edits and revisions that we discussed today in our meeting. Addressing these issues will ensure that the ordinance is consistent with the Critical Area Law and Criteria:

1. Section B. Definitions

- a. Revise. Pg. 1, Please add the following definition - "AFFORESTATION" MEANS THE ESTABLISHMENT OF A TREE CROP ON AN AREA FROM WHICH IT HAS ALWAYS OR VERY LONG BEEN ABSENT, OR THE PLANTING OF OPEN AREAS WHICH ARE NOT PRESENTLY IN FOREST COVER.
- b. Edit. Pg. 3, "Development activities" means ~~that~~ the construction or.....
- c. Revise. Pg. 4, Please add the following definition - "ECOSYSTEM" MEANS A MORE OR LESS SELF-CONTAINED BIOLOGICAL COMMUNITY TOGETHER WITH THE PHYSICAL ENVIRONMENT IN WHICH THE COMMUNITY'S ORGANISMS OCCUR.

2. Section C. Implementation of Critical Area Provisions

- a. Edit. Pg. 8, Part (1) Line 2 - ...within the Critical aArea

3. Section D. Enforcement

- a. Revise. Pg. 9, Part (1), Line 2 - ... "in accordance with the Critical Area Act and Criteria AND AS SET OUT IN ANY OTHER APPLICABLE TOWN CHAPTERS supersede..."

4. Section G. Structures on Piers.

- a. Revise. Pg. 17, please add to Section G or Section B. **DEFINITION.** PIER MEANS ANY PIER, WHARF, DOCK, WALKWAY, BULKHEAD, BREAKWATER, PILES OR OTHER SIMILAR STRUCTURE. PIER DOES NOT INCLUDE ANY STRUCTURE ON PILINGS OR STILTS THAT WAS ORIGINALLY CONSTRUCTED BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS.

5. Section H. Shore Erosion Protection Works.

- a. Revise. Pg. 18, please add to Section H. or Section B. **DEFINITION.** SHORELINE EROSION PROTECTION WORKS MEANS THOSE STRUCTURES OR MEASURES CONSTRUCTED OR INSTALLED TO PREVENT OR MINIMIZE EROSION OF THE SHORELINE IN THE CRITICAL AREA. THE USE OF STRUCTURAL DEVICES TO PROTECT THE SHORELINE FROM EROSION CAN RESULT IN A SIGNIFICANT DISTURBANCE TO THE AQUATIC ENVIRONMENT AND INCREASE EROSION DOWNSTREAM. THIS SECTION SETS FORTH A PLAN FOR LIMITING THE USE OF STRUCTURAL EROSION CONTROL DEVICES TO ONLY THOSE AREAS WHERE MAJOR EROSION PROBLEMS EXIST. AS AN ALTERNATIVE TO STRUCTURAL EROSION CONTROLS, THE COUNTY ENCOURAGES THE USE OF NON-STRUCTURAL CONTROLS SUCH AS MARSH CREATION, MAINTENANCE OF BUFFER ZONES, AND THE ESTABLISHMENT OF NATURAL BARRIERS TO PREVENT INTRUSION ON FRAGILE VEGETATED SHORELINES. THE CRITERIA SET FORTH IN THIS CHAPTER ARE NOT INTENDED TO APPLY TO THOSE STRUCTURES NECESSARILY ASSOCIATED WITH WATER-DEPENDENT FACILITIES AS DISCUSSED IN THE WATER-DEPENDENT FACILITIES SECTION OF THIS ORDINANCE.
- b. Edit. Pg. 18, Part (1)(a) Line 2 – and private landowners

6. Section J. Limited Development Area

- a. Revise. Part (1) Description, Line 3. "The QUALITY OF runoff..."
- b. Edit. Line 4. "...these areas has not been substantially..."
- c. Edit. Part (3)(i)[4] Line 1 "If the areal extent..."
- d. Revise. Part (3)(k)[4] Line 1&2 "Impervious surface limits provided in sub-sections [1] through [3] [2] above...."

7. Section K. Resource Conservation Area

- a. Revise. Part (3) Development Standards, Line 3&4 "... and shall meet all of the following ~~standards of environmental protection~~ REQUIREMENTS FOR RESOURCE CONSERVATION AREAS."
- b. Revise. Part (4)(a) "A golf course, DEVELOPED IN ACCORDANCE WITH GUIDANCE PROVIDED BY THE CRITICAL AREA COMMISSION,..."

8. Section P. The 100 Foot Buffer.

- a. Revise. Part (3)(b), Line 1, "The Buffer shall be expanded beyond 100 feet to include CONTIGUOUS SENSITIVE AREAS of steep slopes,...."
- b. Revise. Part (3)(d), Line 4&5, "In establishing the Buffer, management measures, INCLUDING PLANTING, shall be undertaken..."
- c. Revise. Part (3)(e), Line 10&11, "Buffer Management Plans are not required for the normal maintenance OF EXISTING LAWNS AND LANDSCAPE PLANTINGS."
- d. Revise. Part (3)(g), Line 1, "THE BUFFER SHALL BE MANAGED TO ACHIEVE OR ENHANCE THE POLICIES STATED IN P(2) ABOVE. Individual trees...."
- e. Edit. Part (5)(d), Line 2, " if development within the Buffer can not be AVOIDED based on..."

9. Section Q. Threatened and Endangered Species.

- a. Revise. Please add the following to Section Q or Section B:
 - i. "THREATENED SPECIES" MEANS ANY SPECIES OF FISH, WILDLIFE, OR PLANTS DESIGNATED AS SUCH BY REGULATION BY THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES WHICH APPEAR LIKELY, WITHIN THE FORSEEABLE FUTURE, TO BECOME ENDANGERED, INCLUDING ANY SPECIES OF WILDLIFE OR PLANT DETERMINED TO BE A "THREATENED" SPECIES PURSUANT TO THE FEDERAL ENDANGERED SPECIES ACT, 16 USC '1531 ET SEQ., AS AMENDED.
 - ii. "ENDANGERED SPECIES" MEANS ANY SPECIES OF FISH, WILDLIFE, OR PLANTS WHICH HAVE BEEN DESIGNATED AS SUCH BY REGULATION BY THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES. DESIGNATION OCCURS WHEN THE CONTINUED EXISTENCE OF THESE SPECIES AS VIABLE COMPONENTS OF THE STATE'S RESOURCES ARE DETERMINED TO BE IN JEOPARDY. THIS INCLUDES ANY SPECIES DETERMINED TO BE AN "ENDANGERED" SPECIES PURSUANT TO THE FEDERAL ENDANGERED SPECIES ACT, CITED ABOVE.

10. Section R. Plant and Wildlife Habitat and Nontidal Wetlands Protection

- a. Revise. Please add the following to Section R or Section B:
 - i. "PLANT HABITAT" MEANS A COMMUNITY OF PLANTS COMMONLY IDENTIFIABLE BY THE COMPOSITION OF ITS VEGETATION AND ITS PHYSIOGRAPHIC CHARACTERISTICS.
 - ii. "WILDLIFE HABITAT" MEANS THOSE PLANT COMMUNITIES AND PHYSIOGRAPHIC FEATURES THAT PROVIDE FOOD, WATER AND COVER, NESTING, AND FORAGING OR FEEDING CONDITIONS NECESSARY TO MAINTAIN POPULATIONS OF ANIMALS IN THE CRITICAL AREA.

- iii. Revise. Part (3) Development Standards. "THE TOWN'S CRITICAL AREA PRGORAM AND ORDINANCE WILL SERVE TO ACCOMPLISH THE GOALS OF THE CRITICAL AREA PROGRAM TO PROTECT WATER QUALITY AND WILDLIFE HABITAT. In addition to the standards...."
- b. Revise. Part (3)(a), Line 2&3, "will require review on a case-by-case basis and THE APPLICANT SHALL seek technical advice..."
- c. Revise. Part (3)(a), Line 6, " location of threatened and endangered species on a site, OR SPECIES IN NEED OF CONSERVATION."

11. Section S. Anadromous Fish Propagation Waters

- a. Revise. Please add the following to Section S or Section B:
 - i. ANADROMOUS FISH PROPAGATION WATERS ARE THOSE STREAMS THAT ARE TRIBUTARY TO THE CHESAPEAKE BAY WHERE SPAWNING OF ANADROMOUS SPECIES (E.G., ROCKFISH OR STRIPED BASS, YELLOW PERCH, WHITE PERCH, SHAD AND RIVER HERRING) OCCURS OR HAS OCCURRED.
- b. Revise. Please add the following standard to Part (2)(c):
 - i. THE COUNTY SHALL ENSURE COORDINATION AND COMPLIANCE WITH COMPLEMENTARY STATE LAWS AND REGULATIONS:
 - 1. PROHIBIT THE CONSTRUCTION OR PLACEMENT OF DAMS OR OTHER STRUCTURES THAT WOULD INTERFERE WITH OR PREVENT THE MOVEMENT OF SPAWNING FISH OR LARVAL FORMS IN STREAMS OR OTHER DESIGNATED WATER BODIES. IF PRACTICAL, EXISTING STRUCTURES SHALL BE REMOVED; AND
 - 2. ENSURE THAT THE CONSTRUCTION, REPAIR OR MAINTENANCE ACTIVITIES ASSOCIATED WITH BRIDGES, OR OTHER STREAM CROSSING OR WITH UTILITIES AND ROADS, WHICH INVOLVE DISTURBANCE WITHIN THE BUFFER OR WHICH OCCUR INSTREAM, AS DESCRIBED IN COMAR 08.05.03.11B(5), SHALL BE PROHIBITED BETWEEN MARCH 1 AND JUNE 15 OF EACH YEAR.

12. Section T. Forest and Woodland Protection Standards.

- a. Suggested Edit. Part (7)(a) and (7)(b), "fines shall be assessed ~~at a minimum in the amount of \$100 for each occurrence~~ AS SET FORTH IN SECTION D OF THIS ORDINANCE and reforestation..."
- b. Edit. Part (7)(e), Line 1 "All violations resulting in ~~or~~ the IMPLEMENTATION OF off site planting..."

13. Section U. Amendments in the Critical Area Overlay Zone.

- a. Revise. Please add the following to Section U or Section B:
 - i. "DEVELOPER" MEANS A PERSON WHO UNDERTAKES DEVELOPMENT ACTIVITY AS DEFINED IN THIS ORDINANCE; OR A

PERSON WHO UNDERTAKES DEVELOPMENT AS DEFINED IN THE CRITERIA OF THE COMMISSION.

- ii. "PROGRAM AMENDMENT" MEANS ANY CHANGE OR PROPOSED CHANGE TO AN ADOPTED PROGRAM THAT IS NOT DETERMINED BY THE CHAIRMAN OF THE CRITICAL AREA COMMISSION CHAIRMAN TO BE A PROGRAM REFINEMENT.
- iii. "PROGRAM REFINEMENT" MEANS ANY CHANGE OR PROPOSED CHANGE TO AN ADOPTED PROGRAM THAT THE CHAIRMAN OF THE CRITICAL AREA COMMISSION DETERMINES WILL RESULT IN A USE OF LAND OR WATER IN THE CHESAPEAKE BAY CRITICAL AREA OR ATLANTIC COASTAL BAYS CRITICAL AREA IN A MANNER CONSISTENT WITH THE ADOPTED PROGRAM, OR THAT WILL NOT SIGNIFICANTLY AFFECT THE USE OF LAND OR WATER IN THE CRITICAL AREA. PROGRAM REFINEMENT MAY INCLUDE:
 - 1. A CHANGE TO AN ADOPTED PROGRAM THAT RESULTS FROM STATE LAW;
 - 2. A CHANGE TO AN ADOPTED PROGRAM THAT AFFECTS LOCAL PROCESSES AND PROCEDURES;
 - 3. A CHANGE TO A LOCAL ORDINANCE OR CODE THAT CLARIFIES AN EXISTING PROVISION; AND
 - 4. A MINOR CHANGE TO AN ELEMENT OF AN ADOPTED PROGRAM THAT IS CLEARLY CONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE AND ALL THE CRITERIA OF THE COMMISSION.
- b. Revise. Part (1), Line 5 "without approval of the Critical Area Commission. STANDARDS AND PROCEDURES FOR CRITICAL AREA COMMISSION APPROVAL OF PROPOSED AMENDMENTS ARE AS SET FORTH IN THE CRITICAL AREA LAW SECTION 8-1809(i) & SECTION 8-1809(d), RESPECTIVELY. In addition,...."

14. Section V. Growth Allocation Floating Zone.

- a. Replace. Part (2)(a) through (g) with the following:
 - i. LOCATE A NEW INTENSELY DEVELOPED AREA IN A LIMITED DEVELOPMENT AREA OR ADJACENT TO AN EXISTING INTENSELY DEVELOPED AREA;
 - ii. LOCATE A NEW LIMITED DEVELOPMENT AREA ADJACENT TO AN EXISTING LIMITED DEVELOPMENT AREA OR AN INTENSELY DEVELOPED AREA;
 - iii. NEW INTENSELY DEVELOPED AREAS SHALL BE AT LEAST 20 ACRES IN SIZE UNLESS:
 - 1. THEY ARE CONTIGUOUS TO AN EXISTING IDA OR LDA; OR
 - 2. THEY ARE A GRANDFATHERED COMMERCIAL OR INDUSTRIAL USE WHICH EXISTED AS OF THE DATE OF LOCAL PROGRAM APPROVAL. THE AMOUNT OF GROWTH ALLOCATION DEDUCTED SHALL BE EQUIVALENT TO THE

AREA OF THE ENTIRE PARCEL OR PARCELS SUBJECT TO THE GROWTH ALLOCATION REQUEST.

- iv. NO MORE THAN ONE-HALF OF THE COUNTY'S ALLOCATED EXPANSION MAY BE LOCATED IN RESOURCE CONSERVATION AREAS EXCEPT AS PROVIDED IN PARAGRAPH (9) BELOW;
 - v. LOCATE A NEW LIMITED DEVELOPMENT AREA OR INTENSELY DEVELOPED AREA IN A MANNER THAT MINIMIZES IMPACTS TO HABITAT PROTECTION AREA AS DEFINED IN COMAR 27.01.09 AND IN AN AREA AND MANNER THAT OPTIMIZES BENEFITS TO WATER QUALITY;
 - vi. NEW INTENSELY DEVELOPED AREAS SHOULD BE LOCATED WHERE THEY MINIMIZE THEIR IMPACTS TO THE DEFINED LAND USES OF THE RESOURCE CONSERVATION AREA;
 - vii. LOCATE A NEW INTENSELY DEVELOPED AREA OR A LIMITED DEVELOPMENT AREA IN A RESOURCE CONSERVATION AREA AT LEAST 300 FEET BEYOND THE LANDWARD EDGE OF TIDAL WETLANDS OR TIDAL WATERS;
- b. ADDITION. Please add the following to Part (3)
- i. WHEN THE COUNTY SUBMITS A REQUEST FOR REVIEW AND APPROVAL OF CHANGES TO ANY ELEMENT OF THE COUNTY'S CRITICAL AREA PROGRAM INCLUDING, BUT NOT LIMITED TO, THE ZONING ORDINANCE, SUBDIVISION REGULATIONS, OR CRITICAL AREA MAPS, THE REQUEST SHALL INCLUDE ALL RELEVANT INFORMATION NECESSARY FOR THE CHAIRMAN, AND AS APPROPRIATE, THE COMMISSION, TO EVALUATE THE CHANGES. THE CHAIRMAN, AND AS APPROPRIATE, THE COMMISSION SHALL ENSURE DETERMINE IF THE REQUESTS FOR PROGRAM CHANGES ARE CONSISTENT WITH THE PURPOSES, POLICIES, GOALS, AND PROVISIONS OF THE CRITICAL AREA LAW AND ALL CRITERIA OF THE COMMISSION. IN ACCORDANCE WITH THE COMMISSION'S DETERMINATION OF CONSISTENCY AS OUTLINED ABOVE, THE COMMISSION SHALL:
 - 1. APPROVE THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT AND NOTIFY THE LOCAL JURISDICTION;
 - 2. DENY THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT;
 - 3. APPROVE THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT SUBJECT TO ONE OR MORE CONDITIONS; OR
 - 4. RETURN THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT TO THE LOCAL JURISDICTION WITH A LIST OF CHANGES TO BE MADE

Mary Ann Skilling
December 5, 2006
Page 7 of 7

- c. Edit. Part (3)(a), Line 5-7, "... the Zoning Administrator who ~~shall review the plans~~ with the assistance of the Critical Area Circuit Rider SHALL REVIEW THE PLANS for compliance.."
- d. Edit. Part (3), Please add the following standard:
 - i. FINAL SUBDIVISION AND SITE PLANS SHALL BE PROCESSED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND THE TOWN'S SUBDIVISION REGULATIONS.

15. Section W. Grandfathering Provisions.

- a. Revise. Part (2)(b)(1), Line 4 "...lots not individually owned AND THESE PROCEDURES ARE APPROVED BY THE CRITICAL AREA COMMISSION; or"
- b. Edit. Part (2)(d), Line 4 "such land conforms to the IDA, LDA, ~~and~~ OR RCA requirements"

16. Section X. Variances from the Critical Area Regulations

- a. Revise. Part (2)(b), Line 1 "That a literal interpretation of the provisions of ~~this section~~ THE CRITICAL AREA PROGRAM AND RELATED ORDINANCES will.."
- b. Revise. Part (2)(e), Line 4 "harmony with the purpose and intent ~~of this section~~ THE STATE CRITICAL AREA LAW AND THE TOWN CRITICAL AREA PROGRAM."
- c. Edit. Part (6)(b), Line 1 "New or expanded structures.."

Thank you meeting with me today to discuss these changes. It is my understanding that this draft will be reviewed and amended by the Town in the next several weeks. If you have any questions about these comments, please feel free to contact me at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 20, 2006

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

RE: 4570 Hawthorne Road; Federal Oaks
SFD 60937

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced building permit. The applicant is requesting to construct a single family dwelling. The property 2.0886 acres in size, is located within a Limited Development Area (LDA) and is currently undeveloped.

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

1. Any forest area cleared on the lot or residue, including the driveway entrance must be included in the Critical Area calculations and mitigated at a 1:1 ratio.
2. A review by DNR Wildlife and Heritage determined that the forest in this area contains Forest Interior Dwelling Bird (FIDS) habitat. If FIDS forest is proposed to be cleared, than the applicant will need to provide the appropriate mitigation.
3. Please provide this office with the correct information regarding the lot size and allowable impervious surface of 15%.
4. Please provide the total proposed amount of disturbance on the site plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS415-06

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/

December 18, 2006

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

Re: Variance 2006-0376
M. Killelea; 1720 Ritchie Highway

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow dwelling additions and an accessory structure (inground pool) with less Buffer than required. The property is 2.98 acres in size and designated as Limited Development Area (LDA). It is currently developed with a single family home, driveway, and garage for a total impervious surface area of 14,094 square feet (10.8%). Due to the presence of steep slopes, much of the existing development is within the Expanded 100-foot Buffer.

This office does not oppose the variance to construct modest additions which are further waterward than the existing dwelling or a deck which is constructed to be and remain pervious. However, we do oppose the variance to build a new swimming pool or patio in the Buffer. While the submitted plan states that the patio currently exists, it would appear from aerial imagery that the patio did not exist in 2004. Additionally, there does not appear to be a permit on file with the County to construct the patio. Thus, this office is considering the construction of the patio as a component of the request.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if the Hearing Officer finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes 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 Hearing Officer 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 a new pool and patio within the expanded Buffer. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Thus, the County has enacted a specific set of provisions to recognize the importance of the 100-foot Buffer and maintain its integrity by prohibiting the construction of new structures unless they are water dependent (Anne Arundel County Code §17-8-300).

The variance to the expanded 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner 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, 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.

Currently, the lot is developed with a single family home, most of which is within the expanded 100-foot Buffer. Most of the proposed dwelling expansions will occur within the expanded Buffer, but outside of the 100-foot Buffer line. However, the proposed patio and pool are placed within the original 100-foot Buffer. Regardless, the intent of the expanded Buffer is to protect beyond 100 feet to include contiguous sensitive areas, such as slopes of 15% or greater. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the pool and patio as the applicant is able to use the property for residential purposes.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. No one has the right to construct a new swimming pool or patio in the buffer. Therefore, denial of a variance for the accessory swimming pool and patio would not deny the applicants a right commonly enjoyed.

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 the Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-301). 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.*

The lot is constrained by steep slopes and thus the 100-foot Buffer. However, the property is currently developed with a single family dwelling, garage and driveway. Additionally, provided the lot is properly grandfathered, this office does not oppose modest expansions which are further waterward than the existing dwelling. However, the County code is designed to prevent degradation to the Buffer by prohibiting new impervious surface to be placed nearer to the shoreline. This office does not believe the applicant can meet this standard.

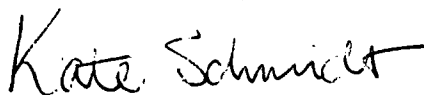
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. Given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a pool in the 100-foot Buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 the application for variance to the Buffer.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
AA777-06

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/

December 11, 2006

Ms. Amanda Gordon
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

Re: Westview Shores, Lots 112, 113, 119
44 Circle Drive, Earleville
Resubdivision

Dear Ms. Gordon:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to eliminate Lot 113, by adding part to Lot 112 and part to Lot 119. Lot 112 will increase from 0.2 acres to 0.3 acres and Lot 119 will increase from 0.216 acres to 0.316 acres. Both lots are designated as Limited Development Area (LDA).

Based on the information provided, I have the following comments regarding the proposal:

1. Critical Area plat notes should be added to describe the following:
 - a. Lots 113 and 119 are required to meet 15% minimum forest cover.
 - b. Impervious surface for each lot is limited to 31.25% based on Cecil County Zoning Code §200.8

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 785-06

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/

December 11, 2006

Mr. Nelson Bolender
Cecil County Board of County Commissioners
129 East Main Street
Elkton, Maryland 21921

Re: Perryville Water Treatment Plant
Critical Area Map Amendments

Dear Mr. Bolender:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced program amendment to the County's Critical Area maps. At its December 6, 2006 meeting the Commission concurred with the Chairman's determination that the above referenced map amendments were refinements to the Cecil County Critical Area Program and recommended approval. On December 11, 2006 the Chairman approved the Cecil County Board of County Commissioners zoning decision to change the map designation of Parcels 548 and 549 found on Tax Map 29 from RCA to LDA.

Given that Parcel 548 included 0.95 acres of State wetlands, this area was not included in the reclassification and the total area changed is 4.05 acres. Since 4.05 acres of RCA was changed to another classification the County must deduct 0.20 acres (5% of 4.05) from the County's available growth allocation reserves.

The County is required to finalize the map changes 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) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Cc: Mr. Eric Sennstrom, Director of Planning and Zoning
Ms. Mary Ann Skilling, MDP
Ms. Denise Breder, Town of Perryville
CE Refinement 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/

December 8, 2006

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

Re: 2006-0398-V; 1197 Bayview Vista
Timothy Hinson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks than required and with disturbance to steep slopes. The lot is 8,554 square feet in size, designated as Limited Development Area (LDA) and currently developed with a single family dwelling.

Provided this lot is properly grandfathered, we do not oppose the variance to setbacks or steep slopes. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided I have the following comments:

1. As indicated on the site plan, most of the lot contains steep slopes. We recognize that a variance is necessary to permit development of the property. However, it would appear that the impact to steep slopes may be reduced if the applicant were to move the dwelling closer to the road.
2. Under Anne Arundel County Code 17-8-601, the applicant must mitigate for clearing on lots in the LDA. The woody vegetation must be included on the site plan and mitigated at a 1:1 basis for square footage of area disturbed. This mitigation is in addition to any plantings proposed to meet the stormwater management requirements. Plantings of one tree (2-inch caliper) or three shrubs for every 100 square feet (or portion thereof) of area disturbed should be required.
3. The proposed deck should be constructed to be and remain pervious with a gravel substrate and vegetative stabilization at the perimeter.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
cc: AA782-06

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/

December 8, 2006

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

Re: 2006-0395-V; Lots 2&3, 481 Lymington Road
Dreamcraft Homes, Inc.

Dear Ms Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks than required, greater forest clearing than allowed, and disturbance to steep slopes. The combined lots are 26,070 square feet in size, designated as Limited Development Area (LDA) and currently undeveloped.

Provided this lot is properly grandfathered, we do not oppose the variance to setbacks, steep slopes, or greater forest clearing. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided I have the following comments:

1. As indicated on the site plan, most of the lot contains steep slopes. We recognize that a variance is necessary to permit development of the property.
2. Under Anne Arundel County Code 17-8-602, the applicant must provide mitigation at a ratio of 3:1 for clearing more than 30%. To the extent possible, mitigation should take place onsite to assist with vegetative stabilization of the steep slopes.
3. The proposed deck should be constructed to be and remain pervious with a gravel substrate and vegetative stabilization at the perimeter.

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,

Kate Schmidt
Natural Resource Planner
cc: AA781-06

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/

December 5, 2006

Mr. Anthony DiGiacomo, AICP
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

Re: Wapiti Acres, Concept Plat
TM 46, Grid 8, Parcel 27
Turkey Point Road

Dear Mr. Di Giacomo:

Thank you for providing information regarding the above referenced subdivision concept plat. The applicant is seeking to develop a 78-lot subdivision. The entire parcel is 433 acres of which 189.1 acres are in the Critical Area and designated Resource Conservation Area (RCA). The Critical Area portion of the site is currently developed with existing structures and will be designated as Common Open Space.

Based on the information provided, I have the following comments regarding the proposal:

1. The applicant will need to provide the following information in plat notes concerning the Critical Area portion of the site:
 - a. Total number of acres within the Critical Area. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area.
 - b. Total amount of forest cover in the Critical Area.
2. The site plan should also include the 110-foot Buffer per Cecil County Zoning Code Section 196. The Buffer must be field delineated from the edge of all tidal water, tidal wetlands, and tributary streams. A tributary stream is defined as either perennial or intermittent. Additionally, the Buffer must be expanded four (4) feet for every percent of slope over fifteen (15) percent for contiguous and adjacent slopes and to the upland limit of adjacent hydric soils or highly erodible soils.
3. A 25-foot buffer must be drawn from any nontidal wetlands if they are present.

4. Given the presence of the Bald Eagle's Nest, the applicant will need to provide plat notes indicating the development restrictions for each management zone.
5. Please clarify the role and use of the existing buildings in the Critical Area.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
CE 710-06

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/

December 5, 2006

Mr. Anthony DiGiacomo, AICP
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

Re: The Villages at Walnut Lane, Concept Plat
TM 46, Grid 8, Parcel 26
Turkey Point Road

Dear Mr. Di Giacomo:

Thank you for providing information regarding the above referenced subdivision concept plat. The applicant is seeking to develop a 33-lot subdivision. The entire parcel is 182.2 acres of which 81.1 acres are in the Critical Area and designated Resource Conservation Area (RCA). The Critical Area portion of the site is currently developed with structures. Three lots and two areas of common open space are proposed in the Critical Area.

Based on the information provided, I have the following comments regarding the proposal:

1. The applicant will need to provide the following information in plat notes concerning the Critical Area portion of the site:
 - a. Total number of acres within the Critical Area for each lot. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area.
 - b. Total number of allowable dwelling units based on Cecil County Zoning Code Section 193.3. Again, state tidal wetlands cannot be used for density calculations to meet performance standards. The applicant should also clarify the use of the existing structures in the Common Open Space area, as this may impact the density calculation.
 - c. Total amount of forest cover in each proposed lot.
 - d. A note stating each Critical Area lot is limited to 15% impervious surface coverage.
 - e. A note indicating the proposed amount of clearing in each lot and the amount of required mitigation. Mitigation for forest clearing within the Critical Area should be provided at a ratio of 1:1 for clearing less than 20 percent of existing forest,

TTY for the Deaf

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

1.5:1 for clearing greater than 20 percent and less than 30 percent of existing forest, and 3:1 for clearing greater than 30 percent of existing forest (Cecil County Zoning Ordinance Section 200). Mitigation can be provided on site or in combination with off-site forest planting. The applicant should provide a mitigation plan as part of the subdivision proposal

2. The site plan should also include the 110-foot Buffer per Cecil County Zoning Code Section 196. The Buffer must be field delineated from the edge of all tidal water, tidal wetlands, and tributary streams. A tributary stream is defined as either perennial or intermittent. Additionally, the Buffer must be expanded four (4) feet for every percent of slope over fifteen (15) percent for contiguous and adjacent slopes and to the upland limit of adjacent hydric soils or highly erodible soils.
3. A 25-foot buffer must be drawn from any nontidal wetlands if they are present.
4. Proposed locations for homes and septic fields should be indicated on the site plan to ensure appropriate room and access. I am particularly concerned about the location of a dwelling on Lot 25 due to the presence of steep slopes. Per Cecil County Zoning Code Section 201, development on steep slopes in the Critical Area is prohibited.
5. A review on MERLIN indicates the project is located in a Sensitive Species Project Review Area. The applicant will need to seek information from the Department of Natural Resources (DNR) Wildlife and Heritage Division and incorporate any provided guidance into plat notes.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
CE 768-06

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/

December 5, 2006

Mr. Anthony DiGiacomo, AICP
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

Re: Lands of Michael Dickinson, Concept Plat
TM 41, Block 22, Parcels 375 & 376
Old Elk Neck Road

Dear Mr. Di Giacomo:

Thank you for providing information regarding the above referenced subdivision concept plat. The applicant is seeking to develop a 9-lot subdivision. The entire parcel is 197.71 acres of which 9.61 acres are in the Critical Area and designated Resource Conservation Area (RCA). The Critical Area portion of the site is currently undeveloped. One lot and one area of common open space are partially located in the Critical Area.

Based on the information provided, I have the following comments regarding the proposal:

1. The plat notes concerning the Critical Area should be revised to include the following:
 - a. Total number of allowable dwelling units in the RCA is limited to 1.
 - b. Total amount of existing forest cover in the Critical Area. 15% minimum forestation in the Critical Area is required.
 - c. Total amount of existing impervious surface in the Critical Area and a note stating Lot 3 is limited to 15% impervious surface coverage within the Critical Area portion.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 710-06
69

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 4, 2006

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

RE: XPN 05-0010 Barber's Quarters

Dear Ms. Kelley:

This letter is in response to a request by the applicant to clarify the Commission's position regarding the determination of private versus State wetland areas concerning my October 24, 2006 correspondence. To my knowledge, at this time the applicant has only one lot and dwelling unit proposed in the Critical Area portion of the subdivision.

At issue, was whether the applicant would need to provide credible evidence as to the determination of private versus State wetland areas given they were proposing only one lot. As you are aware, waters of the State, including wetlands, cannot be used for density calculations or to meet the performance standards for development within the Critical Area. However, as noted by Mr. Scott Boroughs, the applicant does have a right at this juncture to one dwelling unit within the upland area of the lot. Therefore, I would like to recommend the following changes be made to the plat to address this issue.

1. Please add the following note:

- a. Critical Area Lot Note Disclaimer: This plan has made no determination as to the boundary or area of State wetlands or private wetlands nor should it be assumed by approval of this plat. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area. The total number of allowable dwelling units in the Critical Area is 1 until such time that credible evidence is provided as to the total area of private wetlands.

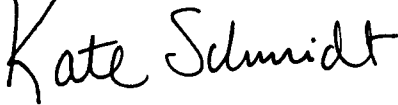
2. The Critical Area Tabulation should be revised as follows:

- a. Total Critical Area = 252.85 acres (Tidal waters or areas below Mean High Water may not be included).
- b. Total Lot Area = 254.78 acres

3. The Critical Area Notes should be revised as follows:
 - a. #2 Portion of site in Critical Area = 252.85 ac
 - b. #4 Dwelling Units Permitted in Critical Area = 1

The remaining comments of my letter dated October 24, 2006 still remain. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS214-05

Cc: Aimee Dailey, Planner
Scott Boroughs, Lorenzi, Dodds & Gunnill

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 4, 2006

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

Re: 2006-0366-V; 919 Kosciuszco Avenue
Ervin Torrez

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure with less Buffer than required. The lot is 9,584 square feet in size and designated as Limited Development Area (LDA).

In this instance, the variance request is for a rebuilt boathouse that was permitted by MDE in 2002. According to the applicant, the rebuilt boathouse was larger than the one permitted thus, MDE requested the structure be moved 7.5 feet backwards, above Mean High Water (MHW). This office recognizes that boathouses are a water dependent use. However, as noted in the application, the boathouse will not only be used to store a boat, but also boating related equipment, presumably in the area above MHW. The Commission does not recognize storage, including for boating related equipment, as a water dependent use. Additionally, given that the applicant will be constructing a permanent structure in the Buffer any opportunity to revegetate this portion of the Buffer in the future will be lost. Therefore, we recommend denial of 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,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA709-06

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/

December 1, 2006

Mr. Stephen Crowell
VIKA Incorporated
8180 Greensboro Drive, Suite 200
McLean, VA 22102

Re: Indian Head NSWC
Riverview Village Phase I, VIK #6850B

Dear Mr. Crowell:

Thank you for the additional information you provided to our office regarding the above-referenced project to review for consistency under the Maryland Coastal Zone Management Act and the goals and objectives of the Critical Area Law and Criteria. The proposed project will construct 136 residential units at the Naval Support Facility – Indian Head, located in the Town of Indian Head, Maryland. I have reviewed the materials and determined that this project on Federal lands is consistent with the Maryland Critical Area Law and Criteria in the Code of Maryland Regulations based on the following reasons:

- For the portion of the project within the Critical Area, impervious surface will increase from 47.26% to 51.77 %; however, the project meets the 10% pollutant reduction rule for intensely developed projects. Additionally, VIK has received and addressed comments from MDE regarding stormwater management and sediment and erosion control. A copy of the approval will be forwarded to this office once it is received.
- No activities are proposed within the 100-foot Buffer.
- There will be no impacts to other Habitat Protection Areas.

Thank you for coordinating with us on this project. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

Cc: Mr. Elder Ghigiarelli, MDE

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

December 1, 2006

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

RE: 9403 Clifton Drive; Clifton on the Potomac
RAL 60365

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced building permit. The applicant is requesting to convert an existing carport into a garage. The property is located within a Limited Development Area (LDA) and is currently developed with a single-family dwelling and carport.

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

1. Per Charles County Code Section 297-132(G)(7), the applicant is meeting the minimum 15% afforestation requirement by planting 2400 square feet of vegetation.
2. Given the location of the lot within Zone 3 of the Bald Eagle's Nest Habitat Protection Plan, the time of year restrictions for outdoor construction activities apply and is correctly noted on the site plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS765-06

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/

December 1, 2006

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

RE: SFD #60880, Land of RC Joy LLC
Tax Map 78, Parcel 50

Dear Ms. Dailey:

Thank you for providing the revised information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on a 1.33 acre lot. The property is located within a Limited Development Area (LDA) and is currently developed with a single family dwelling.

Based on the information provided, I have the following remaining comment:

- Based on the review by DNR Wildlife and Heritage, it appears the forested area on the project site contains Forest Interior Dwelling Bird (FIDS) habitat. If FIDS habitat is present, the area of forest disturbed, 1,384 square feet, should be mitigated at a 1:1 ratio and the mitigation must create additional FIDS habitat to be permanently protected. It appears the applicant may be able to accomplish this work on site, however an acceptable planting plan should be prepared and submitted for review.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS725-06

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 29, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

Re: Heron Cove Growth Allocation
Tax Map 31; Parcels 898, 1140, and 1079

Dear Ms. Skilling:

This office has received the above-referenced request to approve the use of growth allocation to change the Critical Area designation of 41.090 acres from Limited Development Area (LDA) to Intensely Developed Area (IDA). We are accepting this request as a complete submittal for processing.

As indicated in the information forwarded to this office from Ms. Melissa Cook-MacKenzie, the proposed walkway in the wetlands and pier shown on the development plan still requires approval from MDE; therefore the Commission will not be considering these items as an element in the Growth Allocation review at this time.

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 Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

Cc: Melissa Cook-MacKenzie, Town Administrator

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 27, 2006

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

Re: 2006-0373-V; 7740 West Shore Road
Robert Grant

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less Buffer than required and with disturbance to steep slopes. The lot is 28,116 square feet in size and designated as Limited Development Area (LDA) and Buffer Modification Area. This property was previously the subject of a variance to establish a dwelling and is currently developed with a single family dwelling and driveway.

Provided the lot is properly grandfathered, we do not oppose this variance. However, impacts must be minimized and the variance the minimum necessary to provide relief. I have the following comments regarding the current development proposal.

1. Mitigation at a ratio of 3:1 for disturbance within the Buffer should be required.
2. Stormwater runoff from the patio should be directed to a stable vegetated outfall to provide water quality benefits on the property.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA563-03

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/

November 27, 2006

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

RE: 16121 Cobb Island Road; Hills Subdivision
ORD 60226

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is developed a Buffer Management Plan to resolve a violation for clearing, grading, and filling and placing a gazebo in the Buffer. The property is located within an Intensely Developed Area (IDA) and is currently developed with a single family dwelling, deck, driveway, and shed.

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

1. The proposed plantings should be spaced 10-feet apart from center to ensure survivability. I suggest spacing the plantings farther apart and into other areas such as the center portion of the 25-foot setback and where the existing gravel drive will be removed from.
2. The applicant will require a variance for the placement of the proposed gazebo unless they can demonstrate that they meet Charles County BEA provision standards in §297-132(C)(3)(c). Given the existence of the deck, the applicant currently enjoys outdoor use of their property. I believe it may be difficult for the applicant to meet all the standards necessary for a variance, including that of "unwarranted hardship".

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
CS750-06

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 27, 2006

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

RE: XRS60106 - Cullen
TM1, Parcel 223

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced subdivision. The applicant is proposing to create one 10-acre lot. The parcel is currently 69.55 acres in size of which 53.2645 acres lies within a designated Resource Conservation Area (RCA). The proposed lot is currently developed with a single-family dwelling, cemetery and gravel parking area.

Based on the information provided I have the following comments:

1. I recommend the applicant show the 100-foot Buffer expanded for hydric soils separately from the 25-foot buffer for nontidal wetlands. It appears the applicant has not included the 25-foot nontidal wetland buffer in all areas.
2. Given that DNR Wildlife and Heritage has identified the property as potential FIDS habitat, a note should be added to the plat stating that any future development will need to comply with Charles County zoning provisions for FIDS habitat in the Critical Area.
3. In addition to the above comment, the plat should show the boundary of all forested areas and provide the amount of forested acreage within the Critical Area.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
CS564-06

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 20, 2006

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

RE: Swan Point Golf Course
Revetment Replacement Project

Dear Ms. Dailey:

I am writing to provide comments regarding the above referenced project. The applicant is requesting a permit to replace 1,600 linear feet of existing and deteriorating bulkhead. The new bulkhead will be placed no more than 18" waterward of the existing bulkhead. Provided the applicant receives the necessary permits from the Maryland Department of the Environment, this office has no concerns as to the proposed project. I expect the applicant is meeting the provisions of the Charles County Zoning Code Section 297-131(5)(e) which allows for temporary disturbance to the Buffer to install approved shore erosion protection devices.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS740-06

Cc: Mr. Jon Dunn, US Steel Corporation
Mr. Milton McCarthy, McCarthy and Associates

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. Keith Lackie
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: Town of Princess Anne Police Station
Driveway and Parking Lot Expansion

Dear Mr. Lackie:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On November 1, 2006, the Critical Area Commission unanimously approved the Town of Princess Anne's proposal and site plan to construct a circular driveway behind the police department from Beckford Avenue, in the town of Princess Anne.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. In addition, please notify the Commission once the mitigation plantings have been implemented. A mitigation planting plan agreement is enclosed for your submittal. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt", followed by a horizontal line.

Kate Schmidt
Natural Resource Planner

cc: Mr. Frank White, President, Town Commissioners
Mr. Jay Parker, Town Manager

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

Nov. 15, 2006
~~October 26, 2006~~

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

RE: 9309 Overlook Circle; Clifton on the Potomac
SFD 60830

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on a 0.35 acre lot. The property is located within a Limited Development Area (LDA) and is currently undeveloped.

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

1. Critical Area Note #6 should also state the bald eagle nest Zone 3 time of year development restrictions.
2. I understand that planting for this and other lots held by Riverview Builders will be accomplished collectively off site. Please note that at a minimum the lot must be 15% wooded, which is 2,298 square feet. The site plan indicates 2,989 square feet of woodland will remain.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS693-06

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 15, 2006

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

RE: 12025 Overlook Circle; Clifton on the Potomac
SFD 60830

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on 13,718 square foot lot. The property is located within a Limited Development Area (LDA) and is currently undeveloped.

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

1. I understand that mitigation planting for this and other lots held by Riverview Builders will be accomplished collectively off site. Please note that at a minimum the lot must be 15% wooded, which is 2,058 square feet. The site plan indicates 3,624 square feet of woodland will remain.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS741-06

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 15, 2006

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

RE: 9432 Overlook Circle; Clifton on the Potomac

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on 15,000 square foot lot. The property is located within a Limited Development Area (LDA) and is currently undeveloped.

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

1. Critical Area Note #6 should also state the bald eagle nest Zone 3 time of year development restrictions.
2. I understand that mitigation planting for this and other lots held by Riverview Builders will be accomplished collectively off site. Please note that at a minimum the lot must be 15% wooded, which is 2,250 square feet. The site plan indicates 5,901 square feet of woodland will remain.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS739-06

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 14, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Knight's Court Subdivision
TM 62, Parcels 57 and 59

Dear Mr. DiGiacomo:

This letter concerns new information received regarding the above referenced subdivision. Since my last communication to you dated October 26, 2006 I have learned that within the Critical Area portion of this subdivision, not only will the dividing parcel line remain, but the two parcels were in existence prior to Critical Area law adoption in Cecil County. Therefore, your office is correct that the applicant retains a development right for each parcel within the Critical Area.

Thank you for bringing this matter to my attention. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 701-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

November 14, 2006

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

RE: Windsor Manor Subdivision – Revised Preliminary Plan
XPN 990033

Dear Mr. Ringling:

Thank you for providing the revised information regarding the above referenced revised subdivision proposal. The applicant is requesting to subdivide a 42.94-acre parcel to create 89 single-family detached lots and 1 estate lot. There are 9.35 acres within the Critical Area portion of the property. The Critical Area portion of the property is designated Resource Conservation Area (RCA) and is currently undeveloped. I have the following remaining comments.

1. Per Charles County Code Section 297-132.G(3), please include a note to address the following; roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats, and maintain hydrologic processes and water quality.
2. As previously noted, the applicant must address impacts to the Forest Interior Dwelling Bird (FIDS) habitat within the Critical Area portion of the site by adding a note referencing this presence of this habitat to the plat. In addition, should future clearing be proposed within the Critical Area portion of the site, please advise the applicant that submission of a Habitat Protection Plan (HPP) and FIDS mitigation worksheet will be required.

Thank you for the opportunity to provide comments on this revised major subdivision request. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS205-05

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/

November 13, 2006

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

RE: SFD60794 – Wellington Beach; Ron Blackburn
TM77, Parcel 21, Lot P6

Dear Ms. Dailey:

Thank you for providing new information regarding the above referenced site plan. The applicant is proposing to construct a new single family dwelling. The property is 44.5 acres and contains 28.67 acres designated Resource Conservation Area (RCA). It is currently undeveloped.

Based on the information provided I have the following comment:

1. Since my last comment letter, DNR provided an Environmental Assessment letter dated October 23, 2006 which suggests the site contains FIDS. Therefore, the applicant should complete and submit a FIDS conservation worksheet and a mitigation plan that meets FIDS mitigation guidelines. It would appear the applicant currently proposes to meet their mitigation requirement by planting in the area cleared for the driveway. A more appropriate FIDS mitigation plan would be to reduce the amount of proposed clearing for the driveway to the minimum necessary and plant the required mitigation in other already open areas.
2. Additionally, the applicant must determine whether the proposed activity will occur within ¼ mile of the known bald eagle's nest and develop an appropriate Habitat Protection Plan (HPP).

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS635-06

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 13, 2006

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

RE: SFD #60880
Tax Map78, Parcel 50

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on a 1.33 acre lot. The property is located within a Limited Development Area (LDA) and is currently developed with a single family dwelling.

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

1. The Limit of Disturbance should be indicated on the site plan, including the portion required for the low pressure dosing system. Mitigation of 1:1 will be required for all trees proposed to be removed.
2. The site plan should indicate the square footage of area within the Critical Area and the amount of impervious surface proposed within the Critical Area.
3. A Habitat Protection Plan (HPP) may be necessary based on the recommendation of DNR Wildlife and Heritage.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS725-06

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 9, 2006

Mr. Eric Sennstrom, Director
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

Re: Critical Area Map Designation Changes
Tax Map 20, Parcels 548 & 549
Town of Perryville Water Treatment Plant

Dear Mr. Sennstrom:

This office has received the above-referenced Critical Area map designation changes to the Cecil County Critical Area Program. The Town of Perryville Water Treatment Plant map change reclassified 5.0 acres from Resource Conservation Area (RCA) to Limited Development Area (LDA) identified as Parcels 548 and 549 on Tax Map 20. We are accepting this application as a complete submittal. 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) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Cc: Mayor Eberhardt, Town of Perryville
Commissioner Timothy Tolbert, Town of Perryville
Denise Breder, Town Administrator
Mary Ann Skilling, MDP

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 9, 2006

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Somerset County Detention Center

Dear Ms. Kean:

The purpose of this letter is to notify you that the Project Subcommittee of the Critical Area Commission determined that the above referenced project is incomplete. Final approval by the Board of Zoning Appeals regarding the impervious surface limits must be obtained prior to Commission approval of this project. As you are aware per your conversation with Ren Serey, the Project Subcommittee also had questions regarding the inclusion of this area within the Critical Area and as a Resource Conservation Area (RCA). The Subcommittee thus requested that when the above information is submitted for a complete packet, Somerset County includes, to the extent available, the following information:

1. Information stating why the Critical Area was expanded in this area
2. Information as to why this area was designated as RCA
3. Whether the County ever considered mapping this portion of the extended area as IDA

I look forward to assisting you in any way towards determining the above information. Please feel free to contact me at any time.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 8, 2006

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

RE: SFD #60865
Tax Map 79, Parcel 102, Lot 5, Block L
Clifton on the Potomac

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on a 13,930 square foot lot. The property is located within a Limited Development Area (LDA) and is currently undeveloped.

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

1. It appears this lot falls within the ¼ mile protection area (Zone 3) of a bald eagle's nest, as identified in the Habitat Protection Plan developed by McCarthy & Associates and Lawrence Abell & Associates for Clifton on the Potomac. Should this be the case, the site plan should reflect the Zone 3 development restrictions in the form of a plat note.
2. The variance to development on steep slopes should be the minimum necessary; therefore the site plan should reflect the area of steep slopes in order to properly evaluate the variance.
3. Please submit the revised planting plan that reflects the comments made by you in your letter of November 1, 2006.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS724-06

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 8, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: CA VAR 06857; Hickman
Tax Map 51, Parcel 32, Block 8

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct an addition to their home with less Buffer than required. The property is 2.8 acres and designated as Resource Conservation Area (RCA). It is currently developed with an single-family dwelling.

In 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. It would appear from the provided site plan, that the applicant may be able to reduce the size of the proposed addition and not require a variance.

Should the Board grant the variance, mitigation should be provided at a ratio of 3:1 for area of disturbance in the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
SO 714-06

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/

October 30, 2006

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

Re: 2006-0363-V; 141 S. Winchester Road
William Lamon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a retaining wall with less Buffer than required and with disturbance to steep slopes. The lot is 1.67 acres feet in size, designated as Limited Development Area (LDA) and is partially within the expanded 100-foot Buffer.

Provided the lot is properly grandfathered, we do not oppose the variance to the setbacks or steep slopes. However, impacts must be minimized and the variance the minimum necessary to provide relief. If the applicant has not done so already, I recommend the proposal be reviewed by the Soil Conservation District to determine if the location and design of the retaining wall is appropriate. Mitigation should be provided at ratio of 3:1 for clearing inside the expanded Buffer. This office recommends that plantings be accommodated on site to extent possible, preferably within the Buffer. Plantings of one tree (2-inch caliper) or three shrubs for every 100 square feet (or portion thereof) of the proposed development activity should be required.

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

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
cc: AA708-06

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/

October 27, 2006

Mr. David Black
Cecil County Office of Planning and Zoning
129 E. Main Street, Room 300
Elkton, MD 21921

Re: Morning Cheer Inc. Waste Water Treatment Plant Improvements
TM 35, Block 21, Parcel 148

Dear Mr. Black:

Thank you for providing the information on the above referenced project. The applicant is seeking to make improvements at an existing waste water treatment plant. The parcel is located in the Limited Development Area (LDA).

At this time insufficient information has been provided to complete a Critical Area review. I am unable to determine both the activity proposed and the potential critical area impacts to be reviewed. Please update the site plan with the following information; parcel size, existing impervious surface on the entire parcel, proposed new impervious surface, limit of disturbance of proposed work, existing woodland and amount of woodland proposed to be cleared, and impacts to any habitat protection areas.

I suggest this information be included on the site plan under Critical Area notes. Additionally, it would appear that the project lies within a sensitive species review area. A request for review should be forwarded to DNR Wildlife and Heritage and their comments incorporated appropriately prior to the issuance of a building permit.

If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 688-06

Attachment (1)

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 26, 2006

Mr. David Black
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: YMCA of Cecil County
TM309 Block 24 Parcel 100

Dear Mr. Black:

This letter is in regards additional information provided to me concerning the above referenced site plan. The applicant has forwarded to this office a set of impervious surface figures to this office for review. The site is 34.37 acres in size, of which we are informed 19.3 acres are within the Critical Area. The applicant states that 2.34 acres of impervious surface currently exists within the Critical Area or 12.1%. They propose to increase impervious surface to 2.38 acres or 12.33%, within the allowable limit of 15% for Limited Development Area (LDA) (see attachment).

I recommend Critical Area notes be added to the site plan stating the amount of acreage within the Critical Area, existing impervious surface, proposed impervious surface, and a statement that the applicant is limited to 2.895 acres of impervious surface (15%) within the Critical Area portion of the site.

If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE422-06

Attachment (1)

Cc: Mr. Fred Orr, Vollmer Associates

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 26, 2006

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

Re: Candland Subdivision Habitat Protection Plan [XRS 04-0062]

Dear Ms. Dailey:

This letter is provided in response to the most recently revised Habitat Protection Plan (HPP) received in conjunction with the above referenced subdivision. Based on the information provided, I have the following comments in relation to my last communication to you from June 20th, 2006.

Habitat Protection Plan & General Notes

1. The purpose of the separate plat for the Habitat Protection Plan is to help clearly identify restrictions and requirements for each lot as it is developed. As I will discuss further in this letter, the plat should include the 300-foot FIDS interior habitat line, drawn from the existing road. This will identify areas of interior forest habitat and areas of edge forest habitat more clearly.
2. The plat should also include a note referencing the written Habitat Protection Plan and all provisions therein that must be followed at the time of site development.

Rare, Threatened, or Endangered Species

3. The plat should include a note referencing that habitat protection measures for the primrose willow (*Ludwigia decurrens*) will be satisfied at the time of permitting.

FIDS

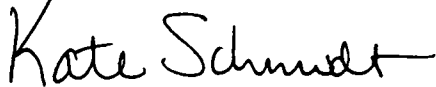
4. My review of the site plan and aerial images (MidMaryland 2002, MidMaryland 2004, and USDA 2005 imagery) indicate that all of Lots 1 and 2 meet the definition of forested. The creation of "edge" in a FIDS forest is the result of manmade features, such as roads, driveways, powerlines or other easements. Small breaks in canopy that are the result of natural forest processes or that have been allowed to revegetate are not used to define edge habitat. Additionally, the Commission does not consider the existence of waterways or wetland habitats

as edge as these areas play a habitat role. Therefore, the applicant should indicate the forest interior by including a line parallel to and 300-feet from the existing driveway.

5. Given that this is a new subdivision and that there is "edge" habitat available to the applicant, it is my opinion that the proposed lots will not meet the FIDS mitigation guidelines at the time of site development. Therefore, I recommend the applicant complete the FIDS mitigation worksheets and include the amount of required FIDS mitigation for each lot on the plat. The note should also state that mitigation must be satisfied at the time of site development, if it is not satisfied beforehand, and mitigation may be reduced if the amount of clearing is reduced. I also recommend Charles County require the applicant to include the same note on the deeds for each lot. Based on the information provided I have estimated the amount of required mitigation for each Lot using the FIDS Mitigation Worksheet (see attachment). Lot 1 will be required to provide 1.12 acres of mitigation at the time of site development and Lot 2 will be required to provide 5.19 acres. I recommend the applicant provide for FIDS mitigation at this time rather than putting the burden on the eventual purchasers of the subdivided lots.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
CS324-03

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/

October 26, 2006

Mr. David Black
Cecil County Department of Planning and Zoning
129 East Main Street, Room 300
Elkton, MD 21921

RE: North East River Yacht Club
TM 30/36, Parcel 270/12

Dear Mr. Black:

This letter is in regard to the above referenced project. The applicant has provided this office with a copy of the approved Erosion & Sediment Control plan in order to clarify the process by which the dredge spoil will be removed. Based on the information provided, I have no further Critical Area concerns regarding the proposal. The area of disturbance should be re-established in native vegetation following completion of the project.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 331-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

October 26, 2006

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

RE: 9309 Overlook Circle; Clifton on the Potomac
SFD 60830

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on a 0.35 acre lot. The property is located within a Limited Development Area (LDA) and is currently undeveloped.

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

1. It appears this lot falls within the ¼ mile protection area (Zone 3) of a bald eagle's nest, as identified in the Habitat Protection Plan developed by McCarthy & Associates and Lawrence Abell & Associates for Clifton on the Potomac. Should this be the case, the site plan should reflect the Zone 3 development restrictions.
2. The submitted planting plan does not conform to Charles County standards for mitigation plantings. I understand the applicant is exploring off site options for this and other lots in the development process. While this is acceptable to this office, I recommend a portion of the mitigation requirement for each lot be achieved on site to the extent feasible. In this case, it would appear that there is opportunity to achieve some plantings.
3. Please have the applicant verify the amount of existing woody vegetation to be cleared. The submitted plan shows two proposed treelines.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS693-06

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/

October 26, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Knight's Court Subdivision
TM 62, Parcels 57 and 59

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above referenced subdivision. The applicant is proposing to create a 45 lot subdivision. The site area is 298.9 acres of which 35.6 acres is located within a Resource Conservation Area (RCA).

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

1. It appears that under the Critical Area notes, the areas listed for each lot has been switched.
2. Based on the development density restrictions in the RCA of one dwelling unit per twenty acres, the Critical Area portion of the site is limited to one dwelling unit. It may be necessary to restrict one of the lots from constructing a dwelling unit within the Critical Area to meet this requirement.
3. The 110-foot Buffer must be expanded for steep slopes and erodible soils as defined in Cecil County Zoning Code Section 196.b.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 701-06

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/

October 26, 2006

Ms. Joan Kean
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Jerry Taylor Rezoning; 10027 N. School Road
REZ 06-166

Dear Ms. Kean:

Thank you for providing information on the above referenced zoning change proposal. The applicant is requesting a change in zoning from Conservation (CO) to Maritime Residential Commercial (MRC). The property is 16.06 acres in size and designated as Limited Development Area (LDA). No specific project is proposed at this time.

Based on the information provided, I do not oppose the change in underlying zoning.

Thank you for the opportunity to provide comments. As always, if you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
SO 694-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

October 26, 2006

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

Re: 2006-0358-V; 201 McLean Place
James Landas

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (deck with hot tub) with less Buffer than required. The lot is 65,588 square feet in size, designated as Limited Development Area (LDA) and is entirely within the 100-foot Buffer.

Based on the information provided, this office would not support this variance request. In this instance, the applicant is proposing to increase the size of deck in the Buffer and proposes to install a hot tub. The applicant already has significant deck space available, approximately 450 square feet, waterward of the dwelling (see attached image). The proposed expansion is 180 square feet in size, of which 50 square feet will be impervious surface. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to the protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. I do not believe the applicant can meet the standard of unwarranted hardship given that they already enjoy significant outdoor use of their property.

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

Sincerely,

Kate Schmidt

Kate Schmidt

Natural Resource Planner

cc: AA691-06

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/

October 25, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Bohemia Crossing, Lots 1-13
TM 54, Parcels 11 and 33

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above referenced minor subdivision. The applicant is proposing to create a 13-lot subdivision. The site area is 50.25 acres of which 6.19 acres is located within a Resource Conservation Area (RCA).

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

1. The applicant must provide a 110-foot Buffer around tributary streams, which are defined as either perennial or intermittent. Additionally, the Buffer must be expanded for steep slopes and/or erodible soils as defined in Cecil County Zoning Code Section 196.b.
2. Based on the development density restrictions in the RCA of one dwelling unit per twenty acres, the Critical Area portion of the site is limited to one dwelling unit.
3. The intent of the Critical Area portion of the site should be clarified as it appears that Parcel 'B' is currently developed. Given that nearly all of this area may be within the expanded 110-foot Buffer, the applicant will be limited to the same use and footprint of what currently exists.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 702-06

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/

October 24, 2006

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

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

Dear Ms. Kelley:

This letter is in reference to our continuing review of the above referenced subdivision proposal. The applicant has reduced their request to subdivide a 354.29 acre parcel from 30 lots to eighteen lots, of which only one will be located in the Critical Area portion. Based on the revised subdivision plat and the previous reviews, I have the following comments:

1. I would like to continue to reiterate the comments made by Kerrie Gallo, CAC, in her September 20, 2005 letter concerning the field delineation of tidal and non-tidal wetlands and the determination of private versus State tidal wetland areas.
2. The boundaries of the lot proposed within the Critical Area will need to be adjusted once the determination of State wetland areas is made. Not only is the State versus private wetlands determination important for the density calculation, State tidal wetlands cannot legally be included within the boundaries of a privately owned lot or parcel or the acreage numbers used in impervious surface and forest clearing calculations.
3. The amount of existing impervious area within the Critical Area should be added back to the preliminary plat.
4. Only one private pier is allowed under Charles County Code Section 297-131.A(1). The pier located in Zone 1 of the Bald Eagle Habitat Protection Area should be removed. Additionally, the applicant will need to show how the pier will be reached as significant disturbance to tidal and non-tidal wetlands may be required.
5. If the land use in Parcel E is currently in agriculture then the Buffer must be established in vegetation (COMAR 27.01.09.01.C/6) once it becomes residential. Vegetation may be planted or allowed to naturally regenerate if feasible.

6. A note referencing the Bald Eagle Nest Protection Guidelines provided by DNR Wildlife and Heritage should be added to the final subdivision plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
CS214-05

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 23, 2006

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

Re: 2006-0341V; 625 Holly Ridge Road
Herbert Mitchell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new dwelling with less Buffer than required and with disturbance to slope of 15% or greater. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, decks, garage, driveways, retaining wall, and pool.

This office does not oppose the establishment of a new dwelling in the same location as, and no further shoreward than, the existing dwelling. However, impacts should be minimized to the extent possible and the variance the minimum necessary. In this instance, the dwelling is located in approximately the same footprint as the existing house. However, the applicant will require a variance for impervious surface over 15%. Currently, 35.8% of the site is covered with impervious surface. The redevelopment plan will only reduce the impervious surface to 31.66%. Grandfathered LDA's over one acre in size are limited to 15% impervious surface. Additionally, impervious surface within the 100-foot Buffer should be mitigated at a 3:1 ratio. It would appear from the aerial imagery that plantings could be accommodated shoreward of the dwelling. Plantings should consist of densely grouped native trees and shrubs. The submitted planting plan of only shrubs should be revised to include trees as provided in Anne Arundel County Code Section 17-8-303.

Disturbance to Steep Slopes, Grading and Structures in the 100-foot Buffer

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards,

TTY for the Deaf

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

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 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 Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to grade steep slopes within the 100-foot Buffer shoreward of the proposed dwelling and to place new structures in the 100-foot Buffer in the form of steps, landings, and retaining walls. While we note that this office understands the need to grade steep slopes in association with proposed development, all proposed grading must be necessary to both establish a dwelling and maintain the structural integrity of the dwelling. Based on the information provided, it is our position that the amount of grading and stabilization proposed is excessive and beyond what is necessary to stabilize the dwelling.

The County's Critical Area Law and Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. The applicant's grading proposal lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. In opposing the disturbance to steep slopes variance, I have addressed each of the standards as it pertains to this case:

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

As indicated, we are not opposing the applicants' right to replace an existing dwelling within the Buffer and ensure the structural stability of that dwelling. However, as stated in Anne Arundel County Code 17-8-201 & 202, development may not occur within slopes of 15% or greater unless it will facilitate stabilization of the slope and development should be located to avoid disturbance of existing native or wooded vegetation. Section 17-8-301 states no new structures may be located in the 100-foot Buffer except for water-dependent uses and shore erosion protection measures and Section 17-8-302 states that the 100-foot Buffer and expanded Buffer shall be maintained in natural vegetation. Currently, a house exists on the site of approximately the same size as the one proposed, 2,927 square feet. Additionally, the applicant has large amounts of impervious surface on the property both within and outside of the 100-foot Buffer. And finally, based on aerial imagery there are existing trees and shrubs within the area proposed to be graded. Therefore, it would appear that there is sufficient opportunity to redevelop the house site and provide for a stable structure. The steep slopes area behind the house may be stabilized by finding more opportunities to reduce impervious surface which is facilitating runoff onto the steep slopes and by providing additional trees and shrubs to naturally revegetate the area. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor.

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

This office would not support similar variance requests to grade both steep slopes and the 100-foot Buffer, where evidence has not been provided to show that it is necessary to locate a dwelling on

the property. There is sufficient opportunity on this property to construct a new dwelling and stabilize the steep slope area through natural means. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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 disturb steep slopes and the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). 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.*

Based on the information provided, the applicant has not shown a need to disturb this area. The proposed grading and removal of existing vegetation will further disrupt the ability of the 100-foot Buffer to function.

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

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the mix of vegetation that could potentially exist on the site to only shrubs, whereas a mix of native shrubs, trees, and ground cover could provide significant benefits to fish, wildlife, and plant habitat. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

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,



Kate Schmidt
Natural Resource Planner
cc: AA650-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

October 18, 2006

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

Re: 2006-0340V; 800 Dodge Ash Trail
Charles Hogendorp

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new dwelling and associated facilities with less setbacks than required and with disturbance to slopes of 15% or greater. The site area consists of several small lots and totals 45,000 square feet. The site lies partially within the Resource Conservation Area (RCA) and contains an expanded 100-foot Buffer for steep slopes.

Based on the information provided I have the following comments:

1. Provided these lots are properly grandfathered, this office does not oppose a variance to disturb steep slopes in order to establish a dwelling on it. As indicated on the site plan, most of the lot contains steep slopes. We recognize that a variance is necessary to permit development of the property.
2. As currently shown on the site plan, a 100-foot Buffer is required for all tributary streams, which are defined as perennial or intermittent. If the stream meets this definition a variance will be required for impacts to the expanded Buffer. Provided these lots are properly grandfathered, this office would not oppose such a variance. However, the applicant will need to provide mitigation at a ratio of 3:1, consisting of native trees and shrubs.
3. The applicant is proposing to remove 13,000 square feet of existing woodland, or 28.8%. Per Anne Arundel County Code Section 18-8-602(c) mitigation must be provided at 1.5:1, or for 19,500 square feet, in addition to mitigation for impacts to the Buffer.

TTY for the Deaf

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

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,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
cc: AA676-06

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/

October 18, 2006

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

Re: 2006-0346V and 2006-0347V; 1187 & 1189 Poplar Avenue
Tax Map 69, Block 18, Lots 18/19 & 20/21
U.S. Financial Capital Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variances. The applicant is requesting a variance for each property to allow a new dwelling with less buffer to non-tidal wetlands than required. Both lots 9,500 square feet in size, designated as Limited Development Area (LDA), and are currently undeveloped.

Provided the lots are properly grandfathered, we do not oppose these variances. Mitigation at a ratio of 1:1 for forest clearing in LDA should be provided. Plantings should consist of groupings of native shrubs and trees and be accommodated on site to the extent possible.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA678-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

October 17, 2006

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

RE: RH Scott Subdivision
SFD 60807

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling, septic, well, and driveway. The property is 39,934 square feet in size and designated Resource Conservation Area (RCA). It is currently developed with a single family dwelling.

Based on the information provided, I have the following comment:

- The site plan should indicate the location of the proposed planting.
- Based on the information from DNR Wildlife and Heritage, the applicant may have time of year or other building restrictions to follow. I recommend holding the building permit if possible until such information is received.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS684-06

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**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 17, 2006

Ms. Betsy Vennell
Zoning Administrator
Town of North East
P.O. Box 528
North East, Maryland 21901

RE: North East Isles Lots 98, 99, & 100

Dear Ms. Vennell:

Thank you for providing information regarding the proposed site plan for Lots 98, 99, and 100 in the North East Isles subdivision. The applicant is proposing to develop each lot with a single-family dwelling. The parcels which are adjacent to each other range in size from approximately 0.5 acre to 1.0 acre. They are designated as Limited Development Area (LDA) and entirely within the expanded 100' Buffer for steep slopes. Mary Ann Skilling and I have jointly reviewed this project. Based on the information provided, we offer the following comments:

1. It appears that the forest clearing on Lot 100 could be minimized. However, if the applicant demonstrates clearing and grading is necessary for the stability of the proposed dwelling, then a portion of the required mitigation plantings may occur in this area.
2. The total mitigation provided under the proposed lot data chart is incorrect. Given that all three lots are entirely within the 100-foot Buffer, mitigation must occur at a 3:1 ratio for the entire area disturbed. The site data states that the area of impact within the expanded Buffer is 0.66 acres; therefore the total mitigation required will be 1.98 acres. I recommend at least a portion of this mitigation occur on site, as mentioned above.
3. I recommend the applicant consider a community pier and single access point for the three lots in order to reduce the mitigation requirement. While access to piers through the Buffer is permitted, any proposed clearing or removal of trees will have to be mitigated at a 2:1 ratio. If the developer does not provide a single community pier, the location of the piers and access to each pier must be shown on the plan and mitigation for Buffer disturbance provided at the 2:1 ratio for all disturbances.
4. It is our understanding that the applicant has applied for an MDE permit for a revetment along the shoreline but no longer plans to construct the revetment.

5. How will the roadway be stabilized? Previously the MDE permit application showed grading in the Buffer down to the revetment to stabilize the road. If grading is required for the road, the limit of disturbance will need to be expanded and included in the mitigation ratio.
6. Stormwater and sediment and erosion control permits must be obtained prior to final site plan approval.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
NE424-06

cc: Mary Ann Skilling, Critical Area Circuit Rider

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

October 17, 2006

Mr. Stephen Crowell
VIKA Incorporated
8180 Greensboro Drive, Suite 200
McClean, VA 22102

Re: Indian Head NSWC
Riverview Village Phase I
Critical Area Commission - Coastal Zone Consistency Review
VIKA #6850B

Dear Mr. Crowell:

Thank you for submitting information regarding the above referenced project to review for consistency under the Maryland Coastal Zone Management Act and the goals and objectives of the Critical Area Law and Criteria. The proposed project will construct 136 residential units at the Naval Support Facility – Indian Head, located in the Town of Indian Head, Maryland. Based upon my initial review of the information provided, it would appear that the site area would be considered “intensely developed”. Therefore, the 10% pollutant reduction rule for the portion located within the Critical Area would apply.

At this time, please submit the appropriate worksheet to calculate the pollutant removal requirement for the site. You may download the Critical Area Commission guidance manual from our website at www.dnr.state.md.us/criticalarea/. Or you may pick up a hard copy from our offices. In order to appropriately calculate the 10% pollutant reduction requirement you will need to indicate the portion of the site within the Critical Area.

Thank you for your assistance and I look forward to continuing to work with you on this project.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner
47-06 US Navy

Cc: Mr. Eldar Ghigarelli, MDE

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 13, 2006

Ms. Diane Campbell
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: Southern Maryland Investment Group, 102 Mattingly Avenue
TM 11, Parcel 630, Lot 41

Dear Ms. Campbell:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting to construct a single-family dwelling. The lot is 14,430 square feet in size and designated as Limited Development Area (LDA). The property is currently undeveloped.

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

1. It would appear that there will be disturbance to slopes greater than 15%. Under Town of Indian Head Zoning Code Section 955(c)(vi), development on steep slopes in LDA's is prohibited without a variance. This office typically does not oppose such variances provided the lot is properly grandfathered and the applicant can meet all of the variance standards established under Natural Resources Article 8-1808(d).
2. Based on the site plan, it appears there is a stream located on the property. According to the Town Zoning Code Section 971(b), all tributary streams require a 100-foot Buffer. Tributary streams are defined as either perennial or intermittent. If the stream on this property meets this definition the 100-foot Buffer must be shown and the applicant must again obtain a variance to develop within the Buffer.
3. Under Town Zoning Code Section 955(c)(iii) and (iv) woodland clearing is limited to 20%, however clearing may be granted up to 30% as long as mitigation is provided at a 1.5:1 ratio. Clearing over 30% is strictly prohibited. In this case, the applicant is proposing to clear 61% of the existing woodland. The applicant may request a variance; however they must be able to demonstrate they can meet all of the variance standards, including that of "unwarranted hardship". The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the entire parcel or lot. Typically, this office recommends 3:1 mitigation for clearing over 30%.

TTY for the Deaf

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

4. Critical Area Commission guidance for forest mitigation plantings recommends 1 tree of 2" caliper for every 100 square feet or 1 shrub for 50 square feet. Alternatively, credit of 400 square feet can be given for grouped plantings of 1 tree and three shrubs.
5. Impervious surface for grandfathered lots of this size is limited to 31.25%. In this case, the applicant is proposing 2,610 square feet of impervious surface which is 18% of the lot area. I recommend a note be added to the plat stating that they are limited to 4,509 square feet in case any future development activities are proposed.

As a reminder, this office must receive note of variance to provide review and comment two weeks prior to a hearing date. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
IH 675-06

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/

October 13, 2006

Ms. Diane Campbell
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: Southern Maryland Investment Group, 100 Mattingly Avenue
TM 11, Parcel 630, Lot 40

Dear Ms. Campbell:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting to construct a single-family dwelling. The lot is 14,430 square feet in size and designated as Limited Development Area (LDA). The property is currently undeveloped.

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

1. It would appear that there will be disturbance to slopes greater than 15%. Under Town of Indian Head Zoning Code Section 955(c)(vi), development on steep slopes in LDA's is prohibited without a variance. This office typically does not oppose such variances provided the lot is properly grandfathered and the applicant can meet all of the variance standards established under Natural Resources Article 8-1808(d).
2. Based on the site plan, it appears there is a stream located on the property. According to the Town Zoning Code Section 971(b), all tributary streams require a 100-foot Buffer. Tributary streams are defined as either perennial or intermittent. If the stream on this property meets this definition the 100-foot Buffer must be shown and the applicant must again obtain a variance to develop within the Buffer.
3. Under Town Zoning Code Section 955(c)(iii) and (iv) woodland clearing is limited to 20%, however clearing may be granted up to 30% as long as mitigation is provided at a 1.5:1 ratio. Clearing over 30% is strictly prohibited. In this case, the applicant is proposing to clear 38.9% of the existing woodland. The applicant may request a variance; however they must be able to demonstrate they can meet all of the variance standards, including that of "unwarranted hardship". The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the entire parcel or lot. Typically, this office recommends 3:1 mitigation for clearing over 30%.

TTY for the Deaf

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

4. Critical Area Commission guidance for forest mitigation plantings recommends 1 tree of 2" caliper for every 100 square feet or 1 shrub for 50 square feet. Alternatively, credit of 400 square feet can be given for grouped plantings of 1 tree and three shrubs.
5. Impervious surface for grandfathered lots of this size is limited to 31.25%. In this case, the applicant is proposing 1,773 square feet of impervious surface which is 12% of the lot area. I recommend a note be added to the plat stating that they are limited to 4,509 square feet in case any future development activities are proposed.

As a reminder, this office must receive note of variance to provide review and comment two weeks prior to a hearing date. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
IH 674-06

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/

October 13, 2006

Ms. Diane Campbell
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: F.E. Mattingly Subdivision/Site Plan
TM 11, Parcel 530, Lots 37, 38, 39

Dear Ms. Campbell:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting to construct a single-family dwelling on the combined lots. The total area of all three lots is 43,290 square feet in size and they are designated as Limited Development Area (LDA). The property is currently undeveloped.

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

1. It would appear that there will be disturbance to slopes greater than 15%. Under Town of Indian Head Zoning Code Section 955(c)(vi), development on steep slopes in LDA's is prohibited without a variance. This office typically does not oppose such variances provided the lot is properly grandfathered and the applicant can meet all of the variance standards established under Natural Resources Article 8-1808(d).
2. I believe there may be a possibility of a stream located on the property. According to the Town Zoning Code Section 971(b), all tributary streams require a 100-foot Buffer. Tributary streams are defined as either perennial or intermittent. If the stream on this property meets this definition the 100-foot Buffer must be shown and the applicant must again obtain a variance to develop within the Buffer.
3. Under Town Zoning Code Section 955(c)(iii)C the applicant is limited to clearing up to 20% of any forest or developed woodland and mitigation provided at a 1:1 ratio. In order to determine the percent of forest cleared, the applicant should provide the square footage of existing forest.
4. Critical Area Commission guidance for forest mitigation plantings recommends 1 tree of 2" caliper for every 100 square feet or 1 shrub for 50 square feet. Alternatively, credit of 400 square feet can be given for grouped plantings of 1 tree and three shrubs. I suggest the provided mitigation plan be revised to include shrubs in order to receive the credits of 400 square feet.

As a reminder, this office must receive note of variance to provide review and comment two weeks prior to a hearing date. Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
IH 673-06

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/

October 12, 2006

Ms. Awilda Hernandez
Board of Appeals
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: Stormwater Management Pond Review – Impervious Surface Request
River Watch Subdivision; IH 245-03

Dear Ms. Hernandez:

This office is in receipt of the revised proposal for stormwater drainage improvements in order to accommodate additional development at the Riverwatch Subdivision from Centex Homes and ADTEK Engineers. The applicant is proposing to meet the 10% pollutant reduction requirement by converting the existing detention pond to a best management practice with a higher pollutant removal efficiency and constructing a dry swale. Based on the information provided, I have the following comments.

1. The applicant is proposing to change an existing detention pond to a wet pond system in order to treat the increased pollutant load. As designed, it appears that the proposed system will fall within the 100-foot Buffer (required for tributaries within the Critical Area). However, the intrusion into the Buffer is no further than the existing detention pond. The stormwater outfall has increased, however outfalls are allowed within the 100-foot Buffer as a water dependent structure.
2. I have also reviewed the worksheet calculating the pollutant removal requirement. The applicant is required to remove 5.75 pounds of phosphorous annually. The proposed systems will remove 5.94 pounds of phosphorous; therefore the 10% pollutant reduction requirement is met.

On a separate note, as you may be aware, it has recently come to our attention that the 100-foot Buffer which impacted this stormwater pond also extends through many of the lots on Riverwatch Lane (Parcel A, Lots 1-14). The Critical Area Commission intends to initiate discussions with Centex Homes concerning these lots in order to assist the Town in developing a consistent approach for future activities.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned above the typed name and title.

Kate Schmidt
Natural Resources Planner

IH 245-03

Cc: Mr. Richard Parks, ARRO Group
Mr. Francis Silberholz, Centex Homes
Mr. Shawn Benjamin, ADTEK

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 10, 2006

Mr. Keith Lackie
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: Variance Request – Harmann/Nutters Purchase Addition
Tax Map 202, Parcel 116

Dear Mr. Lackie:

Thank you for providing information on the above referenced variance in the Town of Princess Anne. The applicant is requesting a variance to allow an addition to a single family dwelling with less Buffer than required. The property is 1.1 acres in size and designated as Limited Development Area (LDA) and Buffer Exemption Area (BEA). It is currently developed with a single-family dwelling, driveway, walkways and deck.

Provided the lot is properly grandfathered, we do not oppose this variance. Mitigation of 2:1 should be provided for new disturbance to the Buffer. Mitigation plantings should be accommodated on site and directed first towards the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: PA665-06

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/

October 10, 2006

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Eby/Shaner Growth Allocation Planting Plan

Dear Ms. Kean:

This letter is to notify you of our receipt of a mitigation planting agreement for the above referenced project. This plan is being submitted in fulfillment of the Critical Area Commission's condition of approval, as granted at its September 6, 2006 meeting. At this time, I have reviewed the plan and find that it sufficiently fulfills the Commission's condition of approval. As a component of this agreement, please notify Commission staff once the plantings have been implemented.

I also note that the surveyor and owners have been notified as to their obligation to include a note on the subdivision plat regarding the additional 60-feet of setback from the 100-foot Buffer and will forward a copy to this office when it is complete.

Thank you for your assistance in bringing this project before the Commission. Please contact me at 410-260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

cc: SO31-05

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 3, 2006

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

Re: 2006-0325V; 224 Dunlap Road
Robert McCauley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure (shed) with less setbacks than required. The property is designated as Intensely Developed Area (IDA) and the lot is currently developed with a single family dwelling.

We have no comments regarding the setback variance. Because the property is located in the IDA, the applicant must meet the 10% pollutant reduction rule for the increase in impervious surface.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA630-06

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/

October 3, 2006

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

Re: 2006-0336V; 1784 Chesapeake Place
Ronald Cole

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (sunroom) with less Buffer than required. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, driveway, pool and deck.

Provided the lot is properly grandfathered, we do not oppose this variance. However, impacts must be minimized and the variance the minimum necessary. Mitigation at a 3:1 ratio should be required for new disturbance within the Buffer. Mitigation plantings should be accommodated on site and directed first towards the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA647-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

October 3, 2006

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

Re: 2006-0342V; 610A Holly Ridge Road
U.S. Financial Capital

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks than required and with disturbance to steep slopes. The property is designated as Limited Development Area (LDA) and the lot is currently undeveloped.

This project is the subject of a variance to establish a dwelling received in August 2005. Based on the information provided, it would appear this variance request is largely the same although the applicant has increased the proposed parking area and added a deck to the dwelling. At that time, this office did not oppose the variance to establish a dwelling, though impacts must be minimized and the variance the minimum necessary. If this new request is granted, this recommends that the following be made conditions of the variance.

- Mitigation should be accommodated on the site to the extent possible.
- Areas disturbed to install utilities and the stormwater management outfall pipe should be replanted in natural vegetation.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA313-05

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 2, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

Re: Town of North East
Critical Area Ordinance Update

Dear Ms. Skilling:

I have reviewed the above referenced ordinance amending Section 5-10 of the Code of the Town of North East. Two weeks ago, we reviewed the document together and went over several changes that had been made since the last draft. These changes are documented in the attached ordinance, which was also transmitted electronically to you on October 2, 2006 (footnote states Reviewed by Kate Schmidt, October 2, 2006). Based on these changes, this letter outlines the remaining outstanding issues to be addressed to ensure that the ordinance is consistent with the Critical Area Law and Criteria:

- A. Definitions.** The Maryland General Assembly during the 2006 legislative session made changes to Critical Area law to clarify authority provisions; Chapter 55 of the 2006 Laws of Maryland: "Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Critical Area Commission – Authority." The definitions from Chapter 55 are to be incorporated into the definitions section of your local Critical Area Program.

"DEVELOPER" MEANS A PERSON WHO UNDERTAKES DEVELOPMENT ACTIVITY AS DEFINED IN THIS ORDINANCE; OR A PERSON WHO UNDERTAKES DEVELOPMENT AS DEFINED IN THE CRITERIA OF THE COMMISSION.

(Note: This definition should replace any other definition for "developer" that applies within the Critical Area.

"PROGRAM AMENDMENT" MEANS ANY CHANGE OR PROPOSED CHANGE TO AN ADOPTED PROGRAM THAT IS NOT DETERMINED BY THE COMMISSION CHAIRMAN TO BE A PROGRAM REFINEMENT.

"PROGRAM REFINEMENT" MEANS ANY CHANGE OR PROPOSED CHANGE TO AN ADOPTED PROGRAM THAT THE COMMISSION DETERMINES WILL RESULT IN A

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

USE OF LAND OR WATER IN THE CHESAPEAKE BAY CRITICAL AREA OR ATLANTIC COASTAL BAYS CRITICAL AREA IN A MANNER CONSISTENT WITH THE ADOPTED PROGRAM, OR THAT WILL NOT SIGNIFICANTLY AFFECT THE USE OF LAND OR WATER IN THE CRITICAL AREA. PROGRAM REFINEMENT MAY INCLUDE:

1. A CHANGE TO AN ADOPTED PROGRAM THAT RESULTS FROM STATE LAW;
2. A CHANGE TO AN ADOPTED PROGRAM THAT AFFECTS LOCAL PROCESSES AND PROCEDURES;
3. A CHANGE TO A LOCAL ORDINANCE OR CODE THAT CLARIFIES AN EXISTING PROVISION; AND
4. A MINOR CHANGE TO AN ELEMENT OF AN ADOPTED PROGRAM THAT IS CLEARLY CONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE AND ALL THE CRITERIA OF THE COMMISSION.

B. Program Amendments and Refinements. In addition, Chapter 55 specifically provides for the Commission to review amendments and refinements for consistency with the Critical Area law and criteria and clarifies the various actions the Commission can take on proposed Critical Area Program changes submitted by local governments. The following language should be added to 5-10.25. Amendments in the Critical Area Overlay District:

WHEN THE COUNTY SUBMITS A REQUEST FOR REVIEW AND APPROVAL OF CHANGES TO ANY ELEMENT OF THE COUNTY'S CRITICAL AREA PROGRAM INCLUDING, BUT NOT LIMITED TO, THE ZONING ORDINANCE, SUBDIVISION REGULATIONS, AND CRITICAL AREA MAPS, THE REQUEST SHALL INCLUDE ALL RELEVANT INFORMATION NECESSARY FOR THE CHAIRMAN, AND AS APPROPRIATE, THE COMMISSION, TO EVALUATE THE CHANGES. THE CHAIRMAN, AND AS APPROPRIATE, THE COMMISSION SHALL ENSURE THAT ANY REQUESTS FOR PROGRAM CHANGES ARE CONSISTENT WITH THE PURPOSES, POLICIES, GOALS, AND PROVISIONS OF THE CRITICAL AREA LAW AND ALL CRITERIA OF THE COMMISSION.

IN ACCORDANCE WITH THE COMMISSION'S DETERMINATION OF CONSISTENCY AS OUTLINED ABOVE, THE COMMISSION SHALL:

1. APPROVE THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT AND NOTIFY THE LOCAL JURISDICTION;
2. DENY THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT;
3. APPROVE THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT SUBJECT TO ONE OR MORE CONDITIONS; OR
4. RETURN THE PROPOSED PROGRAM AMENDMENT OR REFINEMENT TO THE LOCAL JURISDICTION WITH A LIST OF CHANGES TO BE MADE

C. Section 5-10.7 Enforcement. The previously included language, items (d) through (k), as reviewed and edited by this office and Assistant Attorney General Marianne Dise, should be reinstated into the Ordinance.

Thank you for the opportunity to provide comments on the latest draft of the ordinance. It is my understanding that this draft will be reviewed by the Planning Commission and a recommendation forwarded to the Town Commissioners in the next several weeks. If you have any questions about these comments, please feel free to contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 2, 2006

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

Re: 2006-0318V; 517 Bayberry Drive
Angela Gallo

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow associated facilities (driveway) with disturbance to steep slopes. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, driveway, patio, pool and deck.

Based on the information provided, this office would not support this variance request. In this instance, the applicant is proposing to relocate an existing driveway to another location on the property. However, there has not been an attempt to minimize impacts. The new driveway is the same size as the existing driveway. In addition, impact to steep slopes will occur during the removal of the old driveway and the installation of the new driveway. Finally, it would appear that some of this area may also be within the 100-foot Buffer expanded for steep slopes, which is not currently shown on the site plan.

In 2002 and 2004, the Maryland General Assembly reiterated its commitment to the protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law. In order to obtain a variance, the applicant must meet several standards, including that of unwarranted hardship. The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the entire parcel or lot. Here, the applicant is currently able to access their property through an existing driveway. While the new driveway does appear to tie into the new addition proposed for the dwelling, according to the building permit, the addition is a combination recreation room and mud room and not a garage. In addition to the unwarranted hardship standard, the applicant has the burden of proving that he meets all of the other variance standards.

Should the hearing officer find that the applicant meets all of the standards for a variance, I have the following comments regarding the current proposal.

1. The site plan should indicate the expanded 100-foot Buffer to determine whether a variance for disturbance to the Buffer would also be required.
2. The site plan does not include information regarding the amount of existing forest vegetation or the amount proposed to be removed. The lot must meet the 15% forest coverage requirement for LDA's.
3. Based on aerial imagery, it would appear that there is room on site for forest mitigation to occur waterward of the dwelling. This area should be utilized for mitigation to the extent possible prior to fee-in-lieu as desired by the applicant.
4. Mitigation should be provided at ratio of 3:1 for clearing inside the Buffer and 1:1 for clearing outside the Buffer. Plantings of one tree (2-inch caliper) or three shrubs for every 100 square feet (or portion thereof) of the proposed development activity should be required.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
cc: AA629-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

October 2, 2006

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

Re: 2006-0321-V; 102 Askewton Road
Brian Raynor

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure addition (garage) with less setbacks than required. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, pool, driveway, and detached garage.

This variance request is the same as what was approved by Anne Arundel County on April 29th, 2003, in that the proposal is limited to expanding the second story addition of the detached garage with dormer windows. Therefore, our recommendations remain the same. This office has no comment regarding the setback variance request. However, we recommend that the County ensure the 15% afforestation threshold is met.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA109-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 29, 2006

Ms. Awilda Hernandez
Board of Appeals
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

Re: Local Case #10-01-06, Variance
1 Riverwatch Lane; Jonathan & Lisa Becker

Dear Ms. Hernandez:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (deck) with less setback than required. The property is designated as an Intense Development Area (IDA) and located partially within the 100-foot Buffer. It is currently developed with a single-family dwelling. Based on the information we received, I have the following comments:

1. Based on the information provided, we have no comments regarding the setback variance.
2. It has recently come to our attention that the stream located behind the properties on Riverwatch Lane requires a 100-foot Buffer (see ATCS drawings, Stormwater Management Plans submitted January 2006). A small portion of the applicants lot lies within this 100-foot Buffer. The deck may not intrude into the 100-foot Buffer without a separate variance.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Cc: Mr. Richard Parks, ARRO Group

IH634-06

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/

September 29, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

Re: North East Community Park – ADA Accessible Walkway
Consistency Report

Dear Ms. Skilling:

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, and the accompanying Critical Area report, this office agrees that the project is generally consistent with the Town of North East Critical Area Program for the reasons outlined below.

1. The proposed project is located on the eastern end of the town park and will connect a parking lot to an existing walking trail which runs along the water front. The Critical Area is designated Intense Development Area (IDA). The proposed walkway will be a macadam surface designed to ADA pedestrian/public walkway standards and is 4 feet wide by 501 feet long for a total impact of 2004 square feet. In order to meet the existing walkway and provide accommodations for disabled citizens to the park and waterfront areas, the proposal will impact 212 square feet of the 100-foot Buffer. However, the access is necessary to meet ADA guidelines and standards and it does meet the criteria for a water dependent use given the necessary connection to the existing public walkway in the Buffer.
2. The Town of North East is proposing 2:1 mitigation for the impacts in the Buffer. The proposed plantings will consist of native species at 1 ½ to 2-inch caliper and will be located in the Buffer.
3. The Town proposes to meet the 10% pollutant reduction of 0.12 pounds of phosphorus through sheet flow across the surrounding grassed areas and additional plantings. The Town is partnering with Wal-Mart to provide funding for the additional plantings. When more specific details are known, the Town will forward this information to this office.

4. The information provided indicates that all other resource agencies have reviewed the project, and that there are no rare, threatened or endangered species at the project site. This letter does not satisfy any other State or local approvals.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

cc: 548-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 29, 2006

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

Re: 2006-0316V; 7682 Briar Lane
Brent & Belinda Muth

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (deck) with less Buffer than required. The property is designated as an Intensely Developed Area (IDA) and the lot is currently developed with a single family dwelling and accessory structures including a patio/deck in the yard.

Provided this lot is properly grandfathered, we do not oppose a variance for an attached deck. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided, I have the following comments regarding the current development proposal and variance request.

1. This office cannot support a deck of this size in the Buffer as the minimum necessary. Disturbance within the Critical Area should be minimized to the extent possible to gain relief, which is not obtained by a deck that in its entirety is 1,938 square feet of which approximately 1,000 square feet is within the 100-foot Buffer. The house is 1,444 square feet and the applicant has a deck and patio in the yard of 800 square feet.
2. If a smaller deck is approved, it should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization at the perimeter. Should the deck not remain pervious, than the applicant will need to meet the 10% pollutant reduction requirements.
3. Mitigation should be provided at ratio of 3:1 for clearing inside the Buffer. This office recommends that plantings be accommodated on site to extent possible, preferably within the Buffer. Plantings of one tree (2-inch caliper) or three shrubs for every 100 square feet (or portion thereof) of the proposed development activity should be required.

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

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
cc: AA604-06

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/

September 29, 2006

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

Re: 2006-0310V; 8241 Parkway Drive
W. Steneman & J. Hinzman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (deck) with less Buffer than required. The property is designated as a Intensely Developed Area (IDA) and the lot is currently developed with a single family dwelling.

Provided this lot is properly grandfathered, we do not oppose a variance for an attached deck. However, impacts must be minimized and the variance the minimum necessary to provide relief. The deck should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization at the perimeter. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should be directed first to nonforested areas within the Buffer between the shoreline and the dwelling, and consist of a mix of native species of trees, shrubs and ground cover.

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,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
cc: AA603-06

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/

September 27, 2006

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

RE: SFD60794 – Wellington Beach; Ron Blackburn
TM77, Parcel 21, Lot P6

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is proposing to construct a new single family dwelling. The property is 28.67 acres and designated Resource Conservation Area (RCA). It is currently undeveloped.

Based on the information provided I have the following comments:

1. Tidal and non-tidal wetlands should be delineated on the property in order to field determine the location of the required 100-foot Buffer from the edge of tidal wetlands and the 25-foot non-tidal buffer from the edge of non-tidal wetlands.
2. Critical Area notes should also include the acreage of existing forest or woodland and the amount of forest or woodland to be removed. In addition, due to the scale of the site plan, it is difficult to determine the proposed limit of disturbance. The site plan should indicate all areas to be cleared, including the driveway.
3. It would appear that the proposed mitigation planting is to occur in a wooded setting. Planting for areas cleared should occur in open areas in order to maintain the no net loss forest policy.
4. I agree that the project site may be located in a potential Forest Interior Dwelling Birds habitat. Should FIDS habitat be present, the applicant should submit the required FIDS Conservation Worksheet and a mitigation site development plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
CS635-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 26, 2006

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

Re: 2006-0306V; 472 Ferry Point Road
Susan & Marshall Steele

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling and associated facilities (septic and well) with less Buffer than required on a new lot. The property is designated as a Limited Development Area (LDA) and the proposed new lot is currently undeveloped.

Based on the information provided, this office would not support this variance request. In this instance, the applicant is proposing to create a new lot which does not conform to the Critical Area law or the County's Critical Area Program, due to siting a new development activity in the expanded Buffer.

In 2002 and 2004, the Maryland General Assembly reiterated its commitment to the protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. Given that the applicant is in the process of resubdividing, and given the family situation of the surrounding lots, it would appear that the applicant may be able to revise the lot lines and take advantage of the lot to the north owned by the applicant's parent in order to place the septic system and well outside of the expanded Buffer.

In addition, future submitted site plans should include notes stating the amount of proposed impervious surface, the amount of proposed clearing, and the limits of each lot.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
cc: AA601-06

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/

September 25, 2006

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

RE: SFD607581 - Thiel
TM1, Parcel 44

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is proposing to redevelop a site with a single family home and garage. The property is 1.8 acres and designated Resource Conservation Area (RCA). It is currently developed with a single-family dwelling and driveway.

Based on the information provided I have the following comments:

1. The site plan should reflect the existing forest line in order to verify that no clearing will occur as proposed. Should the applicant provide the referenced Buffer Management Plan, please forward a copy to this office.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS624-06

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/

September 25, 2006

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

Re: Wallace Manor Lot G-2
S 97-029, P 06-0054

Dear Mr. Murray:

I have received the above referenced revised resubdivision for review and comment. The applicant proposes to create one additional lot in the Limited Development Area (LDA). It would appear that the applicant has addressed many of the comments made by Lisa Hoerger on May 17, 2006. I have outlined my remaining comments below.

1. The proposed clearing on Lot G-2A of 4,200 square feet should be shown on the final development plan. Development activities, including clearing, are not permitted in the Buffer absent a variance unless it is for a water dependent use.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3745.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner
cc: AA243-06

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/

September 25, 2006

Mr. Keith Lackie
Maryland Department of Planning
Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, MD 21801-4974

RE: Macko Variance Application
TM 104, Parcel 1770, Lot 14
Hammock Point Subdivision

Dear Mr. Lackie:

Thank you for providing information regarding the above referenced variance request. The applicant is requesting a variance to construct a dwelling addition consisting of a deck and sunroom with less Buffer than required. The parcel is 0.75 acres in size, located within an Intense Development Area (IDA), and nearly entirely within the 100-foot Buffer from tidal wetlands. Based upon the information provided, I have the following comments regarding the development proposal and variance request.

In order to obtain a variance, the applicant must meet several standards as stated in Natural Resources Article Title 8-1808(d), including that of unwarranted hardship. The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the *entire parcel or lot*. In this instance, the existing dwelling is located 50.7 feet from the edge of tidal wetlands. The applicant proposes to construct the sunroom and covered deck on the south side of the dwelling reducing the setback to 42.5 feet. The total square footage of the proposed addition is 320 square feet, all of which is considered impervious due to the roof line extending over the deck. An existing deck is located on the west side of the home. Given the existing deck that allows the applicant use and enjoyment of his property we believe that the standard of unwarranted hardship will be a difficult standard to achieve. In addition, please note the Board must evaluate whether the applicant has sufficiently overcome the burden to prove that each of the City's variance standards has been met.

Provided the Board finds that the applicant can meet all of the standards, I recommend the applicant provide mitigation to the Buffer in accordance with the City of Crisfield Zoning Code Section 112-113(B) at a ratio of 3:1 and provide any plantings necessary to meet the 10% pollutant reduction rule for increased impervious surface in the IDA. In addition, prior to issuing the building permit, the

applicant must provide the mitigation required as part of the variance received in 1997 to establish the dwelling which does not appear to have been completed at this time.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned above the printed name.

Kate Schmidt
Natural Resource Planner
CF581-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 25, 2006

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

Re: Turnball Estates, Section 2 Pt. 2, Lots 11-32; 34-38 Resub.
S 90-174, P 03-176

Dear Ms. Shatt:

I have received the revised final development plan for the above referenced subdivision. It would appear the applicant has addressed most of the comments made by this Lisa Hoerger in her last letter dated March 14th, 2006. I have outlined my remaining comments below.

1. As stated in the applicant's communication to you, please forward a copy of the field study for the state listed endangered species to this office when it is complete.
2. The note included on the Final Development Plan regarding the three rail fence should also be added to the plat.
3. As stated previously by Lisa Hoerger, please appropriately mark the nontidal wetland and its associated 25-foot buffer in the field.
4. Regarding the forest conservation easements on each individual lot which restricts clearing and disturbance, a reference to this easement should be added into every deed and onto each individual plat to ensure individual property owners are aware of the clearing restrictions. Should clearing over 20% occur, the applicant would be required to provide forest mitigation at a ratio of 1.5 to 1.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3745.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner
cc: AA376-06

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

September 25, 2006

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

Re: Alan & Sharon Hyatt
MS 06-026

Dear Mr. Murray:

I have received the revised plans of 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. This office agrees that the expanded Buffer is acceptable as shown at this time.
2. Based on our calculations, the applicant will need additional plantings in order to meet the full mitigation requirement of 7,945 square feet across both lots, due to the use of the understory trees. Critical Area Commission guidelines recommend 400 square feet of credit be given by either combining 1 overstory tree with 2 understory trees or 1 overstory tree with 3 shrubs. I recommend the applicant add three additional overstory trees to their proposed planting mix to meet these guidelines.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3745.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resources Planner

cc: AA376-06

TTY for the Deaf

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 25, 2006

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

Re: 2006-0297V; 14 Leymar Road
Martin Loeschke

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (enclosed sunroom) with less setbacks and Buffer than required. The property is designated as an Intense Development Area (IDA) and Buffer Modification Area (BMA) and is currently developed with a single family dwelling.

Provided this lot is properly grandfathered, this office does not oppose the variance request. Impacts must be minimized and the variance the minimum necessary to provide relief. The proposed enclosure of the existing deck to sunroom will create no new additional ground disturbance no intrude any further into the Buffer. However it will create additional impervious surface of 72 square feet with impacts to the Buffer. Therefore, mitigation should be provided at a ratio of 2:1 for new impervious cover within the Buffer. Also, because this property is designated as IDA, the 10% pollutant reduction requirement must be addressed, which can be accomplished through plantings on site.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA105-03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

September 20, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

RE: Harborside Village/Heron Cove
TM 31, Parcel 898, 1140, and 1079

Dear Ms. Skilling:

I have reviewed the revised conceptual subdivision plans and Critical Area Program Growth Allocation Request (Revision 3, August 2006) for Heron Cove (Harborside Village) in North East. The site is 59.36 acres, and is designated Limited Development Area (LDA). Growth allocation is proposed to change the designation to Intensely Developed Area (IDA) for 41.09 acres which will be developed with multi-family and single-family homes. The growth allocation is requested to allow greater design flexibility for the project. I have the following comments:

Development Envelope

1. The applicant has satisfied all of the previous comments regarding the development envelope. At this point in time, it appears the proposed development envelope, shown in Exhibit B, includes the required Buffers as outlined in the Critical Area Commissions Growth Allocation Policy.

Buffer

2. The 110-Buffer has been accurately delineated based on the tidal wetland boundary.
3. The conceptual Buffer Management Plan should address the area to be planted with specifics as to species mix, size, and quantity.
4. The applicant should provide further detail regarding the impact to the Buffer from the stormwater outfalls at the time of Commission approval, including the type of structure and amount of expected impact. Stormwater outfalls are a water-dependent structure and do not require a variance.

Forest and Woody Vegetation

5. This office concurs with the revised amount of forest vegetation.

TTY for the Deaf

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

Proposed Trail Network

6. The applicant will need to provide further detail regarding the proposed trail network at the time of Commission approval. The trail should be no greater than 6-feet wide and should be constructed of pervious materials. As identified in the submitted report, disturbances to the Buffer will require mitigation and can be included in the Buffer Management Plan.
7. This office notes the proposed pier shown on the site plan. Please be aware that if slips are proposed they must conform to the number allowed within LDA, (given that the tidal wetlands are remaining LDA), for the length of shoreline and number of units as set forth in Section 5-10.4.b(1)b of the Town of North East Zoning Code.

10% Pollutant Reduction Requirement

8. It would appear that the 10% Pollutant Reduction Rule can be met with the proposed stormwater best management practices to be located on site.

Growth Allocation Process

9. Based upon the amendments made this spring to the Critical Area Law, growth allocation requests forwarded to the Critical Area Commission for approval require that the Town address a number of specific locational guidelines when locating new IDAs or LDAs. It is the purpose of the Commission to ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions, of the Critical Area Law and Criteria. Please ensure that documentation of the Town's application of these guidelines is provided as a part of the growth allocation request. I have attached a draft copy of Senate Bill 751 for your guidance.
10. As we discussed, once the growth allocation request is approved by the Town for this project, and the Town's submittal is accepted as complete, the Chairman of the Critical Area Commission will make the determination of whether the submittal is an amendment or a refinement. If the proposal is determined to be an amendment, the Critical Area Commission has up to 90 days to process the proposal and make a decision.

Thank you for the opportunity to provide comments. The preceding comments represent the review and evaluation of the materials the applicant submitted by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. If you have any questions, please feel free to call me at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner

Cc: Ms. Betsy Vernell, Zoning Administrator, Town of North East

Enclosure

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 19, 2006

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

Re: 2006-0287V; 3961 Honeysuckle Lane
James Jeffrey, Jr.

Dear Ms. Plociennik:

Bay Engineering has provided revised information on the above referenced variance. Based upon the new information, the applicant is now requesting a variance to allow a dwelling with disturbance to steep slopes and with greater forest clearing than allowed. The property is designated as a Limited Development Area (LDA) and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose a variance to establish a dwelling on it. Based on the revised information it would appear the applicant has attempted to minimize impacts in that the house footprint was reduced and the disturbance to the non-tidal wetland buffer was eliminated. Therefore, I now have the following comments regarding the development proposal and variance request.

1. As indicated on the site plan, most of the lot contains steep slopes. We recognize that a variance is necessary to permit development of the property.
2. Given the amount of clearing required, forest mitigation at a ratio of 3:1 should be provided per Anne Arundel County Code Section 17-8-602(d). The maximum amount possible should be accommodated on site prior to the use of the fee-in-lieu provision.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA588-06

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/

September 19, 2006

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Glen Eby/Russell Shaner Growth Allocation Request

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area growth allocation request. On September 6, 2006, the Critical Area Commission concurred with Chairman Madden's determination that the Eby/Shaner growth allocation could be reviewed as a refinement to the County's Critical Area Program. The Commission supported the County's approval to award 13.3 acres of growth allocation to change the designation of Tax Map 51, Grid 7, Parcel 37 (lands of Glen Eby) from Resource Conservation Area (RCA) to Limited Development Area (LDA), and recommended to the Chairman that the request be approved with two conditions.

On September 14, 2006 the Chairman approved the County's request with the following conditions recommended by the Commission:

- The applicant revise the proposed planting plan for the additional 60 feet of Buffer to include 25 trees that are a mix of Loblolly, Sassafras, White Oak, and American Holly and 75 shrubs that are a mix of Highbush Blueberry, Spicebush, Sweet Pepperbush, and Inkberry. The planting plan must be submitted for review and approval by the staff.
- For the remaining acreage outside of the new lot, all existing vegetation within a 160-foot setback from tidal waters be maintained in its existing developed woodland condition.

This refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised map to the Commission when it is available. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

September 15, 2006

Mr. Keith Lackie
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: University of Maryland Eastern Shore
Gravity Sewer Main/Streetscape Improvement Project

Dear Mr. Lackie:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On September 6, 2006, the Critical Area Commission unanimously approved the University of Maryland Eastern Shore's proposal and site plan to upgrade the existing gravity sewer main and improve the streetscape along Broad Street, in the town of Princess Anne. This approval included the following condition:

The University of Maryland Eastern Shore will provide an invasive species management plan and subsequent planting plan for review and approval by Commission staff within 90 days.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. In addition, please notify the Commission once the mitigation plantings have been implemented. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

cc: Mr. Matthew Mathias, Davis Bowden & Friedel

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

September 15, 2006

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

Re: 2006-0287V; 3961 Honeysuckle Lane
James Jeffrey, Jr.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks than required, disturbance to steep slopes, and with greater forest clearing than allowed. The property is designated as a Limited Development Area (LDA) and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose a variance to establish a dwelling on it; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and variance request.

1. As indicated on the site plan, most of the lot contains steep slopes. We recognize that a variance is necessary to permit development of the property.
2. It would appear that the impact to the 25' nontidal wetland buffer may be reduced if the applicant were to move the dwelling closer to the road. This action may also reduce the amount of forest clearing necessary on the lot.
3. Given the amount of clearing required, forest mitigation should be provided at a ratio of 3:1 per Anne Arundel County Code Section 17-8-602(d). The maximum amount possible should be accommodated on site prior to the use of the fee-in-lieu provision.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
cc: AA588-06

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/

September 15, 2006

Mr. Eric Shertz
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Lands of Caroline DuPont Prickett
TM 53, Block 2, Parcel 23

Dear Mr. Shertz:

Thank you for providing information regarding the above referenced minor subdivision. The applicant is proposing to subdivide one eight (8) acre parcel around an existing dwelling. The existing parcel is 323.4 acres in size and partially located within a Resource Conservation Area (RCA). The proposed subdivision would be entirely within the RCA.

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

1. The ability to develop within the RCA is limited to one dwelling unit per twenty acres, including any associate facilities. However, it appears that this subdivision may be for intrafamily transfer. In order to appropriately determine the development density for the remainder of the parent parcel, the applicant needs to provide the total number of acres within the Critical Area, the intent of the subdivided parcel (i.e. intrafamily transfer), and the number of remaining development rights clearly indicated on the plat.
2. A note should be added to the plat regarding the following Critical Area guidelines; no disturbance will take place in the Buffer without a variance, impervious surface coverage is limited to 15% of the site.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 583-06

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/

September 15, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0290V; 620 Jumpers Hole Road
Anthony Reese

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (garage) with less setbacks than required. The property is designated as an Intense Development Area (IDA) and is currently developed with a single family dwelling and driveway.

Provided this lot is properly grandfathered, this office does not oppose the variance request. Because this property is designated as IDA, water quality improvements must be provided to offset the proposed development. Pollutant reductions can be achieved by the utilization of stormwater best management practices or with plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA588-06

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/

September 14, 2006

Mr. David Black
Cecil County Department of Planning and Zoning
129 East Main Street, Room 300
Elkton, MD 21921

RE: North East River Yacht Club
TM 30/36, Parcel 270/12

Dear Mr. Black:

Thank you for providing the information on the above referenced project. The applicant is revising a previously submitted site plan in order to remove the dewatering basin. In its place, the applicant is proposing a barge with crane in order to stockpile and dewater the spoil for later offloading. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a commercial marina and facilities.

Based on the information provided, I have the following comment regarding the current development proposal. No information was provided as to how the dredge spoil will be removed from the barge once it is properly dewatered. If the applicant proposes to offload the spoil at the site there will be temporary impacts to the Buffer. Any area of disturbance should be re-established in native vegetation following completion of the project.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 331-03

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

Michael S. Steele
Lt. Governor

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

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

September 15, 2006

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

Re: 2006-0283V; 3557 Narragansett Avenue
Wilma & Clyde Coble

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (deck) with less setbacks and Buffer than required. The property is designated as a Limited Development Area (LDA) and is currently developed with a single family dwelling and driveway. Based on the information provided, I have the following comments for your consideration.

Provided this lot is properly grandfathered, this office does not oppose the variance request. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings could be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and ground cover. In regards to the after-the-fact nature of this request, it would appear the deck was not constructed to be pervious, as would have been recommended by this office. Therefore, including the deck, the applicant currently has approximately 2,600 square feet of impervious surface on their 10,000 square foot lot. They are limited to 3,125 square feet.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA586-06

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/

September 14, 2006

Mr. Stanley Hearne
Town Commissioners of Charlestown
P.O. Box 154
Charlestown, Maryland 21914

RE: Correction of Mapping Mistake
Critical Area Ordinance

Dear Mr. Hearne:

Thank you for providing information related to the comprehensive review of the Town's Critical Area Ordinance and an amendment to the Town of Charlestown's Critical Area Maps to correct a mapping mistake. It is my understanding that on December 27, 2005, the Charlestown Town Commissioners voted to approve a change in the Critical Area designation of two areas within the municipal limits of the Town of Charlestown from Limited Development Area (LDA) to Intensely Developed Area (IDA). In addition, the Town has also passed a Critical Area Ordinance, which represents substantial revisions to the Town's Critical Area regulations resulting from the required comprehensive review of the Town's Critical Area Program.

Based on my conversations with Mary Ann Skilling, the new Critical Area Ordinance uses portions of the "model Critical Area ordinance" with some modifications developed by the Town. These revisions occur throughout the document to reflect the specific needs of the Town. Because a redline version of the Ordinance was not provided to Commission staff during the time that it was being developed, Commission staff will need to fully review all Critical Area provisions for consistency with the Critical Area law and Criteria in order to make appropriate recommendations to the Commission.

In regards to the mapping mistake, in evaluating map amendments that involved the correction of a mapping mistake made during the original Critical Area mapping, local governments are guided by the Court of Special Appeals decision in August Bellanca v. Commissioners of Kent County. The Commission's role in reviewing these amendments is to ensure that they are consistent with the purposes, goals, and provisions of the State law and all Criteria of the Commission.

On February 8, 2006, Mary Owens requested further information from you in order to consider the request as a complete submittal. This information has been provided in the form of two tables (Exhibit A and Exhibit B) listing each individual parcel to be included in the mapping change, a tax map outlining the parcels listed in the tables, a copy of the 1972 Tidal Wetlands map, and an aerial image from March 1986. Based on my review of the above information, Exhibit A and Exhibit B are

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

incomplete. There are parcels outlined on the provided tax map that are not included on the tables, including; Exhibit A: Parcels 407, 201, 200, 389, 290, 197, 402, 348, 232, 215, 217, 211, 186, 340, 374, and 342 and Exhibit B: 415, 88, 302, 303, 112, 111, 443, 329, 332, 392, 226, 229, and the Town Park. Please update the tables with these parcels. In addition, to assist Commission staff in preparing information for review by the Commission, please provide information in the tables as to which parcels were served by public water and sewer at the time of original mapping.

As a result of legislation passed by the General Assembly in the spring of 2006, the role of the Commission in reviewing Critical Area Program amendments and refinements was clarified, and the Commission has been requesting more detailed information in order to review Program changes. In addition to the previously submitted information, the Commission also requires the following to begin formal processing of the map amendment:

1. Information pertaining to the Town Commissioner's approval of a change to the Critical Area maps on the basis that a mistake was made in the original mapping.
2. Analysis of how the proposal complies with the original mapping standards of the Town and a description of the nature of the mistake that was made.

Once the requested information is received and reviewed, the Critical Area Commission will notify you that the submittal is complete and is accepted for processing. The Chairman will make an amendment or refinement determination within 30 days of the date the submittal is accepted for processing. Commission staff will then notify you of his determination and the procedures for review by the Commission.

Because the map amendment and the Ordinance were submitted together, the current submittal cannot be accepted as complete for processing. Please advise the Commission in writing if the Town would like to have the review of the new Ordinance handled separately from the mapping change. Upon notification of the Town's desire to proceed with the Ordinance separately or the receipt of the additional information requested above, you will be notified that the submittal is accepted as complete for processing. In the interim, if you have any questions, please call me at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resources Planner

cc: Ms. Mary Ann Skilling, MDP

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 13, 2006

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

RE: Variance 2006-0241 & Variance 2006-0242
C. Szymanski; 12610 Dusty Wheel Lane

Dear Ms. Rhodes:

This letter is to replace my previous correspondence to you regarding the above referenced variance request. The applicant is requesting variances to the expanded 100-foot Buffer in order to reconstruct an existing house and to construct a new swimming pool. The lot is 23,729 square feet and designated as a Limited Development Area (LDA) and a Buffer Modification Area. The Buffer is expanded due to steep slopes. The property is currently developed with a single family home, garage, driveway, and deck. The applicant is proposing to replace the existing home and garage and construct a larger deck with a pool on the waterside of the dwelling.

This office does not oppose the variance to construct a new dwelling at the same setback as the existing principal structure. However, we do oppose the variance to build a new swimming pool in the Buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a Board of Appeals 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 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 redevelop the existing home and deck and to add a new pool within the expanded Buffer. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. The County has enacted Buffer Modification Area provisions to recognize that the pattern of existing development prevents the Buffer from fulfilling its functions. As a result, the Anne Arundel County Zoning Code §17-8-701(b) provides a very specific set of criteria for new impervious surface within the Buffer that balance the pattern of existing development with maintaining the integrity of the Buffer. The zoning code states that the "no new impervious surface shall be placed nearer to the shoreline than the existing principal structure AND landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure".

The variance to the expanded 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner 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, 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.

Currently, the lot is developed with a single family home and pervious deck on the waterside. The intent of the flexibility provided by the Buffer Modification Area designation is to recognize that the existing pattern of development may prevent the Buffer from fulfilling its function. However, new development should be sited to minimize the extent of impervious surface in the Buffer to the extent possible. In this case, the applicant has the opportunity to redevelop the home and to construct a large pervious deck in the existing footprint, in conformance with the standards of the Buffer Modification Area. However, the construction of the new pool, which is considered impervious surface, does not comply with the Buffer Modification Area standards for new impervious surface. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the pool.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to construct the desired dwelling and outdoor areas in a manner that meets the Buffer regulations and remains consistent with the Anne Arundel County Critical Area Regulations. No one has the right to construct a new swimming pool in the buffer. Therefore, denial of a variance for the accessory swimming pool would not deny the applicants a right commonly enjoyed.

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 the Buffer in a Buffer Exemption Area beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-702(b)(1)). 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.

In contrast, the need for a variance to construct the pool is directly the result of the applicant's current design. The lot is located in a Buffer Modification Area. The Buffer Modification Area recognizes that the existing level of development prevents the Buffer from fulfilling all of its functions, and thus allows for redevelopment activities to take place. However, it prevents further degradation to the Buffer by prohibiting new impervious surface to be placed nearer to the shoreline.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. While the lot is grandfathered and in a Buffer Modification Area, the County zoning regulations under §17-8-702(b) require that the site design must minimize to the extent possible intrusion into the Buffer. Given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a pool in the Buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 the application for variance to the Buffer.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
AA579-06

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/

September 11, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0277V; 1132 Shore Drive
Thomas & Susan Kelly

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new dwelling with less setbacks than required. The property is designated as an Intense Development Area (IDA) and is currently developed with a single family dwelling and driveway.

Provided this lot is properly grandfathered, this office does not oppose the variance request. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided it is difficult to establish from the submitted site plan whether the replacement dwelling will located closer to Mean High Water (MHW) than the existing dwelling. If the proposed structure is located closer than the existing, a variance to the 100-foot Buffer will be necessary.

Because this property is designated as IDA, water quality improvements must be provided to offset the proposed development. Pollutant reductions can be achieved by the utilization of stormwater best management practices or with plantings. In addition, mitigation in accordance with Anne Arundel County Code 26-8-702(e) for the proposed development activity inside the Buffer should be required.

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

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Kate Schmidt
Natural Resource Planner
cc: AA570-06

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/

September 11, 2006

Mr. Rodger Daugherty
Director of Facilities and Transportation
Somerset County Public Schools
7982 Crisfield Highway
Westover, Maryland 21871

RE: Somerset County Intermediate School

Dear Mr. Daugherty:

This letter is to notify you of our receipt of a mitigation planting agreement for the above referenced project. This plan is being submitted in fulfillment of the Critical Area Commission's condition of approval, as granted at its August 2, 2006 meeting.

It is my understanding that in collaboration with Mr. Bob Cadwaller of the Somerset County Division of Technical and Community Services, you have been designated as the contact person for this mitigation planting plan. At this time, I have reviewed the plan and find that that it sufficiently fulfills the Commission's condition of approval. As a component of this agreement, please notify Commission staff once the plantings have been implemented.

Thank you for your assistance in bringing this project before the Commission. Please contact me at 410-260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Cc: Joan Kean, Technical and Community Services
Bob Cadwaller, Technical and Community Services

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 11, 2006

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

RE: RAD60241 - Moore
TM79, Block L, Parcel 95, Lot 30

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting to construct an addition (garage) to single family dwelling. The property is 19,564 square feet and designated Limited Development Area (LDA). It is currently developed with a single-family dwelling, deck, and pool.

Based on the information provided I have the following comments:

1. Provided the lot is properly grandfathered, the applicant is limited to 31.25% impervious surface coverage. It would appear that the proposed project will stay within the impervious surface limits.
2. The Habitat Protection Plan for the Bald Eagle's nest limits construction in this area during nesting season, or from December 15th through June 15th.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS559-06

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/

September 11, 2006

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

RE: XRS60106 - Cullen
TM1, Parcel 223

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced subdivision. The applicant is proposing to create one 10-acre lot. The parcel is currently 69.55 acres in size and partially lies within a designated Resource Conservation Area (RCA). The proposed lot is currently developed with a single-family dwelling, cemetery and gravel parking area.

Based on the information provided I have the following comments:

1. The RCA designation limits the applicant to a development density of one dwelling unit per twenty acres. In order to properly calculate the development density, the applicant needs to provide the total number of acres of land within the Critical Area. If any of the tidal wetlands are classified as State tidal wetlands, they must be excluded from that calculation.
2. The 100-foot Buffer should be field determined based on the extent of tidal waters or tidal wetlands. The Buffer should be expanded for steep slopes or erodible soils.
3. Any recommendations from DNR Wildlife and Heritage Division will need to be addressed by the applicant.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS564-06

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/

September 11, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0275V; 735 Dividing Road
John Herron

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to a deck addition and stairs with less setbacks and Buffer than required. The property is designated as an Intense Development Area (IDA) and is currently developed with a single family dwelling and deck. Based on the information provided I have the following comments:

Provided this lot is properly grandfathered, we do not oppose variances to permit redevelopment of existing decks. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided it is difficult to establish from the submitted site plan whether the replacement deck will located closer to Mean High Water (MHW) than the existing deck. The new structure should be maintained in the same footprints as the existing structure. If this variance is granted, mitigation should be provided at a 3:1 ratio for impacts to the Buffer. Plantings should consist of a mix of native shrubs and trees and be placed within the 100-foot Buffer between the dwelling and the waterline.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA568-06

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/

September 8, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

RE: Variance 2006-0241 & Variance 2006-0242
C. Szymanski; 12610 Dusty Wheel Lane

Dear Ms. Plociennik:

Thank you for providing information regarding the above referenced variance request. The applicant is requesting variances to the expanded 100-foot Buffer in order to reconstruct an existing house and to construct a new swimming pool. The lot is 23,729 square feet and designated as a Limited Development Area (LDA) and a Buffer Modification Area. The Buffer is expanded due to steep slopes. The property is currently developed with a single family home, garage, driveway, and deck. The applicant is proposing to replace the existing home and garage and construct a larger deck with a pool on the waterside of the dwelling.

This office does not oppose the variance to construct a new dwelling at the same setback as the existing principal structure. However, we do oppose the variance to build a new swimming pool in the Buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes 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 redevelop the existing home and deck and to add a new pool within the expanded Buffer. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. The County has enacted Buffer Modification Area provisions to recognize that the pattern of existing development prevents the Buffer from fulfilling its functions. As a result, the Anne Arundel County Zoning Code §26-8-701(b) provides a very specific set of criteria for new impervious surface within the Buffer that balance the pattern of existing development with maintaining the integrity of the Buffer. The zoning code states that the "no new impervious surface shall be placed nearer to the shoreline than the existing principal structure AND landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure".

The variance to the expanded 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner 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, 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.

Currently, the lot is developed with a single family home and pervious deck on the waterside. The intent of the flexibility provided by the Buffer Modification Area designation is to recognize that the existing pattern of development may prevent the Buffer from fulfilling its function. However, new development should be sited to minimize the extent of impervious surface in the Buffer to the extent possible. In this case, the applicant has the opportunity to redevelop the home and to construct a large pervious deck in the existing footprint, in conformance with the standards of the Buffer Modification Area. However, the construction of the new pool, which is considered impervious surface, does not comply with the Buffer Modification Area standards for new impervious surface. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the pool.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to construct the desired dwelling and outdoor areas in a manner that meets the Buffer regulations and remains consistent with the Anne Arundel County Critical Area Regulations. No one has the right to construct a new swimming pool in the buffer. Therefore, denial of a variance for the accessory swimming pool would not deny the applicants a right commonly enjoyed.

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 the Buffer in a Buffer Exemption Area beyond what has been established as law by the County would confer a special privilege on the applicant (Section 26-8-702(b)(1)). 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.

In contrast, the need for a variance to construct the pool is directly the result of the applicant's current design. The lot is located in a Buffer Modification Area. The Buffer Modification Area recognizes that the existing level of development prevents the Buffer from fulfilling all of its functions, and thus allows for redevelopment activities to take place. However, it prevents further degradation to the Buffer by prohibiting new impervious surface to be placed nearer to the shoreline.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. While the lot is grandfathered and Buffer Exempt, the Count zoning regulations under §26-8-702(b) require that the site design must minimize to the extent possible intrusion into the Buffer. Given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a pool in the buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 City's variance standards, the Board must deny the application for variance to the Buffer.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
AA579-06

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/

September 7, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Fox Valley Farm – Resubdivision Concept Plat
TM 43, Parcel 438, Lot 4 and Parcel 421, Lot 12

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above referenced resubdivision concept plat. The applicant is proposing to create a new lot, Lot 7, by subdividing land from Lot 3 (7.93 acres) and adding on land from Lot 12A (17.418 acres) for a total lot area of 25.35 acres. Nearly all of Lot 12 and much of Lot 7 is within the Critical Area, and designated as Resource Conservation Area (RCA).

Based on the information provided, I have the following comments regarding the proposal:

- The ability to develop within the RCA is limited to one dwelling unit per twenty acres, including any associated facilities. Given that Parcels 421 and 438 were subdivided in 1997 and 1999, the number of allowable dwelling units is determined by the original Critical Area acreage within each parcel. It is unclear from my review of the previously approved subdivisions, exactly how much of the subject parcels were in the Critical Area and therefore, whether the current proposal is consistent.

On Parcel 421, Lots 11 and 12 were located within the Critical Area. Lot 12 had 36.8 acres within the Critical Area and one development right. On Parcel 438, Lot 4 was 77.67 acres, and it is unknown how many acres were in the Critical Area. The plat note states there are 76.9 acres in the Critical Area for three development rights. Please clarify if these three lots include Lot 4A, Lot 7, and Lot 12A on the note, and if this is the case, please add a note stating no further development rights may be created by any further subdivision.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
CE 553-06

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/

September 5, 2006

Mr. Anthony DiGiacomo

Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Fieldstone Concept Plat; Stoney Battery Road
TM 52, Parcel 455

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above referenced subdivision concept plat. The applicant is proposing to subdivide a 56.03 acre parcel into 7 lots. Approximately 6.8 acres of the parcel is within the Critical Area and designated as Resource Conservation Area (RCA). On the northwest boundary of the parcel, proposed lots 1, 2, and 3 fall partially within the Critical Area. On the northeast boundary of the parcel, proposed lots 1 and 4 fall partially within the Critical Area.

Based on the information provided, I have the following comments regarding the proposal:

- The ability to develop within the RCA is limited to one dwelling unit per twenty acres, including any associated facilities. Given that Critical Area occurs on two distinct areas on the parcel, the applicant has the right to two dwelling units within the Critical Area. The plat should appropriately reflect the dwelling unit restrictions, including indicating which Lots may not develop within the Critical Area.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 554-06

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/

September 1, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Crisfield Holdings, LLC - Variance
TM72, Parcel 1216, Block 8

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to the 100-foot Buffer and to impervious surface limits in order to redevelop the parcel with a duplex. The property is 17,916 square feet and is designated as Limited Development Area (LDA). It was previously developed with multiple dwellings and ancillary buildings.

In regard to the variance for impervious surfaces, it would appear the lot was previously developed at 85% impervious surface. The applicant proposes to remove all existing structures and construct a duplex and driveway for a total of 6,773 square feet of impervious surface. Given that the impervious surface will be reduced from 85% to 38%, this office does not oppose this variance.

In regard to the variance to the 100-foot Buffer, it would appear the previous development was located at the edge of the existing bulkhead. The proposed development will be located 43.8 feet from the bulkhead on the easterly side and 8.5 feet from the bulkhead on the southerly side. Given that the intrusion into the 100-foot Buffer will be significantly reduced, this office does not oppose this variance. Mitigation should be provided at a ratio of 2:1 for disturbance in the Buffer and consist of a mix of native shrubs and trees. I recommend the plantings be located on site and waterward of the proposed structure.

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,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
SO 556-06

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/

September 1, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Crisfield Holdings, LLC - Variance
TM72, Parcel 1215, Block 8

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to the 100-foot Buffer and to impervious surface limits in order to redevelop the parcel with a duplex. The property is 19,895 square feet and is designated as Limited Development Area (LDA). It was previously developed with multiple dwellings and ancillary buildings.

In regard to the variance for impervious surfaces, it would appear the lot was previously developed at 46% impervious surface. The applicant proposes to remove all existing structures and construct a duplex and driveway for a total of 6,640 square feet of impervious surface. Given that the impervious surface will be reduced from 46% to 33%, this office does not oppose this variance.

In regard to the variance to the 100-foot Buffer, it would appear the previous development was located within 10-20 feet from the existing bulkhead. The proposed development will be located 45.8 feet from the bulkhead. Given that the intrusion into the 100-foot Buffer will be significantly, this office does not oppose this variance. Mitigation should be provided at a ratio of 2:1 for disturbance in the Buffer and consist of a mix of native shrubs and trees. I recommend the plantings be located on site and waterward of the proposed structure.

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,

Kate Schmidt

Kate Schmidt

Natural Resource Planner

SO 555-06

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/

September 1, 2006

Mr. David Black
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: YMCA of Cecil County
TM309 Block 24 Parcel 100

Dear Mr. Black:

Thank you for providing the revised information regarding the above referenced site plan. The applicant is seeking to construct a building addition and a pavilion at an existing YMCA facility. The 34.37 acre parcel is currently developed with a large building and gymnasium facility, basketball courts, parking lot, driveway, and concession stand. It lies partially within a designated Limited Development Area (LDA).

It would appear that the required information regarding development that has taken place within the Critical Area is still missing. Please refer to my letter of July 21, 2006 for further detail. I am still unable to provide your office with a complete review and comments.

If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 367-06

Attachment (1)

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 31, 2006

Ms. Amanda Gordon
Cecil County Government
Office of Planning and Zoning
129 East Main Street, Room 300
Elkton, MD 21921

**RE: Woodall Road Subdivision
TM 35, Block 16, Parcel 182 & P/O 285**

Dear Ms. Gordon:

Thank you for providing additional information on the above reference minor subdivision. The applicant proposes to subdivide Parcels 182 and 285 to create three lots outside the Critical Area and two lots within the Critical Area. The Critical Area portion of the properties is designated a Limited Development Area (LDA) and is currently undeveloped.

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

1. The applicant is correct that the portion within the Critical Area is limited to 15% impervious surface overall. However, a note should be added stating that each individual lot is limited to 25% impervious surface within the Critical Area.
2. This office understands that the applicant proposes to work with Cecil County to use an off-site bank to meet their forest mitigation requirement of 1.3 acres.

Thank you for the opportunity to continue to review and provide comments on this project. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 259-06

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/

August 31, 2006

Mr. Greg Lewis
Maryland National Capital
Park and Planning Commission
16000 Croom Airport Road
Upper Marlboro, MD 20772

Re: Patuxent River Park – Billingsley Wetland Restoration Project

Dear Mr. Lewis:

I am writing in response to the above proposed activities. Based upon information provided to me by Rob Schnabel, Chesapeake Bay Foundation, it would appear that a portion of the wetland restoration project will occur within the Critical Area. Therefore, the project requires Critical Area Commission review to determine if it is consistent with COMAR Title 27.02.05 "State Agency Actions Resulting in Development on State-owned Lands".

A wetland seep of 10 feet by 40 feet currently exists on the site adjacent to a dry upland area. The proposed project will excavate the upland area to create pit and mound topography for water depths of 4-18 inches to allow for waterfowl habitat during the wet season. The new wetland area will be planted with native vegetation. In addition, a 200 foot wide forest corridor will be planted adjacent to the site and function as a wildlife corridor.

Based on this information, staff has determined that no further action by the Commission is necessary at this time. Thank you for informing this office of your proposed project. If you have any questions, please do not hesitate to call me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

Cc: Rob Schnabel, CBF

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 31, 2006

Mr. Charles E. Massey
County Administrator
Somerset County
11916 Somerset Avenue
Princess Anne, MD 21853

Re: Town of Princess Anne – Somerset County Office Complex
Map 200, Parcel 110

Dear Mr. Massey:

As you may recall, in February of 2005, Commission staff conducted a site visit to the Somerset County office complex within the Town of Princess Anne in order to finalize a review of multiple development proposals. These proposals included construction of a 2,400 square foot storage building and a 900 square foot concrete pad in order to accommodate a new emergency services radio tower. While the review of these development activities was handled through submission of a consistency report, the 10% pollutant reduction requirement was not met at the time. It was agreed upon then that Commission staff would work with the County to find a method for meeting this 10% requirement within 60 days of the consistency determination.

Unfortunately, and for various reasons, the 60 day timeframe was not met and the 10% rule compliance remains outstanding at this time. Given the amount of time that has passed, as well as the inability of the Commission to find an appropriate solution to 10% compliance within the Town of Princess Anne, Commission staff recommends that compliance with the 10% rule be tied to future projects requested by Somerset County. For instance, the proposed expansion at the Somerset County Detention Center will require a conditional approval by the Critical Area Commission. This office recommends that Somerset County explore options to meet the 10% requirement as a component of the proposed project.

Please let me know in writing if this solution is acceptable to you. Alternatively, if the County proposes a different method of compliance, Commission staff would be glad to discuss another option. Thank you for your efforts in coordinating review of this project. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner

Cc: Joan Kean, Technical and Community Services
Tracey Gordy, MDP

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 25, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, MD 21623

Re: Town of Perryville Water Treatment Plant Upgrade - State Wetlands

Dear Ms. Skilling:

Thank you for providing the information regarding the extent of State wetlands at the Perryville Water Treatment Plant site. It would appear that only 0.95 acres of tidal wetlands on the property meet the definition of "State wetlands", which is land under navigable waters of the State below the mean high tide. As a result, 3.95 acres is the appropriate acreage to use as the basis for calculating Critical Area requirements. Therefore, the proposed improvements on site meet the 15% impervious surface threshold.

The conditional approval granted the Town of Perryville on July 5th, 2006 included two conditions related to impervious surfaces:

- Provide an analysis of proposed impervious surface, identifying where reductions were considered and if any additional reductions can be made, especially in areas with sensitive resources;
- Any percentage of impervious surface over the 15% limit needs to be evaluated for the 10% pollutant reduction requirement.

Based on the above information, these conditions no longer apply at this time.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Cc: Ms. Denise Breder, Town Administrator

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

Mr. Keith Lackie
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street
Salisbury, Maryland 21801

Re: Town of Princess Anne-Somerset County Recreation Complex
Ruritan Ball Field Improvements
Map 201, Parcel 1120-1

Dear Mr. Lackie:

Thank you for providing information regarding the completed improvements at the Ruritan Ball Field in the Town of Princess Anne, Somerset County. As stated in your letter dated August 18th, 2005, the proposed activity requires review by the Critical Area Commission as detailed under COMAR, Title 27.02.02.

Based on the information you have provided I agree with your determination that the proposed development project is consistent with the Princess Anne Critical Area Program and Ordinance for projects located within Limited Development Areas. However, I would like to stress that in the future, Somerset County must request local certification of consistency by the Critical Area Commission prior to completion of projects. Under COMAR 27.02.02.02., once a local agency has made a determination of consistency, the request for local certification shall be submitted to the Commission. If the Commission were to deny certification, then the proposed development may not occur. Therefore, it is important that this process is followed so as not to jeopardize future projects.

Thank you for your efforts in coordinating the review of this local agency action. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner

cc: Tom Lawton, Technical and Community Services

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 22, 2006

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

RE: Swan Point Trail Improvement Project
ORD#50212

Dear Ms. Dailey:

Thank you for providing the revised information regarding the above referenced site plan. The applicant is requesting a series of improvements to the Swan Point Walking Trail System including; redevelopment of 3,670 square feet of trail pavers and boardwalk and a pavilion in Goodpastor Park. The proposed gazebo and fire ring in the Buffer were removed from the design plans. Based on this information I have no additional comments.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS844-05

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 22, 2006

Amanda M. Gordon
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Bay Boat Works
TM 36, Block 15, Parcel 390/625

Dear Ms. Gordon:

Thank you for providing information regarding the above referenced proposal to add land to an adjoining parcel. Parcel 625 will be subdivided and 0.76 acres added to Parcel 390 for a total acreage of 11.26 acres. The remaining portion of Parcel 625 will be 0.85 acres. Both parcels are designated Limited Development Area (LDA). Parcel 625 is currently developed with a single-family home. No new building lots will be added to Parcel 390 with this subdivision.

Based on the information provided, I have the following comment regarding the proposal:

- No information was provided as to whether the remainder of Parcel 625 meets LDA standards for 15% limit on impervious surface. The applicant is limited to 5,586 square feet of impervious surface for Parcel 625. A note indicating this limitation should be added to the subdivision plat.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Katherine L. Schmidt".

Kate Schmidt
Natural Resource Planner
CE 534-06

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/

August 22, 2006

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

RE: Variance Docket #1179
E. McGee; 13060 Pine Grove Road

Dear Ms. Wiggen:

Thank you for providing information regarding the above referenced variance request. The applicant is requesting variances from the Buffer and mitigation requirements in order to fill and grade their property, expand their gravel driveway and construct two sheds. The parcel is 20,848 square feet in size and designated an Intense Development Area (IDA) and a Buffer Exemption Area (BEA). Due to the nature of the site, the lot is entirely within the 100-foot Buffer because it extends from both the north and south sides of the property. The lot is currently developed with a single family dwelling, driveway, and garage.

In regards to the variance request for less mitigation requirements, I have the following comments. We are not requesting that the original grade be restored to the Buffer; however, we note that the applicant took actions without the proper County permits. These actions are largely outside of the scope of acceptable activities within the setback for a BEA. As a result of the scale of the violation, and the injurious nature of the grading to the Buffer, we are strongly opposed to the applicant's request for relief from the mitigation requirements. The County's Zoning Ordinance clearly outlines the penalties for violations within the Critical Area (297-135). These requirements specifically state that the area disturbed shall be restored and additional required remediation shall include the planting of natural forest vegetation in the amount of three times the area disturbed. To provide a variance to this requirement would result in an outcome in direct conflict with the general intent spirit of the Critical Area Law, as well as compromise the intent of the County's Zoning ordinance. If the applicant is unable to accommodate the offset requirements on site they have the option to pay into the fee-in-lieu program. Please note, any new impervious surface proposed by

the applicant will also be required to meet the 10% pollutant reduction rule for residential properties. Based on Critical Area Commission guidelines, the applicant will need to adjust their planting plan accordingly; every 100 square feet of new impervious surface outside the Buffer or BEA setback requires the planting of one (1) tree or three (3) shrubs. Within the Buffer or BEA, every 100 square feet of proposed development activities requires a minimum of three (3) trees or nine (9) shrubs.

Critical Area Buffer Variances

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes 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.

The Critical Area Buffer, designated a minimum of 100 feet landward of tidal wetlands or mean high tide, establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. The Buffer Exemption Area is a provision that recognizes the pattern of existing development prevents the Buffer from fulfilling its functions. As a result, the Charles County Code §297-131.C(3) provides a very specific set of development and redevelopment rules that balance the pattern of existing development with maintaining the integrity of the Buffer. Thus, development standards are more lenient than would otherwise be allowed in the Buffer, providing flexibility to property owners. The standards are clear that new development or redevelopment shall not be located less than twenty-five feet from the edge of tidal wetlands or mean high water. In addition, the expansion or redevelopment of existing structures in the BEA may not occur closer to mean high water than the existing principal structure.

In this case, the applicant is requesting variances to the Buffer in order to (1) fill and grade the lot including within the 25-foot setback, (2) construct 2 sheds in the 25-foot setback at the edge of tidal wetlands, and (3) expand their existing driveway into the 25-

Ms. Karen Wigger

Page 3

August 22, 2006

foot setback. The variances to the BEA setback cannot be granted unless the applicant proves, and the Board finds, that without the variances, 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 the standard above is met, and accordingly the variances 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.*

Currently, the lot is developed with a single-family dwelling, driveway, and garage. The lot's south side fronts Neale Sound and the north side fronts a tidal gut, thus the 100-foot Buffer extends from both sides and the entire lot is within the 100-foot Buffer. However, the area is also designated as BEA, in which the Charles County Code §297-131.C.(3) clearly states no new development or redevelopment shall be located within 25-feet of the edge of tidal wetlands or the line of mean high water. Despite the configuration of the lot, the small size of the lot, and the BEA setback of 25-feet there is still ample opportunity by the applicant to expand their driveway and to construct two sheds. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to construct a larger driveway and locate the two sheds closer to the house to meet the Buffer regulations and remain consistent with the Charles County Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

- 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 variances are 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

Ms. Karen Wigger
Page 4
August 22, 2006

Critical Area. To grant a variance to the Buffer in a Buffer Exemption Area beyond what has been established as law by the County would confer a special privilege on the applicant (Section 297-131(C)(3)). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variances do 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.

In contrast, the need for a variance to the development provisions for BEA's is directly the result of the applicant's actions. By eliminating the portion of the driveway in the 25-foot setback and moving the sheds closer to the dwelling the applicant would be able to meet the BEA provisions.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface and consequential disturbance to the land results in increased stormwater and sediment runoff with the Buffer and the loss of essential infiltration opportunities. In addition, the proposal further intrudes into the 100 foot Buffer beyond what is established for BEA's. While the lot is grandfathered and Buffer Exempt, the County zoning regulations under §297-131.C.(3) are clear that the intent is still to maintain a maximum distance between any new or redevelopment activities and mean high water. Given that there is ample opportunity to meet the above standard, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 the application for variances to the Buffer and to impervious surface.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Ms. Karen Wigger
Page 5
August 22, 2006

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
CS420-06

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/

August 16, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: GP-06-343;
Smith; TM 23, Parcel 189, Block 10, Lot 11

Dear Mr. Lawton:

Thank you for providing information on the above referenced site plan and grading permit. The applicant is proposing to disturb more than 5,000 square feet in order to construct a driveway and dwelling. The property is 15.72 acres in size and is designated as Resource Conservation Area (RCA). It is currently undeveloped.

Based on the information provided, I have the following comment. The lot is located within a 'Sensitive Species Review Area' for the Maryland Department of Natural Resources (DNR). The applicant will need to request further information from DNR Wildlife and Heritage and incorporate any recommended measures into the site plan prior to issuance of any building permit.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
SO 522-06

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/

August 15, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: CA VAR 06-845
R. Bunting; 31979 Veronica Lane

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the 100-foot Buffer to construct an structure (screen porch and deck). The property is 25.99 acres in size and is designated as Resource Conservation Area (RCA). It is currently developed with a single family home and existing deck.

It is also our understanding that the single family home is currently partly located within the boundaries of the 100-foot Buffer. The present request would replace an existing deck and stairs which extends to within 83-feet of the Mean High Water (MHW) line. The deck would increase in size from 14'x10' to 14'x20' and the screen porch would be 16'x18' in size. The proposed addition would not extend any further into the Buffer than the existing 83 feet. If the Board approves this variance, it should be the minimum necessary to provide relief and as a condition of approval we recommend the applicant be required to provide mitigation at a ratio of 2:1 for the disturbance to the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
SO 491-06

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/

August 15, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Critical Area Variance – B. Martin, Parkinson Road, Deal Island
TM28, Parcel 450, Block 17, Lot 2

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the 100-foot Expanded Buffer to construct a driveway. The property is 21.7 acres in size and is designated as Resource Conservation Area (RCA). It is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose a variance to provide a driveway access; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, it would appear that the applicant has limited ability to develop the property due to the presence of tidal and non-tidal wetlands. Thus, it does appear necessary for the applicant to impact the expanded 100-foot Buffer in order to access the buildable portion of their lot. However, it would also appear that the second Buffer crossing may not be necessary if the applicant were to construct the house on the first upland area of 1.16 acres. As proposed, the total area of disturbance to the Buffer is 7,748 square feet. Typically, the Commission recommends mitigation at a ratio of 3:1 for new development or redevelopment in the Buffer. Should the applicant receive the variance to both areas of the Buffer I recommend mitigation at this ratio.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
SO 512-06

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/

August 15, 2006

Mr. Eric Sennstrom, Director
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Canal Place, L.C.
TM 43, Parcel 283

Dear Mr. Sennstrom:

Thank you for providing information regarding the above referenced proposal to dredge Long Creek and place the material in an existing dredge material placement pond. The parcel is 50.33 acres and designated Resource Conservation Area. The site currently contains an existing dredge spoil placement area, agriculture fields, and a structure. The proposed area for the placement of the dredge material is completely outside of the 110-foot Buffer.

Based on the information provided, I have the following comments regarding the proposal:

- Based upon aerial imagery it would appear that the existing dredge spoil placement area is converting to forest vegetation. Based upon Cecil County Zoning code, this area might meet the definition of developed woodland, which are areas one acre or more in size that predominately contain trees and natural vegetation. Should this area meet the definition, any proposed clearing should require mitigation at a ratio of 1:1.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 505-06

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/

August 15, 2006

Mr. Tom Lawton
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: CA VAR-06-845
Olsen, 23198 Rolfe

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the 100-foot Buffer to expand an existing structure (covered porch). The property is 1.65 acres in size and is designated as Limited Development Area (LDA). It is currently developed with a single family home, deck, shed and driveway.

Provided this lot is properly grandfathered, we do not oppose this variance request. The expansion of the covered porch would increase impervious surface by 120 square feet and intrude an additional 5-feet into the Buffer. Mitigation should be provided per Somerset County code at a ratio of 2:1 and consist of a mix of native shrubs and trees.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
SO 504-06

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/

August 15, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Development Density in the RCA

Dear Mr. DiGiacomo:

This letter is to explain the Critical Area Commission's interpretation regarding residential use in the Resource Conservation Area (RCA) and development density. The Cecil County Zoning Code Section 192 references both the Cecil County Critical Area Program and the Chesapeake Bay Critical Area Criteria found in COMAR Title 27 for the definition of Resource Conservation Areas. The County Critical Area Program states that RCA's are those areas characterized by nature-dominated environments (e.g. wetlands, forests, abandoned fields) and resource-utilization activities (e.g. agriculture, forestry, fisheries activities, aquaculture). COMAR 27.01.02.02.D states that the RCA is "chiefly designated for agriculture, forestry, fisheries activities, other resource utilization activities and for habitat protection". Finally, both Cecil County Zoning Code Section 193.3 and COMAR 27.01.02.05.C(4) state that land within the RCA may be developed for residential uses at a density not to exceed 1 dwelling unit per 20 acres. Thus, areas in the RCA proposed for residential development must conform to the 1 dwelling per 20 acre standard, including any facilities which are proposed to support the proposed residential development such as septic systems or stormwater management facilities.

In the case of the proposal for Bracebridge Estates, the applicant is proposing to place stormwater management facilities within the RCA for dwelling units to be located outside of the RCA. Therefore the applicant will need to include the number of supported dwelling units into the development density calculation. Given the significant number of dwelling units located outside of the Critical Area to be supported by the stormwater management ponds, the applicant will not be able to meet the 1/20 threshold and will need to request Growth Allocation from the County.

I hope this information is helpful. If you have any further questions please do not hesitate to contact me at (410) 260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 15, 2006

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Glen Eby/Russell Shaner Growth Allocation Request

Dear Ms. Kean:

The purpose of this letter is to notify you of the Critical Area Commission's action on the above referenced Critical Area growth allocation request.

On August 2, 2006, the Commission concurred with my determination to process the Eby/Shaner growth allocation as a refinement to Somerset County's Critical Area Program. Under the Critical Area Act, I am also required to determine if the proposed refinement is consistent with the purposes, policies, goals, and provisions of the Act and Criteria. As proposed, the refinement is not consistent. Accordingly, under Section 8-1809 (p) (3) (iii) (1) D of the Act, I am returning the refinement package to Somerset County to make changes as described below.

The refinement package must specifically address the guidelines for growth allocation contained in Section 8-1808.1 (c) 1 of the Critical Area Act. The relevant guidelines are:

- Locate a new limited development area adjacent to an existing limited development area or an intensely developed area.
- Locate a new limited development area or an intensely developed area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality.
- Locate a new intensely developed area or a limited development area in a resource conservation area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

Ms. Joan Kean
August 15, 2006
Page 2

I have asked Commission staff to provide guidance concerning the submittal of changes to the refinement package to address these matters. Kate Schmidt will be pleased to assist you. Please contact her at (410) 260-3475 at your earliest convenience.

Sincerely,

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

Martin G. Madden
Chairman

cc: Marianne D. Mason
Kate Schmidt

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 11, 2006

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Somerset County Intermediate School

Dear Ms. Kean:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On August 2, 2006, the Critical Area Commission unanimously approved the County's proposal and site plan to construct a geothermal well field and stormwater swale associated with the new Somerset County Intermediate School, located in Westover, Maryland. This approval included the following condition:

The Somerset County Board of Education will provide a planting plan for 53,200 square feet of FIDS mitigation within 90 days for staff review and approval.

In fulfillment of the above conditions, please also notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

Cc: Mr. C. Samuel Boston, President Board of Somerset County Commissioners

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 7, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0246V; 550 Sanctuary Lane
James Davis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a patio addition with less Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence, driveway, stone patio, and pool.

Based on the information provided, this office would not support this variance request. In this instance, the applicant is proposing to increase the size of the patio area in the Buffer. The applicant already has significant outdoor living space, in the form of patio, a pool, and decks in the Buffer. In 2002 and 2004, the Maryland General Assembly reiterated its commitment to the protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. I do not believe the applicant can meet the standard of unwarranted hardship given significant outdoor living spaces already exist.

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,

Kate Schmidt

Kate Schmidt
Natural Resource Planner

cc: AA463-06

483-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 7, 2006

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

Re: 2006-0225V; 112B & 112C Askewton Road
K. Porter

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (decks) with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence.

Provided the lot is properly grandfathered, we do not oppose the variance to the setbacks or steep slopes. However, based upon my review of the information submitted, it would appear that the impervious surface on the lot currently exceeds 31.25%. Therefore, the 15'x14' covered entrance would also require a variance for impervious surface limitations. The remaining decks should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization at the perimeter. Mitigation, at a ratio of 1:1 should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should consist of a mix of native species of trees, shrubs and ground cover.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA497-04

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

August 7, 2006

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

RE: SFD 60354
Boarman; Banks O'Dee Road

Dear Ms. Dailey:

Thank you for providing the revised Habitat Protection Plan information regarding the above-referenced site plan. The applicant is requesting to construct a new single-family dwelling. The property is 69.17 acres in size of which 34.42 acres are located in the Critical Area. The Critical Area portion of the property is designated as Resource Conservation Area (RCA) and constitutes Forest Interior Dwelling Species (FIDS) habitat.

Based on the revised information I have the following comments:

- The FIDS mitigation worksheet is correct. The applicant must provide mitigation for 0.51 acres of direct habitat impact and 12.36 acres of interior habitat impact.
- The proposed planting plan is acceptable to meet the 0.51 acres of direct habitat lost.
- As previously discussed, the occupancy permit for this property will be contingent upon satisfying the FIDS mitigation requirement. As I understand it the applicant will enter into an agreement stating 12.36 acres of FIDS mitigation for interior habitat impact must be provided according to the mitigation guidelines outlined in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area" prior to Use and Occupancy. This includes approval and recordation of easements or other documents needed to accomplish permanent habitat protection. Any off-site mitigation shall be provided at a location approved by the Charles County Planning Division.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
CS283-06

Cc: Mike Petrakis, Ben Dyer Associates

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 4, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0259V; 3712 Ramsey Drive
J. Brosch

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence.

Provided the lot is properly grandfathered, we do not oppose this variance. However, impacts must be minimized and the variance the minimum necessary. Mitigation of 3:1 should be required for new disturbance within the Buffer. Mitigation plantings should be accommodated on site and directed first towards the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned above the printed name and title.

Kate Schmidt
Natural Resource Planner
cc: AA485-06

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/

August 4, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0253V; 125 Bay Drive
J. Strohecker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less side street setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence.

Provided the lot is properly grandfathered, we do not oppose this variance. Mitigation of 1:1 should be required for new disturbance outside the Buffer. Because the property is minimally planted, mitigation plantings should be accommodated on the site and directed first towards the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA484-06

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/

August 4, 2006

Mr. Wayne Cooper
President
County Commissioners of Charles County
PO Box 2150
La Plata, Maryland, 20646

Re: Swan Point Wastewater Treatment Plan – Modification Request

Dear Mr. Cooper:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On August 2, 2006, the Critical Area Commission unanimously approved the County's request to modify the submitted site plan to construct a wastewater treatment and reclamation facility at Swan Point, located in Issue, Maryland. The proposed modification is consistent with the existing planting plan and will not require any modifications. However, please note that all conditions applied with the original October 5, 2005, approval still stand.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. In addition, please notify the Commission once the mitigation plantings have been implemented. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Cc: Aimee Daily, Charles County
John Dunn, USX Realty

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

August 4, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0259V; 3712 Ramsey Drive
J. Brosch

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence.

Provided the lot is properly grandfathered, we do not oppose this variance. However, impacts must be minimized and the variance the minimum necessary. Mitigation of 3:1 should be required for new disturbance within the Buffer. Mitigation plantings should be accommodated on site and directed first towards the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt" with a long horizontal flourish extending to the right.

Kate Schmidt
Natural Resource Planner
cc: AA485-06

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/

August 4, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0253V; 125 Bay Drive
J. Strohecker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less side street setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence.

Provided the lot is properly grandfathered, we do not oppose this variance. Mitigation of 1:1 should be required for new disturbance outside the Buffer. Because the property is minimally planted, mitigation plantings should be accommodated on the site and directed first towards the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA484-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 31, 2006

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

RE: SFD60643
12025 Potomac View Road
TM 79, Block L, Lot 3, Parcel 102

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting to construct a new single-family dwelling. The property is 0.42 acres in size and lies within a designated Limited Development Area (LDA), Habitat Protection Area (HPA), and is currently undeveloped.

Based on the information provided I have the following comments:

- The applicant will need to contact DNR Wildlife and Heritage to determine whether the proposed project will impact any sensitive species or Habitat Protection Area (HPA). Recommended measures should be incorporated into the site plan prior to issuance of any building permit.
- The proposed limit of disturbance does not match between the Critical Area notes and the General notes.
- The applicant will need to provide a planting plan to meet the required mitigation. It would appear the applicant is proposing to clear more than 30% of the lot which would require mitigation at a 3:1 ratio. I am concerned that the applicant may not be able to achieve all of the planting required on-site. I would recommend the applicant consider reducing the amount cleared to minimize mitigation and provide an adequate on-site planting plan. In order to obtain credit of 100 square feet 2" caliper trees should be spaced at 10' from center. Seedlings should be

spaced at 7' from center and shrubs should be spaced at 3-7' from center. This is in order to ensure long-term survivability.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt". The signature is written in a cursive style with a large, stylized "K" and "S".

Kate Schmidt
Natural Resource Planner
CS475-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

July 31, 2006

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

RE: XRS60082; Chapel Point Estates – Chapel Point Road
TM 43, Lot 1, Parcel 46

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced subdivision to create 1 lot within the Critical Area. The parent parcel lies partly within the Critical Area and is designated as Resource Conservation Area. The proposed lot is 20 acres and entirely within Critical Area.

Based on the information provided, I have the following comments. Further information needs to be provided to clarify the allowed number of dwelling units within the Critical Area portion of the parent parcel including:

1. The total area of the parcel across both sides of Chapel Point Road within the Critical Area.
2. The number of any dwelling units that may currently exist within the Critical Area. Based upon my review of MERLIN, it would appear that some development exists within the Critical Area on the eastern side of Chapel Point Road.
3. A determination as to whether the tidal wetlands are State or private. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and thus used to meet any Critical Area requirements, including density calculations.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt
Natural Resource Planner
CS415-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 31, 2006

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

RE: SFD60429
Hardesty, 9420 Fendall Lane

Dear Ms. Dailey:

Thank you for providing the habitat protection plan for the above referenced site plan. The applicant is requesting to construct a new single-family dwelling. The property is 0.42 acres in size and lies within a designated Limited Development Area (LDA), Habitat Protection Area (HPA), and is currently undeveloped.

The Habitat Protection Plan (HPP) for the bald eagle appears to be consistent with recommended guidelines. The remaining comments I made in my letter from June 5th, 2006 still stand and will need to be addressed.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS344-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 28, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0172V & 2006-0214V; 596 Old County Road, Round Bay on the Severn
TM 32, Block 14, Parcel 184, Lots 410 R & 415R
Converse Builders & Developers

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variances. Variance 2006-172 is to allow the unmerger of lots with less lot area than required on an improved lot with a principal structure. Variance 2006-0214 is to allow greater density than allowed in an R2 district for resubdivision of lots. The applicant is proposing to remove an existing home that lies across both lots, resubdivide the properties and construct one new home on each lot (410R & 415R). The lots are designated a Limited Development Area (LDA) and are currently developed with a single family dwelling which will be removed.

Given the circumstances of this case we do not oppose these variances. However, the Critical Area report provided with the application incorrectly states the amount of allowable impervious surfaces. Once the lots are resubdivided, Lot 415R at 25,982 square feet, will be limited to 5,445 square feet of impervious surface. Lot 410R, at 15,691 square feet, will be limited to 31.25% impervious surface. The proposed impervious surface for Lot 415R is 6,640 square feet which will require a separate variance. Mitigation of 1:1 should be required for new disturbance.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA455-06

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 28, 2006

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

RE: SFD 60354
Boarman; Banks O'Dee Road

Dear Ms. Dailey:

Thank you for providing the revised Habitat Protection Plan information regarding the above-referenced site plan. The applicant is requesting to construct a new single-family dwelling. The property is 69.17 acres in size of which 34.42 acres are located in the Critical Area. The Critical Area portion of the property is designated as Resource Conservation Area (RCA) and constitutes Forest Interior Dwelling Species (FIDS) habitat.

Based on the information provided I have the following comments:

Limit of Disturbance

- I recommend the applicant attempt to reduce the Limit of Disturbance to the maximum extent possible. The L.O.D. must be used to a) calculate direct forest impact and b) calculate the interior forest habitat lost. Any reduction in the LOD would reduce these two impacts.

Proposed Planting

- The proposed planting plan is for direct forest impacts only, or 0.51 acres. While this is acceptable, given the conservation easement described below, the proposed planting must create or enhance additional FIDS habitat. Planting around the house does not accomplish this goal. Therefore, I suggest the applicant consider another area on site where the planting would actually enhance the FIDS habitat. Two potential areas include the portion of road through forest Stand A which would eventually create a closed canopy over the road or an area designated in Stand A which over time could be converted to a mixed hardwood stand.

Proposed FIDS Mitigation

- The submitted FIDS mitigation worksheet states that the FIDS mitigation requirement will be 11.81 acres. The number as calculated on the worksheet should be reflected on the site plan.
- Permanent protection in the form of a conservation easement is an acceptable method to meet the remainder of the mitigation requirement, 11.3 acres, for FIDS habitat. However, the CAC guidance for FIDS specifically states that when protection of existing FIDS habitat is selected, it is only given one-half credit due to the fact that all forests in the Critical Area are afforded some protection. In addition, given the fact that the RCA portion of this site is only allowed one dwelling unit, no further impacts are anticipated in the Critical Area. Therefore, it is preferable to this office if the applicant were to protect the FIDS habitat outside of the Critical Area. Depending upon the acreage necessary to meet this requirement and the plans of the applicant to manage their forested area, some mix of stands may be considered. If the applicant has an active forestry management plan, I recommend they share that plan and describe what steps are possible for enhancing that plan to manage for FIDS.
- As previously discussed, the occupancy permit for this property will be contingent upon satisfying the FIDS mitigation requirement. As I understand it the applicant will enter into an agreement stating the amount of FIDS mitigation to be satisfied in order to proceed with the issuance of the building permit.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
CS283-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 28, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: 2006-0233V; 10211 Maple Glen Drive
Robert & Leslie Donahue

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single family residence, sunroom, porch, concrete pad and driveway which will be replaced.

Provided the lot is properly grandfathered, we do not oppose this variance. Mitigation of 1:1 should be required for new disturbance outside the Buffer and 3:1 for any new disturbance inside the Buffer. Because the property is not forested, mitigation plantings should be accommodated on the site and directed first to non-forested areas within the Buffer. Plantings should consist of densely grouped native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA463-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 26, 2006

Mr. Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

RE: Project #200664520/06-WL-1912
MD State Highway Administration
Allens Fresh Run

Dear Mr. Tabisz:

I have received notification of the proposed project by the Maryland State Highway Administration (SHA) to provide replacement and maintenance of the existing bridge decking and associated substructures. Environmental review by the Department of Natural Resources Wildlife and Heritage Division indicates this project site falls within a Natural Heritage Area and three rare and endangered species are known to occur within the vicinity of the project site. Please be aware that this office advised the applicant on March 1, 2006 the proposed project may need further staff review and Commission approval under COMAR 27.02.05.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 26, 2006

Mr. Anthony DiGiacomo, AICP
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Browning Creek Subdivision Concept Plat
TM52 Block 24 Parcel 20

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above referenced subdivision concept plat. The applicant is seeking to develop a 47-lot subdivision. The entire parcel is 355 acres of which 112.14 acres are in the Critical Area and designated Resource Conservation Area (RCA). The Critical Area portion of the site is currently developed with farm buildings and foundations.

Based on the information provided, I have the following comments regarding the proposal:

1. Given the presence of tidal wetlands on a portion of the site, the applicant will need to provide information as to whether the tidal wetlands are State or private tidal wetlands. State wetlands cannot be included in Critical Area development calculations such as the number of allowable dwelling units for RCA, impervious surface, or forest clearing. This information should be determined through a qualified wetland delineation. If the applicant has questions related to this issue they may contact this office.
2. At this point in time, it would appear the applicant has the right to five (5) dwelling units, as is shown by the 5 lots. However, the status of the buildings shown within the Critical Area near Lot 47 should be clarified. If these buildings are to remain and can be considered as a dwelling units they will need to be included in the density calculations.
3. Please provide documentation as to methodology used to calculate the expanded 110-foot Buffer. In areas where the 110-foot Buffer boundary is adjacent to steep slopes (15% or greater), the Buffer must be must be expanded four feet for every one percent of slope or to the top of the slope, whichever is greater.
4. The expanded 110-foot Buffer should also be shown on the area of common open space within the Critical Area.
5. A review on MERLIN indicates the project is located in a Sensitive Species Project Review Area. The applicant will need to seek information from the Department of Natural Resources

TTY for the Deaf

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

(DNR) Wildlife and Heritage Division and incorporate any provided guidance into their site plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and includes a horizontal line extending from the end of the name.

Kate Schmidt
Natural Resource Planner
CE 466-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

July 25, 2006

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

**RE: SFD 06-0080 Burley Residence Site Plan
TM 20, Parcel 16, Lot 1**

Dear Ms. Dailey:

Thank you for providing the revised information on the above referenced site plan. The applicant is seeking to construct a single-family dwelling on a 3.0002 acre parcel. The property lies within a designated Limited Development Area (LDA), is designated as Forest Interior Dwelling Birds (FIDS) habitat and is currently undeveloped.

Based on the revised information I have the following comments:

- The applicant is proposing to clear 26,061 square feet of FIDS habitat, of which 2,600 square feet is considered "interior habitat". Based on the FIDS mitigation worksheet calculations, the applicant will need to provide FIDS mitigation for a total of 31,790 square feet.
- As previously discussed the applicant will enter into an agreement with Charles County to provide FIDS mitigation off-site at an acceptable FIDS location prior to the issuance of an occupancy permit. Please notify us regarding the final resolution of this issue.

Thank you for the opportunity to provide comments for this building permit request. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS 55-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 25, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Bracebridge Estates, Preliminary Plat
Morris & Ritchie Associates, Inc. Correspondence

Dear Mr. DiGiacomo:

Thank you for providing the revised information regarding the preliminary plat for Bracebridge Estates. The applicant is requesting to subdivide Tax Map 61 Parcel 12, which contains 303.3 acres of Critical Area designated a Resource Conservation Area (RCA), of which 26.711 acres are tidal wetlands. The site is currently developed as a farm site with multiple structures and driveway system. Based on the information provided, I have the following remaining comments:

1. I understand that the applicant has not yet determined the boundary of the state and private wetlands and is proposing to deduct the entire acreage of tidal wetlands for the purposes of the density calculations. This is acceptable, however property line boundaries should be adjusted to demonstrate this area is being deducted. Not only is the State versus private wetlands determination important for the density calculation, State tidal wetlands cannot legally be included within the boundaries of a privately owned lot or parcel or the acreage numbers used in impervious surface and forest clearing calculations.
2. I am satisfied that only one dwelling unit exists within the Critical Area portion of Lot 41.
3. It would appear that the habitat of the four species of concern identified by the Maryland Department of Natural Resources (DNR) Wildlife Heritage Division will be protected by the expanded Critical Area Buffer. A copy of communication from Mr. Benjamin Brockway indicates all the habitat protection areas in the Critical Area shall be placed in a conservation easement. In the event of conservation easement is not obtained, notes referencing the protection and maintenance of the Critical Area Buffer should be added to the final subdivision plat.
4. A note referencing the Bald Eagle Nest Protection Guidelines provided by DNR Wildlife and Heritage should be added to the final subdivision plan.

5. Stormwater management facilities proposed in the boundaries of the RCA can not be used to service lots outside of the Critical Area, as they are facilities necessary to support a dwelling unit and would impact the density calculations.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt". The signature is written in a cursive, flowing style.

Kate Schmidt
Natural Resource Planner
CE202-06

Cc: James Keefer, Morris Ritchie & Associates

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 25, 2006

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: 2006-0230-V; 589 Highbank Road
CJC, LLC

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Modification Area. The property was previously developed with a single family residence that was destroyed by fire.

Provided the lot is properly grandfathered, this office does not oppose the variance request; however impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and the variance request.

1. It would appear that impacts to steep slopes and forest vegetation through the placement of the well could potentially be minimized. If possible, the applicant should locate the well the minimum distance necessary to meet Health Department requirements.
2. Mitigation should be provided within the Buffer at a ratio of 2:1 for the amount of newly developed impervious surface.

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

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt" followed by a horizontal line.

Kate Schmidt
Natural Resource Planner
cc: AA287-05

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 25, 2006

Mr. Keith Lackie
Maryland Department of Planning
Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, MD 21801-4974

RE: Karwacki Variance Application
TM 104, Parcel 1770, Lot 3
Hammock Point Subdivision

Dear Mr. Lackie:

Thank you for bringing to my attention revised information regarding the above referenced variance application. My previous review of the variance was based on the understanding that the property was located in a Buffer Exempt Area (BEA). Although this is not the case, my comments pertaining to the variance standards set forth in my prior letter dated July 18, 2006 are still applicable. However, I have the following additional comments:

1. Crisfield Zoning Code Section 112-108.A(1) states that new development activities, including structures, roads, parking areas, impervious surfaces and septic systems are not permitted in the Buffer. As I stated previously, 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 City's variance standards, the Board must deny the application for variance to the Buffer.
2. If the Board finds the applicant has met the necessary standards and approves this variance, it should be the minimum necessary to provide relief and as a condition of approval we recommend the applicant be required to provide mitigation at a ratio of 3:1 for the disturbance to the Buffer. Plantings should consist of a mix of native trees and shrubs. The applicant may receive credit for 100 square feet with 1 tree of 2-inch caliper or 3 shrubs. Any areas disturbed during construction or stockpiling should be replanted with native plants.

I would like to reemphasize that in 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and has a fluid, connected style.

Kate Schmidt
Natural Resource Planner
CF428-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 24, 2006

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

RE: MIR 60280
Schroeder, TM43, Lot 8, Parcel 108

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting a building and grading permit to construct a 816 square foot parking pad outside the Buffer and place backfill in the Buffer to stabilize an existing bulkhead. The property is 1.05 acres and designated Limited Development Zone (LDZ) and Buffer Exemption Area (BEA). It is currently developed with a driveway.

Mitigation at a ratio of 2:1 should be provided for disturbance in the Buffer and 1:1 for disturbance outside the Buffer. Mitigation should be provided in the form of native shrubs and trees. Aerial photos show there should be sufficient room to plant in the Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS449-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 24, 2006

Mr. Stuart Stone
Bolton & Associates, LLC
P.O. Box 2470
La Plata, MD 20646

RE: Expanded Buffer
Henderson Property, Indian Head
TM 11 Parcel 117 & 649

Dear Mr. Stone:

Thank you for providing information regarding the expanded Buffer for the above referenced property. The Henderson property is within the Critical Area and currently designated Limited Development Area (LDA). Two tributary streams run through and adjacent to the property in question and are both bordered by steep slopes. Based upon the location of the 100' Buffer, the Buffer had to be expanded for the steep slopes. The draft site plan titled Critical Area Buffer Exhibit and dated July 12, 2006 correctly demonstrates this expanded Buffer.

Please contact this office at any time if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

cc: Mr. Benjamin J. Maldonado

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 21, 2006

Ms. Anne Gleason
AG Environmental Restoration
180 Dividing Court
Arnold, MD 21012

Re: Melrose Neighborhood Playground

Dear Ms. Gleason:

I am writing in response to your recent submittal on behalf of Maryland National Capital Park and Planning, (MNCPPC) of the Melrose Neighborhood Playground located in the City of Hyattsville. The applicant proposes to redevelop an existing basketball park into a skate park and expand an existing parking lot. The entire project area is approximately 4.6 acres and is currently designated Resource Conservation Area (RCA).

In order for staff of the Commission to process this application, the following additional information is required:

- Please clarify ownership of the project site. Only the State or local agency that owns the land may bring the project forward to the Critical Area Commission.
- This site is currently designated Resource Conservation Area (RCA). RCA's are typically those areas characterized by nature-dominated environments and resource utilization activities. In order to determine the appropriate process to review this request, it will be important to establish ownership of the parcel as stated above.

In regards to the site plan, I have the following comments:

- Please provide tax map, parcel, and lot numbers for the project site and show the boundaries on the site plan. Are the soccer field and existing basketball court on the same lot? If they are not, please adjust the total acreage to reflect only the basketball court site.
- Please clarify the areas included in the impervious surface calculations. If the entire 4.6 acre project site is to be used, than all existing impervious surface, including trails and parking area near the soccer field should be included.

Thank you for the opportunity to provide comments at this stage. Please keep us posted on the above information as it becomes available. If you have any questions, I can be reached at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner
40-06MNCPPC

cc: Eileen Nivera, MNCPPC

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 21, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, MD 21623

Re: Town of Perryville Water Treatment Plant Upgrade Conditional Approval

Dear Ms. Skilling:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On July 5, 2006, the Critical Area Commission unanimously approved the Town's proposal and site plan to expand the Town's water treatment plant located off Water Plant Drive, near the Town of Perryville. This approval included the following conditions:

Conditions Associated with Impervious Surfaces

- (1) Provide an analysis of proposed impervious surfaces, identifying where reductions were considered and if any additional reductions can be made, especially in areas with sensitive resources;
- (2) Any percentage of impervious surface over the 15% limit needs to be evaluated for the 10% pollutant reduction requirement;

Conditions Associated with Buffer and Forest Interior Dwelling Bird Habitat

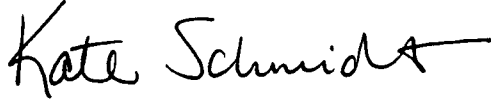
- (3) The Town shall provide mitigation at a 1:1 ratio through natural regeneration for all temporary impacts outside of the Buffer;
- (4) The Town shall provide on-site mitigation at a 1:1 ratio for the 200 square feet of impact to Forest Interior Dwelling Bird Habitat near the existing forest edge;
- (5) The Town shall provide mitigation at 3:1 for temporary and permanent impacts to the Buffer;
- (6) The Town shall submit an acceptable mitigation plan to Commission staff for review and approval by September 5, 2006; and

Condition Associated with the Resource Conservation Area Designation

- (7) Due to the fact that a water treatment plant is not a use permitted in a Resource Conservation Area, the Town of Perryville or Cecil County will bring to the Commission a request to change the designation of the site from RCA to IDA due to the mapping error within 120 days.

In fulfillment of the above conditions, please provide Commission staff with the requested information at the time it is due. Should any assistance be required in regards to the request to change the mapping designation I am available at any time. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and includes a long horizontal flourish at the end.

Kate Schmidt
Natural Resource Planner

Cc: Ms. Denise Breder, Town Administrator

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 21, 2006

Mr. Brian Black
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: YMCA of Cecil County
TM309 Block 24 Parcel 100

Dear Mr. Black:

Thank you for providing information regarding the above referenced site plan. The applicant is seeking to construct a building addition and a pavilion at an existing YMCA facility. The 34.37 acre parcel is currently developed with a large building and gymnasium facility, basketball courts, parking lot, driveway, and concession stand. It lies partially within a designated Limited Development Area (LDA).

At this point in time I do not have the necessary information to provide a complete review. Specifically, I am concerned with the potential amount of impervious surface existing within the Critical Area. This office provided comments to the initial construction of the facility in 1994. However, it would appear that sometime after 1998 the gymnasium building, which is approximately 37,000 to 38,000 square feet, was constructed on the site without review by this office (see attached MERLIN map). I am not able to find any information in our files and it appears we did not receive it. Please provide additional details on this addition. In order to proceed with Critical Area review, information as to the amount of existing impervious surface within the Critical Area and the amount of proposed impervious surface within the Critical Area should first be provided.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 367-06

Attachment (1)

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 20, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: 2006-0202V; 1874 Luce Creek Drive
Schram & Borssuck

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with disturbance to steep slopes and in the expanded Buffer. The property is designated a Limited Development Area (LDA) is currently developed with a single family residence, deck, patio, and driveway.

Provided the lot is properly grandfathered, we do not oppose this variance. However the disturbance to steep slopes should be minimized to the extent possible. The reinforced silt fence should be moved out of the steep slope area and clearing or grading in this area eliminated. It does not appear necessary in order to construct the proposed addition.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
cc: AA433-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 20, 2006

Ms. Yvonne Dedrickson
Constellation Generation Group Environmental
Constellation Energy Group
1005 Brandon Shores Road
Baltimore, Maryland 21226

Re: Critical Area Requirements for Reclamation of the Furnace Bay Sand and Gravel Mine with Coal Ash

Dear Ms. Dedrickson:

This letter is in response to your request for staff at the Critical Area Commission to make a determination on the use of "fly-ash" in the Critical Area as a component of the proposed mine reclamation project at Furnace Bay Sand and Gravel Mine. The Furnace Bay Sand and Gravel Mine is located in Cecil County off Mountain Hill Road. A portion of the site lies within the Cecil County Critical Area and is designated Resource Conservation Area (RCA).

Based upon preliminary information you have provided, the reclamation process will involve the use of coal fly-ash to reclaim the existing mining pit. As you are aware, Critical Area regulations play a role in land use activities. Specifically, surface mining activities and reclamation must comply with Cecil County Critical Area zoning law. Initially, this office had concerns that the use of "fly-ash" might be considered a solid or hazardous waste, or that the reclamation site could be interpreted as a collection or disposal facility which would be regulated under COMAR 27.01.02.02G.. In response to our inquiries with Maryland Department of the Environment, Mr. Ed Dexter, Administrator of the Solid Waste Program provided us with the following information:

- MDE regulates flyash under discharge permits rather than landfill permits based on an interpretation of the Pozzolan Act.
- The Pozzolan Act states that flyash can be used for, among other things, land reclamation, if it exhibits pozzolanic qualities and sediment and erosion control regulations and other permits apply.
- COMAR 26.04.07.04C(7) provides an exemption in the solid waste regulations for pozzolans and does not require a solid waste permit.
- Environment Article Section 9-1701 provides that a recyclable material is not a solid waste if it is being returned to the market place as a raw material or product, such as for reclamation or as a soil amendment.

Based upon the above information and that in this instance the use of flyash meets the "pozzolan exemption" staff at the Critical Area Commission concur that flyash may be used in the Critical Area for this sand and gravel mine reclamation project.

Please remember, that the proposed project will require approval and permits from Cecil County, for among other things, compliance with Critical Area regulations. If you have further questions regarding Cecil County's requirements please contact Mr. Joe Johnson at 410-996-5220. You may also contact me at anytime at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and includes a horizontal line extending from the end of the name.

Kate Schmidt
Natural Resource Planner

Cc: Mr. Eric Sennstrom, Director, Cecil County Dept of Planning and Zoning
Mr. Joe Johnson, Cecil County Dept. of Planning and Zoning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

April 26, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Major Subdivision - Canal View Estates, Preliminary Plat
(Tax Map 43, Parcel 3)

Dear Mr. DiGiacomo:

Thank you for providing revised information regarding the above referenced subdivision. The preliminary plat indicates the area in question is 213.97 acres, of which 105.73 acres are in the Critical Area. The property has a split Critical Area designation of Limited Development Area (48.28 acres) and Resource Conservation Area (59.53 acres). Currently, the site is developed with a single-family dwelling and several farm buildings, a portion of which is in the RCA. The applicant is now proposing to reserve the areas of RCA and LDA and subdivide those areas outside of the Critical Area.

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

1. Density in the RCA is restricted to one dwelling unit per twenty acres. Please note that the applicant retains the right to two dwelling units within the RCA. I recommend that a note clarifying this issue be added to the subdivision plat.
2. It would appear that the 110-foot Buffer has not been properly expanded for steep slopes. Section 196.1.b of the Cecil County Zoning Ordinance states that expansion of the 110' Buffer for steep slopes (15% or greater) is 4 feet for every 1% increase in slope or to the top of slope, whichever is greater.
3. Again, the Cecil County Soil Survey shows several intermittent streams on the south side of the property bordering MD 285. Intermittent streams within the Critical Area are considered a Habitat Protection Area under the Cecil County Zoning Ordinance and would be protected by a 110' Buffer. The plat indicates these are swales to be used for stormwater management. If a Buffer is required, a stormwater management area cannot be proposed without a variance.

4. The applicant will need to communicate with the Department of Natural Resources to determine the presence of rare, threatened, or endangered species prior to any project approval. If present on site, any development proposed as part of the subdivision must comply with the HPA provisions of the Cecil County Zoning Ordinance and Critical Area Program.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt
Natural Resource Planner
CE 55-05

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 18, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

RE: North East Isles Lots 98, 99, & 100

Dear Ms. Skilling:

Thank you for providing information regarding the proposed site plan for Lots 98, 99, and 100 in the North East Isles subdivision. The applicant is proposing to develop each lot with a single-family dwelling. The parcels which are adjacent to each other range in size from approximately 0.5 acre to 1.0 acre. They are designated as Limited Development Area (LDA) and entirely within the expanded 100' Buffer for steep slopes. Based on the information provided, I have the following comments:

1. The submitted plat shows that fast land is included in the lot boundaries and lot size. Performance standards for development within the Critical Area are based upon acreage landward of the edge of Mean High Water (MHW) of tidal waters or wetlands. Land below mean high water is considered to be under State ownership and includes areas of open water. The plat must be revised to exclude these areas from the lots.
2. If tidal wetlands are located on site, the applicant must provide a field delineation to distinguish between State and private tidal wetlands. State tidal wetlands also cannot be included within the boundaries of any privately owned lot or parcel. If a field delineation is necessary, the applicant should work with this office to ensure the delineation methodology is acceptable.
3. Prior to site plan approval, the applicant must obtain a variance for impacts to the Buffer and impacts to steep slopes.
4. As stated above, impervious surface calculations must be based upon acreage of land above mean high water for each parcel.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
NE424-06

Cc: Ms. Betsy Vernell, Zoning Administrator

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 19, 2006

Ms. Mary Ann Skilling
210 Inverness Drive
Church Hill, Maryland 21623

RE: Harborside Village
NE 755-05

Dear Ms. Skilling:

I have reviewed the revised conceptual subdivision plans and Critical Area Program Growth Allocation Request (Revision 2, May 2006) for Harborside Village in North East. The site is 59.36 acres, and is designated LDA. Growth allocation is proposed for 27.6 acres which will be developed with multi-family and single-family homes. Without growth allocation, this proposal cannot meet the LDA requirements. I have the following comments:

Development Envelope

1. At this point in time, there is not enough information to determine whether the amount of requested growth allocation is correct. This is due to the following questions related to the development envelope boundary:
 - a. The Critical Area Commission Policy for Growth Allocation states that the development envelope must include required buffers, which refers to the minimum 100' Buffer and the 25' nontidal wetlands buffer. Based upon the information I have, it would appear that a significant portion of the required buffer has not been captured in the development envelope.
 - b. In order to accurately determine the area of the development envelope, the applicant will need to provide information as to whether the tidal wetlands are State or private tidal wetlands. State wetlands cannot be included within the project site and in the area required to be deducted. Also, I recommend the applicant the acreage of the small upland forested area located among the wetlands. This information will guide us better in determining the required amount of growth allocation.
 - c. In the future, the applicant should include the development envelope boundary on concept plans. This will assist the Town and the Commission in determining whether the proposal is accurate and consistent with the methodology used by the Commission to review growth allocation projects.

Buffer

2. Lee Anne Chandler, the Commission's Science Advisor, met with the consultant on site on November 18, 2005 to verify the Buffer delineation. Based on comments provided by Regina Esslinger on December 8, 2005, it is my understanding the Buffer needed to be adjusted for two small tidal guts. These two guts are located on the easterly side of the site. These changes are not evident on the most recently submitted site plan dated February 17, 2006.
3. At the time of the growth allocation request, the applicant will need to demonstrate the ability to fully establish the Buffer across the site and provide a conceptual Buffer Management Plan.
4. In your letter dated July 11, 2006 you correctly state that any proposed disturbance to the Buffer will require a variance from the Town's Critical Area Program. I note that this is a local process to which the CAC provides recommendations to variance requests, rather than separate approvals. In order to obtain a variance, the applicant must meet several standards, including that of unwarranted hardship. The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the entire parcel or lot.

Forest and Woody Vegetation

5. This office agrees that the forest on site does not contain suitable habitat for FIDS. However, the applicant's description of the 11.53 acres of "woody vegetation" is misleading. Based upon the site visit made by our Science Advisor, CAC staff believes this area meets the definition of forest and developed woodlands as described in the Critical Area regulations. Therefore, the applicant should provide a clear account of all forest and "woody vegetation" proposed to be cleared.

Proposed Trail Network

6. The applicant has not yet addressed many of the standards for public walkways as identified in the Critical Area Commission Guidance Paper. Two significant issues that remain are whether the walkway will be for public use and how the proposed walkway will connect to the Town of Northeast to allow for public access.

10% Pollutant Reduction Requirement

7. Given that the applicant is requesting growth allocation to change the Critical Area designation from LDA to IDA, they should comply with the 10% pollutant reduction requirement on-site. The Critical Area 10% Rule Guidance Manual provides extensive direction as to methods and options that can be used to meet the reduction requirement. If the applicant is to propose either off-site measures or offsets they must demonstrate that they have exhausted all other possibilities to address stormwater quality treatment on site including reduction in impervious area, use of non-structural BMP's and other methods.

Ms. Mary Ann Skilling

July 17, 2006

Page 3 of 3

Growth Allocation Process

8. The Critical Area Law was amended this spring and requires that local jurisdictions use specific locational guidelines when locating new IDAs or LDAs and that the Commission ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the Town's application of these guidelines must be provided as a part of the growth allocation request.
9. As we discussed, once the growth allocation request is approved by the Town for this project, and the Town's submittal is accepted as complete, the Chairman of the Critical Area Commission will make the determination of whether the submittal is an amendment or a refinement. If the proposal is determined to be an amendment, the Critical Area Commission has up to 90 days to process the proposal and make a decision. Therefore, please be advised that the timeframe suggested in the minutes for the Harborside Meeting on June 8th, 2006 is most likely not sufficient.

Thank you for the opportunity to provide comments. The preceding comments represent the review and evaluation of the materials the applicant submitted by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. If you have any questions, please feel free to call me at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner

Cc: Ms. Betsy Vernell, Zoning Administrator, Town of North East

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 18, 2006

Mr. Keith Lackie
Maryland Department of Planning
Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, MD 21801-4974

RE: Bauman Variance Application
TM 101, Parcel 999

Dear Mr. Lackie:

Thank you for providing information regarding the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer in order to construct a single-family dwelling. The property was previously developed with a single-family dwelling that was demolished. The parcel is 1.14 acres in size and is designated Intense Development Area (IDA) and a Buffer Exemption Area.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. 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."

The City of Crisfield Zoning Code §112-108.B(3)(a) states that "the redevelopment of existing structures in the BEA may not increase impervious surfaces shoreward of the existing structure" while Section 112-108.B(3)(b) states that "when a structure is removed or destroyed, it may be replaced insofar as possible no closer than 100 feet from the edge of tidal wetlands. In such cases where a setback line exists, the structure may not be replaced shoreward of that line". In this case, the setback line from the edge of tidal wetlands was 35-feet for the prior existing structure. The applicant is seeking to construct a 1300 square foot dwelling with both a rear and front deck, each approximately 600 square feet in size. Based upon the site restraints of the property, it would appear intrusion into the Buffer is necessary. However, it would also appear that the applicant may be able to meet the previously established BEA setback line of 35 feet.

The variance to the 100-foot Buffer 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 are not fully convinced that the above standard has been met, and unless the applicant can prove minimization 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.

The intent of the flexibility provided by the Buffer Exemption Area (BEA) designation is to recognize the existing pattern of development may prevent the Buffer from fulfilling its function. However, opportunities for new development should still minimize the extent of impervious surface in the Buffer to the extent possible. In this case, it would appear the applicant has the opportunity to meet the BEA setback line of 35' that was previously established on this site by reducing the size of the structure and moving it closer to the front yard setback line. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the City has evidence on which to base a favorable finding on this factor.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to construct the desired dwelling in a manner that meets the Buffer regulations and remains consistent with the City of Crisfield's Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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 City's Critical Area. To grant a variance to the Buffer in a Buffer Exemption Area beyond what has been established as law by the City would confer a special privilege on the applicant (Section 112-108.B.(3)(a)). 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.

In contrast, the need for a variance to the development provisions for BEA's is directly the result of the applicant's current design. A small revision in location could move the structure to meet the 35' BEA setback line and still meet other zoning requirements.

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

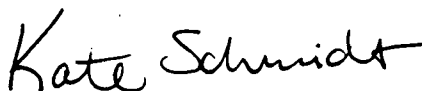
In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. While the lot is grandfathered and Buffer Exempt, the City zoning regulations under §112-108.B.(3)(a) & (b) is clear that the site design must minimize to the extent possible intrusion into the Buffer. Given that there is ample opportunity to meet the above standard, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 City's variance standards, the Board must deny the application for variance to the Buffer.

If the Board determines to approve this variance, it should be the minimum necessary to provide relief. This office would recommend the structure be moved forward closer to the front yard setback and consideration be given to the removal of one or both of the proposed decks, or a reduction in size of the decks. As a condition of approval we recommend the applicant be required to provide mitigation at a ratio of 2:1 for the disturbance to the Buffer.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
CF428-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

July 18, 2006

Mr. Keith Lackie
Maryland Department of Planning
Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, MD 21801-4974

RE: Karwacki Variance Application
TM 104, Parcel 1770, Lot 3
Hammock Point Subdivision

Dear Mr. Lackie:

Thank you for providing information regarding the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer in order to construct a single-family dwelling and shed. The parcel is 1.14 acres in size and is designated Intense Development Area (IDA) and a Buffer Exemption Area. It is currently undeveloped.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes 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 City 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 develop the property with a single-family home approximately 77.4 feet from the edge of tidal wetlands (or a variance to the Buffer of 22.6 feet) and shed 86.4 feet from tidal wetlands. The Critical Area Buffer, designated a minimum of 100 feet landward of tidal wetlands or mean high tide, establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use.

TTY for the Deaf

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

The Buffer Exemption Area is a provision that recognizes the pattern of existing development prevents the Buffer from fulfilling its functions. As a result, the City of Crisfield Zoning Code §112-108.B.(3)(c) provides a very specific set of development and redevelopment rules that balance the pattern of existing development with maintaining the integrity of the Buffer. Thus, development standards are more lenient than would otherwise be allowed in the Buffer, providing flexibility to property owners. The zoning code states that the "new development in the Buffer Exemption Area shall minimize the shoreward extent of impervious surfaces insofar as possible, taking into consideration existing city yard setback requirements and other such factors". In this instance, I concur with your assessment that there is sufficient room on site to minimize impacts by locating the house and shed outside of the 100 foot Buffer and maintain the front yard setbacks.

The variance to the 100-foot Buffer 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 the standard above is met, 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.

Currently, the lot is undeveloped. The intent of the flexibility provided by the Buffer Exemption Area (BEA) designation is to recognize the existing pattern of development may prevent the Buffer from fulfilling its function. However, opportunities for new development should still minimize the extent of impervious surface in the Buffer to the extent possible. In this case, the applicant has the opportunity to meet both the full 100' Buffer setback and the front yard building line restriction. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the City has evidence on which to base a favorable finding on this factor.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to construct the desired dwelling in a manner that meets the Buffer regulations and remains consistent with the City of Crisfield's Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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 City's Critical Area. To grant a variance to the Buffer in a Buffer Exemption Area beyond what has been established as law by the City would confer a special privilege on the applicant (Section 112-108.B.(3)(a)). 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.*

In contrast, the need for a variance to the development provisions for BEA's is directly the result of the applicant's current design. A small revision in location could move the structure outside of the 100-foot Buffer and still meet other zoning requirements.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. While the lot is grandfathered and Buffer Exempt, the City zoning regulations under §112-108.B.(3)(c) is clear that the site design must minimize to the extent possible intrusion into the Buffer. Given that there is ample opportunity to meet the above standard, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 City's variance standards, the Board must deny the application for variance to the Buffer.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
CF428-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

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

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

July 17, 2006

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

RE: Growth Allocation Request for Glen Eby

Dear Ms. Kean:

This office has received those items requested in my letter dated June 23, 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 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 Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 12, 2006

Mr. David Black
Cecil County Government
Office of Planning and Zoning
129 East Main Street, Room 300
Elkton, MD 21921

**RE: Camp Grove Point
CE 840-05**

Dear Mr. Black:

I am writing in response to the revised site plan submitted by Lane Engineering to the Critical Area Commission on July 6, 2006 for the above referenced project (correspondence attached). Based on the additional information, I have no further comments.

Thank you for the opportunity to continue to review and provide comments on this project. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 367-06

cc: Barry Griffith, Lane Engineering

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 13, 2006

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

RE: Windsor Manor Subdivision – Revised Preliminary Plan
XPN 990033

Dear Mr. Ringling:

Thank you for providing information regarding the above referenced revised subdivision proposal. The applicant is requesting to subdivide a 42.94-acre parcel to create 89 single-family detached lots and 1 estate lot. There are 9.35 acres within the Critical Area portion of the property. The Critical Area portion of the property is designated Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, it would appear that there continues to be some missing items. Previously submitted plans showed a tributary stream in the Critical Area with an expanded 100' Buffer. This item is missing from the submitted information. Please verify whether that information remains on the plans or has been removed. Tributary streams which can be defined as either intermittent or perennial require a 100' Buffer in the Critical Area. In addition, Ms. Kerrie Gallo requested in her letter on September 20, 2005 that the applicant address the Forest Interior Dwelling Bird (FIDS) habitat located on site. The requested notes have not been added to the site plan (see attached correspondence).

Thank you for the opportunity to provide comments on this revised major subdivision request. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS205-05

Attachment

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 13, 2006

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

RE: SHB60027
McGee, TM88 Block 86 Lot 13A & 14A

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting a building and grading permit to fill a portion of the property, expand their existing driveway, and place two sheds in the Critical Area Buffer. The property, which is 0.48 acres and designated Intense Development Zone (IDZ) and Buffer Exemption Area (BEA), is located on a small peninsula that borders Neale Sound on the south side and a tidal gut on the north side. It is currently developed with a single-family dwelling.

Based on the information provided I have the following comments:

- I understand that Charles County mapped this site as BEA and that the BEA extends around the entire peninsula/island. Therefore the Buffer from the north side of the property and the Buffer from the south side of the property are both BEA. The current proposal will still require the following variances:
 - *Variance to place fill in the Buffer.* Charles County Code Section 297-131(C)(3) states that new development or redevelopment may not be located less than 25 feet from Mean High Water or the edge of tidal wetlands. I understand that the fill and grading has already taken place from the house location up to the edge of the tidal gut.
 - *Variance to expand the driveway in the Buffer.* Charles County Code Section 297-131(C)(3)(a) states that expansion or redevelopment may not occur closer to edge of tidal wetlands or mean high water (MHW) than the existing principal structure.
 - *Variance to place new accessory structures in the Buffer.* Charles County Code Section 297-131(C)(3)(d) prohibits the construction of new accessory structures or expansion of existing accessory structures closer to MHW than the principal structure.

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."

- Charles County Code Section 297-131(C)(4) states that any new development activity which creates impervious or semi-pervious surfaces will be offset in plantings.
- Because this property is designated IDZ, water quality improvements must be provided to offset the proposed development. Pollutant reductions can be achieved by the utilization of stormwater best management practices or with plantings. Mitigation plantings can be used for this purpose. Plantings at a minimum of three trees or nine shrubs for every 100 square feet of the proposed development activity inside the Buffer, should be required. Stormwater should be directed to a stable vegetated outfall on the property, to provide additional water quality benefits on the site. In order to verify the proposed planting plan, the applicant should provide the square footage of area graded.
- Please verify the size of the covered wood deck and the existing small driveway. The notes do not match what I measured on the site plan, 430 square feet for the driveway and 264 square feet for the wooden deck. The deck should be treated as completely impervious if it is covered.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
CS420-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 12, 2006

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

RE: XRS60070; Federal Oaks – Route 225/Hawthorne Road

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced subdivision to create 1 lot within the Critical Area. The parent parcel is 184.84 of which approximately 7-10 acres are in the Critical Area and is designated as a Limited Development Zone (LDZ). Of that portion in the Critical Area, the applicant wishes to create 1-lot which is 2.09 acres in size.

I am in receipt of your interoffice memo to Tetchiana Anderson dated June 29, 2006 and have no further Critical Area comments to offer at this time. Please provide a new site plan should further revisions occur.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CS415-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 7, 2006

Mr. James Lee Henderson
Somerset County Detention Center
30474 Revells Neck Road
Westover, Maryland 21817

RE: Critical Area Commission Conditional Approval
Proposed Detention Center Work Release Addition

Dear Mr. Henderson:

This letter is intended to clarify the requirements of the conditional approval required for the proposed addition at the Somerset County Detention Center due to the impervious surface on site. In order for the Critical Area Commission to process a conditional approval, we must be in receipt of a complete packet one month prior to scheduled Commission meetings. The Critical Area Commission meets the first Wednesday of every month.

Ms. Joan Kean, Director of the Somerset County Department of Technical and Community Services has forwarded to us the responses required by the applicant to process the conditional approval. However, additional information is outstanding; including a complete site plan and required permits. This letter is to provide you with additional guidance as to those elements.

The following information should be included on a site plan:

General Mapping Features

- Vicinity Map
- Project boundary/Limits of disturbance
- Scale
- Orientation
- Project Name and Location
- Tract or Lot Lines
- Critical Area Boundary
- Agricultural Lands
- Topography
- Vegetative Cover
- Existing and Proposed Structures

Habitat Protection and other Sensitive Mapping Features

- Buffers
 - Minimum 100' from tidal waters, tidal wetlands, and tributary streams
 - 25' from nontidal wetlands
- Tidal Wetlands
- Nontidal Wetlands

Please include the following text information, where it applies, in the application materials regarding general project information. This may be included in the form of letters, reports, or site plan notes:

- Method of stormwater control
- Impervious Surface Information
- Soil erosion and sediment control measures and implementation strategy
- Afforested area (site must have minimum of 15% forest cover)

Prior to bringing the project to the Critical Area Commission, the following permits and documents must be secured or in the final stage if applicable to the site.

- Maryland Department of the Environment (MDE)
 - Stormwater Management
 - Sediment & Erosion Control Plan

In addition, review and comment from DNR Wildlife and Heritage Service is necessary to determine potential impacts to additional resources including threatened and endangered species, plant and wildlife habitat, forest interior dwelling birds species (FIDs), and Natural Heritage Area's. Please forward your project to DNR Wildlife and Heritage for review.

I understand the Somerset County Department of Technical and Community Services is available to advise you further on how to proceed. Please feel free to contact me at 410-260-3475 if you have any additional questions.

Sincerely,



Kate Schmidt
Natural Resource Planner
SO273-06

cc: Joan Kean, Somerset County Technical and Community Services

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 6, 2006

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

RE: Variance Docket #1171
Jerry Hansen

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced variance request. The applicant is requesting variances to the Buffer (rear yard and rear deck setback), impervious surface, frontyard setback, and expansion of an existing nonconforming use in order to construct a larger single-family dwelling. The parcel is designated a Limited Development Area and a Buffer Exemption Area. It is currently developed with a single family dwelling.

This office does not oppose the variances for expansion of non-conforming use and the front-yard setback.

Critical Area Variances – Buffer & Impervious Surface Limits.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes 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

Ms. Aimee Dailey
Page 2
July 6, 2006

an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to develop the property with a 70 foot rear setback line for the deck and structure when the defined setback line based on adjacent principal structures is approximately 80 feet (this was not clearly labeled on the application). The Critical Area Buffer, designated a minimum of 100 feet landward of tidal wetlands or mean high tide, establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. The Buffer Exemption Area is a provision that recognizes the pattern of existing development prevents the Buffer from fulfilling its functions. As a result, the Charles County Code §297-131.C(3) provides a very specific set of development and redevelopment rules that balance the pattern of existing development with maintaining the integrity of the Buffer. Thus, development standards are more lenient than would otherwise be allowed in the Buffer, providing flexibility to property owners. Standard (a) states that the "expansion or redevelopment of existing structures in the Buffer Exemption Area may not occur closer to open water or wetlands than the existing principal structure or the setback line as defined by the location of principal structures on adjacent lots."

The applicant is also requesting a variance to impervious surface limit of 25%. The Charles County Code §297-131.C(3)(e) specifically restricts impervious surface in the BEA on lots less than one-half acre to 25% of the parcel or lot in order to provide maximum protection for water quality. Based on the parcel size, the applicant is allowed 1,897 square feet in impervious surface, while the proposal is for 1,976 square feet, an increase in 79 square feet.

The variances to both the setback and impervious surface requirements 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 the standard above is met in either case, and accordingly the variances 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.

Currently, the lot is developed with a small single-family dwelling that has a Buffer setback of approximately 95 feet. The Buffer setback line defined by the adjacent properties is approximately 80 feet while the applicant appears to seek a setback of 76 feet (again not clearly defined on the site plan). The lot is 7,588 square feet in size,

Ms. Aimee Dailey

Page 3

July 6, 2006

similar to surrounding lots on Cobb Island. This lot, despite the small size, still provides opportunity to construct a reasonable sized-dwelling, deck, and driveway that would meet the 25% impervious surface requirement and Buffer setback. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to construct the desired larger dwelling in a manner that meets the 25% impervious surface limit and the Buffer regulations and remains consistent with the Charles County Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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 variances are 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 the Buffer in a Buffer Exemption Area and to increase impervious surface limits beyond what has been established as law by the County would confer a special privilege on the applicant (Section 297-131(C)(3)(e)). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variances do 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.

In contrast, the need for a variance to the development provisions for BEA's is directly the result of the applicant's current design. A slightly smaller structure could meet both the impervious surface limit and the Buffer setback as shown on the site plan.

Ms. Aimee Dailey
Page 4
July 6, 2006

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface and consequential disturbance to the land results in increased stormwater and sediment runoff with the Buffer and the loss of essential infiltration opportunities. In addition, the proposal further intrudes into the 100 foot Buffer beyond what is established for BEA's. While the lot is grandfathered and Buffer Exempt, the County zoning regulations under §297-131.C.(3)(e) are clear that the impervious surface coverage limit in this situation is 25% and site design must still minimize water quality impacts and provide on-site mitigation to offset potential adverse water quality impacts from the new impervious surfaces. Given that there is ample opportunity to meet the above standard, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area 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 the application for variances to the Buffer and to impervious surface.

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

Sincerely,



Kate Schmidt
Natural Resource Planner
CS360-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

July 5, 2006

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Bracebridge Estates, Preliminary Plat
Morris & Ritchie Associates, Inc. Correspondence

Dear Mr. DiGiacomo:

This letter is in response to a copy of correspondence received in our office on June 29th, 2006 from Mr. James M. Keefer to you regarding the above project. The applicant is requesting to subdivide Tax Map 61 Parcel 12, which contains 303.3 acres of Critical Area designated a Resource Conservation Area (RCA), of which 26.711 acres are tidal wetlands. The site is currently developed as a farm site with multiple structures and driveway system. The applicant is seeking written acceptance of their conclusion regarding density of dwelling units in the RCA. In order to make a final evaluation of the stated changes, I will require a copy of the revised site plan. However at this time, I have the following preliminary comments:

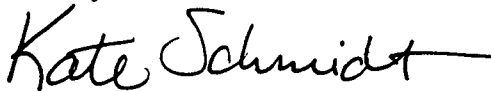
- Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary. Based on the numbers currently provided, the applicant is correct that the allowable density in the RCA is 13 dwelling units.
- The applicant is correct to consider the septic systems as part of the dwelling unit in the density calculations for the RCA.
- The applicant is currently assuming that Lot 41 is considered a single dwelling unit. At this time, the applicant has not provided sufficient information regarding the uses of all existing structures within the Critical Area to make this assumption. Natural Resources Article §8-1802 defines a "dwelling unit" as a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Section 8-1801.1(e)(2)(i) also states that a local jurisdiction may consider one additional dwelling unit per lot as part of a primary dwelling unit for the purpose of density calculation if the additional dwelling unit is (A) located within 100 feet of the primary unit, does not exceed 900 square feet in total enclosed area, and is served by the same sewage disposal system as the primary dwelling unit or (B) is located

within the primary dwelling unit. I recommend the applicant provide additional information regarding the location and design of the tenant houses mentioned in their letter.

- A copy of the Department of Natural Resources Wildlife and Heritage division letter must be received before final subdivision to ensure there are no adverse impacts to any such species.
- Mitigation for forest clearing within the Critical Area should be provided at a ratio of 1:1 for clearing less than 20 percent of existing forest, 1.5:1 for clearing greater than 20 percent and less than 30 percent of existing forest, and 3:1 for clearing greater than 30 percent of existing forest (Cecil County Zoning Ordinance Article XI, Part I, Section 200). Mitigation can be provided on site or in combination with off-site forest planting. The applicant should provide a mitigation plan as part of the subdivision proposal.
- As shown on the site plan, many of the lots have minimal forest cover. The applicant should provide calculations for existing forest cover for each lot. If less than 15 percent forest cover exists, afforestation should be provided to establish 15 percent forest cover on each lot (Cecil County Zoning Ordinance Article XI, Part I, sections 201 and 200(6)). Mitigation plantings can be used for this purpose.
- If land use in lots with Buffer will be converted from agricultural to residential, then the Buffer must be established in vegetation (COMAR 27.01.09.01.C/6). Vegetation may be planted or allowed to naturally regenerate if feasible.
- Lots of less than one acre within the Critical Area can be permitted a maximum of 25 percent impervious surface coverage, providing the entire subdivision does not exceed 15 percent impervious surface coverage. Lots that are greater than 1 acre will be limited to 15 percent impervious surface coverage (Cecil County Zoning Ordinance Article XI, Part I, Sections 200 and 201). We recommend that a note be added to plat stating the limitation on impervious surface coverage for all lots within the Critical Area.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
CE202-06

Cc: James Keefer, Morris Ritchie & Associates

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 21, 2006

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

Re: Sahlin Farms- Resubmittal
S 98-091, P 06-0015

Dear Ms. Shatt:

Thank you for forwarding the final development plans for the above-referenced subdivision request. The applicant has addressed our previous comments. We have no further comments at this time. If future revisions are made, please forward them to this office for review.

Thank you for the opportunity to comment. Please contact me at (410) 260-3484 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
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/

December 21, 2006

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

Re: Goudy, H. Chester Jr. Subdivision
MS 06-064

Dear Ms. Krinetz:

I have received the above-referenced subdivision for review and comment. The applicant proposes to divide one lot into two with retention of the existing house on proposed lot AR-1, construction of a new house on proposed lot AR-2, and a ten-foot widening dedication. I have outlined my comments below.

1. The area calculations that are provided in the critical area report are inconsistent with those provided on the plat. Consequently, it is unclear which calculations are correct. Please have the applicant resolve the inconsistency and update the impervious limit calculations as necessary.
2. The applicant indicates in the critical area report that a new house will be constructed on lot AR-2. This new construction seems to be reflected in the proposed impervious calculations on the plat. However, no new construction footprint is included on the plat or plan. The applicant should either include the footprint for new construction on the plat and plan that corresponds with the proposed new impervious calculations, or simply indicate what the maximum allowable impervious area will be for each of the proposed lots.
3. We note that the chart on the plat identifies the allowable impervious area as 4800 square feet. However, maximum allowable impervious area on the existing lot and on the proposed new lots is determined by calculating 15% of the lot area. 4800 square feet is neither 15% of the area of the existing lot, nor 15 % of the

Ms. Krinetz
December 21, 2006
Page Two

area of the proposed new lots. Please correct and clarify what this number represents.

4. The chart on the plat indicates that there is currently no forested area on either proposed lot. If this is correct, the applicant must meet the minimum 15% afforestation requirements on the lots. Please have the applicant clarify whether 15% of the proposed lots are already forested, and if not how the afforestation requirements will be met.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 752-06

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/

December 15, 2006

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

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

Dear Mr. Maragos:

I have received a resubmittal for the above referenced subdivision request. The applicant has addressed the comments of Lisa Hoerger's last letter dated August 7, 2006. I have reviewed the submitted plat and plan and have no further comments.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "11/for Amber Widmayer".

Amber Widmayer
Natural Resources Planner

AW/jjd

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
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 14, 2006

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

Re: The Villas at Deep Creek
S 96-039, P 06-0010

Dear Mr. Torney:

Thank you for forwarding the final development plans and plat for the above-referenced subdivision request. The applicant has addressed most of the comments from Lisa Hoerger's last letter dated March 9, 2006. I have outlined my remaining comments below.

1. We note that the applicant has indicated on sheet five of the final development plan that the recreational path will be a wood chip path that is no more than three feet wide, and that the final location of the path will be field located by a landscape architect prior to construction. This is acceptable as long as the constructed path is consistent with this description, and that any trees that must be removed to construct the path are replaced.
2. In our previous comments, we recommended that the reconnect point on the path be moved out of the 100-foot Buffer, based on the previously mislabeled plan. The line is now correctly labeled as the expanded Buffer. In keeping with our previous request, we recommend that the reconnect point be located landward of this line so as to minimize disturbance from construction and foot traffic in this area. We recognize that the path briefly crosses into the 100-foot Buffer below the reconnect point, and this is acceptable given that the extent of the intrusion into the 100-foot Buffer is minimal and necessary to avoid crossing through the neighboring lot.

Mr. Torney
December 14, 2006
Page Two

3. As requested, the applicant has noted how much reforestation is required based on the amount of forest clearing in the Critical Area. However, the applicant has indicated this amount in two places with two different numbers on sheet 3 of the final development plan. This discrepancy must be corrected. Also, as requested in our previous comments, we request that the applicant include a notation on the plat and the plan that the reforested areas will be in a perpetual easement.
4. The applicant has noted that accessory structures are prohibited within the portion of lots 25-30 and 36 that are RCA. However, the applicant has not included a notation that markers delineating the RCA would be put in place before, during and after construction in order to minimize disturbance in this area. Please have the applicant make this addition to the final plat and final plan.

Sincerely,

11/17 Amber Widmayer

Amber Widmayer
Natural Resources Planner

AW/jjd

cc: AA 422-02

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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 11, 2006

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

Re: Hyatt and Petrie Property
Formerly Alan & Sharon Hyatt Property
MS 06-026

Dear Mr. Murray:

I have received a resubmittal for the above-referenced subdivision request. As indicated in the applicant's November 15, 2006 letter, the originally proposed subdivision has been modified and now proposes to subdivide one residential lot into two and no longer includes the construction of a new residential dwelling on one of the lots.

The applicant's November 15, 2006 letter notes that a revised critical area plan will be submitted with the next submittal. Based on the information we have at this time, our only comment is that the applicant must show that the 15% afforestation requirements will be met on both newly created lots.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
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

**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 11, 2006

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

Re: Wallace Manor Lot G-2
S 97-029, P 06-0054

Dear Mr. Murray:

I have received a resubmittal for the above-referenced subdivision request. The applicant has addressed the comments provided by Kate Schmidt in her letter dated September 25, 2006. I have outlined my remaining comments below.

1. There appears to be a calculation error on the plat and plan for the maximum allowable forest clearing on proposed lot G-2A. I get 18,757 s.f. for 20% of 93,789 s.f., while the plat and plan indicate this amount as 10,311 s.f.
2. The plat and plan indicate that all required reforestation, totaling 32,114 s.f., will be met by fee-in-lieu payment. However, the applicant has not specified why reforestation can not be accomplished on site. The Anne Arundel County Code §17-8-602 (f) specifies that "reforestation and afforestation planting shall be established first within the 100-foot buffer." Accordingly, the required reforestation should be done in the Buffer unless the applicant shows that this is not feasible.

Mr. Michael Murray
December 21, 2006
Page Two

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

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 243-06