

Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 17, 2007

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

Re: Eagles Passages, Section 5, Lots 38 and 39
Amend Plat

Dear Mr. Burke:

I would like to offer the Commission staff's comments concerning the above-referenced subdivision request. It was our understanding that the County had received our final comments verbally; however, we will put them in writing to avoid any misunderstandings since our position has significantly changed since our last comment letter.

Since Commission staff first received this request, it seemed clear to us that permitting two access points rather than one shared joint use pier would not be the optimum choice considering the steep slopes and wetlands on these lots. In fact after reviewing our original comments for this subdivision back in 1990, Commission staff requested a community pier, hence one single point of access for the entire community; however, the County chose not to plat the community in that manner, but to instead permit joint use piers.

As you know, Commission staff attended a site visit with yourself and the property owner of lot 39 to discuss the possibility of amending the plat note that restricts lots 38 and 39 to a joint use pier. At that visit we saw a historic dirt path that lead to the water on lot 39. It appeared to be in fairly stable condition, and provided access for this lot owner. Therefore, it does not seem reasonable to expect a joint use pier along the property boundary in this situation given the existing conditions. It is unclear why this was not taken into account when originally platting these lots. Nevertheless, it seems a joint use

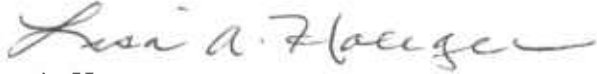


Mr. Burke
December 17, 2007
Page Two

pier between these two lots may not be permissible along the property line without creating more disturbances to the Buffer; therefore, we do not oppose the amending of this plat to allow for separate access points and piers, provided they can receive all proper State and local permits, for each lot. We do strongly recommend that the County continue to work closely with the owner of lot 38 to find the most appropriate means for accessing the shoreline for that lot.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Dr. Perry Lucente, Lot 39
Ms. Amber Widmayer, Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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 3, 2007

Mr. Masoud Ghatineh, P.E.
Anne Arundel County
Department of Public Works
2662 Riva Road, 4th Floor
Annapolis, Maryland 21401


Re: Town Point Dredge Material Containment Facility
Rehabilitation Project

Dear Mr. Ghatineh:

I have received your request for an extension of the November 4, 2007 deadline for submitting a Planting Plan for the Town Point Dredge Material Containment Facility. I have spoken with Mr. Jim Johnson, the County forester, and I understand he has secured a planting site at Rockhold Creek Farm to accommodate the Town Point mitigation. Since the bid process for a planting contractor will not occur in time to meet the November 4 deadline, we agree that the County needs additional time and will grant the requested 60-day extension.

If you have any questions, or if the County determines 60-days is not adequate, please contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: Jim Johnson, County Forester



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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 3, 2007

Mr. Fred Bedell
Department of Natural Resources
Boating Services
580 Taylor Avenue,
Annapolis, Maryland 21401

Re: Ft. Washington Marina, Prince George's County
Planting Plan, Project # F-017-050-210

Dear Mr. Bedell:

Thank you for your patience in awaiting my review of the revised landscaping plans for the Fort Washington Marina site. You have certified that the project will provide 4,936 square feet of trenches to address the 10% Pollutant Removal requirement of 4,341 square feet, and that all the proposed plantings to address the Buffer Exemption Area mitigation requirements are still being met on-site. Therefore, it appears the current set of plans dated October 2007 meet all required mitigation.

At your earliest convenience please indicate the date of installation for the trenches and the plantings. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: DNR 36-04



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 29, 2007

Mr. Joe Kincaid
Maryland Department of the Environment
407 Race Street
Cambridge, Maryland 21613

Re: Whitetail Subdivision, Wicomico County
Individual Pier Requests

Dear Mr. Kincaid:

At your request, this office is providing the Maryland Department of the Environment with comments concerning the pier requests you are reviewing in the Whitetail subdivision in Wicomico County. The primary reason for these comments is to address the issue of the Barren Creek Wetland of Special State Concern (WSSC) that exists on the property. Specifically, the impacts that individual piers would have on this wetland, and our position that issuing individual pier licenses on lots within a WSSC would be inconsistent with the Wicomico County Critical Area Program and State Critical Area Law and Criteria in addition to the regulations governing WSSCs in the Environment Article.

As you are aware, the subdivision was approved with riparian lots that extend through the WSSC. This approval occurred despite letters from the Department of Natural Resources indicating the presence of the WSSC, and our comment letter requesting that the lot lines not extend to the water. In fact, the plat notes state that no Habitat Protection Areas are located on or adjacent to the site. Wetlands of Special State Concern qualify as significant plant and wildlife habitat that specifically requires protection under the County Program and State regulations. Nevertheless, the County approved the lot configuration without requiring this modification.

However, there are specific plat notes (copies enclosed) that prohibit dwellings or portions thereof in the Critical Area portions of lots 2-7. It is our position that these lots would also not be permitted accessory structures, which would include individual piers, in the Critical Area portions of the lots since the lots are located in the Resource Conservation Area (RCA), which



Mr. Joe Kincaid
November 29, 2007
Page 2 of 2

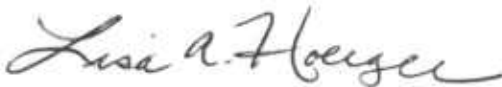
restricts development density. This subdivision has already used its RCA density with the creation of lots 8 and 9 since these lots will have density (actual dwelling units) in the RCA. The result is lots 2-7 cannot have any development activities within the Critical Area. This would include individual piers.

The developer was made aware of these restrictions and chose not to create an easement that would provide for a community pier. Simply drawing lot lines to the water does not constitute the right to a pier, especially when there is a State resource that has been specifically identified by the State and is afforded special protections due to its unique nature. Permitting individual piers through a WSSC is not consistent with the goals of the Critical Area Law in Natural Resources Article 8-1801, and 8-1808, and in the Critical Area Criteria found in the Code of Maryland Regulations 27.01.09.03., nor the Environment Article which has as its purpose to protect and conserve these unique State resources.

Any requests for individual piers on lots 2-7 should be denied due to the reasons outlined above, and any requests for individual piers on lots 8 and 9 should be carefully reviewed to determine whether those lots, particularly since they are adjoining, should utilize a shared pier to access Barren Creek since even one pier can have significant impacts to the WSSC. In accordance with the County's Critical Area Program, a Habitat Protection Plan should be provided by the applicant which demonstrates how impacts have been avoided, minimized and, if necessary, mitigated. The Habitat Protection Plan should be prepared with the recommendations of the Department of Natural Resources, Natural Heritage Program.

Thank you for soliciting Commission staff comments. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Jimmy Sharp, Wicomico County
Gary Setzer, MDE, Wetlands and Waterways
Tim Larney, DNR, Wildlife and Heritage
Wesley Knapp, DNR, Wildlife and Heritage

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

Ms. Janet Davis
Worcester County
Government Center
One West Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Production Well – Tax Map 83, Parcel 103 Unionville Road
Consistency Report

Dear Ms. Davis:

Thank you for forwarding the above-referenced project on behalf of Pocomoke City to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project involves constructing a production well in a Resource Conservation Area. Since this is an action requested by Pocomoke City as the proposed property owner, and this jurisdiction is exempt from having a Critical Area program, the Critical Area requirements should be met insofar as possible. After reviewing the consistency report this office agrees that the project has met the Critical Area requirements insofar as possible based on the following reasons:

- While the site may support Forest Interior Dwelling Bird habitat, the proposal meets the FIDs guidelines for clearing.
- Reforestation will occur on site for the previous and proposed clearing.
- No other Habitat Protection Areas will be impacted as a result of this development activity.
- Stormwater management and sediment and erosion control approvals were received.
- The proposed impervious area is below the 15% limit.
- Since Pocomoke City does not have a program that lists appropriate uses in the RCA this use may be viewed as complying insofar as possible due to the following reasons: the project is for a public use that the City is required to provide; the use is dependent on it being located on City property; and the use is dependent on being able to draw water.

TTY for the Deaf

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



Ms. Janet Davis
November 20, 2007
Page Two

Since the project was found to conform to the Critical Area requirements insofar as possible, no further review is required by the Commission, notwithstanding any other required resource agency approvals.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Russell Blake, Pocomoke City
WO 637-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Worcester County Growth Allocation Request for Shipyard Alley within the
Town of Snow Hill

Dear Ms. Houtman:

This office has received the Shipyard Alley growth allocation request. It is our understanding both the Mayor and Council of Snow Hill and the Worcester County Commissioners granted this growth allocation request to reclassify 3 acres from a Limited Development Area to an Intensely Developed Area. The Critical Area Commission accepts this growth allocation request for processing.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Mr. Chris McCabe, Worcester County



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

Mr. Chris McCabe
Natural Resources Administrator
Worcester County Dept. of Dev. Review and Permitting
Government Center
One West Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Growth Allocation Reward Request, Project Know as "Shipyard Alley"
Tax Map: 200, Parcels: 139 (1-4), 140, 141, 142

Dear Mr. McCabe:

Thank you for your lettering concerning the above-referenced growth allocation request. We have subsequently received this request from the Town of Snow Hill, and due to the fact that the approval of a growth allocation will affect the Town map and Town program, I have been advised that the formal request and our subsequent acceptance of the request must come from the Town of Snow Hill.

Thank you for providing us with the relevant information, including the updated growth allocation figures for the entire County. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Ms. Karen Houtman, Town of Snow Hill





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Susan Bonwill
#07-07-10-0010

Dear Ms. Tompkins:

Thank you for forwarding information for the above referenced subdivision request. From the site plan provided, it appears this parcel is not in the County's Critical Area; therefore, we have no comments on this request.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: QC 670-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: David K. Sharretts
TDR #02-07-09-0003-C

Dear Ms. Rhodes:

We have received the revisions for the above referenced Transferable Development Rights request. The applicant has responded to Mr. Johnson's last comment letter dated September 18, 2007. Regarding the remaining 13.5 acres in the Resource Conservation Area (RCA), it continues to be Commission staff's position that this remaining acreage should be held in an easement to ensure no future development activity is permitted on what will be non-conforming RCA lands, since the remaining area is less than the minimum 20 acres required for development.

It appears Section 18-1-100 of the County Code does not address remaining RCA acreage that is less than 20 acres. Therefore, absent clear standards from the ordinance, if an easement is not required we recommend that at a minimum a plat note and deed reference be required. The note and deed should indicate that no further development activities are permitted within the remaining, unencumbered 13.5 acres of RCA.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: QC 546-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Havre de Grace Water Treatment Plant Expansion
Buffer Exemption Mitigation Requirements

Dear Mr. Bautz:

Thank you for your letter to Mr. Johnson concerning the Buffer Exemption Area mitigation requirements for the City's Water Treatment plant expansion project. I have reviewed the City's ordinance, specifically §49-11, and have determined that this project is not subject to §49-11.E since this section appears to only address single family residential mitigation; however, the project is subject to §49-11.D. (8) which clearly contemplates mitigation in addition to a densely planted bufferyard regardless of the type of development.

Since the ordinance is not absolutely clear on this issue, Commission staff will accept the proposed mitigation for the Water Treatment plant expansion as proposed since we are sensitive to the City's pending bid process for this project, and do not wish to delay that process.

However, we will contact the City to discuss some revisions to this section of the ordinance since it was the Commission's understanding at the time the ordinance was approved that mitigation for uses other than residential would also include native vegetation of an area twice the extent of the footprint of development activity into the 100-foot Buffer, in addition to a 15-foot densely planted bufferyard. Of course, we are open to discussing other means for addressing mitigation in the Buffer Exemption Areas that will still meet the intent and purpose of the Critical Area Criteria which include the water quality and habitat protection objectives of the Buffer, just as we were able to work with the City on an alternative bufferyard width.

Mr. Bautz
November 2, 2007
Page Two

Thank you for your attention to this matter. As always, Commission staff looks forward to continuing to work cooperatively with the City as it administers and enforces its Critical Area Program. If you have any questions, please telephone me anytime at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Ren Serey, Executive Director
Marshall Johnson, Natural Resources Planner
HG 666-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Charles & Elaine Wheatley
#05-07-09-0004-C

Dear Ms. Jackson-Rhodes:

Thank you for forwarding the revisions to the above-referenced subdivision request. In our last comment letter dated September 18, 2007, we requested that the applicant provide a letter from the Department of Natural Resources and to provide an updated Buffer Management Plan and assurance for the plantings. I have outlined my comments below.

1. The applicant provided a recent letter from the Department of Natural Resources indicating there are no records of any threatened or endangered species habitat; therefore, this issue requires no further action.
2. The Buffer Management Plan provided does not address our request to provide a continuity of plantings across the lot. We understand there is some forest cover that currently continues across the Buffer area; however, since the applicant proposes to remove some dead and diseased trees throughout the Buffer, we recommend these areas be used for some of the proposed plantings. We recommend this change be made prior to final plat approval.
3. The Buffer Management Plan indicates that the shaded trees represent five trees that were removed before the plan, but the number shaded exceeds five. Please have the applicant clarify this discrepancy.

Ms. Jennifer Jackson-Rhodes

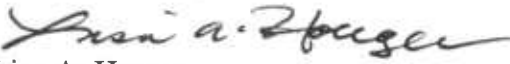
November 1, 2007

Page Two

4. The written description of the Buffer Management Plan indicates 15 trees will be removed from the Buffer; however the site plan does not show 15 trees for removal. Please have the applicant clarify this discrepancy.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: QC 547-07

Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 1, 2007

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

Re: Reed Creek, LLC
#03-07-08-0012-C

Dear Ms. Jackson-Rhodes:

Thank you for forwarding applicant's responses to our last comment letter for the above-referenced subdivision request. It appears the applicant has addressed the majority of our comments. I have outlined our remaining comments below.

1. While it is not clear whether the site supports Delmarva fox squirrel habitat, the applicant states that no clearing is proposed for future development activities; however, clearing of eleven dead or dying trees is proposed in the 100-foot Buffer. We recommend the applicant consult with the Department of Natural Resources and the U.S. Fish and Wildlife Service to determine whether this type of selective clearing could impact the squirrel habitat.
2. We recommend the applicant provide the County with a detailed Buffer Management Plan that shows the type, size and spacing of the proposed plantings in the Buffer. In addition, we recommend the applicant provide assurance for these plantings.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: QC 521-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

RE: 04-07-02-0005c; Blue Jay Court
Cracker Barrel Old Country Store, Inc.

Dear Ms. Tompkins:

Thank you for submitting the revised plans for the above-referenced project. As stated in Mr. Johnson's last letter dated September 4, 2007 this office has no further comments as the applicant has met the requirements of the 10% Rule calculations.

Thank you for the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: QC 96 -07



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 31, 2007

Ms. Catherine Robbins
Environmental Manager
Project Planning Division
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

Re: Bridge No. 1200600, Old US 40, Pier 5


Dear Ms. Robbins:

Thank you for providing information concerning the removal of the old bridge pier from the Susquehanna River. It is our understanding from the information provided that while the old bridge deck was removed, the pier still remains and is in danger of collapse; therefore, the pier is slated for demolition. Commission staff has determined this project qualifies under Code of Maryland Regulations Title 27.02.03, General Approval of State Agency Programs, and subsequently, the Memorandum of Understanding (MOU) between the Department of Transportation and the Critical Area Commission.

Specifically, this project meets the requirements for General Approval under Exhibit B1, Section D – Other Minor Projects, since it is our understanding that there will be no addition of impervious area, no impacts to Habitat Protection Areas, and will not increase the quantity or lessen the quality of runoff. Therefore, no further review by this office is necessary notwithstanding any other required State or federal permits.

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

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: Mr. Gary Green, SHA



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: King's Ransom Subdivision - 04-06-06-0004-C

Dear Ms. Tompkins:

Thank you for providing the revised plans and information on the above referenced project. The information provided includes the applicant's responses to the comments of Mr. Johnson's letter dated October 1, 2007. I have outlined below our remaining comments.

1. We continue to recommend that the lot lines for lots 2, 3 and 4 do not extend to Kirwan Creek, but rather the lot lines terminate at the edge of the Buffer. Our concern is that no new development activity is permitted in the Buffer as stated in County Code § 14:1-51 and Code of Maryland Regulations 27.01.09, and the plat note on sheet 4 suggests that disturbance could be permitted. In addition it has been our continued experience that the Buffer on new lots will not be adequately protected unless it is established in community open space.
2. It is unclear whether the issue of the expanded Buffer for hydric soils has been settled. The applicant must show the County that development or disturbance on these soils will not adversely affect adjoining streams, wetlands or aquatic environments. If a determination was made not to expand Buffer for hydric soils, we recommend it be listed as a note on the plat so that it is clear that an analysis was done.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief
cc: QC 724-04



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Winter's Run 16" Main Project
Critical Area Consistency Report

Dear Ms. Bynum:

Thank you for forwarding the final information requested for the above-referenced utility project. Per the requirements of the Code of Maryland Regulations 27.02.02- State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions, Commission staff has reviewed the materials provided and concur with your office's determination that the project is consistent with the Harford County Critical Area Program due to the following factors:

- The project crosses two Habitat Protection Areas (HPA), the 100-foot Buffer to Winter's Run and adjacent nontidal wetlands; however, the County Critical Area program permits utilities to cross an HPA if no feasible alternative exists. Since this is an existing sewer line that is being repaired, there is no feasible alternative.
- Some clearing of natural vegetation will be required; however, the County will provide mitigation for the area cleared at the site through a fee-in-lieu.
- The Department of Natural Resources is satisfied that no threatened or endangered species or Forest Interior Dwelling Bird habitat will be impacted by the construction.
- The Department of Natural Resources has recommended that the Use I instream prohibition period of March 1 through June 15 be observed, and this is noted on the plans.

TTY for the Deaf

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



Ms. Bynum
October 24, 2007
Page Two

- Appropriate stormwater management and sediment and erosion control measures are proposed during construction.
- The County has secured a permit from the Maryland Department of the Environment for necessary impacts to nontidal wetlands, the 100-year floodplain and Winters Run.

Since the project was found to be consistent with the Harford County Critical Area Program, no formal approval is required by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. If any aspect of the project changes, please contact this office for further coordination.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: HC 841-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Emma Evans
#05-07-10-0003-C

Dear Ms. Jackson-Rhodes:

Thank you for forwarding information for the above referenced subdivision request. The applicant proposes to subdivide an existing .638 acre lot into two lots. The site is located in the Limited Development Area and is not waterfront. I have outlined my comments below.

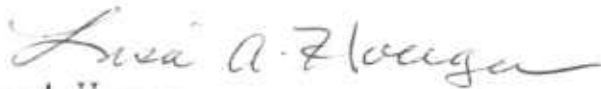
- The subdivision plan provides an impervious surface table for the resulting lots. It is unclear why it shows no existing impervious surface for both lots, since it is our understanding there is an existing dwelling on the property. Please have the applicant clarify this item.
- The letter from the Department of Natural Resources indicated the site may support Delmarva fox squirrel. Therefore, any future development activities must be coordinated with the Department of Natural Resources and the U.S. Fish and Wildlife Service.
- We recommend the County require a plat note and information in the individual deeds that states that impervious surface includes gravel driveways, and that the driveways shall be included in the total impervious surface calculations.
- Note number 18 indicates any trees cut will be replaced; however, the note should further specify that if clearing of all natural vegetation, including tree, shrubs or herbaceous cover exceeds 20%, then mitigation shall be at a 1:1.5 ratio, and if the clearing exceed 30% then mitigation shall be at a 3:1 ratio.

Ms. Jackson-Rhodes
October 23, 2007
Page Two

- All mitigation shall be provided on site.
- Please notify the Commission staff when the final plat is approved.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: QC 613-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Bay East Development Corporation
#CP #04-05-07-0005-C

Dear Ms. Tompkins:

Thank you for forwarding information on the above referenced concept plan. The applicant proposes to create a multiuse development on a 7.934 acre site that is located in the Intensely Developed Area and in a Buffer Exemption Area. I have outlined my comments below.


1. We recommend the minimum 50-foot setback be measured from the landward edge of the proposed public walkway to ensure that the 50-foot setback area is being maintained in natural vegetation since the public boardwalk feature will preclude at least 12 feet of vegetated area that the setback is designed to provide.
2. We recommend that the public walkway be designed to direct runoff away from the water side and into the 50-foot setback area, or piped to a Best Management Practice that will be outside the 50-foot setback to provide some water quality benefit.
3. The terminus of the public walkway is wider than 12 feet and needs to be reduced to the 12-foot width to minimize disturbance.
4. A portion of the walkway within the 50-foot setback is labeled as private since it appears a gate will prohibit the public from entering certain portions of this walkway. While we understand this section serves the proposed slips, parallel walkways in the Buffer that are not otherwise providing public access are seen as not complying with the spirit and intent of the County's Critical Area program or its Buffer Exemption Area program. This is because there is a clear public benefit to providing public access; therefore, reasonable public walkways are permitted; however, it is not possible to justify a private walkway that is zero feet from mean high water, pervious or not, since the area of that walkway precludes the ability to vegetate the area as the setback is required to provide.

Ms. Tompkins
November 2, 2007
Page Two

5. We recommend the applicant consider a different configuration of the proposed slips so that the extensive private walkway system can be eliminated from the plan.
6. The portion of the private walkway not serving slips that is at the edge of the bulkhead must be removed from the 50-foot setback. If the applicant desires a private walkway, it must be located behind the 50-foot setback as there are no provisions in the County Code to permit parallel private walkways in the setback.
7. Since the applicant has indicated that the open water portions of the site were created from uplands and are considered private tidal wetlands, documentation must be provided to demonstrate private ownership.
8. We continue to recommend that the applicant provide some preliminary 10% pollutant reduction calculations for this site to ensure there is adequate space to provide for any necessary Best Management Practices on the site.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: QC 471-05

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Dixon Furniture
#07-07-10-0004-C

Dear Ms. Jackson-Rhodes:

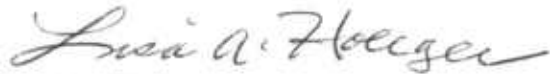
Thank you for forwarding information for the above referenced subdivision request. The applicant proposes to revise the boundary lines between parcels 2, 131 and 132 of tax map 6. All three parcels are partially in the Resource Conservation Area. I have outlined my comments below.

- The allowable 15% impervious surface limits for each parcel must be shown on the final plat and in the individual deeds. The note should include that all surfaces, including gravel driveways, are included in the calculations.
- It appears the resulting area of parcel 2 will be completely outside the Critical Area. However, the resulting areas of parcels 131 and 132 will be almost entirely within the Resource Conservation Area. The area of each of these parcels that will be within the Critical Area should be included on the plat.
- The information provided does not include information about the percent of existing forested area on this site. The parcels should each have a minimum of 15% forest cover to meet the County's afforestation requirements.
- The request shall not be finalized until the letter from the Department of Natural Resources is received to confirm whether there are any threatened or endangered species that require protection since this type of information could affect the lot line revisions.

Ms. Jackson-Rhodes
October 23, 2007
Page Two

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: QC 640-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Kurt N. Marley - CU-100007

Dear Ms. Maxwell:

Thank you for forwarding information for the above referenced project. The applicant proposes to construct a 6 foot x 200 foot addition to an existing 6 foot by 100 foot pier. Since the proposal will exceed 150 feet in length, it requires approval of as a conditional approval by the Board of Appeals.


The applicant has already received State and Federal permits; however, Queen Anne's County is not obligated to approve any permit issued by these entities if the County finds the proposal will not meet the standards of the County Code. It appears the proposed length of the pier will not exceed one-half the distance from mean high water line to the centerline of the body of water.

The other issues the County should consider when evaluating pier extensions is whether any portion of the project will impact aquatic resources; therefore, the applicant should provide information including whether the area may support submerged aquatic vegetation or oyster beds.

This office does not oppose the request for a pier extension provided the Board of Appeals is satisfied that the provisions of the County Code are satisfied and the request will not adversely impact any aquatic habitats.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for conditional approval. Please notify the Commission of the decision made in this case. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: QC 639-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: Norman C. Durham
#03-07-10-0002-C

Dear Ms. Jackson-Rhodes:

Thank you for forwarding information for the above referenced subdivision request. The applicant proposes to obtain 1.32 acres from an adjoining parcel. The current parcel is 5.856 acres and is located in the Resource Conservation Area. I have outlined my comments below.

- The information provided does not indicate the current impervious surface area for each existing parcel. This information must be provided to ensure that the administrative subdivision will not create a non-conformity with respect to the allowable 15% impervious surface limits. Please have the applicant include this information and ensure that all surfaces, including gravel driveways are included in the calculations.
- Since Parcel 11 will become slightly smaller as a result of the administrative subdivision, the applicant should ensure that future redevelopment of this site can be accomplished outside the minimum 100-foot Buffer, since the buildable area is being reduced. Future redevelopment includes the location of the well, septic system, dwelling and accessory structures.
- The information provided does not include the soils type to determine whether the Buffer requires expansion for hydric soils or highly erodible soils. This should be provided to ensure there is adequate buildable area for the reasons mentioned above.

Ms. Jackson-Rhodes
October 23, 2007
Page Two

- The information provided does not include information about the percent of existing forested area on this site. The parcels should each have a minimum of 15% forest cover to meet the County's afforestation requirements.
- A note should be added to the final plat and in the individual deeds that impervious surfaces are limited to 15% of each parcel, and that impervious area includes gravel surfaces.

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

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: QC 612-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

Ms. Lillian Hillman
P.O. Box 190
Kensington, MD 20895-0190


Dear Ms. Hillman:

Thank you for your recent correspondence. Enclosed is the plat titled "Moeller Residence" revision C and the Anne Arundel County Building Permit No. B022232454 per your request. Your original letter did not indicate that you needed these items returned. My sincere apologies if I misunderstood.

Your October 5, 2007 letter indicated that I did not respond to your March 13, 2007 letter; however, I specifically recall and have numerous entries in my telephone log since the date of your March 13, 2007 letter indicating that I spoke with either yourself or your son concerning the Moeller property on March 14 and March 15. Mr. Hillman's call to our office on March 16 was returned by our Executive Director, Ren Serey, as I was out of the office. I spoke with Mr. Serey this afternoon and he indicated that he returned Mr. Hillman's call and explained to him that the County had inspected the site twice at our office's request, and found the proposed pool was outside the Buffer. In regard to the concerns surrounding the slope stability, we also directed the County to review this issue because it is not one that our office can specifically address since we do not have the technical staff to review slope stability.

As always, if you have any other concerns or questions that we may be able to assist you with, please do not hesitate to contact us.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

Enclosures

cc: Ren Serey, Executive Director



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 4, 2007

Mr. Chris Phipps, Deputy Director
Anne Arundel County
Department of Public Works
2662 Riva Road
Annapolis, Maryland 21401

Re: Town Point Dredge Material Containment Facility
Rehabilitation Project

Dear Mr. Phipps:

At its meeting on October 3, 2007, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Town Point Dredge Material Containment Facility Rehabilitation project with the following conditions:

1. Three months prior to the closure date of June 30, 2011, as outlined in the County Executive's letter dated July 24, 2007, and the Department of Public Works September 19, 2007 memorandum included in the public record, the County will report to the Commission on the progress of the operations, and if the County anticipates not being able to meet the closure date, a strategy for how to finalize operations. This may require the County to come back to the full Commission for approval of any increased time requirements for project completion.
2. Prior to commencement of construction, the County Department of Public Works shall obtain all necessary State and federal permits.

In addition to the conditions listed above, the County committed to 1:1 mitigation for the 4.16 acres of clearing that will be required to properly rehabilitate this site. Therefore, I have attached a Plantings Agreement Form that should be returned to this office within 30 days. Please note a signature and anticipated planting date should be provided at the bottom of this form.

Mr. Phipps
October 4, 2007
Page Two

Thank you, your staff and the consultant team for attending the morning panel meeting and afternoon meeting of the full Commission. As stated by Commissioner Vitale and others, the Department of Public Works has worked extremely hard in addressing all of the stakeholders concerns and are to be commended for these efforts. As always, we look forward to working with you and your staff.

If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

Enclosure

cc: The Honorable Edward Reilly
The Honorable Cathy Vitale
Mr. Merrill Plait, DPW
Mr. Massoud Ghatineh, DPW
Ms. Gabrielle Myers, Bay Lands
Mr. Keith Tate, Bay Lands
Mr. Sepehr Baharlou, Bay Lands

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: William Debaugh
2007-0273-V

Dear Ms. Cotter:

Thank you for providing notice of the above-referenced Critical Area reclassification request. The applicant proposes to reclassify an existing parcel from a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA). The total parcel area is 14.19 acres. It is unclear from the information provided, whether the reclassification request is sought for the entire 14.19 acres or a portion thereof. The applicant proposes this change on the basis that Anne Arundel County mistakenly mapped this property as RCA 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 Commissioners of Kent County. See Enclosure (1). The Commission's role in reviewing these amendments is to ensure that when a local government finds that a mistake was made at the time of the original mapping, that the subject properties met the required mapping standards at that time.

The County needs to determine that a mistake occurred at the time of original mapping based on compelling evidence provided by the applicant. This evidence would not only include aerial photography as documentation of the land use at the time, but also a showing that these types of uses were similarly mapped as IDA on similar properties. The County must also find the parcel met the IDA mapping standards that are provided below.

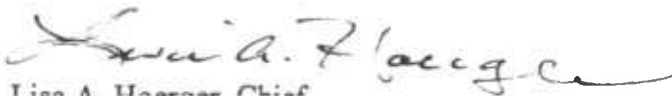
Ms. Cotter
September 27 2007
Page Two

If the County finds the reclassification request can be approved, the role of the Critical Area Commission would then be to determine whether at the time of original mapping, the parcel met the mapping standards for IDA. At that time, the property would have had to have at least one of the following features:

1. Housing density equal to or greater than four dwelling 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.

If the County approves this request, it must be submitted to the Critical Area Commission as a proposed change to the County's local Critical Area program.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 509-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance Application 07-1840
16212 Thomas Road

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow the replacement of a third dwelling that was destroyed in 2003 within the expanded 100-foot Buffer. The site is 56,140 square feet in size, including tidal wetlands and located within the Limited Development Area (LDA). The site is currently developed with one primary dwelling and one trailer. The site of the replacement trailer is a 233 square foot concrete pad. The proposed replacement dwelling is 875 square feet.

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.

While the applicant may have had a third dwelling in the expanded Buffer prior to 2003, Section 41.2 of the St. Mary's County Zoning Ordinance restricts grandfathering of structures to those that existed prior to March 27, 1990 and that have not been abandoned for more than one year. Therefore, the structure no longer retains a 'grandfathered' status. Thus, the request is limited to determining whether the applicant may construct a new dwelling in the Buffer when the property already supports two existing dwellings.

TTY for the Deaf

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



Ms. Chaillet
September 27, 2007
Page Two

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 proposal for the third dwelling lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. In order to obtain a variance, the applicant must meet all of the applicable standards for the Critical Area including the standard of unwarranted hardship. The applicant can not meet this standard as they already have two dwellings which provide reasonable and significant use of the property. Additionally, granting of the variance would confer on the applicant a special privilege in allowing a new structure in the Buffer that would be denied to others in a similar situation.

Based on the information provided I have the following additional comments:

1. An engineered site plan must be submitted indicating the existing area of impervious surface, the acreage of upland, and a determination of whether the wetlands on site are State or private. These figures are necessary to determine whether the applicant meets the impervious surface limit. 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.

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: SM 537-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

Re: William Debaugh
2007-0273-V

Dear Ms. Cotter:

Thank you for providing notice of the above-referenced Critical Area reclassification request. The applicant proposes to reclassify an existing parcel from a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA). The total parcel area is 14.19 acres. It is unclear from the information provided, whether the reclassification request is sought for the entire 14.19 acres or a portion thereof. The applicant proposes this change on the basis that Anne Arundel County mistakenly mapped this property as RCA 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 Commissioners of Kent County. See Enclosure (1). The Commission's role in reviewing these amendments is to ensure that when a local government finds that a mistake was made at the time of the original mapping, that the subject properties met the required mapping standards at that time.

The County needs to determine that a mistake occurred at the time of original mapping based on compelling evidence provided by the applicant. This evidence would not only include aerial photography as documentation of the land use at the time, but also a showing that these types of uses were similarly mapped as IDA on similar properties. The County must also find the parcel met the IDA mapping standards that are provided below.

TTY for the Deaf

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





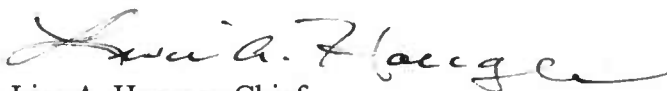
Ms. Cotter
September 27 2007
Page Two

If the County finds the reclassification request can be approved, the role of the Critical Area Commission would then be to determine whether at the time of original mapping, the parcel met the mapping standards for IDA. At that time, the property would have had to have at least one of the following features:

1. Housing density equal to or greater than four dwelling 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.

If the County approves this request, it must be submitted to the Critical Area Commission as a proposed change to the County's local Critical Area program.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 509-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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 23, 2007

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

Re: Cedar Hill PUD
S 07-003, P 07-0006

Dear Mr. Soldano:

I have received the resubmittal for the above- referenced project. The applicant addressed my letter dated February 22, 2007, but it does not appear the comments of Megan Sines letter of February 5, 2007 were addressed. I have enclosed that letter in case it did not reach your office. I have outlined my remaining comments below.

1. The plans provided show two future access roads to Pennington Avenue. Both alignments will cross the Resource Conservation Area (RCA), and potentially Forest Interior Dwelling Bird (FIDS) habitat. It is my understanding the applicant's consultant has not yet completed the FIDS analysis for this property. Please forward that information once it becomes available.
2. As stated in previous letters, the access through the RCA and FIDS habitat must be the only feasible alternative. Therefore, only one alignment can be selected for access for this side of the PUD. All impacts to FIDS habitat will require creation of new FIDS habitat.
3. We recommend the applicant's consultant perform to FIDS analysis to determine which secondary access road will have the least impacts to FIDS and HPAs.
4. The plans provided show wetland buffer and tributary stream Buffers that will be impacted by the alternative route. If this access road will be public, it may cross Habitat Protection Areas (HPAs) provided no feasible alternative exists. If the access roads will be private, variances to cross these HPAs will be required.

Mr. Soldano
September 23, 2007
Page Two

5. In addition to those issues stated in Ms. Sine's letter, impervious surface, clearing, sediment and erosion control and stormwater management will need to be addressed once the secondary access road is selected.
6. It appears at least one open area inside the Critical Area will be used to satisfy reforestation requirements for the Forest Conservation Act. We recommend a note be added to the final plat indicating any future clearing of this area will require Critical Area reforestation.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

Enclosure

cc: AA 57-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: Back Creek Nature Park
Consistency Report

Dear Ms. Nash:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project involves construction of a living shoreline, installation of a rain garden, removal of invasive species, restoration of the existing path, installation of rain barrels and restoration of the wetland. After reviewing the consistency report this office agrees that the project is consistent with the City of Annapolis' Critical Area Program for the reasons outlined below.

- The proposed activities that may be within the 100-foot Buffer are water-dependent.
- There will be a net decrease in impervious areas, which minimizes impacts to the Buffer.
- Improved stormwater management measures will result from the rain garden and rain barrels.
- The existing phragmites will be eradicated and the wetland will be restored to with native wetland plantings which will provide more diverse habitat.
- The living shoreline component, rain garden, rain barrels and wetland restoration will provide an opportunity for environmental education at this public park.

Ms. Nash
September 5, 2007
Page Two

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

I have enclosed a Plantings Agreement Form. Please complete this form and return it to Commission staff. It is not necessary to attach the landscape plan since Commission staff already has copy; however, please be sure to sign, date, and include the proposed planting dates at the bottom of this form.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Mel Wilkins, Project Manager
AN 459-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

John Fury
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401


Re: BA 34-07V Rickett

Dear Mr. Fury:

We have received notice of the above-referenced appeal of the Administrative Hearing Officer's decision to deny a variance for an after-the-fact patio located partially within the Buffer. The property lies partially within a Limited Development Area (LDA) and is currently developed with a primary dwelling. Our previous comment letter indicated that due to the possibility that the applicant received conflicting information from the County regarding the need for a Buffer variance, we did not oppose the variance. However, we have reconsidered our position and recommend that if the Board does not deny the request, that the deck size be reduced to minimize intrusion into the Buffer, and any disturbance to the Buffer be mitigated at a 3:1 ratio of native Buffer 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 appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 219-07



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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, 2007

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

Re: Devonport Community/Buedels Marina
Alternatives Analysis and Variation of Standards Applications

Dear Ms. Farr:

I have received the Alternatives Analysis and Variation of Standards applications for the above-referenced project. From the information provided, it appears the project design requires an Alternatives Analysis for an access road, installation of water and sewer lines, installation of three elliptical pipes, and a storm drain in the boat travel lift area. In addition, the design requires a Variation of Standards request for existing parking areas and three buildings that are proposed to remain in the 100-foot Buffer. The Variation of Standards request also includes a boardwalk in the 100-foot Buffer. I have outlined my comments below.

Alternatives Analysis

1. We understand that the access/entrance road was configured to avoid a potential traffic safety issue. Provided the County staff is satisfied that all alternatives have been adequately explored, and the current location of the access/entrance road leaves no feasible alternative, we do not oppose its location. However, mitigation of native Buffer plantings, and some form of stormwater management should be required as it appears the current plan does not show either mitigation measure.
2. We do not oppose allowing the existing sewer in the 100-foot Buffer to remain provided it will serve a purpose and the County had determined that its removal would cause greater disturbance.
3. We do not oppose allowing the existing access road to the boat ramp area provided the County has determined this is the most appropriate location for the boat ramp along this portion of the shoreline.



4. We question how the storm drain located at the boat travel lift area will treat stormwater before it is discharged into Middle River. If it is to capture the runoff not able to be capture uphill and this runoff is treated, we do not oppose its location.
5. It is unclear why there are proposed private water and sewer upgrades in the 100-foot Buffer. If it will serve the second sanitary facility, we question the need for two separate facilities, and recommend that one be removed to further restore the Buffer, and thereby eliminate the need for this additional infrastructure.
6. The two concrete elliptical pipes proposed to function as a storm drain may not be adequately treating the stormwater before it outfalls and therefore recommend that the applicant address stormwater management measures if this request is granted.
7. We do not support the concrete elliptical pipe that will provide tidal flushing for the proposed tidal wetland area since it is our position that this wetland area will become a catch basin for untreated stormwater and it will provide a direct outfall to Middle River. Therefore, we recommend this wetland area be removed from the plans and this area of the Buffer be planted in native vegetation. This would provide some stormwater treatment from the parking area before it enters Middle River, and it would help to reestablish the benefits of a planted Buffer.

Variation of Standards

1. We acknowledge the prior use of the site and the plan to continue the commercial marina component of this parcel. Therefore, this office does not oppose the request for the existing building to remain partially within the principle structure setback. It is our understanding a portion of this building will continue to serve as the marina office. However, if the County determines this building may remain, we recommend that a condition of that approval include language that would preclude future waterward expansions since the building appears to be located at the edge of the 100-foot Buffer.
2. In regard to the two existing restroom facilities, it is unclear absent more information, why the site needs two separate facilities. We recommend that one facility be removed from the Buffer, and that all required sanitary facilities for the marina use be accommodated in one location.
3. While we understand the topography of the site, and that the Buffer has historically supported parking and other impervious areas, we recommend the size of the proposed parking area be reduced to further lessen future impacts to the Buffer, and to enhance the functions of the Buffer along this section of Middle River. In addition, we recommend the parking be sited as far landward as possible recognizing there may be some grading to the slopes. Also, the parking could be crowned to drain away from Middle River and into an appropriate Best Management Practice.



Ms. Farr
August 28, 2007
Page Three

4. While public access is encouraged in Intensely Developed Areas and Buffer Management Areas, we recommend the proposed boardwalk be reconfigured so that it does not run parallel to the edge of the bulkhead for the entire length of the shoreline. While the applicant maintains the boardwalk is pervious, that does not relieve the applicant of the obligation to minimize the shoreward extent of permanent disturbance/structures in the Buffer.

Mitigation Proposed

The proposed mitigation for the impacts associated with the Alternatives Analysis and the Variation of Standards request does not appear adequate for the proposed impacts. We acknowledge the applicant has removed impervious areas at the water's edge and support this action; however, the addition of the tidal marsh area within the Buffer cannot be used to offset Buffer impacts. In fact, when a tidal marsh is created, by definition excavation of the upland, 100-foot Buffer is required. Therefore, a trade of a restored upland, vegetated Buffer for a tidal marsh is being proposed, and there appears to be no proposal to offset this loss of Buffer. In any case, we continue to recommend to the County and the applicant to redesign this area by removing the tidal marsh area and restoring it with native Buffer planting which would be a more appropriate mitigation proffer for the proposed impacts.

General Comments

1. The information provided for the wetland permits does not match the details on the current plans. Please have the applicant indicate the proposed width of the boardwalk and the size of the proposed elliptical pipes.
2. In Step 5 of the 10% calculations, it appears the applicant can only claim treatment for 9% of the site since only 1.09 acres of Drainage Area C is being treated out of the 2.51 acres of impervious area in Drainage Area C.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 440-04



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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 6, 2007

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

Re: 5054 Chavez Lane, Lot 36, Willowswood Subdivision

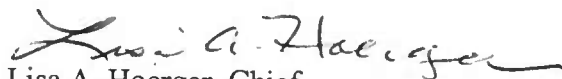
Dear Mr. Swartz:

At your request, this office is providing follow-up comments on several outstanding issues for the above-referenced project. We recently received clarification from the Department of Natural Resources that this site does not support Tiger Beetle habitat; therefore, no further action is required on the part of the applicant or the County concerning this species for this site.

Regarding the variance issue, we have researched our files for this subdivision and it appears that this lot was recorded in 1996. While this lot was platted with steep slopes along the only access point, and possibly an expanded Buffer, it should not have been platted that way. We acknowledge the August 26, 1994 letter from our office indicating the subdivision complied; however, the facts as we know them today suggest otherwise. In addition, we found a variance request for lot 48 in 2002, so it appears the County has required variances in the recent past for these types of lots in this subdivision. Therefore, due to the site constraints, this is the type of lot that should require a variance in order to be developed.

Thank you for your assistance in reviewing this plan. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger, Chief
Project Evaluation Division

cc: CA 115-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

Ms. Angela Willis
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: Bridge No. 2079 on MD 258
Rockhold Creek, Anne Arundel County

Dear Ms. Willis:

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

Specifically, this project meets the requirements for General Approval under Exhibit B1, Section C, Conditions for Routine Bridge and Culvert Replacement since it is our understanding that the project adheres to the following:

- The project meets all the conditions in Sections A and B of the MOU;
- The bridge alignment will have an area of impervious surface no greater than before; and
- The 10% Pollutant Reduction calculations were performed

In regard to the 10% Pollutant Reduction calculation, it appears there is a removal requirement of .10 pounds of phosphorus. Since Step 5 of Worksheet A was not completed, I assume no Best Management Practice (BMP) is proposed given site constraints. In lieu of a Best Management Practice on site, and assuming there is also no opportunity to treat offsite drainage, SHA may consider offsets such as planting. A

Ms. Willis
August 8, 2007
Page Two

removal requirement of .10 pounds would equate to 20 trees. If shrubs are provided in lieu of trees, three shrubs must be planted for every required tree. Please forward a site plan showing the location, type and size of the plantings. In addition, please indicate when the plantings will occur.

Once the planting plan is received to ensure compliance with the 10% Pollutant Removal Requirement, and there are no changes to the project, no further review by this office is necessary notwithstanding any other required State or federal permits.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: DOT/SHA 42-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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, 2007

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

RE: BA 22-07-V
Marina E. Mulinos

Dear Ms. Rhodes:

This office has received notice of the above-referenced appeal. The applicant requested a variance to permit a dwelling and driveway with less setbacks and Buffer than required, and was denied this request by the Administrative Hearing Officer. We have received an amended plan that shows a smaller footprint for the proposed dwelling. As stated in our previous comment letter (enclosed), provided the County has determined the lot is properly grandfathered, this office does not oppose the granting of a variance to site a dwelling and its necessary ancillary uses. However, the disturbance associated with the proposal must be the minimum necessary.

It appears the footprint has been reduced; however, we recommend the driveway be reduced to further minimize its disturbance to the 100-foot Buffer. We recommend it be no wider than eight feet. As always, mitigation should be required at a 3:1 ratio for all new disturbance to the Buffer.

Thank you for the opportunity to provide comments on this request. Please include this letter in your file and submit it as part of the record. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger,
Chief, Project Evaluation Division

cc: AA27-07



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 10, 2007

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

Re: Parkin, James A.
MS 07-014

Dear Mr. Burke:

I have received the above-referenced subdivision request for review and comment. As you may know, the Parkin mapping mistake was sent back to the County at the Commission's April 4, 2007 meeting pending correction of deficiencies identified with the County mapping for the Critical Area Program. Subsequent to that action, the applicant filed suit in Anne Arundel County Circuit Court and a decision by the Court is currently pending.

Therefore, it would be inappropriate for Commission staff to offer subdivision review comments at this time pending the outcome of the two actions mentioned above. If you have any questions in the meantime, please call me anytime at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Sally Iliff, Senior Assistant County Attorney
Mr. Jim Chance, Assistant County Attorney
Ms. Marianne Dise, Assistant Attorney General
Ms. Sandra Canedo, Assistant Attorney General



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
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 9, 2007

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

Re: Lance Johnson, Lot 1R, Mulberry Hill
2007-0131-V

Dear Ms. Cotter:

This office has received the above-referenced variance request for review and comment. The site is located in a Limited Development Area (LDA). The applicant proposes to construct a single-family dwelling that will impact steep slopes. Provided this lot is properly grandfathered, this office does not oppose the placement of a reasonably-sized single family dwelling on this lot; however, based on the site plan submitted, I have the following concerns.

- The size of the proposed dwelling does not appear to be the minimum disturbance necessary to develop this lot. While it is our understanding these are man-made slopes, neither the County Ordinance language nor the Critical Area regulations differentiate between natural versus man-made slopes, and any impacts to slopes can create negative environmental impacts.
- The applicant has the burden to demonstrate unwarranted hardship. The lot already enjoys a single family dwelling. While we do not oppose expansions of dwellings, those expansions must show minimization. It does not appear the current plan demonstrates minimization to the steep slopes on this lot.
- We recommend the applicant find alternative and creative ways to redevelop the site with less impacts to the steep slopes. We understand the slopes bisect the lot, however, it does not appear an effort was made to minimize disturbance. For example, if the existing dwelling will remain and there needs to be a connection to it, perhaps a narrower connection could be made. Alternatively, a new dwelling could be located on the northern side of the lot to avoid the slopes.

Ms. Cotter
July 9, 2007
Page Two

- If a variance is granted, mitigation at a 3:1 ratio shall be provided for all new disturbance to the steep slope area. Disturbance includes grading, footprint and clearing.
- Since the site is in the LDA, and there is currently not 15% forest cover, afforestation is required. The planting plan provided shows the appropriate amount of afforestation, however, it appears the planting proposed will address both the afforestation requirement and the stormwater management planting. These two plantings cannot be combined. Therefore, the planting plan must be amended to show plantings that address the afforestation requirement and the stormwater plantings requirement. Any required mitigation plantings for impacts to steep slopes may be combined with the afforestation plantings.

In summary, this office cannot support the proposed dwelling as currently shown on the site plan; however, an alternative that shows less impacts to the slopes might be acceptable.

Thank you and the Office of Administrative Hearings for keeping the record open to allow this office the opportunity to comment on this request. Please include this letter as part of the record for variance. Please notify this office of the decision made in this case.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Stephen LeGendre, Esquire – Administrative Hearing Officer
AA 383-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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 2, 2007

Mr. Anthony DiGiacomo
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

Re: Chestnut Point Marina Subdivision
Tax Map 35, Parcels 200, 506, 568, 520, and 483

Dear Mr. DiGiacomo:

This office has received revised information regarding the above referenced subdivision to be presented to the Technical Advisory Committee on July 5, 2007. The applicant is seeking to create a 86-lot subdivision, of which 59 lots are located within the Critical Area. The Critical Area designation is Limited Development Area (LDA) and a portion of the site is currently designated as Buffer Exemption Area (BEA). My last set of comments regarding this project was made on June 4, 2007.

Based on the information submitted, I would like to offer the following comments at this time:

1. 110-foot Buffer – Buffer Exemption Area

This office would like to reiterate the intent and meaning of Section 195.3.b & c as it relates to the proposed subdivision design. Section 195.3.b. states that 'when a structure in the BEA is removed or destroyed, it may be replaced, insofar as possible, outside of the Critical Area Buffer'. Section 195.3.c states that 'new development in the BEA shall minimize the shoreward extent of impervious surfaces insofar as possible taking into consideration existing County yard setback requirements and other such factors.' Given the complete redevelopment proposed at this site and in order to demonstrate that these two provisions have been applied we recommend the applicant provide the following:

- i. The Building Restriction Line (BRL) for Lots 43-50 must be located completely outside the 110-foot Buffer.
- ii. The BRL for Lots 41, 42, 51, and 52 should be minimized to the maximum extent possible from the shoreward edge.
- iii. Provide a table showing existing impervious surface per lot within the 110-foot Buffer and proposed impervious surface within the 110-foot Buffer under the current proposal.
- iv. Show side yard setbacks near the proposed clubhouse and parking facility and provide information as to why these facilities are proposed in the location shown.
- v. Include a note on the concept plan indicating a Buffer Management Plan will be developed for the entire 110-foot Buffer. The Buffer Management Plan will provide for

TTY for the Deaf

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

plantings of native shrubs and trees and would maintain the intended function of the Buffer.

- vi. The existing emergency access lane should be the minimum acceptable width. The area between the road and the bulkhead must be vegetated and included in the Buffer Management Plan.

2. 110-foot Buffer – Tributary Streams

It has come to my attention that the drainage way located to the north side of the marina near Lots 40 and 41 is an intermittent stream. Section 196 requires a 110-foot Buffer from the edge of tributary streams. The Cecil County Zoning Code defines a tributary stream as a 'perennial or intermittent stream in the Critical Area that are so noted on the most recent USGS 7.5 Minute Quadrangle Map or on more detailed maps or studies at the discretion of the County.' Based on the description of the drainage way as an intermittent stream, the 110-foot Buffer must apply.

3. Expanded 110-foot Buffer

The Buffer shall be expanded to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. Steep slopes in the Critical Area are defined as 15% or greater. We recommend that new development in the area of the expanded 110-foot Buffer that is designated as BEA be removed from any contiguous sensitive areas.

4. Steep Slopes

Section 200.7 prohibits development on slopes 15 percent or greater. Areas of steep slopes must be shown on the concept plan in order to demonstrate that the applicant does not require a variance. This office would not support a variance in the creation of new lots.

5. Impervious Surface Limits

- i. **Pervious Pavers** – This office cannot support the use of pervious pavers to meet the impervious surface development standards for a number of reasons that have been outlined in my previous letters. The Critical Area Criteria do not provide for pavers to be used for parking or driving areas in order to meet the impervious surface limit. It is my understanding that County agencies have recommended the sidewalks be eliminated and a pedestrian area provided on the roadway. This office would concur with that recommendation.
- ii. **Stormwater Disconnect** – The applicant is proposing to disconnect the stormwater from the proposed clubhouse to reduce impervious surface. This is not acceptable. This technique is for stormwater management only and does not eliminate the proposed impervious surface area that must be counted towards the 15% limitations.
- iii. **Lot Calculations** – It appears the applicant is proposing an equal amount of impervious surface for each lot; 0.036 acres or 1,570 square feet. This number includes the footprint of a house and a 2-track driveway that is 30-feet in length. This limit of 1,570 square feet may work for lots that are less than 0.24 acres in size. However, this limit seems impractical for lots that are larger. For example, the 15% impervious surface limit of a 0.28 acre lot is 1,830 square feet, which is significantly greater than 1,570 square feet. In essence, lots of greater size would be restricted to less than 15% each in

order for the subdivision as a whole to meet the 15% limit.

Given that lot owners are most likely going to want other improvements on their properties, especially on larger lots, I recommend against the current calculation method. Instead, I recommend the applicant select of threshold in which small lots may have up to 25% impervious surface (for example 1,633 square feet for a 0.15 acre lot) and larger lots are limited to 15% impervious surface (for example 1,830 square feet for a 0.28 acre lot). These impervious surface limits will need to be recorded on the plat and deed for each individual lot.

- iv. **15% LDA Limit** – Finally, this office wants to strongly caution the Cecil County Planning Commission against approving a subdivision that will be constructed at the threshold of the 15% impervious surface limit. Under this design future homeowners will be restricted from making any types of improvements on their properties including patios, swimming pools, walkways, sheds or additions. It will be incumbent upon the County Planning and Zoning Office to ensure compliance of this subdivision throughout its lifetime. This office has worked with similar projects in other Counties. These jurisdictions have been overwhelmed with violation issues which cause a significant drain on staff resources. In addition, approving a new subdivision at the 15% limit, with the knowledge that future improvements are expected, would not be consistent with the spirit of the Critical Area law when other alternatives, such as the use of growth allocation, or a reduction in the number of lots, are available.

6. **Lot Size**

The applicant should clarify how the LDA acreage increased from 29.442 acres to 31.121 acres. Only areas that are landward of mean high water (MHW) may be included within the site area acreage for development standard calculations.

7. **Marina & Slips**

The applicant should clarify whether the marina will be designated as commercial or community.

8. **Environmental Assessment**

Please provide a copy of the required Environmental Assessment (EA) for review and comment prior to concept plan approval.

Thank you for the opportunity to provide comments. Kate Schmidt will be attending the July 5th Technical Advisory Committee meeting. If you have any questions, please contact her at 410-260-3475.

Sincerely,



Lisa Hoerger
Project Division Chief
C105-07

Mr. Anthony DiGiacomo

July 2, 2007

Page 4 of 4

Cc: Ren Serey, CAC
Kate Schmidt, CAC
Saundra Canedo, Assistant Attorney General

Martin O'Malley
Governor



Margaret G. McHale
Chairman

Anthony G. Brown
Lt. Governor

Ren Serey
Executive Director

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

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

June 7, 2007

Mr. Jim Sharp
Chesapeake Bay Critical Area Planner
Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Ronald & Patricia Fisher

Dear Mr. Sharp:

This office has received the revised subdivision plat for review and comment. It appears the applicant has amended the plat according to the comments made at the site visit by yourself and the Commission's Science Advisor, LeeAnne Chandler. It appears the applicant was able to adjust the septic reserve area outside the 100-foot Buffer. Our only remaining comment is that the 100-foot Buffer and the stream should be labeled on the plat.

Provided the comments of my original letter have been satisfied, this office has no further comments on this subdivision request. Thank you for your assistance in reviewing this plat. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: WI 19-07





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 21, 2007

Mr. W. Scott Flanigan, Director
Cecil County Department of Public Works
129 E. Main Street
Elkton, Maryland 21921

Re: Carpenters Point Wastewater Collection System, Phase 2
Chesapeake Bay Critical Area Consistency Report

Dear Mr. Flanigan:

This office has received the Consistency Report Form for 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 Determination Form reviewed and signed by the Planning and Zoning Office, and the accompanying site plan, this office agrees that the project is consistent with the Cecil County Critical Area Program. Although approximately 900 feet of the project is located within the 110-foot Buffer, these impacts are permitted for utilities in Limited Development Areas.

In addition, the project will result in the following:

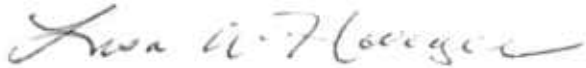
- The installation of the sewer lines will be temporary and construction should be completed within one working day.
- Any requested staging areas will not be located within the 110-foot Buffer and will not necessitate the need for clearing of natural vegetation or trees.
- No additional impervious surfaces will be created.
- No trees or natural vegetation will be removed for construction.
- No other Habitat Protection Areas will be impacted by the construction activities.
- The County will provide mitigation of native Buffer plantings for the 900 square feet of impact to the 110-foot Buffer at a 3:1 ratio resulting in a total of 2,700 square feet.

Mr. Flanigan
May 21, 2007
Page Two

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals. Please forward the mitigation location and plantings plan within 60 days.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Eric Sennstrom, Planning & Zoning
Mr. Stephen Udzenski, Public Works
Ms. Kate Schmidt, Critical Area Commission
CE 272-07



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 7, 2007

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

Re: Gunpowder Falls State Park (2007-DNR-088)
Dundee Creek Marina Parking

Dear Mr. Norden:

Thank you for forwarding the above-referenced project to this office for review. The Department proposes to replace an existing compacted, gravel surface parking area with a permeable pavement system. It is our understanding the surface area of the parking lot will not be expanded; therefore, this action by the Department does not constitute a development activity and does not require approval by the Commission.

This office supports the Department's efforts in replacing existing parking areas with permeable surfaces. In addition, we appreciate your continued efforts to provide Commission staff notice of these projects.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

May 2, 2007

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

Re: Anthony G. Carey
2007-0083-V

Dear Ms. Rhodes:

This office has received the above-referenced variance request for review and comment. The applicant proposes to remove an existing concrete patio, concrete stairs and 12 x 12 foot shed in the Buffer and replace these amenities with a deck, hot tub and wooden stairs. Provided this lot is properly grandfathered, this office does not oppose the proposed removal of impervious areas in the Buffer to be replaced with mostly pervious areas. However, we cannot support the proposed location of the hot tub as it appears it could be located on some portion of the existing concrete pad further from mean high water. In addition, we offer the following comments.

- The size of the proposed deck should be reduced to minimize disturbance to the Buffer.
- Mitigation at a 3:1 ratio shall be provided for all new disturbance to the Buffer. Disturbance includes grading, footprint and clearing.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 246-07





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

April 20, 2007

Mr. Mark Paternoster
Project Engineer
Infrastructure Planning and Design
Dewberry & Davis, LLC
3120 Lord Baltimore Drive, Suite 211
Baltimore, Maryland 21244

Re: Brandon Shores to Riverside
BGE Landscaping Plans

Dear Mr. Paternoster:

This office has reviewed the landscaping plan and mitigation easement plan for the BGE Riverside facility. BGE is proposing to plant 38,738 square feet of trees and shrubs to mitigate for tree removal on the Maryland Transportation Authority property and 24,700 square feet of trees and shrubs to mitigate for impacts to the BGE Riverside property. Commission staff is satisfied with the landscaping plan and we have no additional comments. In addition, we have recently received a copy of the approval letter from the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) for the Critical Area Management Plan (CAMP) for the BGE Riverside property. If there are any changes that may affect the proposed mitigation, this office should be notified.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Duncan Stewart, Baltimore City Planning Office
Glenn Schaffer, Baltimore County DEPRM
Steven Hurtt, MdTA





**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND 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 19, 2007

Mr. Keith Lackie, Regional Planner
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Vienna Waterfront Park – Consistency Report

Dear Mr. Lackie:

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. Pursuant to our agreement to proceed with the Waterfront Park project as a consistency review back in 2001, Commission staff will agree to reviewing this final phase in that manner; however, future Town projects may warrant full Commission review and approval. After reviewing the consistency report submitted, this office agrees that the project is consistent with the Town of Vienna's Critical Area Program for the reasons outlined below.

- The project has received approval from the Dorchester Soil Conservation District for the sediment and erosion control plan.
- The project will encourage public access to the shoreline in an Intensely Developed Area and a Buffer Exempt Area.
- The project will replace a deteriorating bulkhead and provide further shoreline stabilization at this site.
- No clearing is necessary.
- The Town will prepare a Buffer Management Plan which will include various native species within the 100-foot Buffer.

Mr.Lackie
April 19, 2007
Page Two

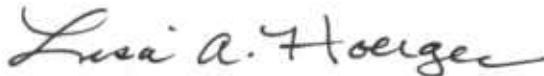
Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

We do note that the application indicates this area is a waterfowl staging area; therefore, appropriate time of year restrictions should be followed. In addition, the wetland areas just south of the town's park area contain several endangered plant species. While these species are not found the project site, we recommend the Town coordinate with the Department of Natural Resources Wildlife and Heritage Program to ensure the proposed construction will not negatively impact these species.

Please contact me regarding the Buffer Management Plan. Commission staff would prefer to see a Fall 2007 planting, if possible. We are available to assist yourself and the Town in the design of the plan. In any case, Commission staff must review and approve the plan.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Lori Byrne, DNR
VI 101-07



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 30, 2007

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

Re: Major Site Plan, Ruby Tuesdays
MASP#04-06-07-0007-C, Revision #2

Dear Ms. Spinelli:

We have received the second revisions for the above referenced project for review and comment. It appears the applicant has adequately addressed the issues outlined in our last letter dated January 8, 2007, and has had subsequent discussions with LeeAnne Chandler of this office concerning those issues. Therefore, this office has no further comments on this site plan.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: QC 508-06



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

MEMORANDUM

To: Butch Norden

From: Lisa Hoerger

Date: March 16, 2007

Subject: North Point State Park, Dog Park/Beach (2007-DNR-043)

I have received your request to provide comments on the concept of a dog park/beach at North Point State Park. There is no conflict from a use standpoint to locate this type of activity. I have outlined some recommendation below.

- We recommend that such use be located in an existing developed area of the park in order to minimize impacts to the sensitive habitats in the park.
- Existing parking could be used to accommodate dog/park users to further minimize additional impervious areas.
- We recommend siting the dog park in an area that would not require clearing; however, if clearing is necessary mitigation would be required.
- The park area cannot be located in the 100-foot Buffer, or any other designated Habitat Protection Area found in the park.

If the Department determines this use is allowable, it will need Commission review and approval.





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 16, 2007

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

Re: Bruce Saylor - 2007-0021-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The site is located in the Limited Development Area (LDA). The applicant proposes to construct a single-family dwelling and locate a well that will impact steep slopes in the Critical Area. Provided this lot is properly grandfathered, this office does not oppose the placement of a reasonably-sized single family dwelling on this lot. I have outlined my comments below.

- It appears that some of the disturbance from the corner of the dwelling and the limits of disturbance for construction of the dwelling could be reduced if the garage was eliminated.
- If a variance is granted for disturbance, we recommend mitigation at a 3:1 ratio for all grading, footprint and clearing.

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

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 148-07





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 16, 2007

Ms. Angela Willis
Environmental Analyst
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: Project No. AT 560A21 - Anne Arundel County
MD 4 at Various Locations, BMPS 2301, 2299, 2311, 2337 & 2338

Dear Ms. Willis:

I have received the above-referenced project for review. Based on the information provided, it appears the reconstruction of the existing stormwater management facilities that will be upgraded to meet current water quality standards is consistent with the Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. This is based on the fact that the project meets the requirements for General Approval under Exhibit B1, Section 3(b). No further review by this office is necessary notwithstanding any other required State or federal permits.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Gary Green, SHA





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 14, 2007

Dr. Precha Yodnane, Project Manager
GAI Consultants
385 East Waterfront Drive
Homestead, PA 15120-5005

Re: Dominion Natural Gas Pipeline Project
Critical Area Impacts, West Side of Patuxent River Crossing
Prince George's County, Maryland

Dear Dr. Yodnane:

Thank you for forwarding the Critical Area impacts analysis for the Prince George's County, Maryland portion of the project. The office has reviewed the information provided, and it appears there will be no impacts to the 100-foot Buffer from the Patuxent River. In addition, this portion of the project in the Critical Area will not impact steep slopes or require any clearing; therefore, no mitigation measures are required for this section of the project.

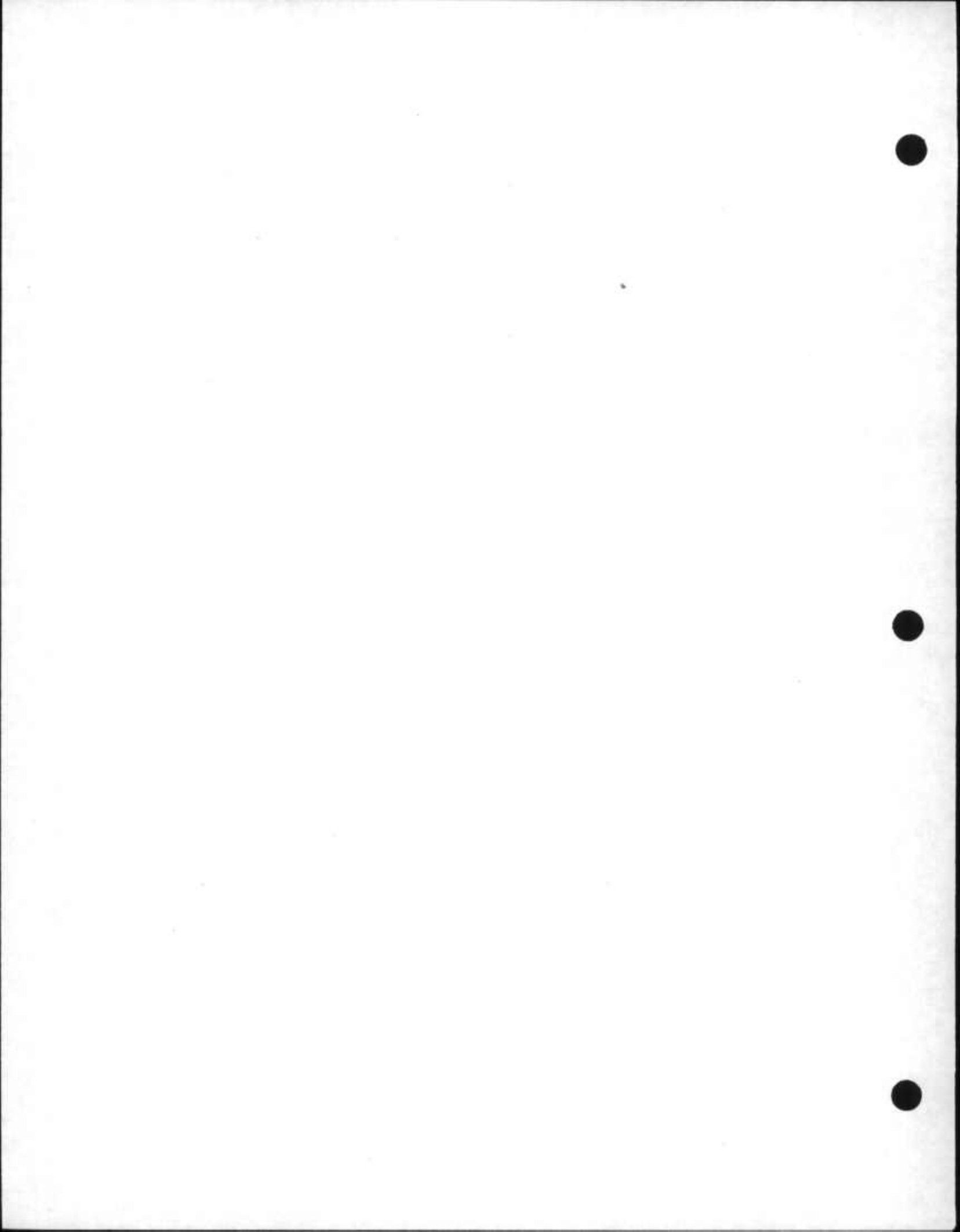
We do note that this portion of the project is within the ¼ mile protection zone of a Bald eagle nest, and the Spring eagle survey has not yet taken place. If the survey indicates the nest is occupied, then the project must adhere to the recommendations of the Maryland Department of Natural Resources, Wildlife Division and the U.S. Fish and Wildlife Service for appropriate guidance concerning protection of this habitat.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Stephen Gould, GAI
Randy Russell, Dominion
Rick Thompson, PG DER
Elder Ghigiarelli, MDE
Glenn Therres, DNR
Mary Ratnaswamy, USFWS





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

March 14, 2007

Dr. Precha Yodnane, Project Manager
GAI Consultants
385 East Waterfront Drive
Homestead, PA 15120-5005

Re: Dominion Natural Gas Pipeline Project
Critical Area Impacts, West Side of Patuxent River Crossing
Prince George's County, Maryland

Dear Dr. Yodnane:

Thank you for forwarding the Critical Area impacts analysis for the Prince George's County, Maryland portion of the project. The office has reviewed the information provided, and it appears there will be no impacts to the 100-foot Buffer from the Patuxent River. In addition, this portion of the project in the Critical Area will not impact steep slopes or require any clearing; therefore, no mitigation measures are required for this section of the project.

We do note that this portion of the project is within the ¼ mile protection zone of a Bald eagle nest, and the Spring eagle survey has not yet taken place. If the survey indicates the nest is occupied, then the project must adhere to the recommendations of the Maryland Department of Natural Resources, Wildlife Division and the U.S. Fish and Wildlife Service for appropriate guidance concerning protection of this habitat.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Stephen Gould, GAI
Randy Russell, Dominion
Rick Thompson, PG DER
Elder Ghigiarelli, MDE
Glenn Therres, DNR
Mary Ratnaswamy, USFWS

TTY for the Deaf

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



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

MEMORANDUM

To: Butch Norden
From: Lisa Hoerger
Date: March 8, 2007
Subject: North Point State Park, Private Sewer Line (2006-DNR-280)

I have received your memorandum outlining a proposal by a private individual who has requested the Department's permission to install a sewer line under a park road. In response to your question as to whether these lots would be developable without sewer, this office has no information concerning whether the undeveloped lots have suitable soils for septic systems. It is my understanding that there are wetlands on or near the property that may preclude some future development. For further information concerning the development potential of the undeveloped lots, I suggest you contact Ms. Patricia Farr of the Baltimore County Department of Environmental Protection and Resource Management at (410) 887-3980.

From the site plan provided, it appears the private property is accessed via a private road through North Point State Park. It is unclear whether there is an opportunity to access the private property via alternative means thereby eliminating the need to cross State parklands; however, there would be a benefit to water quality if the existing septic systems were disconnected and the existing dwellings were connected to public sewer.

If the Department determines it will permit this individual to install sewer on public lands, this would constitute a development activity on State property and would require review and approval by the Critical Area Commission.

cc: Ms. Pat Farr, DEPRM



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

MEMORANDUM

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

From: Lisa Hoerger

Date: March 6, 2007

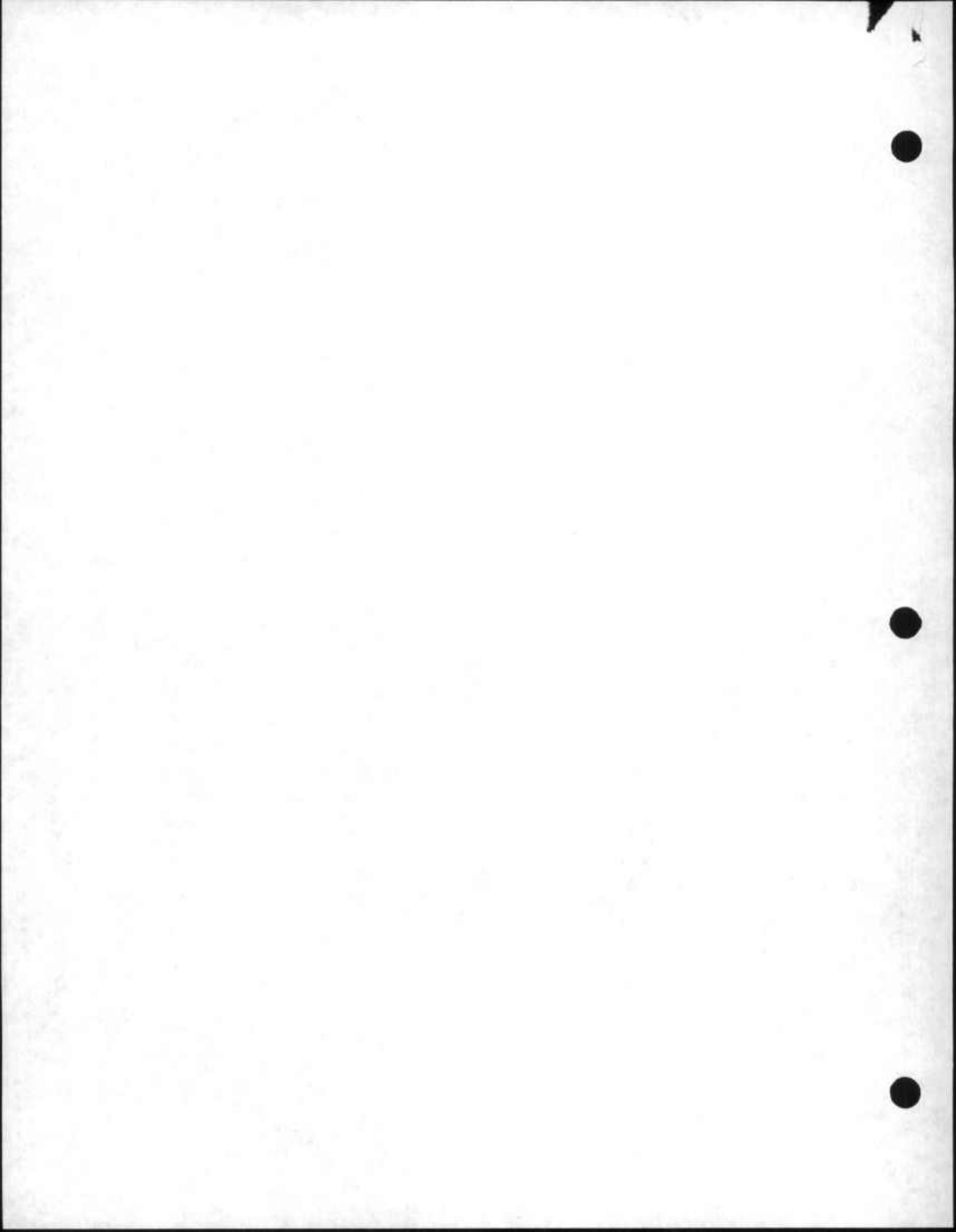
Subject: POS #4987-17-139 Conquest Beach - Shoreline Restoration
Queen Anne's County

Thank you for forwarding the above-referenced project to this office for review and comment. The materials provided indicate the project proposes to install shoreline stabilization for a portion of the property damaged by Hurricane Isabel, and to install fencing around the greenhouse. If the parcel is owned by Queen Anne's County, the shoreline stabilization may require review and approval by the Critical Area Commission. Alternatively, the project may be consistent with the local Critical Area program and the County can file a consistency determination. In either case, the County must submit this as a project to Commission staff for review.

Shoreline Restoration - As always, Commission staff and the Critical Area Criteria in COMAR 27.01.04 encourage the use of nonstructural means where they would be practical and effective in controlling erosion. Any vegetation that would be cleared at or near the shoreline, or within the 100-foot Buffer, that is required for the installation of shoreline erosion control measures requires replacement at a 2:1 ratio.

Greenhouse Fence - In regard to the fence proposed around the greenhouse, it is not clear where the greenhouse is located on this parcel. If it is outside the 100-foot Buffer, and any other Habitat Protection Areas, there should be no conflicts with the County's Critical Area program. However, any clearing will require mitigation.

cc: Steve Cohoon, Queen Anne's County
Vivian Swinson, Queen Anne's County
Marshall Johnson, CAC Staff



CLEARINGHOUSE REVIEW

February 13, 2007

RECEIVED

FEB 20 2007

CRITICAL AREA COMMISSION

TO : Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Nita Settina, State Forest and Park Service (E-3)
Colonel George F. Johnson, IV, Natural Resources Police (E-3)
Matthew Fleming, Education, Bay Policy Growth Management (E-2)
Marian Honecny, Forestry (E-1)
David Goshorn, Resource Assessment Services (C-2)
Ray Dintamin, Environmental Review (B-3)
Lisa Hoerger, Critical Area Cmsn. (1804 West St., Suite 100, Annapolis MD 21401)

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

SUBJ : POS # 4987-17-139
Conquest Beach - Shoreline Restoration, Queen Anne's County

***** 2/12/2007 3:32:25 PM ***** Trent, Sandi

This project proposes to provide shoreline stabilization for a portion of the property that was damaged by Hurricane Isabel, and to install fencing around the greenhouse at Conquest Preserve.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

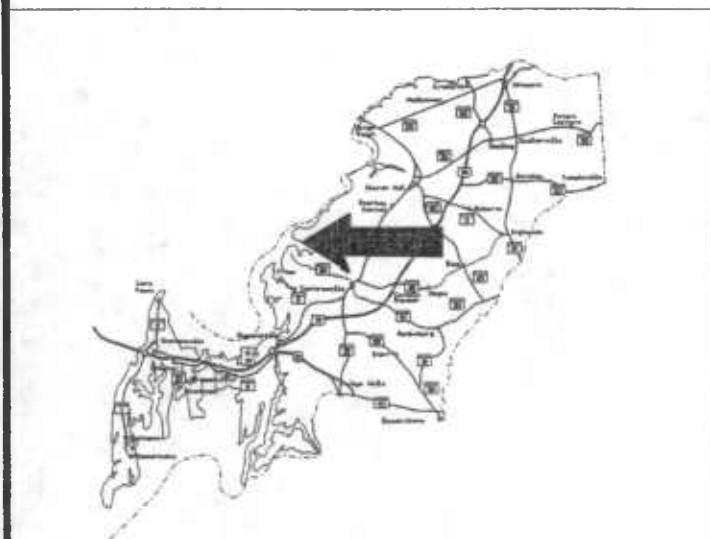
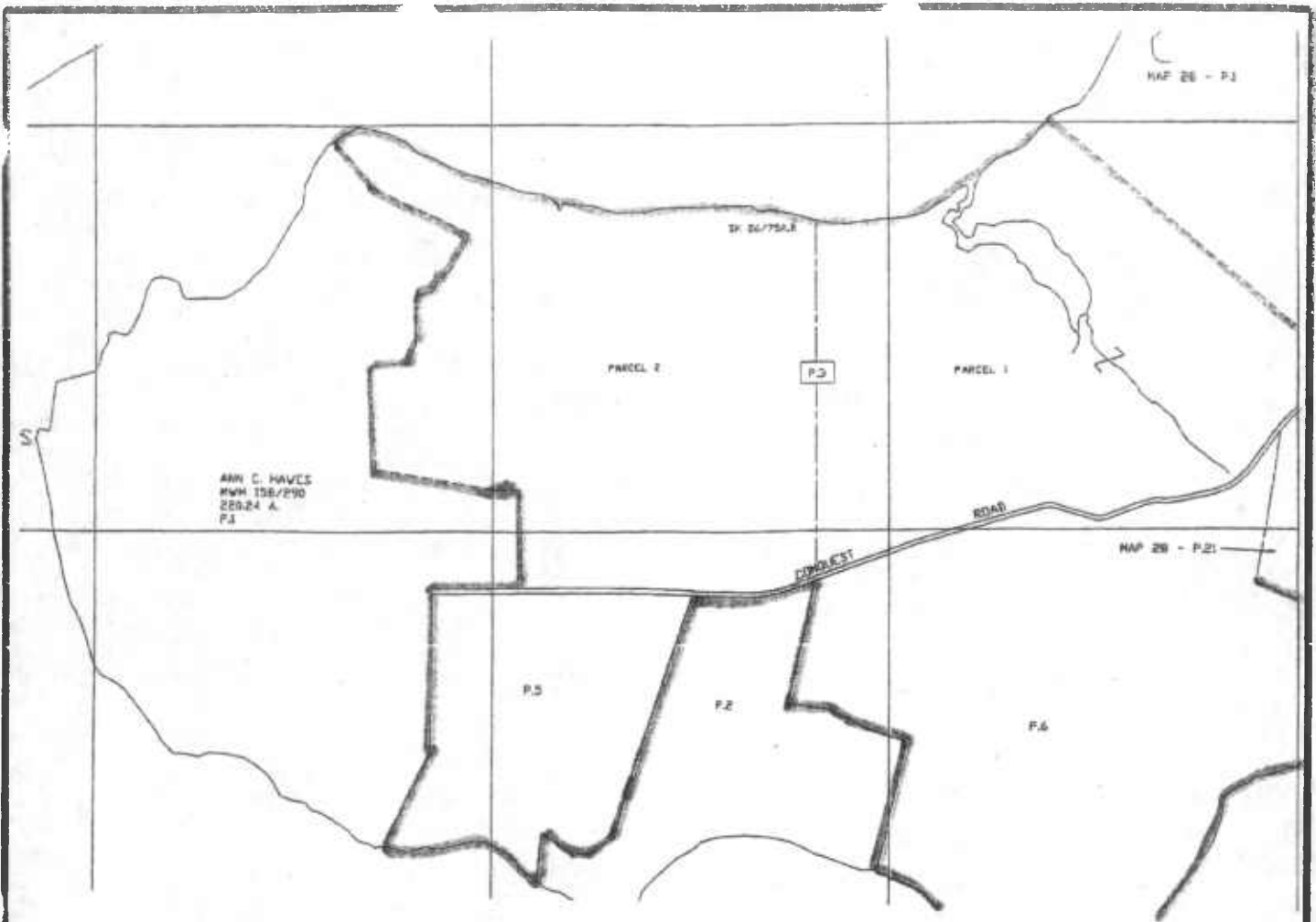
1. The project does not conflict with the plans, programs or objectives of this Agency

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

_____ ✓ _____ a-74 3/6/07

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

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



Queen Anne's County



MD Department of Natural Resources
Program Open Space
Conquest Preserve Development

PM 27, Parcel 2,3
±682 Acres

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

MEMORANDUM

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

From: Lisa Hoerger

Date: March 6, 2007

Subject: POS #4987-17-139 Conquest Beach - Shoreline Restoration
Queen Anne's County

Thank you for forwarding the above-referenced project to this office for review and comment. The materials provided indicate the project proposes to install shoreline stabilization for a portion of the property damaged by Hurricane Isabel, and to install fencing around the greenhouse. If the parcel is owned by Queen Anne's County, the shoreline stabilization may require review and approval by the Critical Area Commission. Alternatively, the project may be consistent with the local Critical Area program and the County can file a consistency determination. In either case, the County must submit this as a project to Commission staff for review.

Shoreline Restoration - As always, Commission staff and the Critical Area Criteria in COMAR 27.01.04 encourage the use of nonstructural means where they would be practical and effective in controlling erosion. Any vegetation that would be cleared at or near the shoreline, or within the 100-foot Buffer, that is required for the installation of shoreline erosion control measures requires replacement at a 2:1 ratio.

Greenhouse Fence - In regard to the fence proposed around the greenhouse, it is not clear where the greenhouse is located on this parcel. If it is outside the 100-foot Buffer, and any other Habitat Protection Areas, there should be no conflicts with the County's Critical Area program. However, any clearing will require mitigation.

cc: Steve Cohoon, Queen Anne's County
Vivian Swinson, Queen Anne's County
Marshall Johnson, CAC Staff





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 27, 2007

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

Re: 1629 Columbia Beach Road
2007-0011-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The site is located in an Intensely Developed Area (IDA). The applicant proposes to construct a single-family dwelling and a well that will impact the 100-foot Buffer, and the 25-foot nontidal wetland buffer. Provided this lot is properly grandfathered, this office does not oppose the placement of a reasonably-sized single family dwelling on this lot. I have outlined my comments below.

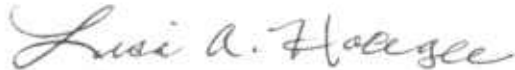
- The size of the proposed dwelling appears to be the minimum disturbance necessary to develop this lot given all of the environmental constraints.
- Mitigation at a 3:1 ratio shall be provided for all new disturbance to the Buffer. Disturbance includes grading, footprint and clearing.
- Since the site is in the IDA, compliance with the Grading Ordinance is required, which address the 10% Pollutant Reduction requirement. It appears given the proposed disturbance, this lot will be required to mitigate at a 2:1 ratio, or pay \$1.20 per square feet of new impervious surface in order to meet this requirement of the grading code.
- The remaining area of the lot should be put in a perpetual conservation easement that permits no disturbance or clearing or dumping of lawn clippings or other natural or manmade debris.

Ms. Schappert
February 27, 2007
Page Two

- Stormwater from the dwelling and driveway shall be directed to a stable vegetated outfall to provide water quality benefits on the site.
- The applicant must secure permits from the Maryland Department of the Environment for any impacts to the nontidal wetland and its 25-foot buffer.

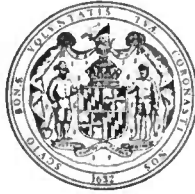
Thank you for the opportunity to comment. Please include this letter as part of the record for variance. Please notify this office of the decision made in this case.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 84-07



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

February 27, 2007

Mr. Terrance Valentine
Environmental Programs Unit Coordinator
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: Piscataway Sewer Repair Mitigation
WSSC Contract No. CX3666E03

Dear Mr. Valentine:

This office has reviewed WSSC's proposal to provide 15,000 square feet of reforestation at the Triadelphia reservoir area. This reforestation serves as mitigation for the emergency road installation project along the Piscataway Creek. Specifically, your last correspondence refers to area "C" whereby WSSC has agreed to plant 15,600 square feet of plantings. Although this site is not in the Critical Area or the Piscataway watershed, it has a direct connection to the Patuxent watershed and will create additional Forest Interior Dwelling Bird habitat outside the Critical Area; therefore, Commission staff will accept this alternative location for this project.

We are in receipt of the Planting Agreement for State Projects and the accompanying Reforestation Plan. Please notify Commission staff of the anticipated date of planting of this site.

Thank you for your continued cooperation and patience awaiting our response to this proposal. As always, it is a pleasure working with you. Please telephone me if you have any questions or concerns at (410) 260-3478.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: WSSC 38-05





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

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

February 26, 2007

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

Re: Gary and Edith Shields - 07-12

Dear Ms. Owings:

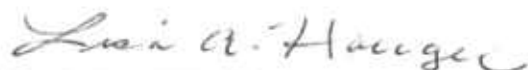
I have received the above-referenced appeal of a zoning decision made by your office. From the information provided, it appears this lot was created in 2003. The subdivision included specific building envelopes for future development activities due to the fact that the site contains nontidal wetlands. Since that time, a permit was issued by the Maryland Department of the Environment (MDE), which allows a dwelling to be sited in the nontidal wetland and its 25-foot buffer.

It has been the position of Commission staff that lots created after the adoption of the County's Critical Area program shall be conforming with regard to all Habitat Protection Area setbacks. When the County first platted this lot, the building envelope was specifically shown on the plat to avoid the nontidal wetland and its buffer. The subsequent issuance of an MDE permit is contrary to the plat, and any proposed disturbance in this wetland with or without an MDE permit would require a local variance, which this office would not support given the County had already gone through the exercise of platting this lot so that future development activities would not directly impact the wetland. Therefore, this office supports the County's determination of denial for a building permit to construct a single family dwelling that will not be constructed within the building envelope approved as part of the original subdivision.

Ms. Owings
February 26, 2007
Page Two

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for appeal. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 23, 2007

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

Re: Local Case # 1149, Maurice Robinson

Dear Mr. Dodd:

This office has received updated information concerning the above-referenced project. In my last comment letter dated January 26, 2007, I questioned whether the proposed use was permitted under the County's Zoning Ordinance since the site is located in the Resource Conservation Area (RCA). Since that time, the applicant has confirmed that the proposed use is for a water-dependent crab shedding operation, but not for processing. Therefore, in the Table of Uses contained in the County Zoning Regulations, this use appears to be permitted under the use category titled "Maritime – Water-dependent fisheries facility, commercial." This use is permitted in the RCA and may be permitted in the Buffer. Due to this clarification, this office has no further comments regarding use issue.

In regard to the impacts to the Buffer, we recommend the footprint of the structures located at or near the shoreline are minimized. In addition, we recommend mitigation be performed for the new footprint with native shrubs and grasses. These plantings will help to offset stormwater generated by the parking area and roof, and will enhance the habitat on the site.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: DC 217-06





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 23, 2007

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

Re: Thackray Sez nec - RESUBMITTAL
S 05-029, P 05-0141

Dear Ms. Llanes:

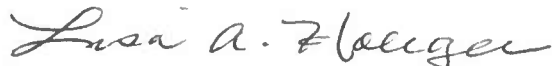
This office has received another resubmittal for the above-referenced subdivision request. The applicant has addressed some of the comments of my last letter dated November 17, 2006. I have outlined my remaining comments below.

1. As stated in our last letter, the total FIDs mitigation required for this project should be 1.652 acres and not the 3.544 acres as indicated in the FIDs calculations on the plat and plans. This is due to the reconfiguration of the lots thereby conserving FIDs habitat on this site according to the guidelines.
2. We understand that the replanting ratios provided on the landscape plan are acceptable to the County for routine clearing; however, since this is FIDs habitat that is required to be replaced, Commission staff's position is that the density of planting should be 400 stems (1 ½"-2" caliper) per acre.
3. On typical Critical Area calculations the clearing allowed is stated as 20%, which is how it is displayed on the plat and plans; however, since this is FIDs habitat permitting up to 20% clearing has the potential to permit clearing to the point that the site no longer meets the FIDs guidelines. In addition, this column was totaled incorrectly and it results in a total of 23% allowable clearing. We recommend this column be removed.

4. We recommend a note be added to the final plat that states any additional clearing beyond what is shown on the Forest Development Plan will require additional FIDs mitigation and shall be reviewed by the Office of Planning and Zoning.
5. The sum for column #1 is 5,211,077 square feet rather than 5,184,424 square feet. Please have this corrected on the plan.
6. The Forest Management Plan does not include any information on FIDs protection. FIDs protection must be added to the plan.
7. The applicant has submitted a copy of an existing Deed of Easement for the preservation of agricultural lands and woodlands. The copy provided to this office is missing page 2.
8. As stated in the applicant's cover letter, we understand the County may have used this language for a recent subdivision; however, this language does not appear to adequately address protection of FIDs habitat; therefore it needs to be amended or an additional easement should be required.
9. The language must include that there shall be no clearing of FIDs habitat for agricultural activities. The current document does not specify that the woods cannot be converted to an agricultural field.
10. The language must include that the existing woods and the new planted areas shall remain in perpetuity.
11. The "Additional Comments" page attached to the Forest Stewardship Plan references the Calvert County Forest Conservancy District Board rather than Anne Arundel.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

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



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 23, 2007

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

Re: Local Case # 1149, Maurice Robinson

Dear Mr. Dodd:

This office has received updated information concerning the above-referenced project. In my last comment letter dated January 26, 2007, I questioned whether the proposed use was permitted under the County's Zoning Ordinance since the site is located in the Resource Conservation Area (RCA). Since that time, the applicant has confirmed that the proposed use is for a water-dependent crab shedding operation, but not for processing. Therefore, in the Table of Uses contained in the County Zoning Regulations, this use appears to be permitted under the use category titled "Maritime – Water-dependent fisheries facility, commercial." This use is permitted in the RCA and may be permitted in the Buffer. Due to this clarification, this office has no further comments regarding use issue.

In regard to the impacts to the Buffer, we recommend the footprint of the structures located at or near the shoreline are minimized. In addition, we recommend mitigation be performed for the new footprint with native shrubs and grasses. These plantings will help to offset stormwater generated by the parking area and roof, and will enhance the habitat on the site.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: DC 217-06





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 22, 2007

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

Re: Cedar Hill - Pre-file PUD # 01-2006
Supplemental Comment

Dear Mr. Soldano:

Our office recently received an Environmental Review letter from the Department of Natural Resources concerning the above-referenced project (enclosed). It states the site may contain Forest Interior Dwelling Bird (FID) habitat; therefore, the applicant must address this issue in their resubmittal to the County.

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

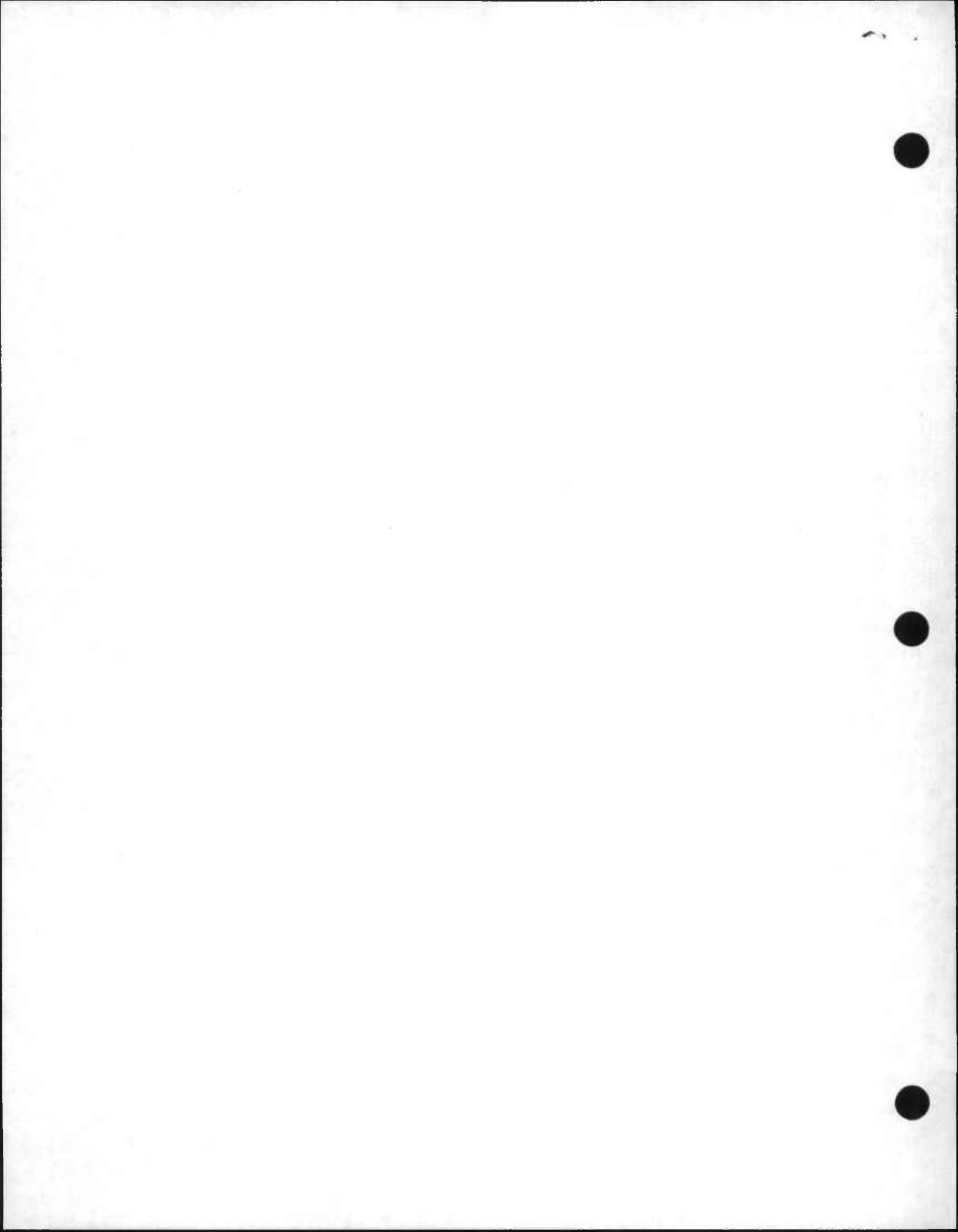
Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

Enclosure

cc: AA 57-06



AA57 Jp



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

February 14, 2007

Anne Arundel County
Department of Planning & Zoning
2664 Riva Road
Annapolis, MD 21401

RE: Environmental Review for Cedar Hill PUD, Modification #9534, Anne Arundel County, Maryland.

Dear Sirs:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

Our analysis of the information provided also suggests that the forested area on the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of this habitat is mandated within the Critical Area and must be addressed by the project plan. Specifically, if FIDS habitat is present, the following guidelines should be incorporated into the project plan:

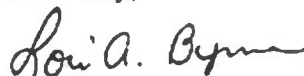
1. Restrict development to nonforested areas.
2. If forest loss or disturbance is unavoidable, concentrate or restrict development to the following areas:
 - a. the perimeter of the forest (i.e., within 300 feet of existing forest edge)
 - b. thin strips of upland forest less than 300 feet wide
 - c. small, isolated forests less than 50 acres in size
 - d. portions of the forest with low quality FIDS habitat, (i.e., areas that are already heavily fragmented, relatively young, exhibit low structural diversity, etc.)
3. Maximize the amount of forest "interior" (forest area >300 feet from the forest edge) within each forest tract (i.e., minimize the forest edge:area ratio). Circular forest tracts are ideal and square tracts are better than rectangular or long, linear forests.

4. Minimize forest isolation. Generally, forests that are adjacent, close to, or connected to other forests provide higher quality FIDS habitat than more isolated forests.
5. Limit forest removal to the "footprint" of houses and to that which is necessary for the placement of roads and driveways.
6. Minimize the number and length of driveways and roads.
7. Roads and driveways should be as narrow and as short as possible; preferably less than 25 and 15 feet, respectively
8. Maintain forest canopy closure over roads and driveways.
9. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
10. Maintain or create wildlife corridors.
11. Do not remove or disturb forest habitat during April-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
12. Landscape homes with native trees, shrubs and other plants and/or encourage homeowners to do so.
13. Encourage homeowners to keep pet cats indoors or, if taken outside, kept on a leash or inside a fenced area.
14. In forested areas reserved from development, promote the development of a diverse forest understory by removing livestock from forested areas and controlling white-tailed deer populations. Do not mow the forest understory or remove woody debris and snags.
15. Afforestation efforts should target a) riparian or streamside areas that lack woody vegetative buffers, b) forested riparian areas less than 300 feet wide, and c) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

The Critical Area Commission's document "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" provides details on development standards and information about mitigation for projects where impacts to FIDS habitat cannot be totally avoided. Mitigation plantings for impacts to FIDS habitat may be required under the local government's Critical Area Program. The amount of mitigation required is generally based in whether or not the guidelines listed above are followed.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2007.0088.aa
cc: K. McCarthy, DNR
L. Hoerger, CAC



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

February 21, 2007

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

Re: USNA Visitors Access Center - Gate 1
Addendum to MDE NOI Permit No. 06-SF-0082, Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received an addendum concerning the above-referenced project on Federal lands located at the U.S. Naval Academy. The original design of this project included improvements to existing "Gate 1" entrance, and the construction of the Visitors Access Center. The addendum is for the construction of an addition to Halsey Field House to accommodate two squash courts.

According to the information provided there will be a 24% reduction in impervious area with the original design improvements and the current proposal. No Habitat Protection Areas will be impacted. The only remaining issue is the 10% Pollutant Removal calculations which the applicant has adequately addressed.

Based on our review of the information provided, Commission staff finds this project to be consistent with the goals and objectives of the Critical Area Law and Criteria. Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Pete Loyka, Drum, Loyka and Associates
Mr. Tom Moran, USNA Public Works
Mr. Tom Smith, City of Annapolis



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

MEMORANDUM

To: Ray C. Dintaman
From: Lisa Hoerger
Date: February 20, 2007
Subject: Confidential Project: Sussex Counties, DE and Calvert, Caroling,
Dorchester and Worcester Counties, MD

Thank you for forwarding the above-referenced project to this office for review and comment. The proposal is a conceptual pipeline corridor alignment by Eastern Shore Natural Gas. Although it is not entirely clear from the maps provided, it appears from the letter from Entrix that the majority of the pipeline alignment will be co-located in existing linear corridors. Below I have provided some preliminary comments.

All waterward activities associated with the pipeline corridor will be reviewed by the Maryland Department of the Environment (MDE) and the Army Corps of Engineers (ACOE). We will provide MDE and the ACOE with comments and recommendations at their request on these issues.

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

The pipeline portion of the project may require mitigation if clearing is anticipated. Any clearing inside the minimum 100-foot Buffer must be mitigated at a 3:1 ratio. Clearing outside the minimum 100-foot Buffer requires mitigation at a 1:1 ratio. The Buffer is measured from the edge of mean high water, tidal wetlands and tributary streams. The Buffer can be expanded in the case of steep slopes (15% or greater) and highly erodible and hydric soils. Therefore, careful attention must be paid to these sensitive areas since the Buffer may require expansion. We recommend mitigation obligations be coordinated with the affected local government in that mitigation plantings should occur within the same watershed as the impacts, and the local governments may have a listing of priority mitigation and/or restoration sites.

Any disturbance to threatened or endangered species or species in need of conservation habitats that are inside the Critical Area require coordination with this office and the Department of Natural Resources Wildlife and Heritage Division. Any clearing in designated Forest Interior Dwelling Bird (FID) habitat will require mitigation in the form of the creation of new FIDs habitat. Coordination on FIDs disturbance and mitigation should occur with this office.

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



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

February 15, 2007

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

Re: MD 1-195: MD 70 to Baltimore County Line - Anne Arundel County

Dear Ms. Willis:

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

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

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Ms. Meg Andrews, DOT Commission Member





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 6, 2007

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

Re: Brady Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a single family dwelling on four contiguous lots within the Limited Development Area (LDA). The site contains extensive forested, nontidal wetlands. These existing conditions necessitate a variance to the clearing limitations in the LDA, the County's Critical Area Easement requirement, and the nontidal wetlands provisions in the County Code. I have provided my comments and recommendations below.

The site is currently vacant. It appears the applicant has sited the proposed dwelling as close to the road as zoning setbacks will allow. However, it does not appear the applicant has fully minimized disturbance to this sensitive lot. While this office does not oppose variances on grandfathered lots in the Critical Area, in order for a variance to be granted, minimization must be demonstrated. Therefore, we recommend that the dwelling be reduced in footprint, and the garage be deleted in order to further reduce impacts to the nontidal wetland and its buffer, and to further reduce forest clearing.

If the County determines this request can be granted, we recommend mitigation as prescribed by County staff for the area of the disturbance (i.e. clearing, footprint and grading).

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC66-07





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

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

February 6, 2007

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

Re: Country Ridge Pumping Station
Consistency Report

Dear Ms. Esslinger:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project involves constructing a new generator and concrete pad within the 100-foot Buffer in an Intensely Developed Area. After reviewing the consistency report this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below.

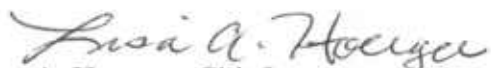
- The pumping station replacement is required subject to a Federal Consent Decree.
- While the location of the replacement pumping station is within the 100-foot Buffer, the County Code permits utilities in Habitat Protection Areas provided no feasible alternative exists and the location, design, construction and maintenance provides erosion protection and minimizes impacts.
- The pumping station existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative exists.
- The Buffer disturbance will be minimized to the extent possible.
- There will be a net decrease in impervious areas, which minimizes impacts to the Buffer.
- The 10% Pollutant Reduction requirement was addressed.

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

Ms. Esslinger
February 6, 2007
Page Two

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 59-07



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

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

February 6, 2007

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

Re: Price's Cove Pumping Station
Consistency Report

Dear Ms. Esslinger:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project involves constructing a new generator and concrete pad within the 100-foot Buffer in a Limited Development Area. After reviewing the consistency report this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below.

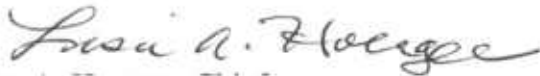
- The proposed upgrades are required subject to a Federal Consent Decree.
- While the location of the proposed upgrades are within the 100-foot Buffer, the County Code permits utilities in Habitat Protection Areas provided no feasible alternative exists and the location, design, construction and maintenance provides erosion protection and minimizes impacts.
- The pumping station site existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative location exists for the generator.
- The Buffer disturbance will be minimized to the extent possible.
- There will be a net decrease in impervious areas, which minimizes impacts to the Buffer.
- A fee-in-lieu will be paid to DEPRM for the proposed clearing.
- Stormwater management and sediment and erosion control approvals were received.

Ms. Esslinger
February 6, 2007
Page Two

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

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 61-07



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

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

February 5, 2007

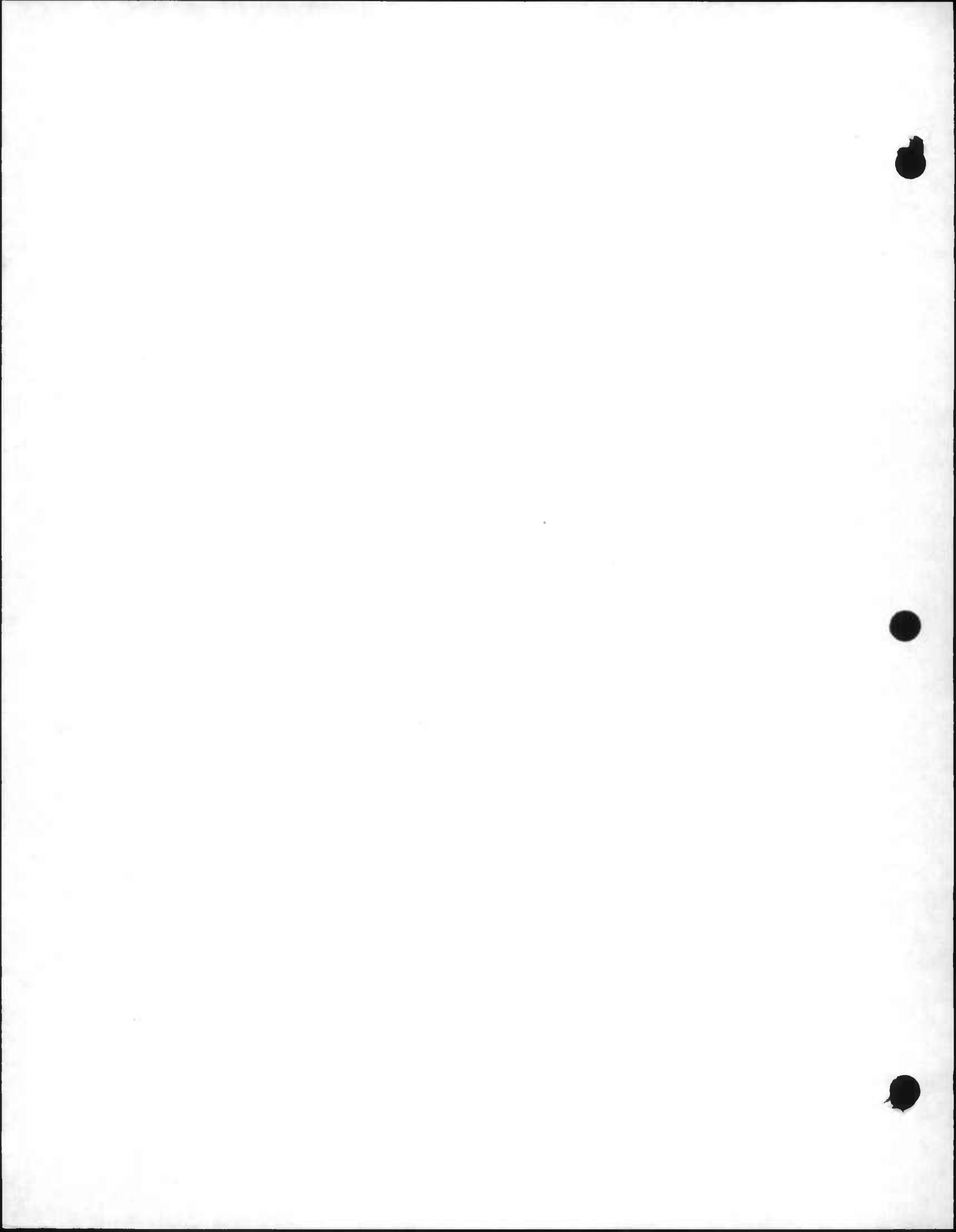
Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

Dear Mr. Burke:

This office has received another resubmittal for the above-referenced project. The applicant has addressed the comments of our last letter dated October 30, 2006. I have outlined our remaining comments below.

1. Since the date of our last letter, the Critical Area Commission reviewed and sent back to the County the reclassification request for this property; therefore, the reclassification request has not been approved by the Commission and the plat should not be signed until this issue is resolved.
2. The issue regarding the highly erodible soils needs to be resolved. It is unclear where the list of soils was obtained; however, the Code of Maryland Regulations 27.01.09.01 C (7) states that the Buffer shall be expanded to contiguous sensitive areas, like highly erodible soils if the proposed development activities will impact streams wetlands or other aquatic environments. The definition of highly erodible soils in COMAR 27.01.01 B (30) states, "...means those soils with a slope greater than 15 percent or those soils with a K value greater than .35 and with slopes greater than 5 percent." Therefore, the applicant must demonstrate to the satisfaction of the County that an expanded Buffer is not required due to site features not evident on the plan, but in the field would show that development of these lots will not impact streams, wetlands or aquatic environments.



Mr. Burke
February 5, 2007
Page Two

3. The proposed areas set aside for afforestation requirements should be moved to the 100-foot Buffer. Since the Code (17-8-303) requires that the Buffer be established in native vegetation, and afforestation is required, the afforestation requirement can be met while also meeting the Buffer reestablishment requirement.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 458-06





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

January 30, 2007

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

Re: Lauenstein Property

Dear Ms. Farr:

I have received the site plan for the above-referenced property. The applicant proposes to construct 62 condominium units and a community marina. The site is located in the Limited Development Area. As you know, this office provided comments on this proposal a few years ago. Since that time, it appears the plan has slightly changed. I have outlined my comments below based on the recent site plan.

1. The applicant must provide the County with an updated Environmental Review letter from the Department of Natural Resources (DNR) since the letter in our file is dated 2003. The Wildlife and Heritage Division of DNR requires these reviews to be no older than two years.
2. The minimum 100-Buffer must be shown on the final plans and plat. The current site plan only shows the limits of the 300-foot County imposed buffer, which we understand has been waived by DEPRM for this project.
3. We note in the conditions of the Board of Appeals that the developer was required to perform an on-site investigation of living species in the area of Norman Creek and the proposed pier. Please provide this office with a copy of that investigation.
4. The site plan provided does not show the area of the proposed marina. Please ensure the applicant provides that location on the next plan and final plats.

Ms. Farr
January 30, 2007
Page Two

5. Assuming the marina can be approved by DEPRM and the Maryland Department of the Environment, the number of slips will be limited according to those limits established in Natural Resources Article 8-1808.5. Please have the applicant make the required calculations to determine the number of slips. It appears the length of shoreline calculation may yield the lesser of the two calculations outlined in the law.
6. It appears the total forest cleared has not yet been determined according to the site plan submitted. Once this figure is known, please have the applicant indicate it on the plans and final plat, and provide the final Plantings plan and Buffer mitigation plan.
7. All clearing or disturbance in the 100-foot Buffer that is associated with the proposed path and the riparian access to the proposed pier requires mitigation. These paths should not exceed three feet with a six foot clearing width. Also, the paths should be pervious.
8. Since the proposed impervious surface limit is at 10.5% and the site is limited to 15%, we recommend that any proposed decks or patios be included in this calculation. Also, if the community will allow future lot owners any other impervious accessory or attached impervious areas, they also should be contemplated when determining the proposed impervious area for the site.
9. The proposed method of stormwater management appears to require clearing of forested area on this site. If the County allows credit for forested area, we recommend this option be explored, or whether on-site stormwater be provided per unit. Also, the applicant should consider the use of grass swales in this section as is being employed in the other section.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 12-04



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 30, 2006

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

Re: Mike's Crab House, G02012610, C 07-0002

Dear Mr. Burke:

I have received the above-referenced grading permit for review and comment. The applicant proposes to relocate a road in the Critical Area. As you may be aware, this property was the subject of a Critical Area mapping mistake request last year. While the Administrative Hearing Officer approved the request to change the Critical Area designation from a Limited Development Area to an Intensely Developed Area, and this application was forwarded to the Critical Area Commission for review, the application was not complete and Commission staff requested additional information.

That information was never provided, therefore, the application was never advanced to the Commission for their review. Since the Commission has not yet voted on this map amendment, the Critical Area designation has not yet been changed. Due to the issue outlined above, the project should not receive final approval from the County until the issue of the map amendment is resolved. In the interim, please have the applicant provide the existing and proposed impervious areas, and the 10% Pollutant Reduction calculation.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 13-07





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

January 26, 2007

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

Re: DC 521-06, Joseph Pinder

Dear Mr. Dodd:

This office has received a resubmittal for the above-referenced subdivision request. In this resubmittal you have included the letter from the Department of Natural Resources dated January 26, 2007 which this office requested in Ms. Lester's August 2006 letter. Since that time Ms. Lester provided the County with additional comments on this subdivision request. I have enclosed that letter in case you have not received it.

The first comment in Ms. Lester's January 10, 2007 letter refers to the letter from DNR and states that the applicant must comply with the regulations to protect the Delmarva Fox Squirrel and the Forest Interior Dwelling Birds (FIDs). I have reviewed the site plan, and provided the subdivision will not create the need to clear trees, no further conservation measures should be necessary.

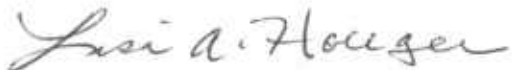
Nevertheless, we recommend a note be added to the plat and deed that this lot may contain these species (Delmarva Fox Squirrel and FIDs) and any clearing will require review by the County, DNR and the U.S. Fish & Wildlife Service in order to ensure any habitat is properly protected and conserved, particularly since the Delmarva Fox Squirrel is a State and Federally listed endangered species.

In regard to Ms. Lester's second comment, please ensure this note is removed to prevent any additional dwelling units on this lot as it does not have the density to support additional dwelling units.

Mr. Dodd
January 26, 2007
Page Two

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

Enclosure

cc: DC 531-06



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

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

January 26, 2007

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

Re: Local Case # 1149, Maurice Robinson

Dear Mr. Dodd:

This office has received the site plan for the above-referenced project. The applicant proposes to site a seafood operation on a lot that is completely within the 100-foot Buffer and is in the Resource Conservation Area (RCA). We reviewed a variance request for the property in April 2006. At that time, it was our understanding the lot was proposed for use as a residential property, and did not oppose the variance to site the dwelling in the 100-foot Buffer provided the lot was properly grandfathered.

The current application proposes a commercial operation. I have reviewed the County Zoning Code, specifically section 155-34 which provides a table of permitted uses, and this type of operation does not appear on this list. While the water-dependent nature of this operation may not totally exclude it from being located in the 100-foot Buffer, the commercial use may exclude it from being located in the RCA. Therefore, we recommend the County consider the use proposed and whether it is a use contemplated by the ordinance. If not, growth allocation may be necessary to allow a commercial operation on this lot.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: DC 217-06





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 25, 2007

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

Re: Kozieracki Property

Dear Mr. Brittingham:

I have received a revised plan for the above-referenced variance request to construct a single family dwelling in the 100-foot Buffer to Greyhound Creek. It is my understanding that your office has worked extensively with this applicant in finding the most appropriate location for the proposed new dwelling. In addition, the applicant has agreed and continues to show on the plan that the existing shed and structure labeled "dwelling" near the shoreline will be removed. In that regard, this office recommends the following conditions of a variance, should the County approve this plan:

- The area of the 100-foot Buffer be restored where it has no vegetation, especially in the area where the shed and dwelling will be removed.
- There be no further expansion into the side yard towards Middle River since this is the closest point to the shoreline and the closest area to steep slopes on this property.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 472-05





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

January 25, ²007

Mr. Jim Sharp
Chesapeake Bay Critical Area Planner
Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Ronald & Patricia Fisher

Dear Mr. Sharp:

This office has received the above-referenced subdivision request for review and comment. The applicant's propose to create one lot from one existing parcel. The parcel is designated as a Resource Conservation Area (RCA) and is approximately 56 acres. I have outlined my comments below.

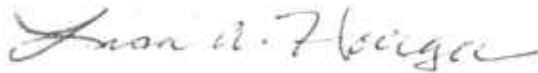
1. Since the parcel is in the RCA it is subject to the one dwelling unit per twenty acre density limitation. From the information provided, it appears the parcel contains some wetlands; therefore, the applicant should distinguish between State and private wetlands, since only private wetlands can be counted towards the parcel acreage. Any State wetlands within the parcel boundary must be subtracted for the purposes of determining whether there is a minimum of 40 acres for one lot and one parcel. However, if it is clear that there are less than 14 acres of wetlands, thereby affording sufficient acreage to this site for density purposes, then a formal analysis may not be necessary.
2. Please have the applicant ensure that there are no hydric soils adjacent to the 100-foot Buffer. If hydric soils are present, the Buffer must be expanded to include these sensitive soils.

Mr. Sharp
January 25, 2007
Page Two

3. Both lot 1 and Parcel 169 will be limited to 15% impervious surface cover since they exceed one acre in size. We recommend a note be added to the final plat indicating the impervious surface limitation.
4. When the remaining area of Parcel 169 is proposed for development, the 15% afforestation requirement will need to be addressed. It is unclear from the site plan provided whether the remaining forested areas on Parcel 169 equates to 15% forest cover.
5. A letter from the Department of Natural Resources Wildlife and Heritage Division must be obtained prior to final plat approval.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: WI 19-07



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

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

January 24, 2007

Mr. Jimmy Sharp
Chesapeake Bay Critical Area Planner
Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Wetipquin Bridge Replacement

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 your consistency determination and the accompanying information, this office agrees that the project is consistent with the Wicomico County Critical Area Program for the reasons outlined below. The project will result in the following:

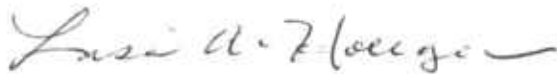
- 1) The bridge replacement is not considered to be major development and does not substantially affect the local jurisdiction's Critical Area program.
- 2) No Habitat Protection Areas will be disturbed except in the 100-foot Buffer where necessary to replace the bridge.
- 3) While there will be some impacts to the 100-foot Buffer, this is a water-dependent structure and these impacts are unavoidable.
- 4) Mitigation for impacts to the 100-foot Buffer will be provided at a 3:1 ratio.
- 5) All required permits from the Maryland Department of the Environment have been issued.
- 6) This project replaces an existing bridge due to safety reasons, and the new bridge will be in the exact same footprint as the current bridge.

Mr. Sharp
January 24, 2007
Page Two

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

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: WI 157-06



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

January 23, 2007

Mr. Steve Dodd
Dorchester County Planning and Zoning
County Office Building
P.O. Box 307
Cambridge, Maryland 21613

Re: Mill Pond at Cabin Creek Subdivision
Local Case #1042

Dear Mr. Dodd:

I have received a response from the applicant dated January 9, 2007 regarding the above-referenced subdivision request. The applicant has addressed all the comments of Ms. Lester's October 25, 2006 letter. This office has no further comments on this subdivision proposal.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: Mr. Perry Otwell
DC 210-04





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 23, 2007

Mr. Daniel Reagle
Office of Planning and Preliminary Engineering
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: Project No. DO596B21, MD 335 (Hoopers Island Road) over Wallace Creek
Replacement Bridge No. 09011, Dorchester County

Dear Mr. Reagle:

Thank you for providing this office with information concerning the above-referenced bridge replacement project in Dorchester County. As indicated in the letter, since the project will involve an increase of impervious area in the Critical Area and in the 100-foot Buffer, the project does not qualify for General Approval under the Memorandum Understanding between the State Highway Administration and the Critical Area Commission.

Therefore, the project will need to be reviewed and approved by the Critical Area Commission at a future meeting. The Commission meets the first Wednesday of each month. Prior to scheduling this item on the Commission's agenda, I will need additional information from your office. In order to assist you in gathering that information, I have enclosed a State Project Checklist. The checklist will provide you with the information that I will need in order to review and prepare this project for the Commission's review and approval.

Thank you again for forwarding this project to our office. Please telephone me at (410) 260-3478 if you have any questions about the review and approval process, or if I can assist you in any way with the requirements outlined on the enclosed checklist.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

Enclosure





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

January 23, 2007

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

Re: Pleasure Cove Marina
C 05-0068

Dear Mr. Gerzack:

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

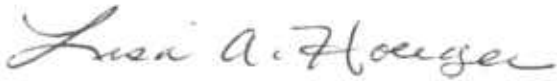
1. The required planted 25-foot waterfront buffer appears to vary in width, and it is unclear on the plans whether any of the required 2:1 mitigation (17,464 sf) is being doubled counted by being located in the 25-foot waterfront buffer area. Please ensure the applicant is providing a 25-foot planted area in addition to the 17,464 square feet of plantings required.
2. It appears the Code does provide that structures may be located on existing footprints or existing impervious areas; however, there appears to be adequate room on this site to locate this building outside the 100-foot Buffer. As stated in previous comment letters, it is still our position that the building is not water-dependent and therefore, should not be viewed as water-dependent.
3. The Code in Article 17-8-703 outlines when development can be in the Buffer in a Buffer Modification Area (BMA), and it appears that if the structure is not water-dependent, it should be located outside the Buffer (see 17-8-703(b)(1)) The applicant still needs to demonstrate to the satisfaction of your office how this proposal meets the BMA requirements of the Code.

Mr. Gerzack
January 23, 2007
Page Two

4. No updated Landscape Plan was provided that included the type, number and size of species proposed for the mitigation requirements associated with the Buffer Modification Area mitigation. Please have the applicant include this information.

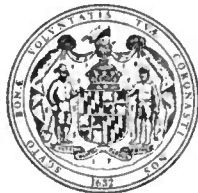
Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 71-06



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 23, 2007

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

Re: Dale B. Husk and Linda J. Husk
BA 74-06V

Dear Mr. Fury:

This office has received notice for the above-referenced appeal. I have attached the Commission staff comments for the variance case as our position has not changed. Since this case does not involve any Critical Area issues (i.e. Buffer, impervious surface, clearing, density), and appears to be purely a lot merger issue, this office has no comment. However, as stated in our last comment letter, if the Board of Appeals grants this variance request to unmerge these lots this office recommends the following conditions of approval:

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

The impervious surface limitations per lot shall be stated on the new plat, and in no case shall the unmerger create a nonconforming situation in regard to the impervious surface limits.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: AA 592-06





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 22, 2007

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

Re: Borheck Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to construct a single family dwelling in the 35-foot setback area. The Critical Area designation of this lot is Limited Development Area. I have outlined my comments and recommendation below.

The site is currently vacant. It appears the applicant has minimized disturbance given that most of the site is within the 100-foot Buffer to Back River. In addition, it appears the dwelling is being sited as close to Libs Lane as possible in order to minimize the variance request to the 35-foot setback area.

If the County determines this request, or some variation of this request can be granted, we recommend 3:1 mitigation for the area of the new dwelling within the setback area.

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

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 14-07





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 18, 2007

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

Re: Winter's Run 16" Main Project
Critical Area Consistency Report

Dear Ms. Bynum:

I have received the Consistency Report for the above-referenced project. Before this office can complete its review 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, we need the following:

- The information outlined in your December 26, 2006 letter
- Follow-up with the Department of Natural Resources concerning anadromous fish and submerged aquatic vegetation (see letter from DNR to Jeffrey Stamm 11/24/06)
- The final permit from the Maryland Department of the Environment
- Mitigation figures and a mitigation plan once all buffers are shown

Once these items are fully addressed, please resubmit this project for a final consistency review. Thank you for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 841-06





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

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

January 17, 2007

Mr. Jimmy Sharp
Chesapeake Bay Critical Area Planner
Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

**RE: 403 East Main Street
Retail Redevelopment**

Dear Mr. Sharp:

Thank you for submitting the above-referenced project for review and comment. The applicant proposes to redevelop a vacant, commercial site in the Intensely Developed Area of the Critical Area. I have outlined my comments below.

1. It appears the applicant has calculated the 10% Pollutant Reduction calculations and the resulting removal requirement appears correct. Our only concern is that the existing and proposed numbers provided in the calculations vary slightly from those reported on the site plan. Please have the applicant correct either the plan or the calculations so that these figures are consistent.
2. We note the applicant has selected an infiltration trench to address the removal requirement. Please ensure the site's soil conditions will properly infiltrate the stormwater, and that the trench design is consistent with the Maryland Department of the Environment's Stormwater Manual.
3. General note #19 on the "Existing Conditions and Demolition Plan" indicate the site is subject to the Forest Conservation Act. This note is not consistent in that the site is in the Critical Area. Please have the applicant correct this item.

Mr. Sharp
January 17, 2007
Page Two

4. General note # 23 states that the site is not subject to environmental protection. I assume this refers to any required setbacks or buffers. If so, please have the applicant revise the note so that it is clear.

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

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: SA 775-06

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/

January 4, 2007

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

Re: McGurrin Property

Dear Mr. Brittingham:

I have received the above-referenced variance request for review and comment. The Critical Area designation of the parcel is Limited Development Area (LDA). The applicant has requested a variance to allow the construction of a single family dwelling within the 100-foot Buffer to Back River. This office has no objection to locating a single family dwelling on a grandfathered lot in the Critical Area, particularly since it appears that the dwelling has been sited as far from Back River as possible and has sought and received zoning variances to alter the setback to Bletzer Road. We offer the following comments and recommendations:

- All five variance standards must be met by the applicant in order for the variance to be approved.
- If the variance is granted we recommend mitigation as prescribed by County staff for all disturbance to the Buffer. Disturbance includes grading, footprint and clearing.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 821-06



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/

January 4, 2007

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

Re: Snodgrass Property

Dear Mr. Brittingham:

I have received the above-referenced variance request for review and comment. The Critical Area designation of the parcel is Limited Development Area (LDA). The applicant has requested a variance to allow the construction of three single family dwellings in the 25-foot buffer to nontidal wetlands, and within the 35-foot building setback to the nontidal wetlands buffer. It appears no disturbance is proposed within the 100-foot Buffer to Jones Creek.

It is our understanding the applicant has consolidated four lots into three lots; however, subdivision approval is pending. Therefore, the question of whether further consolidation will be required by the subdivision process is still unknown. Notwithstanding subdivision approval, and assuming these lots still retain their grandfathered status after consolidation, which this office would support, I offer the following comments and recommendations:

- It appears that disturbance might be further minimized if the footprints were made smaller, particularly the dwelling on proposed lot 2.
- The dwellings on lots 1 and 2 might also be sited closer to the road to a certain point without compromising setbacks.
- While riparian access is permitted on each lot, we recommend the width of those access paths to be three feet in width.
- We recommend that all proposed patios, decks or sunrooms be shown at this time to avoid future variance requests and disturbances that may otherwise be unforeseen at this time.
- The site plan shows tidal wetlands beyond the limits of the property lines. This area cannot be counted in the gross site area for purposes of calculating allowable impervious surface limits. The applicant should be required to demonstrate compliance with these limitations prior to the issuance of any variances.

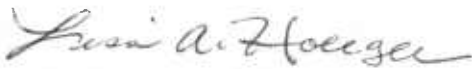


Mr. Brittingham
January 4, 2007
Page Two

- If the variance is granted we recommend mitigation as prescribed by County staff for disturbance to the 35-foot building setback and the 25-foot nontidal wetland buffer for all disturbances.

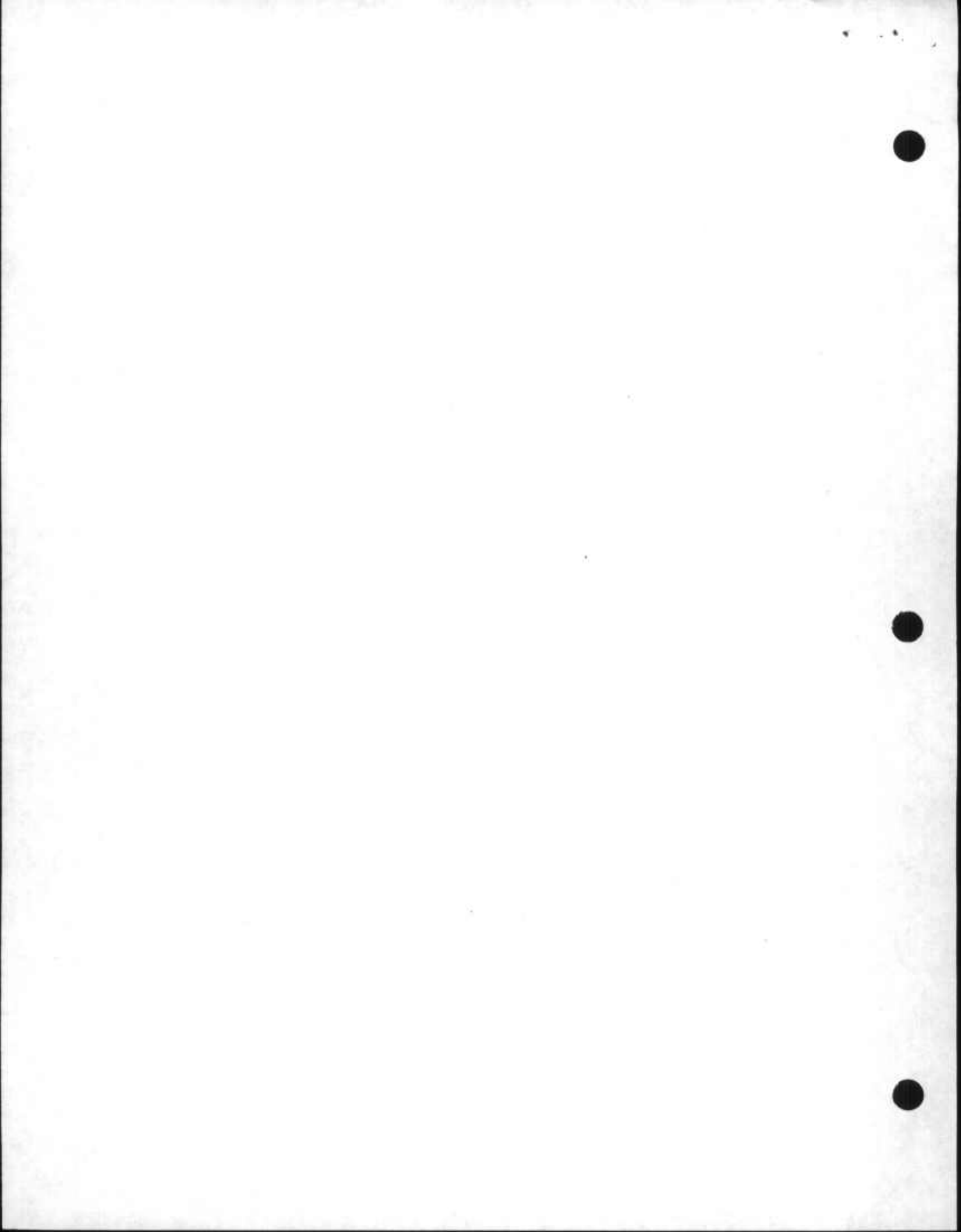
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,



Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 820-06



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/

January 4, 2007

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

Re: Grace Property

Dear Mr. Brittingham:

I have received the above-referenced variance request for review and comment. The Critical Area designation of the parcel is Limited Development Area (LDA). The applicant has requested a variance to grade within the 100-foot Buffer from Browns Cove. This office can support the request provided the County considers the following factors in making its variance decision:

- The lot is considered a grandfathered lot under the County's Critical Area Program.
- The area of the Buffer proposed for grading is not vegetated.
- No clearing of vegetation is proposed.
- The purpose of the grading is to correct a lot that may soon be below mean high water, or is subject to flooding.
- Mitigation in the form of native Buffer plantings be performed in the 100-foot Buffer on the lot; therefore, suitable soil materials shall be used in the grading process.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: BC 834-06

